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IMPEACHMENT OF PRESIDENT DONALD JOHN TRUMP

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40TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REP. COM. No. 7.

IMPEACHMENT OF THE PRESIDENT.

NOVEMBER 25, 1867.—Ordered that the report, with the testimony, be printed, (the report of the majority and the views of the minorities be printed together,) and the further consideration postponed until Wednesday, the 4th day of December next.

Mr. BOUTWELL, from the Committee on the Judiciary, submitted the following report, stated by him to have been prepared by Mr. Williams, of Pennsylvania, with the exception of the specifications at the conclusion thereof:

The Committee on the Judiciary, to whom was referred the resolution of the 7th of March last, authorizing them "to inquire into the official conduct of Andrew Johnson, Vice-President of the United States, discharging the present duties of the office of President of the United States, and to report to this House whether, in their opinion, the said Andrew Johnson, while in said office, has been guilty of acts which were designed or calculated to overthrow or corrupt the government of the United States, or any department or officer thereof; and whether the said Andrew Johnson has been guilty of any act, or has conspired with others to do acts, which, in contemplation of the Constitution, are high crimes and misdemeanors, requiring the interposition of the constitutional powers of this House," respectfully report:

That in the performance of the important task assigned to them, they have spared no pains to make their investigations as complete as possible, not only in the exploration of the public archives, but in following every indication that seemed to promise any additional light upon the great subjects of inquiry; and they submit herewith the result of that portion of their labors in the voluminous exhibit that accompanies this report.

In order, however, to direct the attention of the House to such portions of the somewhat heterogeneous mass of testimony which they have been compelled to present without the order or arrangement that might have facilitated its examination, as are regarded by them as most material to the issue, they will now proceed to state as briefly as possible the leading facts which they suppose the inquiry to have developed beyond dispute, along with their own conclusions therefrom, and the reasons by which they have been influenced in reaching them. In so doing they must be allowed the indulgence which a comprehensive scrutiny, running over a two years' administration of the affairs of a great government, through an unexampled crisis of the State, and involving the very highest matters that can engage the attention of a free people, would seem to necessitate, and must, at all events, excuse.

The charges made, and to which the investigations of the committee have been especially directed, are usurpation of power, and violation of law, in the corrupt abuse of the appointing, pardoning, and veto powers; in the corrupt interference in elections, and generally in the commission of acts amounting to high crimes and misdemeanors under the Constitution; and upon this recital they were charged with the more general duty of inquiring into the official conduct of the President of the United States, and of reporting "whether he had been guilty of any acts which were designed or calculated to overthrow, subvert, or corrupt the govern-

ment of the United States, or which, in contemplation of the Constitution, would constitute a high crime or misdemeanor, requiring the interposition of the constitutional power of the House."

It will be observed, then, that the great salient point of accusation, standing out in the foreground, and challenging the attention of the country, is *usurpation of power*, which involves, of course, a violation of law. And here it may be remarked that perhaps every great abuse, every flagrant departure from the well-settled principles of the government, which has been brought home to its present administration, whether discovering itself in special infractions of its statutes, or in the profligate use of the high powers conferred by the Constitution on the President, or revealing itself more manifestly in the systematic attempt to seize upon its sovereignty, and disparage and supersede the great council to which that sovereignty has been intrusted, is referrible to the one great overshadowing purpose of reconstructing the shattered governments of the rebel States in accordance with his own will, in the interests of the great criminals who carried them into the rebellion, and in such a way as to deprive the people of the loyal States of all chances of indemnity for the past or security for the future, by pardoning their offences, restoring their lands, and hurrying them back—their hearts unrepentant, and their hands yet red with the blood of our people—into a condition where they could once more embarrass and defy, if not absolutely rule the government which they had vainly endeavored to destroy. It is around this point, and as auxiliary to this great central idea, that all the special acts of mal-administration we have witnessed, will be found to gravitate and revolve, and it is to this point, therefore, as the great master-key which unlocks and interprets all of them, that the attention of the House will be first directed.

It is a fact of history that the obstinate and protracted struggle between the executive and legislative departments of this government, arising out of the claim of more than kingly powers on the one hand, and as stoutly maintained by the assertion of the just rights of sovereignty lodged with it by the people, on the other, which has convulsed this nation for the last two years, and presented a spectacle that has no example here, and none in England since the era of the Stuarts, began with the advent of the present Chief Magistrate. The catastrophe which lifted him to his place, while it smote the heart of the nation with grief and horror, was the last expiring armed effort of the insurrection. The capital of the rebel government had fallen. Its chiefs were fugitives. Its flag was in the dust. The strife of arms had ceased. The hosts that had been gathered for the overthrow of this nation had either melted away in defeat and disaster, or passed under the conquering sword of the republic. The extraordinary mission of the Executive was fulfilled. Although, as the commander-in-chief, he might possibly treat with a belligerent in arms, the cessation of the war in the overthrow of the rebellion, and the unconditional surrender of its armies, had determined that power. To hold the conquered territory within our military grasp until the sovereign power of the nation residing in its representatives—the same which had girt the sword upon the thigh of its Executive, and placed the resources of the country in men and money at his command—should be ready to declare its will in relation to the rebels it had conquered, was all that remained for him to do. But the duties of the true sovereign were not yet at an end. An extent of territory of almost continental dimensions, desolated by war, but still swarming with millions of people, was at our feet, awaiting the sentence which it had deserved. The local governments, swept away, as they had been, in the opinion of the President himself, by the whirlwind of the rebellion, were in ruins. Whole communities were in anarchy; the courts outlawed; the social tie dissolved; a system of pretended laws existing, in deadly conflict with the law of the conqueror; a people subdued but sullen and full of hate, and hostile as ever, to the power that had overthrown them; a loyal element asking for

protection; a new and anomalous relation without a parallel in history, about which the wisest of statesmen might well hesitate and differ, superinduced by the fratricidal strife that had ruptured the original ties, and placed its objects in the condition of public enemies; a large army to be disbanded, and such indulgence extended, such punishments inflicted, and such securities demanded for the future, as the interests of peace and justice might require. Never in the history of this or any other state have questions more numerous and vital, more delicate or difficult, requiring graver deliberation, or involving the exercise o higher governmental powers, presented themselves for the consideration of a people; and never was a Congress convoked in a more serious crisis of a state. The duties and responsibilities of the men who formed and organized the Union of these States, and of those who assembled here in 1861 to consult upon and provide the means for suppressing this great rebellion, were as nothing in the comparison, and demanded certainly no higher sagacity, and no broader wisdom, than the task of bringing back the dismembered States, and re-fusing these jarring and discordant elements into one harmonious whole. For this great work, the supreme Executive of the nation, even though he had been endowed by nature and education with the very highest of organizing faculties, was obviously unfitted by the very nature of his office. If Mr. Lincoln had survived, it is not to be doubted, from his habitual deference to the public will, that, although a citizen of a loyal State and enjoying the public confidence in the highest possible degree, he would have felt it to be his duty to convoke the representatives of the people, to lay down his sword in their presence, and to refer it to their enlightened and patriotic judgment to decide what was to be done with the territories and people that had been again brought under the authority of the government by our arms. The bloody hand of treason unfortunately hurried him away in the very hour of the nation's triumph. But if there were reasons which would have made this duty an imperative one with him, how powerfully were they re-enforced by the double effect of the tragedy that not only deprived the nation of its trusted head, but cast the reins of government upon a successor. The new President was himself in the doubtful and delicate position of a citizen of one of the revolting States, which were to be summoned for judgment before the bar of the American people. It was, perhaps, but natural that he should sympathize with the communities from which he had mainly differed only on prudential reasons, or, in other words, as to the wisdom of the revolt at that particular juncture of affairs. If other arguments had not sufficed to convince him of the necessity of referring all these great questions to the only tribunal on earth that had the power to decide them, it ought to have been sufficient that he owed alike his honors and his accidental powers, to the generous confidence of the loyal States, whose representative it was. But this was not the idea of Mr. Johnson. He feared, apparently, the people of the loyal States. He expected, of course, that they would insist, as they had a right to do, upon such conditions as would secure to them, if not indemnity for the past, at least the amplest securities for the future. Instead, therefore, of convoking the Congress of the United States to deliberate upon the condition of the country, he seems to have made up his mind to undertake that mighty task himself, to forestall the judgment and the wishes of the loyal people, and to neutralize effectually their power to undo his work, by bringing in the rebel States themselves to participate in the deliberations upon any and all questions which might be left for settlement.

To effect this object he issues his imperial proclamations, beginning with that of the 29th of May, in virtue, as he says, of his double authority as President of the United States, and commander-in-chief of its armies, declaring the governments of those States to have perished; creating, under the denomination of provisional governors, civil offices unknown to the law; appointing to those offices men who were notoriously disqualified by reason of their partici-

pation in the rebellion from holding any office under this government, and yet allowed to hold the same, and exercise the duties thereof, at salaries fixed by himself, and paid out of the contingent fund of the War Department, in clear violation of the acts of July 2, 1862, and 9th February, 1863.

Declaring, moreover, at the same time, that the governments of these States had been destroyed, he assumes it to be his individual right, as being himself the state—or rather the "United States"—to execute the guarantee of the Constitution by providing them with new ones, and accordingly directs his pretended governors to *order* conventions of such of the people as it was his pleasure to indicate, to make constitutions for them, on such terms and with such provisions as were agreeable to himself.

Unprovided, however, of course, in the absence of Congress, with the necessary resources to meet the expenses of these organizations, he not only directs the payment of a portion of them out of the contingent fund of the War Department, but with a boldness unequalled even by Charles I, when he, too, undertook to reign without a Parliament, provides for a deficit, by authorizing the seizure of property and the appropriation of moneys belonging to the government, and directing his governors to levy taxes for the same purpose from the subject people.

He maintains these governors in authority until he has coerced the rebel States into absolute submission to the terms imposed by him, and exercises his pardoning power, under their direction, in aid of this great work, to qualify the rebel officers elect, whose title to popular favor was known to rest almost exclusively on the services rendered by them in the armies of the confederacy, and their known hostility to the government of the Union.

In all this he proceeds without interruption, in the interregnum of the law-making power, exerting the highest functions of sovereignty, and dealing with the affairs of this nation as though he were its absolute master, without even vouchsafing a thought, according to the testimony of his cabinet ministers, as to the rights or the existence of the paramount department of this government; without a voice to remonstrate or an arm to stay him; and with a press and people lulled into security by occasional outgivings, official as well as otherwise, that all this imperial work was merely provisional or temporary, and subject, of course, to the ultimate jurisdiction of Congress in the premises.

Having thus accomplished all that it was possible for him to do, by giving to these States a colorable claim to seats, and procuring the election of candidates who were expected to assert it, when he is at last compelled once more to meet the high council of the nation, to which he is made responsible under the Constitution, he rends away the veil which had so thinly disguised his purposes, and proclaims to the representatives of the people that these States are already fully organized, restored to all their antecedent rights, and now only waiting to be admitted, with no power in Congress, as a legislative body, to deliberate or refuse, and no jurisdiction but the right of each house for itself to determine upon the election returns and other formalities touching the individual case of the applicant, and nothing more. If there had been a doubt as to the *animus* of the President in seizing into his hands the whole sovereignty of the nation, proceeding without a Congress, and trampling remorselessly under foot every statutory enactment and every constitutional limitation that stood in his way, that doubt was now resolved. The Congress of the United States, true to its high mission, and with a courage and constancy that were worthy of the best traditions of the British Commons, at once refused to register the imperious edict of the Executive, and asserted its privilege of revising his whole action in the premises, and settling for itself, as the representative of the American people, the terms upon which the rebellious States should be allowed to re-enter the family circle of the Union. The result was an immediate and indecent outburst of the wrath of the Executive, in torrents of fierce and fiery denunciation, in which the two

houses were impeached as traitors in actual rebellion against the men whom they had conquered; their commissions disputed; their rights, authority, and privileges denied; their members individually arraigned and singled out for public obloquy; nay, even charged with the bloodiest designs upon the life of their detractor; and the determination subsequently boldly avowed to traverse their counsels, and overrule their will, by the employment of the patronage of his office, and the exertion of the veto, and every other power placed by the Constitution in his hands; and all this for no other reason than because they had exercised their undoubted prerogative of resisting, in the name of the loyal States and people, a plan of reconstruction prearranged by himself, and intended to be imposed on the country against the will of the men who had just scattered in flight the battalions of the traitor confederacy, and in the interest of the very men who had so causelessly rebelled against the benign rule of this great nation.

Concurrent, however, with this kingly process of reorganization, pursued with so much earnestness and pertinacity during the long and unhappy interregnum of the legislative power, were other measures of state, of less publicity, perhaps, but equally arbitrary and lawless in themselves, which, as merely subordinate and auxiliary to the leading idea, were but a part of the same great conspiracy against the people of the loyal States, although of such a nature in themselves as not to challenge the public observation, because it was not essential that they should be disclosed before the admission of the southern members. Chief amongst these were the surrender and transfer to the rebels, only partially subdued, of untold millions of property captured or confiscated by the government, or belonging to it in its own right by purchase or in virtue of its own expenditures.

It is a fact well known to the House and country that the rebel States were permeated by a system of railroads embracing many thousand miles, and furnished with all the costly apparatus required for their successful operation. These roads were generally constructed and owned by private corporations, aided, in some cases, by the States in which they were located, either by direct loans of their public bonds, or by a guarantee of the securities of the companies. Some of them, however, were built by the States themselves, and one, at least—the Piedmont railroad, between Greenborough and Danville—by the rebel government. By that government, however, they were all employed and used, with the undoubted consent of their directors and stockholders; and it is not to be denied that they constituted one of its most powerful and effective agents in carrying on the war against the Union. As an instrument of aggression they became, of course, by the law of nations, a legitimate subject of capture; and this principle was not only expressly affirmed, but extended so as to embrace all property so used, by the act of Congress of August 6, 1861. Many of them were actually captured from the enemy by our armies during the progress of the war, repaired and reconstructed at great expense, placed under military control, and used to the extent for which they were required for the convenience of the government. One of them—the Nashville and Northwestern, in the State of Tennessee—which had been previously abandoned by the company in an unfinished condition, was completed by the War Department, on the urgent importunity of Andrew Johnson, then military governor of that State, and under his special supervision, at an expense to the government of nearly two millions of dollars. In all, or nearly all the cases of actual capture, the roads had been dismantled and broken up, as far as practicable, and their rolling-stock run off into remoter States. In the case of the Nashville and Chattanooga—of which more hereafter—an expenditure of upwards of four millions of dollars was incurred in the article of repairs, while its rolling-stock had been carried South, where it earned in rebel employment twelve hundred bales of cotton, which the company has been allowed by Mr. Johnson to bring to market, and ship beyond

the seas, for its own interest, while it is still allowed to say that the parties who claimed, and realized the proceeds, were not consenting to the use. All these roads, which were required for military purposes, had of course to be supplied with the necessary running equipments, at an enormous outlay.

Here then was an immense property, amounting in value, perhaps, to hundreds of millions of dollars, within the ownership or control of the government, and upon the disposition of which, there was no tribunal except the Congress of the United States that was competent to pass. It had been already settled by high authority, that, under the Constitution, which gives to Congress "the power to dispose of, and make all needful rules and regulations respecting the territory or other property belonging to the United States," there was no power in any of the executive departments of this government to dispose of a dollar's worth of the public property without the special authority of an act of Congress; (1 Paine's C. C. R., 646,) and the very principle that the whole question of the disposition of the captured railroads and their running stock, after the termination of the war, would belong exclusively to the legislation of the country, had been already distinctly recognized and affirmed in the report of the Quartermaster General, approved by the Secretary of War, of the date of August 9, 1864, in answer to an application for an account, and settlement, and restoration of the Nashville and Northwestern, and Nashville and Chattanooga roads, made by a certain Michael Burns, the president of both companies—a known sympathizer with the rebellion, but an intimate and confidential friend of Andrew Johnson, the then military governor—re-enforced by a special letter of recommendation from the latter to Mr. Lincoln, indorsing him as "a gentleman of high standing, an esteemed friend, and a worthy gentleman," to whose active co-operation the government was largely indebted in the construction of one of these roads. If it was important, as claimed by the administration, either to reduce the expenses of the government, or to facilitate the commerce of the rebel States, that it should get rid of this burdensome property, it was an easy matter to have followed the obvious course, by convoking Congress in order to obtain their advice and authority in the premises; and the very fact that it was important to dispose of that property as early as practicable, is a confession of the necessity for such an assemblage. And yet, strange as it may seem, the idea of the necessity of resorting to the aid of the sovereign legislative power of the nation, where it was clear that scarcely a single step could be legally taken without it, does not seem to have been considered worthy even of a passing thought from the President. The captured railroads were surrendered to their lately rebel proprietors, along with all the rolling stock which they could identify as originally their own, and even the portion of the Nashville and Northwestern road which was built by the government itself, without any consideration whatever; while the cars and machinery, supplied by the government at its own expense, were turned over to the same parties without sale, on an appraisement made by officers of the government selected for that purpose, at a long credit, and without any security whatever. But this is not all. Where the States themselves were proprietors, the transfer and surrender were made to the provisional governments set up by the President, and claimed by him to be thoroughly reinstated by his acts.

To show, however, not only the process, but the apparent influences under which this usurpation was effected, the undersigned will refer to the history of these gigantic operations, which, although running into the next session of Congress, were not supposed by the President to be of sufficient importance for its consideration, as that history stands revealed upon the public records, and the testimony of witnesses.

On the 8th of May, 1865, and, of course, immediately upon the surrender of the rebel armies in Virginia, a letter was written to the Secretary of War by Governor Peirpoint, suggesting that the government should put the railroads in that

State in running order. This letter was referred to General Grant, who declined to advise repairs except where they might be necessary to keep up communications with the garrisons, but suggested at the same time that facilities should be allowed to the *loyal* stockholders for repairing and running their roads at the earliest day, *with such restrictions, however, as would prevent disloyal stockholders from receiving any of the profits.*

On the 19th of the same month the Quartermaster General, in answer to an application made for the surrender of the Orange and Alexandria railroad, and in apparent forgetfulness of the opinion expressed by himself during the administration of Mr. Lincoln, in affirmance of the exclusive jurisdiction of Congress in the premises, submits the outlines of a general plan for the disposition of the captured railroads. Its leading features were, that the roads should be turned over as fast as they could be dispensed with by the military authorities, to the parties applying, who might seem to have the best claim, and be able to operate them; that no charge should be made for expense of material or operation; that all material used in construction and repairs, and all damaged material left along the roads, should be considered a part of, and be surrendered with them; that no payment or credit should be allowed for occupation or use during the military necessity that compelled the United States to take possession of them, by capture from the public enemy, their recovery and repairs being regarded as a full equivalent for the use; that all moveable property, including rolling stock belonging to the government, should be sold *at auction*, after full public notice, to the highest bidder; that all rolling stock and material, the property before the war of railroads, and captured by the forces of the United States, should be placed at the disposal of the roads that originally owned it; that roads not operated by the quartermasters' department should be left in possession of the parties thus holding them, subject only to the removal of any agent who had not taken the oath of allegiance; that when the superintendents declined to take the oath, a receiver should be appointed to administer its affairs and account to the board that might be recognized as the legal and loyal one; and that where the States were bondholders, the roads should be surrendered to their boards of public works, and where no such board, and the States unwilling to take charge of them, a receiver should be appointed by the Treasury Department to take charge of them as abandoned property.

The noticeable features of this plan are, that it treats the subject as entirely in the control of the Executive; that it proposes to donate to the companies all material used and damaged, as a part of their roads, and to surrender without equivalent the rolling stock, an instrument of war captured from the enemy, and belonging unquestionably to the United States; that it supposes an equitable liability for the use of a road captured from the public enemy, which could be fairly met only by a claim for salvage and repairs; that it proposes a public sale by auction of the government stock proper; that it recognizes the rebel State governments as legitimate, and surrenders property to them; and that it concedes the importance of an oath of allegiance, and provides for the removal of every administrator who has not taken it. This plan, although approved by the Secretary of War, was not eventually adopted in all its features.

Just at this crisis, however, reappears upon the stage a personage already named, who plays a part so painfully conspicuous in the extraordinary drama that was just opening, as to entitle him to the special notice of the historian of these transactions. That personage is Michael Burns—the same already spoken of—a man shown to have been notoriously disloyal while the star of the confederacy was in the ascendant at Nashville, who had acquired considerable wealth by the prosecution of a gainful trade in that city, and whose admitted sympathies for the rebellion had earned for him the distinguished compliment of having his name attached to a battery fitted out there for the wholesale murder of the defenders of the Union. How far he had contributed to its equipment

does not appear. Being personally, however, a non-combatant, on account either of his years, or perhaps of his greater discretion than others, who surrendered themselves to their impulses, and in the enjoyment of an unusual measure of the confidence of Andrew Johnson, he seems to have found his account in remaining at Nashville, and following the retreating armies of the rebellion only with his prayers. He was wise in this, if he may be believed when he says that, *although his sentiments were well known to the military governor, he was never asked to take the oath of allegiance, and could get a pass at any time to go through either line.* Certain it is, that he did obtain a special letter of introduction, as already stated, to the late President, indorsing him as a gentleman of high standing, to whom the War Department was largely indebted for his cooperation, and on the faith of which he proceeded to Washington, and claimed the restoration of the roads of which he was president, which was refused, not only for the reason that the subject belonged exclusively to Congress, as already remarked, but *because the government had expended more money on them than the stockholders themselves.* Discouraged probably by these results, he seems to have abandoned the pursuit, until the change in the fortunes of his friend, the military governor, seems to have suggested a renewal of the application, under the auspices of Mr. Patterson, the son-in-law of the President.

On the 27th of June, Mr. Burns, upon assurances no doubt previously received by him, as stated by himself, addresses a letter to Brigadier General Donaldson, chief quartermaster of the department of the Cumberland, wherein he informs that officer of an interview with the President of the United States, in which he had been told that the government was willing to turn over to the Nashville and Northwestern Railroad Company, their road, along with the tools necessary for keeping it in repair, and such rolling stock as would be required to operate it, to be held subject to the military authority, and taken at a valuation when a general settlement could be had with the government; and indicates the amount of stock which will be required for that purpose. This letter was referred to the Quartermaster General, who, in a report to the Secretary of War, dated on the 7th of July, declares the proposition inadmissible, and besides reiterating the views embodied in his plan of the 19th of May, and protesting against any other disposition of the rolling stock or machinery belonging to the government except on the terms of a sale *at public auction*, or an alternative hiring, concludes by saying, that the department is not competent to make any such final settlement, as is suggested by Mr. Burns, in view of the supposed application of the act of January 31, 1862, to railroads seized or captured within the rebel States.

On the 20th of July, Lieutenant Colonel Bliss reports to General Donaldson the decision of the Quartermaster General, to the effect that this, and most other railroads in that department, should be relinquished to their owners at the earliest possible day, but no rolling stock along with them except on terms of *public sale* or hire; that these views are concurred in by the Secretary of War; and that directions have been given to the general military manager (General McCallum) to transfer these roads in accordance therewith.

The plan of the 19th May, which had been approved by the Secretary, did not, however, square with the views of the President, who substituted another of his own, in an order of the 8th of August, directing the military commander of that department to turn over, as early as practicable, all roads in Tennessee and their continuations in the adjoining States, to the respective owners thereof, upon the conditions therein contained.

The material points of difference between this order and the previous one were:

First. That each and every company should be required to reorganize, and elect a board of directors whose loyalty should be established to the satisfaction of General Thomas.

Second. That an inventory should be taken of the rolling stock and other property, distinguishing between that originally belonging to the roads, and such as was furnished by, and belonging to the government.

Third. That the rolling stock of the government should be turned over to the companies at a fair valuation by competent and disinterested parties, on giving bonds satisfactory to the government therefor, payable in twelve months, or at such other time as might be agreed on.

Fourth. That statements should be made *in triplicate* of all expenditures by the government for repairs, with a full statement of receipts and transportation on government account.

Fifth. That all railroads in Tennessee should be required to pay all arrearages of interest due on bonds issued by that State prior to its secession, to aid in the construction thereof, before declaring dividends to stockholders.

The noticeable facts appearing here are, first, that, to save appearances and cover the donation to rebel stockholders, a loyal board of managers is prescribed as an ostensible condition precedent; second, that the arrangement looks not only to the surrender of the captured stock without equivalent, but to the *private* sale, at an appraised value, of such as had been furnished by the government, upon a long credit, and without any security; third, that it looks as obviously to the obligation of the government to account and settle with these rebel companies for the military use of their roads in suppressing the insurrection; and, fourth, that it provides with great care for all arrearages of interest on bonds issued by the State of Tennessee. The reason of this last precaution will appear hereafter.

Accompanying the order was a form of bond, prepared by General Thomas, pledging the individual liability of the directors, on the ground that the companies were disabled by pre-existing incumbrances from furnishing the necessary security upon their corporate property. This they refused to sign, and as it seemed a pre-determined point that the arrangement should not be balked in any way, another order was issued on the 14th of October, extending the benefit of the previous order of August 8 to all railroads within General Thomas's command, and authorizing the transfer of the rolling stock, upon the condition, if preferred to the latter order, and the security thereunder demanded by General Thomas, that the property should be distributed according to the actual need of the several roads, and that the companies should give their corporate bonds alone, in the form thereto annexed, for the payment of the appraised value, in equal monthly instalments, with interest at the rate of seven and three-tenths per cent. within two years; thereby substituting the said monthly instalments with interest, along with the reservation of a lien on the property sold, and the right to re-enter and repossess in case of a default, with a restriction on the power to sell or convey without the consent of the United States. Whether the law could be so altered by Executive mandate as to make such a security effective, is a question which the Committee do not feel called upon to examine, in a case where the whole transaction was manifestly against law, and no title passed to the purchaser.

On terms analogous, if not altogether identical with these, an immense amount of rolling stock and machinery belonging to the government, and costing it a sum that cannot now be ascertained, was transferred, together with the railroads themselves and the stock captured along with them, to the rebel proprietors, at the appraised or nominal value of $7,370,196 16, of which, after deducting the sums allowed in the way of credit for government transportation, the merest trifle has yet been paid, while the perishable security itself, always subject to casualty and destruction, if it ever amounted to anything, is depreciating from day to day. The testimony shows that many of these favored rebels have been absolutely indifferent to their obligations, while, on the plea of poverty, the larger portion

have been indulged from time to time, for the admitted reason that the government was powerless to compel payment, while Congress and the people have been as completely ignored in regard to all these matters, as if they had no interest in the government at all; and the amount still due and unpaid, at the date of the last return from the department, was over six and a half millions of dollars, ($6,508,076 30.)

To illustrate, however, the way in which these things have been managed, the undersigned will now recur to the two leading cases of the Nashville and Northwestern, and Nashville and Chattanooga roads; the former built mainly, as already stated, by the government, at the urgent instance and under the personal supervision of Andrew Johnson, at a cost of nearly two millions, and the latter captured from the enemy, and repaired at an expense of over four millions of dollars.

These roads both passed, under the orders of August 8 and October 14, into the hands of their president, Michael Burns, for the use of the stockholders, who were mainly rebels, along with the rolling stock and machinery employed by the government thereon, at a valuation in the former case of $529,201 45, and in the latter of $1,556,551 73, for which the bonds of these companies respectively, were taken on the 30th of November, 1865, payable in monthly instalments with interest, as aforesaid, in two years from their date.

Before proceeding, however, with the history of the debts thus made, it will not be amiss to show how, and in what spirit, the above named orders were observed in the delivery.

It will be supposed, of course, that the preliminary condition of a loyal board of directors, at the least, even though the suggestion of General Grant as to the loyalty of the stockholders themselves, was treated with the coolest indifference, would be enforced at all events, if only for the purpose of saving appearances. The testimony shows, however, so far as the committee is in possession of the facts, that this provision was substantially disregarded, and that while observing the forms, the requisition of loyalty was treated as of no consequence whatever. A few examples will serve to indicate how little difference it made whether even the directors were faithful to the government or not.

In the case of the Memphis and Charleston railroad, the reference is to the President himself. A list of directors is presented to him, of whom a part only are designated as "undoubtedly loyal," and the question is asked, not whether they are *loyal*, but whether they are *satisfactory*. Ignoring, however, the condition of loyalty which he had prescribed himself, he answers by certifying that "from his personal knowledge of several of the within named gentlemen, and from representations made to him as to the others, he has no hesitancy in regarding them as a *proper* and perfectly *acceptable* board of directors."

In the case of the Tennessee and Alabama railroad, on a reference to the Hon. J. A. Fletcher, secretary of state, for his opinion as to the loyalty of fifteen directors named for that company, he makes the following answer:

"I. S. Claybrook, Frank Boardman, Samuel Henderson, M. G. L. Claiborne, and William Parke, are good and loyal men. Thomas F. Perkins, R. H. Bradley, John M. Gavock, John B. McEwen, William P. Cannon, and B. B. Toon, have all been more or less in sympathy with the rebellion, but are regarded as honorable men, and will probably discharge their duties loyally. C. W. Hance, Absalom Thompson, James Andrews, and A. C. Mayberry, are all liable to the objection of disloyalty. Thompson is the only one of them whose fidelity has been indorsed to me by acquaintance. Mayberry fled south in 1862, and only returned after Johnston's surrender. This is a bad sign, but it is said he ran to save his negroes. On the whole, the board is about as good as it can be made out of the material to be had. It is said every prominent loyalist among the stockholders is on the board, and the least objectionable of the rebel stockholders were chosen."

In the case of the Nashville and Chattanooga railroad, one of those whose history it is proposed to narrate specially, on account of Mr. Johnson's personal connection therewith, the names are submitted to General Thomas, along with

the following communication, showing that they were selected under the advice of the President himself:

"NASHVILLE, *August* 18, 1865.

"GENERAL: I have the honor to submit for your approbation a list of directors elected on the 16th instant, at a stockholders' meeting held in this city, to conduct the affairs of the Nashville and Chattanooga Railroad Company for the ensuing twelve months, in accordance with instructions received from Washington, dated August 8. I would respectfully state that these persons elected as directors were elected in most instances, and as far as practicable, at the suggestion of the President of the United States.

* * * * * * *

"M. BURNS,

"President Nashville and Chattanooga Railroad Company."

Upon a reference of their names to the Hon. A. J. Fletcher, he answers as follows:

"M. BURNS, a man whose main object under all circumstances is to make money; loyal to the 'powers that be,' whether rebel or Union.

"WILLIAM T. BERRY, always loyal to the government.

"J. R. KNOWLES, a loyal and good man.

"JAMES WOOD, once got wrong, but is a quiet man, and is now considered safe.

"ANSON BROWN, once a very decided rebel; remained so till lately. It is said he 'submits.'

"A. NELSON, sympathized with the rebellion, but is a good man, and will do his duty.

"N. E. ALLOWAY, was once disloyal, but is a shrewd and sensible man, and will probably do his duty. He will have much influence in the board.

"JOHN M. HILL, once a rebel, but considered reliable at this time.

"LEVI WADE, once a rebel; present status unknown.

"JAMES H. GRANT, not known at the capital as a Union man.

"EDWARD COOPER, congressman elect.

"W. S. HUGGINS, unknown.

"JOHN T. HENDERSON, unknown.

"WILLIAM E. ELEASER, once an obstinate rebel, and was sent north for his refusal to take the oath of allegiance; present status not known.

"Most of these men are of high standing, and will probably do no disloyal act, but the weight of their sympathies will be with the 'down-trodden South.'"

From this answer it appears that but *two* of the *fourteen* men selected under the advice of the President could be indorsed as loyal, while the most that could be said of the board was that "they would *probably* do no *disloyal* act, but that the weight of their sympathies would be with the *down-trodden South.*"

It was to these men, however, appointed at the instance and in the interest of the President, that this road, with the four millions of money expended on it by the government, and all the rolling stock it could identify as having been its own, before and during the war, was handed over, along with more than a million and a half of other government property.

And this brings us back to the special history of the debts incurred by the two Tennessee roads, which rejoiced alike in the administration of Michael Burns, and the distinguished favor of the President.

On the 11th of April, 1866, Mr. Burns, the president of both, having then paid nothing to the government, addresses to Captain R. S. Hamill, chief quartermaster of the military railroads in the division of the Tennessee, a note requesting that the time for the payment of the first instalment due on the bond of the Nashville and Northwestern Railroad Company, be extended to one year from the date of the bond, from which period the instalments to commence and continue to be paid monthly thereafter—no apology being vouchsafed for the default, and the only inducement for further indulgence suggested, being a promise to pay the accruing interest on the last day of each month, *if possible;* and on the following day the terms are accepted without objection.

No regard is paid, however, to this promise until the 16th of January following, (1867,) when Mr. Burns addresses another note to the Hon. J. S. Fowler, senator from Tennessee, who had been previously employed by him in his effort to obtain the possession of these roads, informing him that Major Hamill had notified him that he would take possession of the Northwestern road on the 20th of the (then) current month, for the non-payment of the debt due to the United States, which would be, as he says, a dead loss to the State and the United

States; and asking him to have the order suspended until the road was finished, which would be in the month of June following. As in the former instance, no excuse is offered for the further default, but on the 19th of the same month, Major Hamill is ordered to suspend any action until further instructions, and to report immediately the state of the account, along with his reasons for taking possession of the road.

On the 20th of January, Major Hamill reports the state of the accounts, showing the bond of $529,201 45, of the date of November 30, 1865; a notification by himself to pay in April, 1866, and the extension granted at that time; the fact of additional purchases by Mr. Burns to the amount of $5,079 55; the refusal, or at least the "studied neglect" of that gentleman, after repeated solicitations, to execute an additional bond, and his second notification that he would retake possession of the property if the bond was not immediately executed, "as the only means whereby the studied indifference manifested by him regarding all matters pertaining to the indebtedness of the company to the government could be overcome." He adds, moreover, that the total amount received from the company up to that time was only $26,404 74, none of which was paid in money, but all consisting in credits for transportation services.

On the 18th of February, in reply to a letter from the chairman of the Judiciary Committee, inquiring the cost to the government of the Nashville and Northwestern road, General Rucker communicates to the Secretary of War the report of Colonel Crilley, acting quartermaster of the United States military railroads, of the date of February 15, showing the total cost to the government for construction of new road, up to September 1, 1864, to have been $1,469,732 20; and on the 21st of the same month he submits to the Secretary of War a supplementary report, of the 19th of February, from the same officer, inviting attention to the fact that there was nearly a million and a half of dollars overlooked that was properly chargeable to the company, on account of the construction of their road, which, with the debt owing by them for property purchased from the government, on which only $26,704 74 had been paid, and amounting, with interest till January 31, to $552,422 09, would make a total of $2,022,155 29 due the United States, which the company appeared to be making no effort to pay. General Rucker suggests, moreover, that in making this transfer without receiving or demanding reimbursement, the government "has to this extent, *apparently through inadvertence*, transferred its own property," and asks that the proper action may be had thereon. It does not appear, however, that any notice has been taken of this communication, and the company holds the $2,000,000 of government property, without payment and without security.

The case of the Nashville and Chattanooga road involves, however, some additional facts, which will go far to explain the indifference of the government.

The amount of rolling stock purchased in this case was, as already shown, over a million and a half of dollars; more, according to the confession of Burns to the witness James, than the road could ever pay. On the 5th of April, 1866, in consequence, no doubt, of the threat of Major Hamill, already referred to, he addresses a note to that officer, informing him that the company will pay within five days one instalment on its bond, together with the accrued interest on the amount of purchase, and that, *so far as possible*, the subsequent instalments would be paid thereafter as they fell due. On the 15th of April this proposition is communicated to General Whipple, who replies, by letter of the 17th, that "as the money which should have been applied to liquidate the debt due the United States, has been paid out and gone beyond the control of the company, we can do no better than accept the proposition of Mr. Burns, which you are authorized to do, and compel prompt compliance with the conditions thereof in future."

Mr. Burns, however, in the mean while, has carried his case to another and a higher court, where he is confident of making better terms. On the 20th of April, and within three days after the date of General Whipple's answer, a certain John

McClellan, of Nashville, then at Washington, and acting for Mr. Burns, addresses a letter to the President, informing him that he has been requested by Mr. Burns to say that he is sorely pressed by the officers of the government to pay in part for the material he had purchased; that he was induced to believe that it would not urge the payment of these claims until time could be had to make a settlement for the use of the road, on a basis proposed by him (Burns) to Quartermaster General Meigs, in the presence of Mr. Lincoln; that, acting on this belief, he had advertised that he was ready to pay the interest on the bonds of the company in New York on a given day, and made all his preparations for it, but in the mean time the above demand was made, accompanied by threats that they would again seize the road. He concludes by saying: "Now what he (Mr. Burns) most urgently desires of you is that the payment of these claims be ordered to be suspended until the settlement can be made, or to give him time to make the road earn the money. The road is doing well, and all that the company want is time. *The amount now on deposit to meet the interest of bonds would pay the amount now due the government.*

"You see how ruinous it would be to him, to the credit of the company, and the credit of the State, if he is forced to comply with this demand."

This communication, signed by the writer "*for Mr. Burns*," is referred by the President to the Secretary of the Treasury, "with *directions that the collection be suspended until further orders*," and by that officer turned over to the Secretary of War, who sends it to the Quartermaster General for his action. The last named officer reports on the 22d of May, that he had caused the order to be carried out; suggesting at the same time, with some degree of emphasis, "that the indebtedness of this company is the largest incurred by any railroad, amounting to $1,564,836 29, on which the instalments and interest now (then) due amount to $325,398 99."

It thus appears that Mr. Burns, having paid nothing, and being largely in arrears to the government, which was substantially without security for all this immense debt—confessing at the same time that he has money enough to pay it—showing by his own testimony that besides the proceeds of a large amount of cotton, the earnings of his railroad stock in the service of the enemy, which he is allowed to bring to market, he had realized over half a million of dollars out of the use of this very property, and claiming a settlement with the government upon the basis of the act of January 31, 1862, and showing no disposition whatever to pay a dollar of this money—is allowed, and in effect authorized by the President, to postpone the claim of the government, and to apply it to the payment of the bonds of a practically insolvent company, composed mainly of rebel stockholders, to save the credit of himself, the company, and the State, for which he had so tenderly and patriotically provided in his order of the 8th of August.

The surprise of the House and nation will not be diminished when they are informed that this same cherished object of the presidential favor, who had been so specially accredited by him to Mr. Lincoln, on grounds substantially admitted by himself to be false, instead of recognizing any pecuniary obligation to the government, has the effrontery to deny that it has built any more than *five* miles of the road in question, and to insist that instead of owing it money, it is, on the contrary, very largely indebted to him, as well for the use of the road it *built*, as of the road it *captured*; while he has the candor to avow at the same time, that it has not been his *intention* to pay, except upon a settlement in which the government shall be charged for that use, and that "knowing himself to be right," he is ready "to go to the utmost end and resist, by all legal means," any effort on the part of the government to dislodge him. Nay, he is not even prepared to deny that he may have told Sloss, who was the president or manager of another of the indebted railroads, "that he was a fool to pay, and might escape by delay," and may have advised others in the like predicament, "that there was

no use in making their payments when there was money due them." In his testimony before the committee, he admits that "he would have had no difficulty in paying for the stock purchased by him, if he had neglected to pay the accumulated interest on the bonds," but says that "he was not inclined to do it from the fact that he believed there was a debt owing to the roads." In his evidence before the special committee on southern railroads, he remarks that the company had an interest account of nearly $500,000, and also a large floating debt, the former on the bonds of the company, indorsed by the State, and the latter for labor, wood, &c., accruing *during the war and before*, and that he paid all his debts honestly as far as he was able, but knowing the government was in the company's debt, he thought they might reasonably wait a little until he settled with them. And in all his negotiations, including his last letter to the President, he maintains this attitude, which, it must be admitted, is in entire harmony with the order of the President to make out the account of the receipts of the government for the use of these companies. It is by no means clear that it was intended by him that these debts should ever be paid. Burns so understood him, and says he thinks the action of the government towards himself was influenced partly by the consideration that he owed nothing, and that it (the government) was well aware that it was in his debt.

How it was that a man like this could be so indulged, in a case where there was no security and no disposition to pay, as to allow him to take the very money of the government, and apply it to the payment of the bonds of a rebel company, and a floating debt incurred, as is admitted, to some extent, while the State was a part of the rebel dominions, is one of those mysteries which Congress and the people will have a desire to understand. It has a special solution, however, that will make it perfectly intelligible, not in the magnetic power of the individual over a man whose will seems to have been the law to all around him—not even in the magnificent offer to him by Burns, when governor of Tennessee, on grounds of charity only, as insisted by himself, of half of his salary if he could obtain possession of these roads—but in mere relations of business and interest, in which he was able to make himself useful to the President.

It will be recollected that after stating, in the letter last referred to, his desire and readiness to pay the interest on the railroad bonds, the culminating argument is put in the pithy utterance: "You see how ruinous it would be to him, (Burns,) to the credit of the company, and the credit of the State, if he is forced to comply with this demand." Under ordinary circumstances there could be no particular force in such an appeal as this. But there was no mystery here. Burns was a friend; a member of the President's family, who had been previously retained as counsel in the matter of the surrender and transfer, was a considerable stockholder; and the President himself a creditor of both the company and the State, as the holder of thirty thousand dollars of their bonds, nineteen thousand of the former under the guarantee of the State, and the residue of the State itself, upon neither of which had any interest been paid since the commencement of the war! It was of course his interest that the credit of both should be protected, and the result was that the arrears of interest on his railroad bonds were paid, and the credit of the State, which had aided all its railroad companies by liberal contributions of the same sort, and for which the President had evinced so much solicitude in his order of the 8th of August, to that extent maintained and re-enforced; while the higher claim of the government, whose great interests had been intrusted to his hands, was indefinitely postponed! How far the general policy adopted by him in the treatment of the captured railroads of the south, may have been influenced by his pecuniary relations with the Nashville and Chattanooga railroad, and the seceding State of Tennessee, can only be conjectured. It looks, however, to the Committee, as though the key to much of his extraordinary conduct upon so great a question might be not inappropriately sought in the facts they have just detailed.

It was not, however, in this particular agency alone that the financial skill of this man, whose main object, according to Mr. Fletcher, was under all circumstances to make money, was called into requisition for the personal advantage of the President, and to the detriment of the government; although the transaction itself, originating while he was military governor of Tennessee, and only consummated during his administration here, may be possibly regarded by the House rather as the subject of a civil remedy, than one of so high a nature as impeachment.

It appears from the evidence, that in the latter part of the summer of 1862, a loan was effected by Mr. Johnson, then military governor of Tennessee, in connection with the Hon. J. S. Fowler, then comptroller of the State, from the Union and Planters' Banks of Nashville, of the sum of $40,000, in the paper of those banks, which was then at a discount of from twenty to twenty-five per cent. below the legal tender circulation of the country, on their two notes of $20,000 each, redeemable in the same funds, for the purpose of paying, and relieving the families of a regiment of loyal soldiers which had been raised in that city. The money was refunded by the government "from twelve to eighteen months afterwards, or perhaps more," to Mr. Fowler, who lodged it with the government depositary at Cincinnati, on the 8th of July, 1864, took interest-bearing certificates therefor, and handed the same over to Governor Johnson, whose duty it became, of course, to take up the notes at once. They were permitted to remain unpaid, for the reason apparently that the money could be more profitably employed. In the mean while, however, the banks had become insolvent and passed into the hands of a receiver. Mr. Fowler testifies that he was much pressed to pay the notes, and much annoyed in reference to them—that he called the attention of Mr. Johnson to the matter after he became President, and that his answer was "let them call on me and I will attend to it." Mr. Burns says that about that time the banks became clamorous for their money; that Mr. Johnson desired to compromise, and thought they ought to take ten thousand dollars each, for the reason that their paper was at a large discount when received; and offered them that amount accordingly. On their refusal, he had recourse to Mr. Burns, and proposed through him to pay in Tennessee State bonds. The claim of the Planters' Bank was compromised in November, 1866, and paid on the draft of that gentleman for $14,600. That of the Union Bank was satisfied in January, 1867, upon a like draft for $15,000, although it is stated by him that the amount actually paid was $16,250, the deficiency of $1,250 being paid out of his own pocket, and the fact never yet disclosed to the President. During all this time, however, the funds were placed at interest, either in certificates of deposit or in the seven-thirty bonds of the government, purchased at a discount and sold at a large premium in December, 1866; and the effect is that Mr. Johnson has realized out of the government moneys, which should have been at once applied to the payment of the debt, the very snug sum of $10,400, along with the interest and profits on the whole amount of $40,000 advanced to him, for the period of about two years and a half. That it was an act of more than questionable propriety on his part, as military governor of Tennessee, will not, they think, be doubted by anybody, although they are not prepared to say that, however censurable in itself, it had any such reference to his official duties as President as would make it the proper subject of impeachment. They refer to it now mainly for the purpose of showing the relations of obligation and confidence existing between Burns and the Executive.

But a word more of Mr. Burns, who has accompanied the undersigned so far, before they part with him.

It is proper to add that the kindness of the Executive towards this individual was not exhausted by the benefactions that have been so largely commented on. The undersigned have already referred, in an incidental way, to the permit given to him by the President, to bring in and convey to market a large amount

of cotton claimed by him for one of his companies—the Nashville and Chattanooga—as the earnings of its rolling-stock, run off by the officers of the road upon the approach of our armies, and employed in illicit traffic within the lines of the confederacy. Mr. Burns states that he obtained it from Mr. Johnson as early as the month of May; that General Steedman, then commanding in Georgia, refused to allow the removal of the articles, and that he afterwards showed the order to General Thomas, who replied that he knew nothing about it, and did not wish to be bothered, but that he would give the requisite authority, if the witness would enter into bonds that it was the *bona fide* property of the company. The witness says that the order was the usual one issued at that time. There is no evidence, however, of any other transaction of the sort, as there was no law, in the judgment of the Committee, to warrant it. To determine whether there was, they will refer to the several acts of Congress on that subject.

By the 5th section of the act of 13th July, 1861, it is provided that when the inhabitants of any State are declared to be in a state of insurrection against the United States, all commercial intercourse between the same and the citizens thereof and the citizens of the rest of the United States shall cease and be unlawful, so long as such condition of hostility shall continue, and all goods and chattels coming from said State into other parts of the United States shall be forfeited to the United States, with the proviso, however, that the President may, at his discretion, license and permit commercial intercourse with any part of such State or section so in insurrection, in such articles, for such times, and by such persons as he may think most conducive to the public interest, but such intercourse shall be carried on only in pursuance of rules and regulations prescribed by the Secretary of the Treasury. The 5th section of the act of July 2, 1864, extends the prohibition to all commercial intercourse between all persons in those parts of the insurrectionary States which are comprehended within the military occupation of the national forces, whether with each other, or with persons residing or being within districts declared in insurrection, and not within those lines.

The fourth section of the act of March 3, 1863, enacts that all property coming into any of the United States not declared in insurrection, from within any of the insurrectionary States, through or by any other person than an agent duly appointed under the provisions of this act, or under a lawful clearance by the proper officer of the Treasury Department, shall be confiscated to the use of the government of the United States; and any person or persons by or through whom such property shall come within the lines of the United States unlawfully, as aforesaid, shall be adjudged guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not exceeding one thousand dollars, or imprisoned for any time not exceeding one year, or both, at the discretion of the court.

The act of July 2, 1864, makes it lawful for the Secretary of the Treasury, with the approval of the President, to authorize agents to purchase for the United States any products of the States declared in insurrection, and repeals so much of the fifth section of the act of 13th July, 1861, as authorizes the President to license or permit commercial relations in any State or section declared to be in insurrection, except so far as may be necessary to supply the necessities of loyal persons residing in insurrectionary States within the lines of actual occupation by the military forces of the United States, or so far as may be necessary to authorize persons residing within such lines to bring or send to market in the loyal States any products which they shall have produced with their own labor, or the labor of freedmen or others employed, and paid by them pursuant to rules relating thereto, which may be established under proper authority.

It seems clear, therefore, to the undersigned that, upon this state of the law,

there was no authority whatever left in the President to license or permit either the purchase or importation of the large amount of cotton, which Mr. Burns was thus allowed to bring within our lines, and send to market in the loyal States. The power conferred on him was only intended to legalize such honest traffic as might be conducive to the public interests, and to be exercised not on grounds of favoritism to individuals, but under regulations to be established by the treasury; while in all other cases of property coming into any of the loyal States, except through the agents of that department, as captured or abandoned, it was not only to be confiscated to the use of the government, but the persons by or through whom it came were subjected to fine and imprisonment. Even that power, however, had been withdrawn to give place to a system which should confer a monopoly of that traffic on the government, except so far as might be necessary to enable parties residing within our lines to bring to market the produce of their own labor, or that of their employés. In the present case the property admitted was confessedly the earnings of the cars and locomotives that had been run off into the remoter rebel States, by the very officers of that company themselves, to prevent them from falling into the hands of our troops. The withdrawal of that stock itself was an act of flagrant disloyalty, if not absolute treason to the government, which, under the law of 6th August, 1861, made it the subject of prize and capture wherever found; and the money earned by it in the service of the rebel government or its people was, at all events, the product of an illicit trade, which no imaginable state of circumstances, and no private claims of Mr. Burns could have excused the President for countenancing by favors such as these. He knew all the facts, or was bound to know them. His residence at Nashville, and his relations with Burns, would make this evident, without even the statement of that individual that he had explained the whole matter to General Thomas when he presented the President's order to that officer. It was his duty, under the law, to order the seizure of both the cotton and rolling-stock, for the use of the government, as soon as they came within his reach. If the President could pardon the past offence, and restore the property, as he has, in conformity with his unnatural policy, so uniformly done, he could at least grant no indulgence for future sin, by permitting its introduction in violation of a statutory interdict that made the act a criminal one.

But colossal as all these operations were, they are quite equalled in enormity, and perhaps eclipsed in magnitude, by those which related to the surrender of individual property which had come into the possession of the government by capture, abandonment, or confiscation, within the meaning of the law. They will be better understood, however, by a reference to the statutes passed in relation thereto.

By the act of the 6th of August, 1861, it was provided that if any person or persons shall purchase or acquire, sell, or give any property of whatsoever kind or description, with intent to use or employ, or suffer the same to be used or employed in aiding or abetting the insurrection, or if any person or persons, being the owner or owners of any such property, shall knowingly use or employ, or consent to the use or employment thereof, as aforesaid, all such property is declared to be lawful subject of prize and capture wherever found, and it is made the *duty* of the President to cause the same to be seized, confiscated, and condemned; which is but a recognition, so far as the property is so employed, of the rule of the public law, which would extend even to a case where the property was forcibly taken from the owner, and used *in invitum*, subject only to a possible right to restitution by virtue of the *jus postliminii* in the event of a recapture, in case that rule applied to captures upon land.

By the act of 17th July, 1862, it was further provided that to insure the speedy termination of the rebellion, it should be the duty of the President to cause the seizure of all the estate and property of the persons therein named, and to use and apply the same, and the proceeds thereof, for the support of the army.

The parties designated are the officers and agents, military and civil, as well of the confederate government, as of the States which composed the same; persons owning property in any loyal State or Territory, or in the District of Columbia, who should give aid and comfort to the rebellion; and all other persons engaged therein, who should not, within sixty days after public warning and proclamation made by the President, lay down their arms and return to their allegiance; and to secure the condemnation and sale of any such property after seizure, so that it may be made available for the purpose aforesaid, it is further provided that proceedings *in rem*, as in admiralty and marine cases, shall be instituted in the name of the United States in any district court, and that if such property shall be found to have belonged to a person engaged in rebellion, or who has given aid or comfort thereto, the same shall be condemned as enemies' property, *and become the property of the United States.*

By the act of March 3, 1863, the Secretary of the Treasury is authorized to appoint agents to receive and collect all abandoned or captured property in any State declared to be in insurrection against the government, except such as had been used, or was intended to be used, for carrying on war against the United States, such as arms, ordnance, &c., and provides that any part of the goods or property received or collected by such agents may be appropriated to the public use, on due appraisement and certificate thereof, or forwarded to any place of sale within the loyal States, as the public interests may require, and that all sales of such property shall be at auction, to the highest bidder, and the proceeds paid into the treasury of the United States; with the proviso that any person claiming to be the owner of such abandoned or captured property might, within two years after the suppression of the rebellion, prefer his claim in the Court of Claims, and on proof of ownership, and that he had never given any aid or comfort to the rebellion, receive the residue of the proceeds, after paying expenses.

By the act of July 2, 1864, it is further provided that the agents so appointed shall take charge of, and lease, for periods not exceeding twelve months, the abandoned lands, houses, tenements, and shall also provide, in such lease or otherwise, for the employment and general welfare of all persons within the lines of military occupation formerly held as slaves, who are, or shall become, free; and that, moreover, property, real or personal, shall be regarded as abandoned where the lawful owner thereof shall be voluntarily absent therefrom, and engaged, either in arms or otherwise, in aiding and encouraging the rebellion.

The same act provides that all moneys arising from the leasing of abandoned lands, houses, or tenements, or from sales of captured and abandoned property, shall be paid into the treasury, and extends the operation of the first section of the act of March 12, 1863, so as to include property mentioned in the acts of July 13, 1861, and July 17, 1862, or, in other words, to lands.

And lastly, the act of March 3, 1865, provides for the establishment of a Bureau of Refugees, Freedmen and Abandoned Lands, to which shall be committed the supervision and management of all abandoned lands, and the control of all subjects relating to refugees and freedmen from the rebel States; and enacts that the commissioner appointed in pursuance thereof, under the direction of the President, shall have authority to set apart, for the use of loyal refugees and freedmen, such tracts of land within the insurrectionary States as shall have been abandoned, or to which the United States shall have acquired title by confiscation, or sale, or otherwise, and to assign to every male citizen, refugee, or freedman, not more than forty acres of land, for the term of three years, during which they are to be protected in the use and enjoyment at a certain annual rent, with privilege to the occupants at the end of the term, or at any time previous, to purchase and receive such title as the United States can convey, on paying the value thereof, as ascertained and fixed for the purpose of determining the rent.

Before the passage of this last-mentioned act, to wit, on the 14th of January,

1865, appeared, the famous Field Order (No. 15.) of General Sherman, issued with the approbation of the Secretary of War, reserving and setting apart the islands from Charleston south, the abandoned rice fields along the river for thirty miles back from the sea, and the country bordering the St. John's, for the settlement of the negroes made free by the war and the proclamation of the President, and providing that whenever three respectable negroes, heads of families, should desire to settle, and have selected a locality clearly defined, within the said limits, the inspector of plantations should give them a license to establish a peaceful agricultural settlement, when they might subdivide the land among themselves, and such others as might choose to settle near them, so that each family should have a plot of not more than forty acres of tillable ground, with the privilege to all those who had enlisted in the military service of the United States of locating their families in any of the settlements at pleasure, and acquiring homesteads and all other rights and privileges of settlers, as though present in person; and with a view to carry out this system, Brigadier General Saxton was detailed as inspector of settlements and plantations, with directions to furnish personally to each head of a family, subject to the approval of the President, a possessory title in writing, along with a description of the boundaries.

Under this order General Saxton testifies that he seized the Sea islands, upon which he colonized some forty thousand negroes, whereof each head of a family was to receive forty acres of land.

On the establishment of the bureau, the President ordered, as it became his duty to do, all officers of the government having property in their charge which was subjected to its management, to turn over the same thereto, and the Secretary of the Treasury, on the 27th of June, directed his subordinates, who had in their possession, or under their control, any abandoned or confiscable lands or tenements, to transfer the same accordingly: and under this order, and the act of Congress, General Saxton states that he seized, as assistant commissioner, about four hundred and fifty thousand acres of abandoned land, principally on the mainland, and including nearly the entire city of Charleston. This, however, was but a fractional part of the abandoned land which had been appropriated to the uses of the bureau, and passed to it by the act of Congress, while the abandoned lands themselves were but a part of the spoils which the fortunes of war had thrown into the power of the government, and had been solemnly dedicated to the highest and holiest of purposes. The personal property captured, and the lands either condemned or subject to confiscation for the treason of their owners, were an additional element whose account would baffle all calculation.

With all these immense interests, however, the President undertook to deal without the authority of Congress, in the interests of the traitors who were then but half subdued, and at the expense of the rightful beneficiaries, as if they had been his own, and with a prodigality that ignored the heavy burdens of the north, and all the services of its loyal soldiery, while it gave back with lavish hand to the rebel leaders, who had themselves so remorselessly confiscated every rood of ground that belonged to a loyal man, the baronial possessions which they had so justly forfeited by their crimes.

The undersigned have already dwelt at great length upon the surrender of the captured railroads, and the transfer of the rolling stock belonging to the government, without authority, and without security. They have also referred to the gratuitous return, or absolute donation to the rebel proprietors throughout the conquered States, of all the cars, locomotives and machinery that had been captured in war, at the expense of the lives of so many of our soldiers, who were in some cases brutally murdered for their attempt to seize them. Nothing is clearer than that this property was absolutely vested by the capture, and no more within the gift of the President than this Capitol. "The general law is, that on the completion of the capture the title vests in the captor, and is complete when the surrender has taken place and the *spes recuperandi* is gone. With respect to *booty*,

which refers to personal property captured on land, it is universally conceded that twenty-four hours' possession completes the title." (*Halleck*, 727, 780, *Wheat;* 632.) Nor has this principle been at any time questioned by the authorities. Even as to railroads themselves, the Secretary of War is careful to explain in his testimony, that the act of the government imported no transfer, but only a relinquishment of the possession, while in the letter of Acting Quartermaster Bliss, of the date of 25th of July, to Colonel Chandler, quartermaster of the military division of the Gulf, in answer to the demand of the New Orleans, Jackson and Great Northern Railroad Company, for a return of property, it is distinctly asserted that "the road, with its appurtenances, was taken possession of by right of capture, and its property became the property of the United States by the same right;" while it was, at the same time, stated that "so much as remained and is no longer required for military uses has been, in accordance with the general policy pursued, on grounds of public utility, toward railroad companies, ordered to be returned to the company." What was the value of the property thus surrendered, the Committee have had no means of ascertaining. It is sufficient, however, that it must have been immense. Nor is it any apology to say that some of the stockholders may have been loyal men, who could not be compromised by the acts of the directors, although that is the plea on which the present Attorney General has refused to allow proceedings under the acts either of 1861 or 1862, for the confiscation of the property of southern corporations. If the fact were even so, which is by no means probable, it was their misfortune to have been thus associated. In proceedings *in rem* the law does not pursue the owner. It is the chattel that offends, and it would be a poor defence for him, that he had intrusted t to an agent who had used it in battle against his country, or attempted to smuggle it across the lines, in violation of its laws. The least that could be expected, however, would be that those who plead their loyalty should come into court, as they are authorized by law, and show that they were not consenting to its use; in which case, if entitled on a recapture by virtue of the *jus postliminii*, which is not generally understood, however, as applying to captures on land, their interests could be adjusted and reimbursement made out of the proceeds, after sale. To suppose, however, that the interests of a handful of loyal men, who had perhaps been exiled therefor, will cover a host of traitors, and shelter them from punishment, is more than even a truly loyal sufferer could desire. A few righteous men might have saved Sodom, but human justice cannot afford to follow such examples of forbearance. The case involves an assumption of power that no argument can excuse.

In the kindred matter, however, of the confiscated and abandoned lands, the acts of the President were not less arbitrary and unwarrantable.

The latter of these were made subject, as already shown, by the act of July 2, 1864, to leases for periods not exceeding twelve months, and subsequently vested in the Freedmen's Bureau, with authority to set them apart for the use of the refugees and freedmen, and to assign to every male citizen forty acres, for three years, at a specified rent, with the privilege of purchasing at or before the end of the term.

On the 29th of May, the day of the issue of the North Carolina proclamation, and within a little more than a month after the accession of the new President, he sent forth his proclamation of amnesty, under the authority apparently of the 13th section of the act of July 17, 1862, granting to all persons who had directly or indirectly participated in the existing rebellion, with sundry enumerated exceptions, amnesty and pardon with restoration of all rights of property, except as to slaves, and in cases where legal proceedings under the laws of the United States providing for the confiscation of property had been instituted, on the condition of an oath to support the Constitution and the Union, and faithfully to abide by all laws and proclamations made during the rebellion with reference to the emancipation of slaves with a proviso that special applications

might be made for pardon by any person belonging to the excepted classes; and under this invitation it was not long until the special exercise of the pardoning power in the excepted cases was brought into full play, as an auxiliary to the general policy of restoration indicated in his proclamation appointing provisional governors for the rebel States.

The plan of the President looked to the entire restoration of all rights of property, except where suits had been commenced, without which feature, doubtless, few of the excepted classes would have humbled themselves to the attitude of suppliants for the clemency of an individual so obnoxious to that class of men in the south as Mr. Johnson was at that time. By this it soon became apparent that he intended and understood, not only oblivion of the past, but the re-investiture of all rights that had not been divested either by legislation absolutely, or perished by the accidents of war. Instead, therefore, of taking any steps to execute the law, or to enforce the provisions of the confiscation act, as his duty under that act required him to do, he insisted that the mere exhibition of his act of grace was sufficient in itself to strip the bureau of all its possessions, and to rehabilitate the subject of it in his original estate. The Commissioner of the bureau, however, charged, as he was, with the interests of the exiled loyalists, as well as of the helpless wards of the republic, and faithful to his great office, took a different view of the matter, as will be found in his first annual report to Congress, in which he suggests that it was the evident intention of the law to give the bureau control over abandoned lands solely for the purpose of assigning, leasing, or selling them to refugees or freedmen; that for this end it had given to the bureau every right which an actual owner could have, except, perhaps, the right of sale; that, for all practical purposes, the tenure of the bureau had been considered almost identical with an estate, upon condition subsequent, the condition being the restoration of the property by competent authority to its former owners; and that accordingly the policy first adopted by the bureau was to return estates to those only who could show constant loyalty, past as well as present, for the very sufficient reasons that as it held property by authority of an act of Congress for certain definite purposes, it was supposed that this tenure must continue to exist until those purposes were accomplished, and that it could therefore be surrendered only when it was evident that the control over it was unauthorized and improper.

In accordance with these views, a circular was issued on the 28th of July, (No. 13,) providing: *First.* That all confiscated and abandoned lands, and other like property that now are or may hereafter come under the control of the bureau, are and shall be set apart for the use of loyal refugees and freedmen, and so much as may be necessary assigned to them, as provided in section four of the act establishing the bureau. *Second.* That all lands or other property within the insurrectionary States, to which the United States shall have acquired title by "confiscation or sale or otherwise" during the late rebellion, and all abandoned lands or other property in those States, become so by construction of law, and which remain unsold, or otherwise disposed of, are and shall be considered under the control of the bureau for the purposes herein set forth, and for the time authorized by the act establishing the same, and no part or parcel of said confiscated or abandoned property shall be surrendered or restored to the former owners or other claimants thereof, except such surrender be authorized by the Commissioner. *Third.* The pardon of the President will not be understood to extend to the surrender of abandoned or confiscated property, which by law has been set apart for refugees and freedmen, or is in use for the employment and general welfare of all persons within the lines of military occupation formerly held as slaves.

This order, however, although in obvious accord with the law, did not prove palatable to the President, and accordingly on the 16th of August he indorsed

the following on the papers of B. B. Leake, a rebel soldier, which seem to have been referred to him:

"Respectfully returned to the Commissioner of the Bureau of Freedmen, Refugees and Abandoned Lands. The records of this office show that B. B. Leake was specially pardoned by the President on the 26th ultimo, and was thereby restored to all his rights of property except as to slaves. Notwithstanding this, it is understood that possession of his property is withheld from him. I have therefore to direct that General Fisk, the assistant commissioner at Nashville, be instructed by the Commissioner of the Bureau of Refugees, &c., to relinquish possession of the property of Mr. Leake, held by him as commissioner, and that the same be immediately restored to said Leake. *The same action will be had in all similar cases.*

"ANDREW JOHNSON."

This peremptory order, which he had no authority whatever to make, was followed up by sending for the Commissioner to inform him that there was something in his circular (No. 13) which the President did not like, and it was accordingly superseded and annulled by another of the 12th of September, re-written by himself, and designated as No. 15. In this, after the declaration, in the language of the law, that the bureau has charge of "such tracts of land as shall have been abandoned, or to which the United States shall have acquired title by confiscation, or sale, or otherwise," it is ordered, "first, that land will not be *regarded* as confiscated until it has been condemned and *sold* by decree of the United States court for the district in which the property may be found, and the title thereto *thus* vested in the United States; and, second, that abandoned lands held by this bureau may be restored to owners pardoned by the President, by the assistant commissioners, to whom such applications should be forwarded, so far as practicable, through the superintendents of the districts in which the land is situated; each application to be accompanied, first, by evidence of special pardon, or a copy of the oath of amnesty, where the applicant is not included in any of the classes therein excepted from the benefits of said oath; and, second, by proof of title."

While it has been a subject of unavailing and unredressed complaint, that loyal men, who have been ousted of their possessions by decrees of confiscation on the part of the rebel government, have not been restored by the President, but have been put to their actions of ejectment, and subjected to the law's delay before disloyal judges, the effect of this order, which assumed the right to direct the operations of an independent bureau, was a summary adjudication of a question of law in which the rights of third persons were involved, and belonging to another tribunal, which must decide at last upon the efficacy and extent of an instrument that must always, according to well-settled rules, be pleaded before it, and which tribunal must inevitably have decided under the exception as to suits depending in the proclamation of amnesty, that they were not affected in any case where the subject of the President's favor was not included in any of the excepted classes. The President not only assumes to override and annul the acts of Congress, and to set aside the national will as expressed therein, in relation to abandoned lands, by ordering their delivery upon his fiat, to the objects of his grace, but, with a coolness that is absolutely astounding, undertakes to eliminate from this statute the words "confiscation" and "otherwise," although put there disjunctively, and as distinguishable from "sale," and to change the word "or" into "and" by declaring that land shall not be regarded as confiscated until it has been condemned *and* sold by decree of the district court. And, as a consequence of this arbitrary exercise of power, the bureau is stripped by his act of its whole munificent endowment, not only of the lands of traitors abandoned within the meaning of the law, but even of those vested in the government by a regular judgment of condemnation, which divests the title of the delinquents in all prize courts, and vests the property in the United States by the very terms of the act of Congress, leaving only the process of sale as a means of converting it into money, which the government may waive, of course, if it de-

sires to use the property, where there are no other claimants upon the fund, and with which the delinquent, at all events, has nothing to do whatever. It is shown by the Commissioner in his testimony, that, as a result of these unauthorized orders, the whole plan of Congress, as well as the intent of the field order of General Sherman, has been not only traversed but substantially overthrown by the mere will of the President. In Virginia, particularly, as he remarks in his report, quite an amount of land—not less than one hundred and two pieces, according to the returns made to the committee—had been libel'ed and condemned, and were about to be sold just previous to the establishment of the bureau, when the sales were suspended by the Secretary of War in order that these lands might be turned over to the bureau for the benefit of the freedmen. He claimed, as he had a right to do, that these lands, though not actually sold, were already the property of the United States, and remonstrated with the President against the insertion of the word "*sold*" in the definition of confiscated property. He left the President with the understanding and *assurance* on his part, that the question would be referred to the Attorney General. When the circular came back to him from the President it was with the interpolation of the words "and sold." The then Attorney General (Mr. Speed) testifies that he has no recollection that any such question was ever submitted to him, and that it had always been his opinion that when sentence of condemnation was once pronounced, the whole affair passed into the courts, and was beyond the jurisdiction of the Executive. It seems clear, then, that under the pretence of a reference, the act was that of the President himself, without even the poor apology of an erroneous advice. It was enough that it was a part of his policy, and all this property was restored.

But all this was only a trifle in its comparative amount. As a result of this order, a very large amount of property was restored in all the rebel, and some of the loyal States. In the city of New Orleans alone the quantity held and surrendered was enormous. In South Carolina General Saxton says that besides the Sea islands, he had seized about 450,000 acres, when he was arrested by an order of the 2d of October, directing him to seize no more, and that upon his requisition on the Treasury Department for all the abandoned property in its possession, it had turned over to him nearly the entire city of Charleston—all of which was restored to its former owners. He stated in addition that he had received four hundred and fifty orders for the restoration of property in that city, each order covering from one to twenty-five dwellings, and eighty-five more for the restoration of plantations—one or more to each order—and that his successor had probably restored more than he had. He refused, however, to surrender the Sea islands without a special order in each case, because he did not consider the circular No. 15 as applying to them. On an application made by the Hon. William Aiken, as in other like cases, he accordingly indorsed the answer that "he had taken possession under the field order of General Sherman, which was issued under a great military necessity, with the approval of the War Department; that more than 40,000 destitute freedmen had been provided with homes under its provisions; that he should break faith with the freedmen now by recommending the restoration of these lands; and that in his view this order of General Sherman was as binding as a statute."

The South Carolina rebels, however—the same who had first fired upon our flag, and held high carnival upon the boulevards of Charleston, as they watched the walls of Sumter, with its feeble garrison, crumbling under the traitor missiles which they hurled against them—had now become by their defeat the masters of the government they had endeavored to destroy, while the helpless freedman, the only "faithful among the faithless," who was in the ranks of our armies, and had earned his settlement at the price of his blood, was no longer an object of consideration for this government. Nay, even as though we had unjustly offended these proud patricians, and were desirous to propitiate their good

will by something in the way of sacrifice, the government itself at once directs not only the surrender of the lands, but even the abandonment of its own offices and quarters, and the hiring of others—though afterwards modified into a retention of possession, to that extent, at a moderate rent. On the refusal, moreover, of General Saxton to surrender these lands without a special order, he was duly notified by one or two leading rebels that "they were to be given up; that the President had so informed them; and that he had better give them up quietly, or it would be the worse for him." As a consequence of this refusal, a letter was written by William H. Trescott to the President, indorsed by Governor Orr, stating that it was impossible for him to do anything so long as General Saxton had control of affairs in that department, and urging his immediate removal, which was done; and thus a valuable officer of the Union armies seems to have been displaced at the instance of two notorious rebels, merely because he insisted on doing his duty, and stood in the way of the President's policy. It was his duty so to refuse. If wrong was done, it was not his province to restore. The islands in question were captured and appropriated under an order which had the approval of the government. If they were not acquired by "confiscation or sale," they were acquired "otherwise," and that was by abandonment or lawful capture. Nor is it any more an answer, to say that the seizure of the lands of individuals is not in accordance with the usages of modern times, than it would be to insist that any process of condemnation is required in the case of a capture on land. Whatever may be said on the score of wisdom or humanity, the *usage* of nations is one thing and the *right* is another. As a matter of strict right, the law of nations authorizes it, although the usage of modern times is undoubtedly the other way. But the application of the usage itself is held to depend upon the principle of reciprocity. If one of two belligerents chooses to capture or confiscate the private estates of citizens of the other—as was the known practice of the rebel government—the other may retaliate; and even without this provocation, there is no power, as there is no common arbiter, that can gainsay or question the right of a conqueror to deal with the property of the conquered as may seem good to him. The right of General Sherman, the commander in the field, to make this order and appropriation was not doubted then, and is not doubted now, by the Secretary of War. If he was correct in this, it required no more than the actual seizure, and the approval of the government to perfect it, and the land thus seized was a property acquired "otherwise" than by "confiscation or sale," and falling under the charge of the bureau within the very terms of the act of Congress. If the law-making power chose to disaffirm that title afterwards, or to surrender it back, as it has since substantially done, to the original owners, upon the terms of good behavior or otherwise, that was their affair, and theirs only. The Executive of the nation was without power in the premises.

It does not seem, however, to have been considered that even a pardon itself was in all cases absolutely necessary to the restoration of the lands. In the case of Trenholm & Co., notorious blockade-runners, all the property of the firm was surrendered on a special order of the President, issued without any pardon at all, one of the members of the firm admitting in his testimony that it issued in September, while his own pardon was of a later date. How many other cases there were of the same sort, the committee are not advised. In that of J. E. Davis, the brother of the president of the confederacy, and a large landholder in Mississippi, who for a long time refused to apply for a pardon, or even to concur in the mediation of his friends, who interceded for him, on the ground that he had done no wrong, the President indorsed on the application for a return of his property, on the 22d of May, 1866, the very curt and apparently impatient inquiries, "by what terms is this property held? Why has it not been restored upon the application of the owner?" To which it was answered by the Commissioner, on the following day, that the property was taken up by the Treasury Department as abandoned, and that Mr. Davis had never received it, because he

had refused to make application for his pardon, although he admitted that he was worth $20,000. On the 12th of September, he exhibited a pardon, which, according to General Howard, was the first official information of the fact, although it is said to bear date on the 23d of March. It does not appear, however, in the list furnished by the President to the House on the 4th of May, (Ex. Doc. No. 99,) and if not antedated, it was very probably refused by the beneficiary. The firmness of the Commissioner alone seems to have prevented the surrender of the property on the terms on which it was demanded.

Nor was the munificence of the President in all cases even impeded by the fact of a judicial sale under a decree of condemnation. General Howard reports four cases of this sort in Louisiana, viz: those of Burth Leonce, Goodrich & Co., and A. W. Merriman, in one of which the property was valued at $75,000, and another at $13,000; and one, also, of F. W. Armistead, in Virginia. There is a fifth, however, in the former State, which is entitled to special notice for several reasons. It is that of the notorious Pierre Soulé, whose dwelling-house at New Orleans, which was then occupied as an asylum by the government itself, and was of great value, was condemned on the 10th of July, and actually sold and bid in for the government on the 26th of September, 1865, at $23,500. This bid was, however, withdrawn by the consent of the marshal, because the officer who made it was not provided with funds to pay for it. On the 23d of October, Soulé received a special pardon, and on motion of his attorney and exhibition of the pardon on the 20th of November, a rule was taken on the government to show cause why the proceedings should not be discontinued and the property restored, which was heard on the 29th, and a decree of dismissal entered. The case is proved by General Howard to have been referred to the Attorney General in January for an opinion as to the validity of this decree, and the steps necessary to be taken for retaining the property, but no answer was vouchsafed; and on the 8th of March the resident commissioner was ordered to give actual possession of the property to Mr. Soulé, and it was done. It is due, however, to Mr. Speed, the then Attorney General, to say that he has no recollection of ever having been consulted in this case.

But whether the pardoning power extends to the remission of mere forfeitures, not touching the person, but recoverable only by proceedings *in rem*, is not, in the judgment of the undersigned, by any means clear on principle. It is not to be denied that the practice heretofore has, perhaps, recognized its efficacy to that extent. That practice will be found, however, to depend mainly, if not entirely, on the opinions of Attorneys General, who have looked for their authority in giving a construction to the terms of the Constitution to the analogies of the royal prerogative in England, which is not always a safe guide in the interpretation of a specific grant of power here. Where the penalty is a consequence of the conviction of the person offending, and a part of the judgment, it must fall, of course, with the offence; but when it consists merely in a forfeiture of property it does not seem to have been always so considered. Under the revenue and other laws, the power of remitting forfeitures has been sometimes lodged with the Secretary of the Treasury, and sometimes with the courts. If it had been considered a part of the pardoning power, it must have remained with the Executive, as it belongs to him only under the Constitution. They do not propose, however, to go into an argument upon a point that is not essential to their case.

But it is not to the mere subject of the remission of forfeitures of lands and chattels that the executive government has confined its beneficent operations. With the same habitual contempt for the law that seems to have governed it in all its measures, it has gone so far as not only to restore lands which had been vested in the United States by judgment of law, but even to pay back the proceeds of sales of personal property made under the law, in the face of a direct command to pay them into the treasury, and a reference for remedy, of such

parties as might feel themselves aggrieved, to the courts alone. Governors Parsons and Sharkey, whose supposed influence at court seems to have suggested their employment in cases of this description, both testify specially to the payment of large sums of money arising from sales of cotton seized and forwarded to market by the agents of the Treasury Department. But the proof does not stop here. The records of the department show over sixteen millions of dollars received by the Treasurer from this source, of which upwards of six millions ($6,174,379 38) are proved by him to have been ordered into his hands *as a special agent*, for no other reason known to himself, "except, perhaps, that there were claims against it, and constant repayments, and that *if it once got into the treasury, there was no way of getting it out except by warrant under act of Congress.*"

Nor did the Secretary fail to avail himself of this ingenious expedient for evading the constitutional interdict, and dispensing with the action of the legislative authority. All of this money, with the exception of $870,367 83, has been checked out by him on requisitions signed by the Commissioner of Customs, and countersigned by himself; in some instances under the special direction of the President. The account shows, it is true, that $2,600,000 of this money was "*covered* into the treasury," on two of these requisitions. The residue, however, seems to have been applied at the mere discretion of the Secretary to the reimbursement of individual claimants, expenses, and other disbursements connected with this branch of the service. Among the former is a notable item of the date of November 22, 1866, "refunding to B. F. Flanders the sum of $800 11, alleged to have been improperly covered into the treasury," and by this process withdrawn from it without warrant of law.

The cases shown by the Secretary, wherein the payments were made under the personal direction of the President, are *seven* in number. Two of these only, to wit, those of Mansfield & Co. and Mrs. Emily Miller, appear in the account of the Treasurer. It is to be remembered, however, that this account does not comprise those of the many supervising agents, upon whom orders were drawn *ab libitum* by the Secretary, who admits that until the special appointment of General Spinner all the claims were paid in that way. The reason assigned by the Secretary on his examination, as to one of these cases, was that *he* "believed it unjust to the claimant and disreputable to the government to send him to the Court of Claims," or, in other words, that it did not become a great nation, and was not its true policy, to *enforce the law* in that particular case, just as the Attorney General decides that it was not the policy of the government to enforce the laws of the same kind in regard to lands. Indeed, the policy of Congress enacted into law has not been generally recognized as the policy of the executive government. Whether the moneys thus withdrawn from the agents of the treasury were *in* the treasury or not, it is scarcely worth while to argue, although it would seem, on general principles, to be a question scarce susceptible of a doubt, whether, having once reached the hands of their proper custodian, they were not there, by construction of law, in virtue of his title to hold them as Treasurer of the United States. It is sufficient for the present purpose that they *ought* to have been there under the law. How much has been paid away in violation thereof, by a process which allowed so large a field for rebel attorneys, and so wide a scope for executive favoritism, it is impossible to say—the cases now referred to being only those where the property had been actually sold, and the proceeds realized.

It is not denied by the Secretary that large amounts of property were surrendered *in specie* upon the application of individual claimants, nor insisted by the undersigned that this might not, perhaps, be properly done in cases of clear mistake as to ownership, or when the loyalty of the owners was above all exception. There is a class of cases, however, suggested just at this point by the

production of another of the special orders of the President, that is equally deserving of the attention of the House.

It was remarked at the outset that it was a part of the programme of the Executive to meet the necessities of his policy, and dispense with the otherwise indispensable agency of Congress in the premises, not only by drawing unlawfully upon the contingent funds of the departments, whose heads were then subject to his will, but by absolutely donating to his new governments the spoils of the dead confederacy, and authorizing them to supply any deficiency by taxation.

The evidence of this charge is to be found in the following extract from a communication of the Secretary of State of July 8, 1865, to the provisional governor of North Carolina:

"Mr. Worth will make an estimate of the expenses which may attend the special trust conferred on you, namely, the organization of the State of North Carolina. The amount thus reasonably estimated will be paid *at the War Department* as an expense incident to the suppression of the rebellion. The estimate, however, will carefully exclude all expenses which may arise from the administration of the civil government of the State, including the charities thereof. It is understood here that *besides* cotton, which has been taken by the Secretary of the Treasury under act of Congress, there were quantities of resin and other articles, as well as *funds*, lying about in different places in the State *and elsewhere*, not reduced into possession by United States officers, as insurgent property The President is of the opinion that you can appropriate these for the inevitable and indispensable expenses of the civil government of the State during the continuance of the provisional government. He is also of the opinion that you can *levy taxes or assessments* for the inevitable and indispensable expenses prescribed as aforesaid, and enforce their collection. Should you adopt this course, and find yourself impeded or embarrassed in the execution of the measure, you will then report to this department, and orders will be given by the War Department to the military authorities to take charge of the matter."

The result of these instructions was a correspondence between the treasurer of North Carolina and the Treasury Department at Washington, wherein it was claimed by the former that all property of the confederacy and of the rebel State governments, not seized till after General Schofield's proclamation, on the 27th of April, of a cessation of hostilities, as well as *moneys* in England arising from sales of cotton that had run the blockade, were intended to be embraced in them. To a despatch of the 19th of October, addressed to the Secretary, complaining of the seizures of cotton belonging to that State, and referring to these instructions, the Secretary replies that he did not consider them as having been intended to include that article, although confessing that the word "besides," as used by Mr. Seward in that connection, was "a little unfortunate." In a previous letter, however, of the 30th of June, to David Heaton, esq., the supervising special agent for that State, after referring to representations made to him by a delegation of citizens thereof, that "in consequence of the extreme destitution of the people, and the want of means at the disposal of the new State government, it would be almost impossible to put it fairly in operation," he proceeds as follows:

"Of course none of the property already turned over to or collected by our agents, *as such*, can properly be appropriated for that purpose, but I incline to the opinion that the public good will be as well promoted, and the true spirit of the laws on the subject as fairly carried out, by allowing the new organization to have the benefit of some of the ungathered *debris* scattered through the State as to have it gathered by agents of this department, and the proceeds thereof go into the treasury, and I have accordingly indicated to the gentlemen composing the delegation that our agents should not be *too inquisitorial* in their researches, or *too exhaustive* in their labors in this direction, and that *I have no objection* to the present State government having the benefit of any property which belonged to its rebel predecessor that it may be able to collect. I will thank you to so shape your action, and direct your subordinates as to substantially carry out the policy above indicated."

And in a subsequent letter of July 3, 1866, in reply to an inquiry by the Hon. Edwards Pierrepont, as to the detention by the government of one hundred and seventy-five bales of cotton claimed to belong to the same State, he reas-

serts the authority of the Executive to deal with these questions on the same footing as Congress or the law, in the following conclusion:

"The policy decided upon in relation thereto is that it should be taken to New York and sold, the proceeds to be held for such ultimate decision as might be made in the premises, either by the action of the Court of Claims, or Congress, *or by order of the President.*"

The Secretary is under the impression that the like course was pursued in regard to others of the rebel States, and admits that no accounts have ever been rendered by or required from any of the provisional governments, of the property rightfully belonging to the United States, appropriated by them under this authority.

The special order of the President above referred to shows that even a larger measure of liberality was extended to the most criminal of all the revolting members, in the surrender to the provisional government of South Carolina of "the State works," located at Greenville, and consisting of buildings erected during the rebellion for the manufacture of arms, on lands donated for that purpose. On application made therefor, the case was referred by him not to the Attorney General for the law, but to the Secretary of State, as a sort of chancellor, for his opinion "whether (without waiving the right of the government, or admitting the legal claim to it asserted by the State authorities,) it would be *equitable and advisable* to allow them to retain the property in question on account of the expenses of the provisional government, in the same manner that the provisional government of North Carolina was allowed to take and retain possession of certain property for the same purpose." The Secretary responds, of course, that "the State of South Carolina, from the time when its provisional government was authorized, is to be considered not as an insurgent, or seditious, or hostile State, but as a State loyal to the Union;" that the State thus loyal "is impoverished, and needs and is entitled not only to forbearance, but to *magnanimity* and *favor;*" that it was obvious that much of the captured property would produce no considerable accessions to the treasury, and that if the net avails resulting from a sale would not exceed $60,000, it might be properly relinquished after appraisement, "with the reservation, however, that after peace shall have been proclaimed, and the State of South Carolina shall have been fully restored to her federal relations, the subject shall be referred to the consideration of Congress." The President thereupon directed an appraisement of the property, with instructions for its relinquishment to the State in case it did not exceed in value the amount suggested, but without providing for any future reference to the supreme authority. It was appraised accordingly at $33,928 79, and surrendered to the provisional government without any reservation whatever.

But the munificence of the President to his own governments did not stop with the *debris*, either of the dead confederacy or of the living Union. True to the paradoxical theory of his minister of state, "that from the time the provisional governments were authorized by him," and while holding and constraining them only by the power of the sword, "they were to be considered as States loyal to the Union, and entitled not only to forbearance, but to magnanimity and favor," he not only manifests his settled purpose of forcing these outlawed communities into their old relations, in defiance of Congress and the people, by the impotent device of reporting their votes on the constitutional amendment in regard to slavery, but presumes to endow them from the national domain by the issue to them, as members of the Union, of patents or certificates for their pretended shares of college scrip, covering a large amount of public land, under the provisions of an act of Congress, (July 5, 1862,) passed while they were in actual rebellion against the government, and authorizing the distribution thereof among the States for agricultural purposes. The testimony of the honorable James Harlan, then Secretary of the Interior, shows that upon the submission by him to the President, at a cabinet meeting, of a demand made by a gentle-

man representing himself to be the agent of the State of North Carolina, he was directed by that officer, with the assent of a majority of his cabinet, and in conformity, as he says, with "his settled policy, to permit each of the rebel States to receive and enjoy all the rights and privileges of any other State in the Union, on the ground that they had been fully restored," to cause the scrip to be issued accordingly. And the fact that it did issue, and that other scrip was in the course of preparation for the States of Georgia, Virginia, and Mississippi, is verified of record by the recitals of an act of the present Congress, approved by the President himself, in which the whole proceeding is solemnly declared to be unauthorized and illegal, and all further steps in that direction expressly prohibited. Enough, however, was done to show the utter contempt with which the opinion of Congress has been ever regarded, and the determined purpose of the Executive to bend the whole government to his own will.

The committee have not, in their remarks upon the restoration of rebel property, undertaken to inquire into the wisdom or humanity of either the principles of public law, or the enactments of Congress, which divested the titles of the owners, or appropriated it to the uses of the government. On that subject there are differences of opinion among the undersigned, while none of them would have favored a rigorous, universal, or undiscriminating enforcement, since the return of peace, of the penalties prescribed in order to the suppression of the revolt. That, however, is a question which has been already passed upon by the highest authority in this nation, and is not re-examinable here. If it were, it would be an easy task to show at least that the legislation of Congress has been distinguished by a spirit of moderation, forbearance, and magnanimity, that has no example in history. But even if it were otherwise, they are all agreed that it was no business of the Executive. His duty was only to execute the law as he found it, and carry out the policy recognized and established by it, so long as it was the law. The task of mitigating its severity, if it were even rigorous, belonged only to the Congress of the United States, and could be safely trusted with them only, to be exercised, if wisely exercised, with a judicious economy that would husband their resources of mercy, and dispense it at such times, and upon such conditions, as would enable them to conciliate the disaffected, and take security for the future good behavior of those who had offended unto death. That they would have so dealt is not to be questioned. But the assumption of the right of the mere executive officer of the nation to inaugurate a policy of his own, in contradiction of the will of the people, as already declared or hereafter to be declared by their representatives, and to force that policy upon the nation, by turning loose and reinstating all the offenders against its laws, in the possessions and power which they had legally forfeited, was a high crime against it, that deserves not only its censure and condemnation, but a measure of redress so large as not only to correct the evil, but to serve as an example and warning for all future time.

Akin to the subject just discussed is that of the abuse of the pardoning power, another of the articles of charge against the President, which the undersigned will now proceed to examine.

It is not disputed that this power is lodged with the Executive, under the Constitution, without any apparent limitation upon its exercise. It would be a false logic, and a poor statesmanship, however, to infer that it is without reasonable limitations altogether, and may be exercised without discrimination, to the great damage, and possibly to the entire destruction of the government. Every power granted by the Constitution is subject to such a qualification, and if susceptible of abuse, is only to be checked and controlled by the remedy of impeachment. It will scarcely be contended that in a state of war, such as that through which this nation has just passed, the Executive might turn loose the prisoners who were the captives of our spears, as fast as the fortunes of war delivered them into our hands, by according to them an absolute pardon of their

crime, although it is clear that he might do it without violating the letter of the law—or that he would not be impeachable and removable for the abuse, either upon considerations connected with the public safety, or on the footing of the traitorous purpose—the *animus*, in more technical language—which it might disclose.

And yet the exercise of the pardoning power by the present incumbent, as will be shown, if not resulting in the discharge of prisoners, *flagrante bello*, has been such in its effects as to turn loose, *nondum cessante bello*, with all their rights and powers of mischief fully restored, and place beyond the reach of punishment, either in person or estate, the very excepted classes who had been justly singled out in the proclamation of amnesty as the ruling spirits of the rebellion, and the most formidable of its agents; and this with the undoubted purpose of enlisting their means and influence, using them as auxiliaries against the government which had just subdued them, in carrying out his policy of reorganizing the rebel communities, and forcing those communities into the Union in defiance of the will of Congress, and of the people of the loyal States. It was with this process that the system of special pardon was first inaugurated, and it was precisely to this class of men that it seemed intended that the work should be especially intrusted. They were the known favorites of the still unsubmissive South. Their merits and popularity rested upon their services in the rebellion, and their known hostility to the government. To make treason honorable, they were elected to the conventions, and although disqualified by the proclamation, were invited to take their seats and participate in the work that was to restore them to their original power in the nation, by the offer, without regard to the merits of the case, of a free pardon, which they had not, perhaps, even condescended to ask. For this purpose the provisional governors were made the almoners of the Executive bounty, and the keepers of the Executive conscience. "Send hither list of members elected to the convention, in order that pardons may be issued," is the language of the State Department to Provisional Governor Johnson, of Georgia, in a telegram of October 27, 1865. "All those who are aspirants to seats in the convention will be pardoned upon your recommendation, and a submission of their names by telegraph," is the language of the President himself in another, of the 21st of September, to Holden, of North Carolina. In this exercise of the high prerogative conferred on him by the Constitution, the committee think he delegated a trust that was purely personal, and abused the power that the Constitution had given him.

If other evidence were wanted, however, to show how far this power was abused as an instrument to subserve the purposes of the President in forcing his policy upon the nation, it may be found in the case of the one hundred and ninety-three deserters from a West Virginia regiment, who were released from all pains and penalties, and restored to their forfeited pay and allowances, to the amount of some $75,000, at the instance of a particular friend of the President, without knowledge of the facts, and upon no other argument, so far as the undersigned can ascertain, than the statement of a pardon-broker, and a letter purporting to have been written by a democratic candidate for Congress, to the effect that it would be doing him a great service by enabling them to vote at the approaching election, because he was well assured that their restoration would result in his election, provided it could be effected immediately. It was effected immediately. The letter of the pardon-broker, Mr. McEwen, of the 22d October, 1866, suggesting the fact that "these men were registered, and wanted to vote, but would be debarred, unless the disability was removed," was placed in the hand of the Hon. T. B. Florence, along with that purporting to be written by Mr. Andrews, the candidate referred to, on the following day, and a peremptory order was at once indorsed by the President, without so much as a reference for any other purpose than its execution. It is testified, however, by the Secretary of War, that no investigation was made by him, but that within a day or two after the order

had been sent to the Adjutant General for execution, he was advised by that officer that "he thought the President had been deceived, for he found that one or more of the persons ordered to be relieved had deserted to the enemy;" that he immediately went to the President, and asked him whether he was aware of the fact, and whether he desired to have such persons released; that the President replied in the negative, and directed him to have an investigation made as to how many of them belonged to that class; and that only one was found who belonged to it; but what investigation was made as to the others, he was unable to say.

From this subject the transition is an easy one, to that not only of the failure of the President to execute the laws, but to his absolute obstruction of public justice, in sheltering the violators of the law from the just punishment which it awarded to ther crimes.

The Constitution makes it the duty of the President "to take care that the laws are faithfully executed," and there is no way in which he can evade this duty, except by the exercise of the pardoning power, in cases of offence against the United States. There is no intermediate course by which he can lawfully relieve the offender without incurring the responsibility that might attach to an act of pardon, but yet it is shown by the evidence that he has not only refused on system to enforce the laws enacted for the purpose of punishing treason against the state, but has interposed, through his subordinates, to prevent not only the exaction of forfeitures, but the prosecution of crimes connected with the rebellion. Mr. Chandler, the district attorney for the State of Virginia, testifies that on no less than nineteen indictments found and depending for treason, in that district, proceedings have been indefinitely stayed. In Kentucky, Alabama, and other States, according to the testimony of Attorney General Stanbery, prosecutions of this sort were numerous, and the same is stated by him more specifically as to Kentucky, Missouri, and Maryland. And yet, so far as the undersigned are informed, they have been invariably arrested or dismissed, upon such reasons as will be found in the following passage from his testimony: "I considered that no one certainly was expecting that these trials should go on. If it was our duty to try parties indicted for treason, who had taken part in the rebellion, then it was not only our duty to try them, but to prosecute every one else who had been guilty of the same offence. We could not make fish of one and fowl of the other." And again, in answer to the question whether the duty to prosecute would not be determined by the fact of information made, he says: "That is a mode of proceeding. But if there was a public policy to prosecute persons for treason who were engaged in the rebellion; if it was thought necessary to vindicate the laws by such prosecution; and if it was our duty to go on and prosecute, we should be involved in more cases than we were involved in, and these were more than we could manage. I have distinct views on that subject as to the policy of going on with these trials for treason. They were general in Kentucky, Missouri, and Maryland. My own opinion was that the war had settled all the issues of the war. I did not myself think it necessary that the question whether secession is treason should be left to any twelve men anywhere." In his opinion, then, it was only a speculative question of casuistry or metaphysics that was involved, and none of the vindication of the law. He had "distinct views as to the policy of punishment." Both he and the President had a policy, which was, unfortunately, not that of the law, and that was to punish nobody. They had "more cases already than they could manage," and therefore they managed none even of those they had, except in the way of dismissing all of them. They could not discriminate, although the President had already discriminated in his first proclamation of amnesty. There were no great criminals to be made examples of although, in a better hour, and in the same instrument, he had already singled them out, and reserved them to be dealt with by the law. The right to pardon even the ex-

cepted classes was still open to him, if he did not choose to prosecute, but he had no right to accomplish the same object by indirection, where he may have shrunk from the responsibility of the act, by striding into the courts and using the law officer of the government to strike down their process by the mailed hand of executive authority; and yet this is precisely what he has done in all these cases.

But it is not in the matter of proceedings strictly criminal alone, that the course of public justice has been thus obstructed. The same policy exactly has prevailed in relation to proceedings *in rem* under the confiscation acts of 1861 and 1862. For a few months after the accession of Mr. Johnson, the district attorneys were advised, by circulars from the office here, that they would be expected diligently to enforce these laws; and they proceeded accordingly to file their informations in the courts against all such property as they considered to be obnoxious to this proceeding. This process was, of course, not palatable to the South. The zeal and fidelity of the officer were made the subject of complaint at Washington. The rigor of the rule was relaxed. Attorneys, as shown by the testimony of Mr. Starbuck, who made reports of property that was liable to seizure, even in cases where it had belonged to the dead confederacy, were discouraged by the refusal of the government to prosecute. When they seized the cotton or other property of rebel corporations, accumulated in the service of the confederate government, to which all their resources had been devoted, they were instructed that the directors could not bind the stockholders, on the hypothesis that some of them might *possibly* be loyal, and the very curious argument, that, if the law were otherwise, the individual property of every *town* or *city* whose officers might have appropriated any portion of the public funds in aid of the rebellion, would be liable to confiscation! If permitted to proceed, however, the prerogative stepped in under Order No. 15, in the shape of a pardon, with the royal sign manual attached, to wrest the confiscated property from the hands of the government. And the whole mockery was ended, after the briefest life, by the order of October 10, 1865, conforming to that issued to the Freedmen's Bureau, and instructing them to make no more seizures under the confiscation act of July 17, 1862, until further orders from the department. Nor from that time forward have the inducements to official fidelity been any more flattering. The fate of James Q Smith, the district attorney for Alabama, and apparently one of the most intelligent and faithful of these officers, who is admitted to have been driven from that State for his adherence to the Union, and his property sequestrated, is evidence of this. Offending in the same way as General Saxton, his head fell, like that of Saxton, upon the remonstrance of certain members of the bar of middle Alabama—most of them, no doubt, consenting to his expatriation and the seizure of his property—on charges of ignorance and incapacity, oppression in office, and the exaction of illegal fees. His correspondence with the department shows that the first was grossly libellous The second is just the complaint that was likely to be made against a faithful officer. And if dismissed on the third, for aught that appears, it was without a hearing and without evidence.

That this, however, has been, and is to the present day, the settled policy of the government, is a point not open to dispute. It is admitted by Attorney General Stanbery, in answer to a question put to him by the committee, that he has neither instituted nor directed any proceedings whatever in the courts, either criminal or civil, *in personam* or *in rem*, for the enforcement of the laws passed for the suppression of the rebellion. His reasons for arresting prosecutions for treason have been already detailed. In regard to the confiscation acts, he says that he found this policy prevailing when he came into office, and his own reasons for not enforcing them are that they were, in his judgment, only *war* measures, which had served their purpose, and run their course; and that it would, moreover, be an erroneous policy to confiscate property after the return of peace.

Mr. Speed agrees that this was the policy in his time, and that it had the approbation of the President. It is to be remarked, however, that it was the opinion of that gentleman, as communicated to the Senate by the President, so late as January 5, 1866, (Ex. Doc. No. 7,) that though active hostilities had ceased, a state of war still existed over the territory in rebellion; and we have the admissions of the President himself in his proclamations of April 2 and August 20, 1866, that until the last mentioned day, the peace of the Union was not re-established. It is to be remembered, moreover, that until the restoration of the judicial authority by the re-introduction of the courts into the conquered territory, it was impossible to execute these laws so far as they regarded lands. There was no apology, therefore, for refusing to enforce them, even supposing them to have been war measures only, at least until the return of universal peace was so solemnly proclaimed by the President. By the construction of these Attorneys General, they became absolutely inoperative with the first practicable opportunity of enforcing them. The main objection seems to have been, however, that the policy of the *law* was not in accord with that of the *President*. That any Attorney General holding his place by the tenure of the executive will, should agree with his principal, and think him wiser than the Congress of the United States, is perhaps entirely natural; but that he should allow himself to be betrayed into the opinion that the laws were not to be enforced because he or the President could possibly have made better ones, is a striking commentary on the effect of cabinet conclaves, in the long interregna of Congress, upon great affairs of state, on the part of men, who are, under the theory of our Constitution, but the ministers and not the supervisors of the legislative will. Nothing but the habit of *making* law, or *dispensing* with it, could have led to such a result.

The indisposition of the government, however, to bring to justice even the guiltiest of the rebel leaders is best exemplified in its treatment of two of their number—one the border agent, who was commissioned to organize invasions from the territory of a neutral state, and the other the head of the rebel confederacy.

It will be remembered that amongst the individuals charged by the President with the crime of complicity in the assassination of Mr. Lincoln, was Clement C. Clay, who, in addition to this offence, was held for the crime of setting on foot piratical expeditions to plunder and burn our cities. Though not arrested at the time, the fact of his confederation with the murderers of Mr. Lincoln was found by the sentence of a military commission, which received the approval of the President. Upon his surrender, after a short imprisonment, though laboring under so grave an imputation, he was released on his parole on the 19th of April, 1866. On an information lodged against him, subsequently, by the district attorney for the State of Alabama—the same who was removed, as already shown, for his superserviceable zeal—he was indicted for treason and conspiracy, and his property duly seized for confiscation under the act of 1862. On application, however, to the President, the proceedings for confiscation were dismissed, and his property restored on the 14th of February, 1867. On the 21st of the same month an order was issued to the district attorney of that State, suspending proceedings on the indictment, and, on the 26th of March, the same attorney was directed again to suspend proceedings *indefinitely*, and instructed, specially, not even to make the arrest.

In regard to the case of the leader of the rebellion himself, the committee are not agreed upon the propriety or necessity of indulging at present in any special commentary.

Next to the obstruction of the course of public justice, and the flat disobedience of the mandates of the law therein, is the abuse of the *appointing* power, and with it the power of *removal*, which, although not conferred on the President by the Constitution, has been generally conceded to him in practice since the foundation of the government, as an incident to the power to appoint, and only conceded,

perhaps, on the opinion expressed by Madison in the debate in the first Congress, in 1789, on the establishment of the department of foreign relations, that its abuse would be impeachable. And here it may be truly said that, among all the appliances used to coerce the national will, and force the policy of the President upon the country in opposition to the opinion of its Congress, there have been none more profligate and law-defying than those connected with the exercise of this tremendous power.

It is not to be denied that, for the last thirty years of our history, this great power has been again and again abused by the indiscriminate proscription of valuable public servants, for no other reason than to reward the hungry hordes who have followed upon the heels of a successful aspirant, or to punish those who have been independent enough, or perhaps unfortunate enough, to differ in their political opinions with the victorious candidate or party. To some extent, at least, it was to be expected that an incoming party should gather around it the men who most faithfully reflected its opinions, and it was perhaps not unreasonable that it should endeavor to strengthen itself by taking possession of the strong places of the government, so far as might be essential to the success of its administration. The power of appointment involves, like the pardoning power, the exercise of a discretion as large as it, with the advantage of a check against abuse in the association of the Senate. That of removal, however, like the same power of pardon, is without limits, except in the constitutional check against abuse by the remedy of impeachment. The measure of criminality would depend, however, in all such cases, not so much upon the act itself, as upon the *animus* with which it was done, and that is only to be reached by uncovering the hearts, and penetrating the hidden motives of those who may have discretion enough to disguise an unlawful purpose by an affectation of zeal for the public interests. And this has been precisely the difficulty heretofore. In the present case, however, we see, perhaps for the first time, the intent of the dispenser of the government patronage boldly and shamelessly avowed. The present incumbent, without a party to represent his opinions, except it may be in the rebel States, and in the very crisis of his mortal struggle with the Congress of the United States, has felt no hesitation in declaring in effect, in a public speech, and in the hearing of the whole nation, that the present is but a contest for power between the Congress and himself. The former, as he charges, is aiming to maintain its ascendancy in the government, and to perpetuate it by keeping its friends in office, and threatens accordingly to pass a law to prevent him from turning them out. "But," he remarks, "if you will stand by me in this action, God willing, I will kick them out just as fast as I can." And he is as good as his word. The axe is put in motion, and nearly two thousand heads fall on the scaffold in about four months, to the great detriment of the public service, while the argument in reply to the inquiry of Congress, as to the causes of their removal, is not official misbehavior, but "political reasons" only, which, as explained by the testimony of the Postmaster General, means that they favored the policy of the representatives of the people in preference to the scheme of the President. It is not, like those that have gone before it, even the case of a triumphant party coming into the possession of the government, upon a set of opinions that have received the indorsement of the nation, but that of a President almost without a follower, holding by the votes of those whose will he attempts to overrule, and employing the patronage they have so generously placed in his hands, for the public use, in the endeavor to make his own will supreme over this land.

But it is not only in the general fact of wholesale removal without cause, that Andrew Johnson has sinned against the nation's law. If there were even a precedent to excuse him thus far, there is more behind for which there is no example. Although the wisdom of the Constitution has associated with the President, the Senate of the United States, as an advisory body in the making of

appointments, he has practically ousted that body of its jurisdiction, and absorbed the whole appointing power in himself, by refusing in many cases to make nominations for vacancies that had been filled by him during the recess of the Senate, and retaining and reappointing not only the incumbents of these offices, but men who had actually been rejected by that body. The Secretary of the Treasury reports twenty-six cases out of one hundred and ninety-nine removals, in the customs and internal revenue service, of the former character, which he is pleased to ascribe to clerical inadvertence, although they are all alleged by him to have been duly returned to the President, and he was obliged to admit that he was speaking only by conjecture in regard to a point of which he was confessedly ignorant. The same number of cases is reported by him of re-appointments of the same individuals after rejection by the Senate, and after the adjournment of that body. A single case of the latter description is also reported by the Attorney General, while the Postmaster General returns a list of about seventy postmasters whose nominations were not sent in, and ten where the persons rejected were re-appointed. The apology is, in the former case, that the omissions were accidental, which could not well be, so long as the President keeps a record of these matters, and is so liberally provided with clerks. In the latter, the act was one of *commission*, where the idea of inadvertence is inadmissible. That they involve a violation of duty—a manifest breach of the spirit, if not the letter of the Constitution—and tend to overthrow the just balance of the government, and with it to endanger the liberties of the people, no man can seriously dispute. If the President may refuse to nominate for vacancies which have been filled by him during the recess, and continue the same officers, or can appoint others after the adjournment of the Senate—or if he may disregard their advice, by re-appointing the individuals whom they may have rejected, he may obviously keep up the succession, without advice, and perpetuate the power indefinitely in himself, while the Senate will cease to have any value, or any actual function as an advisory council in this government.

But this is not all. It is not the *Constitution* only that has been violated in the matter of appointments. It was necessary to get out of the way also the *laws* which Congress has enacted as a part of its policy in the suppression of the rebellion, and the restoration of the Union. By an act passed on the 9th of February, 1863, it was provided that no money should be paid from the treasury of the United States to any person acting or assuming to act as an officer, civil, military, or naval, as salary in any office not authorized by some previously existing law, unless where such office shall be subsequently sanctioned by law; and again by the act establishing a test oath, passed on the 2d of July, 1862, it was further provided that hereafter every person elected or appointed to any office of honor or profit under the government of the United States, either in the civil, military, or naval departments of the public service, shall, before entering on the duties of such office, and before being entitled to any of the salary or other emoluments thereof, take and subscribe a certain oath—being that generally known as the test oath—which oath so taken and signed shall be preserved among the files of the court, house of Congress, or department to which the said office may appertain.

The very first step in the process of executive reconstruction, the lawfulness of which its chief director and manager, the Secretary of State, to whose department it was assigned, does not hesitate to say he never doubted for a moment, involved a manifest violation of the Constitution of the United States, as well as both these laws. The project wanted southern managers. None were so fit, of course, for such a work as the traitor class, in whose interest it was apparently contrived. It was clear, moreover, that it could not be accomplished without money. In the place of provisional governor a new civil office was created by proclamation, that was unknown to our laws. To that office men were appointed and commissioned, without the advice of the Senate, who were

notoriously disqualified from taking the test oath by reason of their active participation in the rebellion, and salaries assigned and paid to them out of the contingent fund of one of the departments of the government. Nay, as if the very annals of despotism had been ransacked for examples, the stinted resources of the executive departments were, as already shown, to be eked out by the stranded wrecks—the unadministered assets—of the dead confederacy, which these extraordinary functionaries were allowed to seize and appropriate; and failing in this resource, they were still further authorized to quarter themselves, like the lieutenants of the Cæsars, or rather like so many Turkish pashas, by the sovereign power of taxation, upon the conquered provinces, claimed at the same time by the Executive to be States of this Union, at peace with the nation, with all their original rights restored, and with their functions only temporarily impaired!

Governor Parsons, of Alabama, testifies that he took the oath with a qualification as to so much of it as denied the agency of the party in the rebellion. Governor Sharkey swears that he took an oath that was prepared for him in the State Department, which was not the test oath, and "had nothing of that sort in it," and that instead of filing it, as he should have done, he took it home with him. Their salaries were paid, however; and thus was this great law—a leading feature of the policy of Congress, enacted for the safety of the States, and to prevent the intrusion of traitors into the offices of the government, and the quartering of such men upon the resources of the loyal tax-payers—most flagrantly disregarded in every particular.

But it was not in these cases only that the law in question was trampled under foot. It was set aside intentionally in the appointment of officers in the customs and internal revenue service in the rebel States, who were known to be incapable of taking the oath required by law, and were accordingly allowed to amend and qualify it in such a way as suited their respective measures of patriotism. The fact was first brought to the notice of the House in the answer of the Secretary of the Treasury to a resolution of inquiry addressed to the President, showing fifty-four appointments of this character, with the admission that there were undoubtedly others whose oaths had not yet been received. The effect was, that the payment of salaries to the men so appointed was, from that time forward, out of the question; but, instead of conforming to the law by removing them at once, a special message was thereupon transmitted to Congress by the President, on the 5th of April, 1866, (Ex. Doc. No. 81,) suggesting a modification of the law, and conveying letters addressed to him by the Secretary of the Treasury and the Postmaster General, urging the necessity of the change. The argument of the Secretary, resting on a strong feeling of sympathy for the rebel appointees, who, according to his statement, were suffering for the want of their salaries, recites the fact that, in view of the opinion of "the President and his cabinet," that "the revenue system ought to be established throughout the recently rebellious States with as little delay as practicable, *and that the very unpleasant duty of collecting taxes from an exhausted and recently rebellious people should be performed by their own citizens*, he had not hesitated to recommend, nor the President to appoint" men who might have been so connected with the insurgent State and confederate governments as to be unable to take the oath; and as the emergency seemed too pressing to admit of delay until the meeting of Congress, it was thought that the test oath might, in view of the great object to be attained, in some cases be *dispensed with*. "No one," he says, "could have regretted more than yourself and the members of your cabinet, the necessity which existed for this course; but there seemed to be no alternative, and it was confidently hoped that under the circumstances of the case, it would be approved by Congress." And he re-enforces the argument in favor of a change in the law by the suggestion, that as there were few persons of character or intelligence in those States who could qualify under the statute, he was "at a loss to know

where the right men could be obtained," and "was well satisfied that it would be *difficult*, if not *impossible*, to find them;" and that, moreover, "if the present incumbents should be dismissed, the public revenues would be seriously diminished."

It is clear, then, from this statement, that the law in question was knowingly violated, and that *on calculation*, with a view to a policy of restoration which was at variance with the will of Congress. And the former of these propositions is affirmed by the testimony of the then Attorney General, (Mr. Speed,) who states that he advised and voted against it as unlawful, and was supported in that view by one other member of the cabinet, (Mr. Stanton,) while Mr. Seward, who favored the proposition, admits that these appointments were made with a full knowledge of the disqualifications of the appointees under the law, and, upon full consultation, with the distinct and deliberate purpose of dispensing with it until Congress should be in a condition to modify it so as to meet the views of the Executive.

But the emergency was too pressing, according to the Secretary of the Treasury, to wait for the assembling of Congress. This, however, is the poorest of subterfuges. If the President had desired to confer with the Congress of the United States, or had hoped to secure their co-operation in his work, he would have called them together, as he could have done, long before the period of the pressing emergency which is supposed to have necessitated these violations of the law; and the very assertion of the necessity is a confession that he failed in his duty in not convoking them. He cannot plead his own default as an excuse for dispensing with the law. If it was necessary, as the Secretary and the Executive both suppose, that he should at once proceed to establish civil government in those States, and carry into effect the revenue laws, it was equally necessary that he should summon the law-making power to his aid, because it was clear that he could not get along lawfully without it. The Secretary's argument admits as much, but proposes that the President shall avoid this by doing the legislation himself, until Congress shall come here only to make the law conform to what their joint wisdom has determined that it ought to be. But the President had no real desire to see the representatives of the people of the loyal States. No spectacle could apparently have gratified him less. Nor had he any reason to believe that they would consent to repeal the test oath if here. If he had thought so, and it had been dispensed with merely because the urgency was such as to render it impossible to wait for them, they would have been scarcely allowed to assemble without having their attention invited to the infractions of that law, which had been necessitated by their absence, instead of being left to discover the fact themselves. But necessity has been called the tyrant's plea; and the apology made here is no more than a rehearsal of the argument of the crown lawyers in defence of the prerogative of making laws—which never was extended, however, to that of constructing governments—by proclamation. That prerogative perished in England with the Tudors. But others descended—a fatal inheritance—upon the unfortunate family of the Stuarts. It was the mistake of Charles I, to insist on governing without a parliament, as it was the error of the last of that dynasty to cling to the ancient but obsolete prerogative of dispensing with the laws, which tumbled him from his throne, and drove him and his family beyond the seas. It is a sort of apothegm that history repeats itself. It is but natural, of course, that tyranny should always follow the same road and employ the same devices; but it is something more than a common coincidence, to find that the very act which culminated in the ruin of the second James is precisely that which challenges our animadversion here. Both involved the dispensation with a law establishing a test oath as a qualification for office. In the former it was doubted by the ablest lawyers whether the prerogative did not extend thus far in special cases, and a judicial decision was obtained before a bench of pliable judges in affirm-

ance of it. But it was too late for such experiments. The British nation revolted, and the revolution, with its bill of rights, has swept away forever this last remnant of ancient tyranny. The only difference between the cases is that this is one of a *political* test, while that was a *religious* one. No monarch will ever venture to assert that prerogative again in England. It remains to be seen whether it can be asserted with impunity here.

The main apology, however, for this usurpation of power is, that it was difficult, if not impossible to find competent men who could take the oath, and that as a consequence the revenue must have been the sufferer.

It would have been well, perhaps, if the latter of these considerations had occurred to the President or Secretary, on the occasion of the wholesale decapitation of valuable and faithful officers in the same department of service in the North, in advance of the elections of 1866, for no other reason than because they did not favor the policy of the President. But was it true that good and loyal men could not be found within the rebel States? Were they sought after? Were they wanted? Or was it the policy of the President to favor the traitor class in this particular, as in others?

The evidence establishes the fact conclusively that there were loyal men enough within these States, notwithstanding the discouraging exhibit of the Secretary, to perform these duties, if it had been his policy to employ them. The fact that these States, or some of them, contributed so largely to the Union armies, while as a general thing, the truest and bravest of our friends amongst them, were driven into exile, ought to be a sufficient answer to the unjust reflection that there were no men of character there who had not bowed the knee to Baal. But the statement is as untrue as it was ungenerous, as has been already shown by the report of the Judiciary Committee of the House, in the 39th Congress, (Rep. No. 51) made on the 23d of April, 1866, upon a reference of the message and communications now referred to. It is there stated, upon the authority of a letter from the Treasury Department itself, that one of the newly appointed officers who could not qualify—Montgomery Moses by name—who was appointed collector of the first district of South Carolina, was for four years collector of war tax for Jeff. Davis, while, in the language of the writer, "all his sons were rebels, and are now sucking government pap, and plenty of Union men here are idle." It was further stated, moreover, that a communication was furnished to a leading paper of this city, about that time, to the effect "that General Spenser, who commanded a part of the three thousand federal Alabama troops, and the Union men of that State then here, would be happy to furnish to the Treasury and Post Office Departments, the names of hundreds of respectable, reliable, and intelligent Unionists in that State, who were able to take the test oath of office without mutilation or mental reservation;" and that another of the same sort, protesting against the repeal of the law, in the name of the loyal men of Virginia, declared that "there were a sufficient number of competent and loyal men incarcerated at Richmond and Salisbury, for no cause but devotion to the Union government, to fill all the federal appointments in that State; and that the same was true as to all the others, if such men had the least encouragement to apply for them." Some of them did venture upon the experiment; among others, Mr. J. J. Giers, of Alabama, who, although backed by the special indorsements of Mr. Lincoln, Generals Grant and Thomas, and even Andrew Johnson himself, when military governor of Tennessee, was postponed to a Mr. F. W. Sykes, who was a member of the rebel legislature of the same State. The Secretary admits, on his examination before the committee, that the inquiries made for loyal men were of parties whom they met with from the South, but most generally of the provisional governors, the most of whom were disqualified under the test oath law themselves; and says that "he supposes most of the persons they consulted had in some manner participated in the rebellion." The despatch of Provisional Governor Holden to the President, of October 19, 1865,

"Sir, please direct that no more appointments of collectors and assessors of internal revenue be made for this State, *until I can make nominations*"—goes far to prove that the selection of these officers was committed entirely to those illegal functionaries. On evidence like this, the House refused to alter the law, reconstruction in this way being no part of its policy. The favorites were of course obliged to retire, because it was evident that they could not be paid, and the Secretary of the Treasury himself gives testimony to the untruthfulness of the reasons upon which the President felt himself compelled to dispense with the law, by the admission that he finds no difficulty in securing loyal and unexceptionable men to fill all the offices!

The next article of charge is that which relates to the abuse of the veto power.

It is not denied, of course, that the Constitution has lodged this power with the President in the same general terms as are employed in refererence to the pardoning power. It would be equally a mistake here, however, to suppose that it was intended to be free from all limitation, or was exercisable in all cases at his mere caprice, without any discrimination as to the object, and in such a way as to obstruct on system the action of the legislative power. The President is not, as he has been generally but too apt to suppose himself, a part of the legislature. It is not with him, as with the King of England, who, even under the still prevailing forms that mark the progress of the British constitution, is theoretically supposed to be the fountain of all law as well as honor, and may exercise the power of a Roman tribune, by absolutely *arresting* an act of legislation by his royal negative. The negative which the Constitution gives the President is but a suspensive one—a merely dilatory engine, or a sort of *brake* upon the movement of the legislative machine. The time was when its interposition was a very unusual one—as it is at this day in England, where it has slept for near two hundred years—and when it was considered by statesmen that the only proper occasion for its exercise was in cases where the objection arose out of the fundamental law, and the constitutional obligations of the President therefore necessitated dissent. The committee have not found it necessary, however, to resort to any extreme ground like this. It is sufficient, in their judgment, if it shall be found that this power has been systematically employed to defeat the will of the people, and accomplish the criminal designs of the Executive, and not for the purpose only of giving them time to reconsider the acts of their representatives. If the Declaration of Independence made it a special grievance that the King of England, in the exercise of his undoubted perogative, had "refused his assent to laws the most wholesome and necessary to the public good," and that he had "obstructed the administration of justice by refusing it to laws establishing judiciary powers," it can scarcely be supposed that the men who put it forth intended that there should be no remedy short of revolution for its abuse.

On this point there seems to be no difficulty. Whatever may have been the motive in other cases, the present Executive has not hesitated to disclose the *animus* which has governed him. In his speech at St. Louis, he has unreservedly proclaimed in the hearing of the American people, that in this great struggle between the legislative power of the nation and himself, "he would *veto* its acts whenever they came to him." And he has been as good as his word here also. In every instance, perhaps without an exception, where those acts looked to the pacification and restoration of the rebel States, and the protection of the Union element therein, he has interposed his objections, and exerted his power to defeat the will of the people of the loyal States. That he has not succeeded in this object, and brought the legislation of the country to a dead stand in everything that concerned the restoration of tranquillity, is to be set down exclusively to the fact that the rebels themselves, whom he sought to introduce, have not been allowed to hold a place in its councils.

The undersigned do not propose an inquiry into the sufficiency or sincerity

of the reasons upon which he has unsuccessfully attempted to thwart the will of the nation on so many important occasions, even though the recent change of posture, in regard to the meaning and effect of one of the last great acts of its legislation, might well invite a scrutiny into the motives upon which he refused to give it his assent. There is evidence, however, in regard to the veto of the bill for the admission of the Territory of Colorado, that does show an attempt to secure the support of the senators elect from that Territory, on the condition of the approval of the bill passed by the two houses of Congress. It may be contended, perhaps, that the fact is not made out by the conversations of the President himself, and that the agency of his private secretary (the Hon. Edward Cooper) might not possibly be considered, under his own disclaimer, as sufficient in law to criminate the supposed principal. If it had been the desire of the President, however, to secure the support of the new senators by such an offer, it is not to be supposed that he would have negotiated with them in any other way. "See Cooper," was the language used by the President to Mr. Scovill, of New Jersey, when the question became so delicate as to make it judicious to adjourn the conversation, and refer the question to an intermediary. Whether it was regarded as important that Cooper should "see" them, may be learned from the interview which followed the mysterious note inviting it, of which the handwriting was unknown to himself, and of which the detected writer, (Mr. Coyle, of the Intelligencer,) who could not deny it to be his own, was profoundly oblivious. The undersigned are of the opinion that no impartial man can read the testimony on this subject, in connection with the veto message itself, without seeing in it the evidence that the approval or disapproval of that bill, against which no constitutional objections were alleged, was made to depend entirely on the question whether the votes of the two senators could be secured in favor of the "policy" of the President.

The next in order of the charges on which your committee are required to pass, is that of a corrupt interference in elections.

This, however, is covered to a great extent by the abuse of the appointing power in the removal of public officers for reasons merely political, and the bestowal of their places on others, upon the terms of adherence to the policy of the President. A reference to the papers on file in the Post Office and Treasury Departments will show that this was the argument most relied on in nearly all the cases of appointments and removals. To descend into details on such a subject would be a task of infinite and by no means agreeable labor. The committee will content themselves with referring, in this connection, to the testimony of two only of the witnesses examined before them. One of these witnesses, a man named Geiger, of Ohio, who held the place of a travelling agent in the revenue service, at a salary of two thousand dollars a year and expenses, testifies that he was on actual duty some four or five months only of the time, and that he attended the Philadelphia convention, and made a long tour and multitudinous speeches in support of the President's policy. What important services he rendered to the government beyond this, does not very satisfactorily appear. Mr. Sloan, of the same State, who held another agency of the like description in the Post Office Department, states that, having understood the President wished to see him, he "called accordingly, and was informed by him that he was very anxious to head off the intense radicals, hoped that Ohio would not indorse them, and said it was very important that the schemes of those in Congress should not take possession of the hearts of the people;" that "he was anxious to have everything done to head them off," and that "in carrying out his views in Ohio, the offices should be given to his friends;" and that, in pursuance of this conversation, Colonel L. D. Campbell, Geiger, General Burnett, and himself, having united upon some changes, waited together on the President, and they were made.

The case of the general order business in New York, where heavy bur-

dens improperly imposed on commerce were appropriated, not only for the benefit of favorites, but for "political purposes," is another case that has been already made familiar to the House through the investigation of another of its committees. To have pursued this line of inquiry further, by a minute scrutiny into the contributions levied upon office-holders, either to support newspapers, or in the way of brokerage to favorites, would have involved a task of weariness and supererogation both, in a case where the facts are generally notorious, and their importance is greatly dwarfed in the presence of so many more flagrant and undeniable enormities. The presence and active participation of two of the heads of departments in a political convention at Philadelphia, having for its object the organization of a party to sustain the policy of the President, and defeat the will of Congress and the people, and one of those functionaries the prime agent in the removals from and appointments to office for "political reasons," is a fact well known to the country. The like had not happened before in its history. In the view of right-minded men, it was something more than a public scandal. Mr. Locke regards the employment of "the force, treasure and offices of the society, to corrupt the representatives, or openly to pre-engage the electors, and prescribe what manner of persons shall be chosen," as among those breaches of trust in the executive magistrate which amount to a dissolution of the government; for "what is it," he says, "but to cut up the government by the roots, and poison the very fountains of public security?" (Locke on Government, vol. 2, §222.) The like opinion has commended itself to the common sense of the people of England, and finds expression as well in the common law, as in their declaration of rights. Judge Blackstone says (1 Com., 178) that "as it is essential to the very being of Parliament that elections should be absolutely free, therefore all undue influences upon the electors are illegal, and strongly prohibited." The jealousy of the Commons is, however, better illustrated by the fact, that they have not only proclaimed it by solemn resolution to be "highly criminal in any *minister or servant under the Crown*, directly or indirectly, to use the power of office to influence the election of representatives, and that any attempt at such influence will always be resented by that House as aimed at its own honor, dignity, and independence, as an infringement of the dearest rights of every subject throughout the empire, and tending to sap the basis of this their free and happy constitution;" but that at the commencement of every session of Parliament, it is their usage to declare it to be "a high infringement of the liberties and privileges of the House of Commons, for any lord of Parliament or lord lieutenant of any county to concern himself in the election of any member of Parliament;" and in the same spirit it is provided by law that "if *any officer of the excise, customs, stamps*, or certain other branches of the *revenue*, presume to intermeddle in elections, by persuading any voter, or dissuading him, he shall forfeit £100, and be disabled from holding any office." Mr. Johnson has made of the revenue service of this nation, an engine to defeat its will, by confessedly removing unexceptionable officers for no other offence than because they would not use their places to advance his policy. Whether the appearance of his *ministers*, or "upper servants," on such occasions as have been described, and the exercise of their high trusts in aid of his great usurpation, and in slavish subordination to his will, are to be regarded as criminal here, and resented by this House, as a blow aimed at *its* independence, involving an infringement of the dearest rights of the people here, and tending to undermine our own free and happy Constitution, the House itself will decide. Standing alone and under ordinary circumstances, it might, perhaps, afford to pass it over. As one of the most potent agencies in the concerted, obstinate, and persistent attempt to overwhelm the legislature and the courts, and usurp all the powers of government, it cannot, we think, with due fidelity to the living generation and to posterity, permit it to go unrebuked or unavenged.

But the efforts of the President to break down the power of Congress and impose his own policy on the nation, have not been confined to the mere disregard of the law, or the abuse of the extraordinary powers conferred on him by the Constitution.

The history of the country shows that from the first moment at which it was ascertained that it was the determination of the law-making power to settle for itself the great question of the reconstruction of the government, all the power and influence of the administration were brought into play, not only to prevent the enactment of laws, but even the execution of those which it seemed good to Congress to enact in defiance of the will of the Executive, by denying their authority, and endeavoring to bring the representative body into public obloquy and contempt. The first unmistakable public exhibition of this determination on his part, is to be found, perhaps, as has been already remarked, in the memorable utterances of the 22d of February, 1866, provoked apparently by the exercise of the undoubted rights of Congress, in referring, for the consideration of a joint committee of the two houses, one of the most important questions in our history, instead of humbly and submissively accepting the instructions of the President in regard to its duties, along with the passage of a law for the protection of the loyal people of the South from the persecutions of the defeated but vindictive rebels, who were then rejoicing in the sunshine of Executive favor. It was not the first time that this great nation had been shocked and humbled by an exhibition so scandalous in itself, and so damaging to its reputation, in the person of its highest magistrate. It *was* the first time, certainly, when, in utter forgetfulness of the proprieties of the position, of the respect and decorum always to be observed by the co-ordinate departments of the government towards each other, and always so essential to the maintenance of their proper harmony and dignity, a chief magistrate of this republic had ever ventured to make of measures depending before the representative body the subject of public remark, or to call in question what was said by an individual member, by singling him out as an object of public animadversion. Although there was a time in British history when the King might send down for a refractory member, or perhaps even visit the House to administer to it a public reprimand, there has been no time since the revolution of 1688, when the Commons of England would not have resented this as a breach of privilege, as they would equally an attempt like that of the President in his first annual message, in December, 1865, to instruct them in regard to their duties; and there is no privilege enjoyed by that body which is not equally essential to the independence of this. Nor is the breach on the part of the Executive to be justified by anything that is said or done here. He has no right to know what occurs in either house of Congress. The Constitution provides expressly that no member shall be questioned for anything said by him in debate on either floor. It has, bestowed, moreover, no supervisory power on the President—nothing, indeed beyond the mere right to communicate officially, and in a decorous way, his objections to a bill, when it has duly reached him; while, on the other hand, it does make the President responsible to Congress, by lodging with it the power to inquire into his public conduct, and to impeach and remove him when necessary.

But the unseemly exhibition just referred to was not the mere ebullition of a transient displeasure with an individual, which died with the occasion. If it had been, it might, perhaps, have been excused as a mere infirmity of temper on the part of the distinguished censor. But it was an attack on the law-making power. It denied the lawfulness of the Congress itself, and disputed the validity of its acts as such. And it was followed up by others so gross and scandalous, as to disclose a systematic purpose on the part of the Executive to remove that obstacle out of his way, by denying its authority, and inculcating a spirit of disobedience to its enactments. To prove the truth of this, it

is only necessary to refer to his public characterization of the national legislature as "a body calling itself a Congress, and hanging, as it were, on the verge of the government;" his repeated declarations that it was composed of "usurpers," "traitors at the other end of the line," who were themselves in rebellion against the government, and incompetent to legislate for the people whom they had wrongfully excluded from a share in their deliberations. The echo of his last speech, denouncing the result of the action of Congress, as the establishment of a military despotism in the south, is still lingering on our ears.

Such language as this, coming from the Chief Magistrate of the nation, and followed up, as it was, by correspondent acts, in the then unsettled condition of the country, just emerging from a long and bloody war, and with a hostile population scarce half subdued, overflowing with rancor and bitterness against the Union which they hated, and all loyal men who had aided in their defeat, and ready to join hands with the first ally that might offer, to accomplish their cherished wish for the destruction of the government, was full of danger to the republic. If not intended, it was at least well calculated to subvert the government. It was a direct invitation, while the wounds of the South were still green and festering, to new rebellion, in which they were to be aided by all the power of the administration, backed by the whole anti-war democracy of the North—and it was so understood. If not dealt with as treason against the state, it was only because the war was supposed to be over. Promulgated as publicly during the continuance of actual hostilities, by any officer of the government, it would have cost him his commission and his liberty. If it did not reopen the strife of arms, or result in a *coup d'état* which would have turned over the whole government into the hands of the defeated rebels, it was only the constancy and fidelity of the loyal people of the North, in sustaining their Congress, that prevented it. The South was ready to respond. The armies of the Union had been withdrawn. In some parts the broken squadrons of the rebellion were silently mustering and reorganizing, under the color of *conservators* of the local peace. It had already, under this encouragement, unsheathed the sword against the white loyalist, and prepared the fetters for the black one. Mr. Goodloe, the United States marshal for the State of North Carolina, testifies (in January) that "the disposition of the people in that State had undergone a most unfavorable change during the last twelve months, in consequence, mainly, of the encouragement administered by the speeches of the President, and their idea that he would be able to resist the policy of Congress, and that in April, 1866, the rumor was prevalent at Wilmington, and circulated on the authority of a very intelligent lawyer who had just returned from Washington, that 'the President was going to bring 70,000 or 75,000 men to Washington, and was going to displace Congress and do as he pleased.'" Mr. Starbuck, the district attorney of the same State, testifies also to an "unfavorable change of sentiment, an increasing spirit of disaffection, and an outspoken feeling of disloyalty, occasioned as well by the position of the President during the first session of the thirty-ninth Congress, as by the too liberal exercise of the *pardoning* power; that it began with the division between the President and Congress; that the disloyal element took sides with the President, and that they were encouraged to believe that it would create a division in the North, and that in case of difficulty they would have friends there." The like testimony in regard to the revival of disloyal sentiment throughout the whole South is to be found in the evidence taken before, and annexed to the report of the joint Reconstruction Committee of the thirty-ninth Congress. How much private suffering and bloodshed it has involved to the loyal people of the South no man will ever know. The tragedies of Memphis and New Orleans, those great carnivals of murder, where ex-confederate soldiers in their traitor uniforms, and wearing the insignia of the rebellion, were let loose like wolves to riot in the blood of loyal men, only standing out more obtrusively than others in the foreground of the dark picture that overspreads the canvas, may, we think, be

fairly set down to the account of the President, who, in the latter of these cases, which he substantially justifies, while he throws the whole responsibility on Congress, ignoring the civil authorities of the State, commissioned known traitors to break up a legitimate assemblage of loyal men, and directed the military to sustain them in the act. All were but the consequences of the "instructions" issuing from the President. If they were not rehearsed in the streets of Baltimore, it is only to the well-timed expostulations of the leader of our armies that we are indebted for the fact. If the rebel States are not yet reconstructed, it is because he has unfitted their people for readmission into the old family circle of the Union; because he has taught them to disregard the authority of Congress; because he has encouraged them to believe that his will would prevail in this contest over that of the people's representatives; and because he has interfered with every forward step which they have taken in the pathway of peaceful and permanent restoration.

That, instead of acquiescing, as he was bound to do, he has endeavored to obstruct the plans of Congress by using his influence to prevent the adoption by the loyal, and the acceptance on the part of the rebel States, of the very liberal terms which it was pleased to offer, is a fact that might well rest on the evidence of two witnesses examined by the committee; one, Mr. Weatherby, of the pretended South Carolina legislature, and the other, Mr. Scovill, a senator from New Jersey, who severally called upon and conversed with him on that subject. To the former, who was sent up for this purpose in December, 1866, he remarked that "the Supreme Court had made a decision, perhaps the day before, which indicated the course they would take, and that he entertained a hope that he would be able to save the country by carrying out his policy on his plan." To the observation, however, that "the people of South Carolina were in such trouble that they were disposed to weaken on the subject of the constitutional amendment, if it would restore the country," he answered that "they had no assurance that it would restore the country; that it would give up everything; and he would regard it as the destruction of the Constitution and the country;" and Mr. Weatherby went home with his opposition strengthened. By the latter, who held, as he says, a casting vote in the senate of New Jersey, it was proved that he had an understanding with the President through his private secretary, (Mr. Cooper,) to whom he was referred by him, that he might control the offices in West Jersey, if not in the whole State, if he would sustain the policy of the administration, including the defeat of the constitutional amendment. But it is not necessary to rely on mere oral evidence. The fact is abundantly proved by the gratuitous message of June 22, 1866, (Ex. Doc. No. 57,) conveying the report of the Secretary of State on the resolution requesting the submission by him of the constitutional amendment recommended by Congress to the legislatures of the several States. The duty was a purely ministerial one, which required no more than a return of the fact that it had been performed. It pleased the President, however, to improve the occasion for the purpose of testifying his hostility to the amendment, with which he had nothing properly to do, and upon which his opinion had not been asked, by a public protest, in which, after referring to the peculiar importance of the proceeding, in view of the facts that the amendment was not submitted for his approval, and that, of the thirty-six States, eleven were excluded from representation, although, as he states, with the single exception of Texas, they had been entirely restored as States in conformity with the organic law, and of the doubt whether the action of Congress was in harmony with the sentiments of the people, and whether State legislatures, elected without reference to such an issue, should be called upon to decide upon the ratification, he concludes as follows:

"Waiving the question as to the constitutional validity of the proceedings of Congress upon the joint resolution proposing the amendment, or as to the merits of the article which it submits through the executive department to the legislatures of the States, I deem it pro-

per to observe that the steps taken by the Secretary of State, as detailed in the accompanying report, could be construed as purely ministerial, and in no sense whatever committing the Executive to an approval or recommendation of the amendment to the State legislatures, or to the people. On the contrary, a proper appreciation of the letter and spirit of the Constitution, as well as of the interests of sectional order, harmony and union, and a due deference for an enlightened public judgment, may at this time well suggest a doubt whether any amendment ought to be proposed by Congress, and pressed upon the legislatures of the several States for final decision, until after the admission of such loyal senators and representatives of the now unrepresented States as have been or as may hereafter be chosen in conformity with the Constitution and laws of the United States."

It is not to be denied, therefore, that so far as his influence as a public officer could go, and by means anything but proper and legitimate, he has endeavored not only to force his own policy upon the nation, but to prevent its concurrence in the plan suggested by the wisdom of its representatives for bringing about the restoration of the dismembered States, and securing the future peace and happiness of the republic. And that he still persists in maintaining this unprecedented and disastrous struggle against the popular will, and will make good his menaces by persevering in it, as he may do, as obstinately and bitterly to the end of his administration, although the nation may be racked and shattered to its foundations by the unnatural strife, seems to be too clear even to furnish a hope for those who would rather "bear the ills we have," and the greater that may ensue, than meet like men and statesmen the high and imperious requirements of public duty, by clearing the pathway to peace and rest.

Upon the foregoing state of facts, then, standing as they do almost entirely upon the public records, and not, of course, susceptible of successful contradiction, it becomes a question for the House to decide whether there are legal grounds for impeachment, and if so, whether the occasion is such as to make it their duty to exert their constitutional power for the public safety, and in the vindication of the violated law, by summoning the delinquent to answer before the highest tribunal of the country.

And here they would have been content to leave the case to the common sense of the House and country, as one whose very statement was sufficient in itself to compel from both the answer which they desired, if a doubt had not been suggested on this point so novel to themselves, that nothing but the respect which they owe to and feel for those who differ from them, would have induced them to trespass further upon the indulgence of the House by endeavoring to dispel.

In order, however, that the House may better understand the precise question at issue, they will here condense into a series of general propositions the several leading facts best entitled, as they think, to the consideration of the House, in the mass of evidence which they have taken.

These facts are—

1st. That the President of the United States, assuming it to be his duty to execute the constitutional guarantee, has undertaken to provide new governments for the rebellious States without the consent or co-operation of the legislative power, and upon such terms as were agreeable to his own pleasure, and then to force them into the Union against the will of Congress and the people of the loyal States, by the authority and patronage of his high office.

2d. That to effect this object, he has created offices unknown to the law, and appointed to them, without the advice or consent of the Senate, men who were notoriously disqualified to take the test oath, at salaries fixed by his own mere will, and paid those salaries, along with the expenses of his work, out of the funds of the War Department, in clear violation of law.

3d. That to pay the expenses of the said organizations, he has also authorized his pretended officers to appropriate the property of the government, and to levy taxes from the conquered people.

4th. That he has surrendered, without equivalent, to the rebel stockholders of southern railroads captured by our arms, not only the roads themselves, but the

rolling-stock and machinery captured along with them, and even roads constructed or renovated at an enormous outlay by the government of the United States itself.

5th. That he has undertaken, without authority of law, to sell and transfer to the same parties, at a private valuation, and on a long credit, without any security whatever, an enormous amount of rolling-stock and machinery, purchased by and belonging to the United States, and after repeated defaults on the part of the purchasers, has postponed the debt due to the government in order to enable them to pay the claims of other creditors, along with arrears of interest on a large amount of bonds of the companies, guaranteed by the State of Tennessee, of which he was himself a large holder at the time.

6th. That he has not only restored to rebel owners large amounts of cotton and other abandoned property that had been seized by the agents of the treasury, but has presumed to pay back the proceeds of actual sales made thereof, at his own will and pleasure, in utter contempt of the law directing the same to be paid into the treasury, and the parties aggrieved to seek their remedy in the courts, and in manifest violation of the true spirit and meaning of that clause of the Constitution of the United States which declares that no "money shall be drawn from the treasury but in consequence of appropriations made by law."

7th. That he has abused the pardoning power conferred on him by the Constitution, to the great detriment of the public, in releasing, pending the condition of war, the most active and formidable of the leaders of the rebellion, with a view to the restoration of their property and means of influence, and to secure their services in the furtherance of his policy; and, further, in substantially delegating that power for the same objects to his provisional governors.

8th. That he has further abused this power in the wholesale pardon, in a single instance, of 193 deserters, with restoration of their justly forfeited claims upon the government for arrears of pay, without proper inquiry or sufficient evidence.

9th. That he has not only refused to enforce the laws passed by Congress for the suppression of the rebellion, and the punishment of those who gave it comfort and support, by directing proceedings against the delinquents and their property, but has absolutely obstructed the course of public justice, by either prohibiting the initiation of legal proceedings for that purpose, or, where already commenced, by staying the same indefinitely, or ordering absolutely the discontinuance thereof.

10th. That he has further obstructed the course of public justice, by not only releasing from imprisonment an important state prisoner, in the person of Clement C. Clay, charged, among other things, as asserted by himself in answer to a resolution of the Senate, (Ex. Doc., 39th Congress, No. 7,) "with treason, with complicity in the murder of Mr. Lincoln, and with organizing bands of pirates, robbers, and murderers in Canada, to burn the cities and ravage the commercial coasts of the United States on the British frontier," but has even forbidden his arrest on proceedings instituted against him for treason and conspiracy, in the State of Alabama, and ordered his property, when seized for confiscation by the district attorney of the United States, to be restored.

11th. That he has abused the appointing power lodged with him by the Constitution:

1. In the removal, on system, and to the great prejudice of the public service, of large numbers of meritorious public officers, for no other reason than because they refused to indorse his claim of the right to reorganize and restore the rebel States, on conditions of his own; and because they favored the jurisdiction and authority of Congress in the premises.

2. In reappointing, in repeated instances, after the adjournment of the Senate, persons who had been nominated by him and rejected by that body as unfit for the place for which they had been so recommended.

12th. That he has exercised a dispensing power over the laws, by commissioning revenue officers and others unknown to the law, who were notoriously disqualified by their participation in the rebellion from taking the oath of office required by the act of Congress of July 2, 1862, allowing them to enter upon and exercise the duties appertaining to their respective offices, and paying to them salaries for their services therein.

13th. That he has exercised the veto power conferred on him by the Constitution, in its systematic application to all the important measures of Congress looking to the reorganization and restoration of the rebel States, in accordance with a public declaration that "he would veto all its measures whenever they came to him," and without other reasons than a determination to prevent the exercise of the undoubted power and jurisdiction of Congress over a question that was cognizable exclusively by them.

14th. That he has brought the patronage of his office into conflict with the freedom of elections, by allowing and encouraging his official retainers to travel over the country, attending political conventions and addressing the people, instead of attending to the duties which they were paid to perform, while they were receiving high salaries in consideration thereof.

15th. That he has exerted all the influence of his position to prevent the people of the rebellious States from accepting the terms offered to them by Congress, and neutralized, to a large extent, the effects of the national victory, by impressing them with the opinion that the Congress of the United States was blood-thirsty and implacable, and that their only hope was in adhering to him.

16th. That, in addition to the oppression and bloodshed that have everywhere resulted from his undue tenderness, and transparent partiality for traitors, he has encouraged the murder of loyal citizens in New Orleans, by a confederate mob pretending to act as a police, by holding correspondence with its leaders, denouncing the exercise of the constitutional right of a political convention to assemble peacefully in that city, as an act of treason proper to be suppressed by violence, and commanding the military to assist, instead of preventing the execution of the avowed purpose of dispersing them.

17th. That he has been guilty of acts calculated, if not intended, to subvert the government of the United States, by denying that the thirty-ninth Congress was a constitutional body, and fostering a spirit of disaffection and disobedience to the law and rebellion against its authority, by endeavoring, in public speeches, to bring it into odium and contempt.

And now, whether these grave facts, or any of them, involving undoubted usurpation of power, and repeated violations of law, and admitted to be worthy of the severest censure, are sufficient in themselves to authorize an impeachment within the meaning of the Constitution, is the question to be considered.

If they are not, then the exercise of powers as absolute as those of any monarch in Christendom is utterly remediless, and there are few cases in history where such a proceeding could have been rightfully instanced under our law, as there is none, in the opinion of the committee, that has been characterized by so many enormities.

To understand this question thoroughly, however, it is necessary to look into the history and uses of the proceeding, which has been derived by us from the constitution of the country whose laws and institutions have been so largely copied in the construction of our own government.

The practice of impeachment was borrowed originally from the Germans, who in their great councils sometimes tried capital accusations relating to the public, (4 Bl. Com. 260; Tacitus de Mor. Germ., 127,) and has been so reputed for its wisdom that it is to the want of this that the ruin of the republic of Florence is ascribed by its great historian. (Story's Com., sec. 744.)

The earliest instance of an impeachment by the Commons of England at the bar of the Lords, was in the year 1376, in the reign of Edward III. (Cushing's

Law Practice of Parliament, sec. 253.) Before this time, it had been the practice of the Lords to try either peers or commoners, without any previous complaint, for great public offences. (May on Parliament, 49, 50.)

"The object of these prosecutions in America, as well as in England, is to reach high and potent offenders, such as might be presumed to escape punishment in the ordinary tribunals, either from their own extraordinary influence, or from the imperfect organization and power of these tribunals." (Story's Com., sec. 688) And it is said by Woodeson, in his lectures, (vol. 2, p. 601,) "such kinds of misdeeds as peculiarly injure the commonwealth by the abuse of high offices of trust, are the most proper, and have been the most usual grounds for this kind of prosecution. Thus, if a lord chancellor be guilty of bribery, or of acting grossly contrary to the duties of his office; if the judges mislead their sovereign by unconstitutional opinions; if any other magistrate attempt to subvert the fundamental law, or introduce arbitrary power; these have been cases adapted to parliamentary inquiry and decision. So, where a lord chancellor has been thought to have put the seal to an ignominious treaty, a lord admiral to neglect the safeguard of the sea, an ambassador to betray his trust, a privy counsellor to propound or support dishonorable measures, or a confidential adviser of the government to obtain exorbitant grants, or incompatible employments; because it is apparent how little the ordinary tribunals are calculated to take cognizance of such offences, or to investigate or reform the general polity of the state." And to the same effect it is remarked again by the same author, (p. 591,) "it is certain that magistrates and officers intrusted with the administration of public affairs may abuse their delegated powers to the extensive detriment of the community, and at the same time in a manner not cognizable before the ordinary tribunals. The influence of such delinquents, and the nature of such offences may not unsuitably engage the authority of the highest court, and the wisdom of the largest assembly;" and again, (p. 611,) "impeachments are not framed to alter the law, but to carry it into more effectual execution, where it might be obstructed by the influence of too powerful delinquents, or not easily discovered in the ordinary course of jurisdiction by reason of the peculiar quality of the alleged crimes."

The same view is also taken by May in his Treatise on Parliaments, (page 473,) where he says: "Impeachment by the Commons for high crimes and misdemeanors beyond the reach of the laws, or which no other authority in the state will prosecute, is a safeguard of liberty well worthy of a free country, and of so noble an institution as a free Parliament. The times in which its exercise was needed were those in which the people were jealous of the Crown; when the Parliament had less control over the prerogative; when courts of justice were impure; when, instead of vindicating the law, the Crown and its officers resisted its execution and screened political offenders from justice." And he accounts for its unfrequency in modern times by the fact that "the limitations of prerogatives, and the immediate responsibility of the ministers of the Crown to Parliament, have prevented the consummation of those crimes which impeachments were designed to punish;" and remarks that "for these reasons impeachments are now reserved for extraordinary cases and extraordinary offences." And again, (page 474:) "The purpose of impeachment in modern times is the prosecution and punishment of high crimes and misdemeanors chiefly of an official or political character, which are either beyond the reach of the law, or which no other authority in the state but the supreme legislative power is competent to prosecute."

It is stated, moreover, in the papers of the Federalist, (No. 65,) referring, of course, to the provision of the Constitution on that point, that "the subjects of the jurisdiction of a court of impeachment are those offences which proceed from the misconduct of public men, or, in other words, from the abuse or violation of some public trust. They are of a nature which may, with peculiar propriety,

be denominated *political*, as they relate chiefly to injuries done immediately to the society itself."

And in accordance with this is the language of Mr. Rawle, in his Treatise on the Constitution, page 19. "Its foundation," he remarks, "is that a subject intrusted with the administration of public affairs may sometimes infringe the rights of the people, and be guilty of such crimes as the ordinary magistrates either dare not or cannot punish." "The delegation of important trusts affecting the higher interests of society," he adds, "is always, from various causes, liable to abuse. The fondness frequently felt for the individual extension of power; the influence of party and prejudice; the seductions of foreign states, or the baser appetite for illegitimate emolument, are sometimes productive of what are, not inaptly, termed *political* offences, which it would be difficult to take cognizance of in the ordinary course of judicial proceedings." Besides, "the involutions and varieties of vice are too many and too artful to be anticipated by positive law, and sometimes too subtle and mysterious to be fully detected in the limited period of ordinary investigation."

And again, (page 204:) "The legitimate causes of impeachment can only have reference to public character and official duty. In general, those offences, which may be committed equally by a private person as a public officer, are not the subjects of impeachment. Murder, burglary, robbery, and, indeed, all offences not immediately connected with office, except the two expressly mentioned, are left to the ordinary course of judicial proceeding, and neither house can regularly inquire into them except for the purpose of expelling the member."

In the view, then, of these concurring authorities, historical as well as legal, which seem to settle the scope of the impeaching power in such a way as, in England at all events, would clearly bring each and all of the charges enumerated in the foregoing propositions within its legitimate range, is there anything in the terms of our Constitution, enacted in full view of them, to change the law in such a way that the boldest of usurpations, the grossest violations of duty, and the highest contempt of law, on the part of the Chief Magistrate of the nation, may run riot over the land, and shake the very pillars of the state, by convulsing the whole country to its foundations, without a remedy?

The objectors insist that there is. To understand them fully, however, it is necessary to refer to the terms of the instrument itself.

The fourth section of its second article provides that "the President, Vice-President, and all civil officers of the United States shall be removed from office on impeachment for, and conviction of high crimes and misdemeanors." It, therefore, names but two offences specifically, and they are not charged here. Do the facts involved fall, then, within the general description of "other high crimes and misdemeanors," or are they excluded by the enumeration?

It is insisted, for the first time, we think, that they do not come within the meaning of the language used, because, although all confessedly in the popular sense the highest and gravest of misdemeanors, and many of them in the technical or common law signification of the terms, indictable as such in England, and, perhaps, in most of the older States, they are neither crimes nor misdemeanors here, because it has been held, with much diversity of opinion on the bench, and more at the bar, that there is no jurisdiction in the courts of the United States to punish criminally except where an act has been made indictable by *statute*, which, as the committee are constrained to think, is not a necessary logical result, even if the doctrine were incontrovertible, and to be considered as no longer open to discussion in the courts. It would not follow, as they suppose, that what was undoubtedly a crime or misdemeanor at the common law, in the view of the framers of the Constitution who sat under it, and used its language, and recurred so often to its principles, had become any the less a crime before the highest court for purposes of impeachment, because another tribunal, having no jurisdiction at all over the subject, may have decided that it is no longer cog-

nizable before them, even if it were essential, as there is no authority to show, that it should be a true crime within the meaning of the common law. There is a law of Parliament, which is a part of the common law, and by which only this question must be determined.

The objection has the merit at least of being a novel as well as a subtle one; well enough, perhaps, for the range of a criminal court, but too subtle by far for those canons of interpretation that are supposed to rule in the construction of the fundamental law of a great state. If it be a sound one, then there is no remedy in the Constitution but for the specific offences of treason and bribery, as there was no such thing as what it describes "as high crimes or misdemeanors" then known to the laws of the United States, and the government must perish whenever it is attacked from a quarter that could not have been foreseen. But could the statesmen who framed the Constitution have perpetrated so grave a blunder as this? Did they intend, instead of anchoring that power to the rock by a precision that should fix it there, and leave nothing open to construction, to leave it all afloat for future congresses to say what offences should be from time to time impeachable? Did they, when dealing with a question so mighty as the safety of the state, use words without a meaning, except what might be thereafter given to them by an ephemeral legislature, or invented by an uncertain and not always consistent court? or did they stand in the august presence, and under the not uncertain light of the common law of England, which they had claimed as their birthright, speaking the language, with a thorough understanding of its import, of the sages and statesmen who had illustrated its principles? Are their oracles to be read, as they would have been in England, or would be now in any of its colonies past or present, or are their solemn utterances to be measured by a language that they did not know? They committed no such error, and the suggestion that they did is one that does not seem to antedate the case to which it is at present applied.

To ascertain the meaning of the terms in question, there are but three possible sources to which the explorer can recur, and they are the Constitution itself, the statutes, and the parliamentiary practice, or the common law of which it is a part. The Constitution, however, goes no further, as already shown, than to declare the two political offences of treason and bribery to be "high crimes and misdemeanors," and as such impeachable, while no statute has ever attempted it. Nor does it by any means follow that where an offence has been made so punishable as a crime, the right to impeach is a corollary. It is not every offence that by the Constitution is made impeachable. It must be not a crime or misdemeanor only, but a "high" one, within the meaning of the law of Parliament. There are, moreover, as suggested by Judge Story in his Commentaries, many offences of great enormity, which are made punishable by statute only when committed in a particular place. What is to be said of them? Are they impeachable if committed under one jurisdiction, and not so if perpetrated under another? There are, too, many others of a purely political character, which have been held again and again to be impeachable, that are not even named in our statute books, and many more may be imagined in the long future for which it would be impossible for human sagacity or perspicuity to provide. There is no alternative then left, unless the remedy is to fail altogether, except to resort to the parliamentary practice and the common law, or leave the whole subject in the discretion of the Senate, which would be inadmissible, of course, in a government of law.

The argument asserts that the offence must be an indictable one by *statute*, to authorize an impeachment. It is not even admitted, however, that this high and radical and only effective remedy for official delinquencies—and in this country, at least, it is no more than that—is to be confined to those offences which are known by these terms, within the technical meaning that has been assigned to them. In such a case as this no narrow interpretation can be allowed to defeat

the object of the law. A constitution of government is always to be construed in a broad, catholic sense, in order to suppress the possible mischief and advance the remedy. Those who maintain this doctrine strangely forget that there is a *parliamentary* sense, which conforms to the *popular* one, and is as much a *common law* sense as the one on which they rely. The object of the law is not to *punish* crime. That duty is assigned to other tribunals. The purpose here is only to remove the officer whose public conduct has been such as to disqualify him for the proper discharge of his functions, or to show that the safety of the state—which is always the supreme law—requires that he should be deposed. It refers not so much to moral conduct as to official relations—not, indeed, to moral conduct at all, except so far as it may bear on the performance of official duty. The judgment is not fine or imprisonment, as it may be in England, but only removal from office and disqualification for the future. One of the very objects of this extraordinary tribunal, as has been shown already, and will be further enforced hereafter, is to reach those very cases of official delinquency, against which no human foresight could provide, and which the ordinary tribunals are inadequate to punish. No ingenuity of invention, no fertility of resource can hedge round a high public officer by boundaries which the greater ingenuity of fraud or wickedness, may not be able to pass by sap, or scale. If a President, it may be that he may prove impracticable. He may ignore the law, and even wage war on the power that is intrusted with the making of it. He may nullify its acts by misconstruing or disregarding them, or denying their authority. He may be guilty of offences which are in their very nature calculated to subvert the government—all which things Andrew Johnson is shown clearly to have done. And yet these things, although high misdemeanors against the state, and fraught with peril to its life, may not be indictable as crimes. But will anybody say that the Constitution affords no remedy—that the arch offender must be borne with, and the state must die—merely because Congress has failed to provide, not the same, but a different punishment for the same offence? The cases in England show that this is not law there, as it is not reason, which is said to be the life of the law. The cases here, though all of offences that were not statutory crimes or misdemeanors, have been so few as to leave this question open, to be decided hereafter upon those great reasons of state that lie at the foundation of the law of Parliament, which is the rule that must govern ultimately here.

And in entire harmony with what has been just said is the following passage from Story's Commentaries:

"The offices to which the power of impeachment has been, and is ordinarily applied as a remedy, are of a *political* character. Not but that crimes of a strictly legal character fall within the scope of the power, but that it has a more enlarged operation, and reaches what are aptly termed political offences, growing out of personal misconduct, or gross neglect, or usurpation, or habitual disregard of the public interests in the discharge of the duties of political office. These are so various in their character, and so indefinable in their actual involutions, that it is almost impossible to provide for them by positive law. They must be examined on very broad and comprehensive principles of policy and duty."—(Vol. 2, §764.)

And to the same effect is the following passage from Curtis: "Although an impeachment may involve an inquiry whether a crime against any positive law has been committed, yet *it is not necessarily a trial for crime.* The purposes of impeachment lie wholly beyond the penalties of the statute or customary law. The object of the proceeding is to ascertain whether cause exists for removing a public officer from office. Such a cause may be found in the fact that either in the discharge of his office, or aside from its functions, he has violated a law, or committed what is technically denominated a crime. But a cause for removal from

office may exist where no offence against positive law has been committed, as where the individual has, from immorality or imbecility, or maladministration, become unfit to exercise the office. The rules by which an impeachment is to be determined are therefore peculiar, and are not fully embraced by those principles or provisions of law which courts of ordinary jurisdiction are required to administer." (*Curtis on the Constitution*, 360.) And in accordance with this is the answer of Mr. Madison to the objection of a possible abuse of the appointing power. "The danger," he says, "consists merely in this, that the President can displace from office a man whose merits require that he should be continued in it. What will be the motives which the President can feel for such abuse of his power, and the restraints that operate to prevent it? In the first place, he will be impeached by the House before the Senate for such an act of maladministration; for I contend that the wanton removal of meritorious officers would subject him to impeachment and removal from his own high trust."

But this is not all. The undersigned have already suggested that the objection was a novel one. They now refer to the following quotation from Judge Story, to show that in this opinion they are by no means singular. In section 798 of his Commentaries, this eminent jurist says: "However much it may fall within the political theories of some statesmen and jurists to deny the existence of a common law, belonging and applicable to the nation in ordinary cases, no one has as yet been bold enough to assert that the power of impeachment is limited to offences positively defined in the statute book of the Union as impeachable high crimes and misdemeanors."

Fortunately, however, for the occasion, the whole question has been long foreclosed by practice and authority. "The Congress of the United States," (referring to Judge Story again) "has itself unhesitatingly adopted the conclusion that no previous statute is necessary to authorize an impeachment for any official misconduct, and the rules of proceeding, and the rules of evidence, as well as the principles of decision, have been uniformly regulated by the known doctrines of the common law, and parliamentary usage." And he further remarks, in this connection, that "in the few cases of impeachment which had theretofore been tried, no one of the charges had rested on any statutable misdemeanor." When he wrote the cases had been only three. In the first, which was that of Blount, in 1798, where the charge was of a conspiracy to invade the territories of a friendly power, although there was no decision on the merits, the impeachable character of the offence was affirmed by an almost unanimous vote of the Senate, expelling the delinquent from that body, as having been guilty of a high misdemeanor, in the very language of the Constitution. The second, (Pickering's,) in which a conviction took place, was against a judge of a district court, and purely for official misconduct. The third (Chase's) was against a judge of the Supreme Court of the United States, and was also a charge of official misconduct, but terminated in an acquittal. It is a noteworthy fact, however, that in the last-named case, (the only one in which the point was raised,) it was conceded by the answer, that a civil officer was impeachable for "*corruption*, or some high crime or misdemeanor, consisting in *some act done or omitted in violation of a law commanding or forbidding it.*" Two other cases have occurred since that time. The first, that of Judge Peck, in December, 1830, was for punishing a refractory barrister for contempt, as for "an arbitrary, unjust, and oppressive arrest and sentence, with intent to injure and oppress under cover of law." The case was clearly not of an indictable offence under any statute of the United States, but, though defended by the very ablest counsel, (Messrs. Wirt and Meredith,) it did not seem to have occurred to them, that the offence charged was not impeachable within the meaning of the Constitution. The other, that of Judge Humphreys, at the commencement of the rebellion, was upon charges of disloyal acts and utterances, some of which clearly did not set

forth offences indictable by statute of the United States, and yet upon all those charges, with one exception only, he was convicted and removed.

It is only necessary to add that the conclusion of Judge Story upon the whole case is, that "it seems to be the settled doctrine of the high court of impeachment, that, though the common law cannot be the foundation of a jurisdiction not given by the Constitution or laws, that jurisdiction, when given, attaches, and is to be exercised according to the rules of the common law, and that what are, and what are not 'high crimes and misdemeanors' is to be ascertained by a recurrence to that great basis of American jurisprudence." And he adds to this, that "the power of the House to punish contempts, which are breaches of privilege not defined by positive law, has been upheld on the same ground; for if the House had no jurisdiction to punish until the acts had been previously ascertained and defined by positive law, it is clear that the process of arrest would be illegal."

And this, it is hoped, will dispose forever of the novel objection that is now interposed in the path of the nation's justice, in the defence of its greatest offender, and in a case that has no parallel in enormity in the parliamentary history of England. It is scarcely necessary to repeat that the charges, resting mainly upon record evidence, are not only of usurpation and abuse of admitted power, but of a contempt of law and of the legislative power that transcends anything in the annals of either the Tudors or the Stuarts.

It may be answered, however, as it has been, that all this was with the best intent, and that positive corruption must be shown to make the act impeachable. The President alleges a necessity in one case, of dispensing with the laws in consequence of the absence of Congress. The Attorney General insists that it was not the true policy of the country to enforce the laws against the rebels, and he accordingly refuses to do it. The Secretary of the Treasury holds the same opinion also as to the subject of captured and abandoned property, and he returns the proceeds, as the President returns the property itself.

An old but homely proverb says that the place most dreaded by the wicked is paved with good intentions. If such intentions, or even a supposed necessity could excuse the violation of the law, no transgressor would ever be punished, and no tyrant fail to show that what he had done was with the best designs, and for the purpose of saving the Constitution of the state. If Andrew Johnson can plead that he gave away, or sold the public property to rebels to promote their commerce, or that he dispensed with the test oath only to conciliate the disaffected, or collect the revenue, because of the absence of that Congress which he had refused to convene, the self-willed James II might even with a better grace have asserted that he had dispensed with the religious test in the interests of universal toleration. By way, however, of disposing of this apology, it may not be amiss to cite a few authorities:

"The rule is, that if a man intends to do what he is conscious the law—which every one is conclusively presumed to know—forbids, there need not be any other evil intention. (Bish. Crim. Law, §428, 11 S. and R. 325.) It is of no avail to him that he means at the same time an ultimate good."—*Ibid.*

"When the law imposes a prohibition it is not left to the discretion of the citizen to comply or not. He is bound to do everything in his power to avoid an infringement of it. The necessity which will excuse him for a breach must be instant and imminent. It must be such as to leave him without hope by ordinary means to comply with the requisitions of the law."—*Fir. Story I*, 1 *Gall.* 150 *S. P.*, 3 *Wheat.*, 39., 1 *Bish., sec.* 449.

"Whenever the law, statutory or common, casts on one a duty of a public nature, any neglect of the duty or act done in violation of it is indictable."—1 *Bish., sec.* 537–389.

"The same doctrine requires all those who have accepted, to discharge faithfully all public trusts. Any act or omission in disobedience of this duty, in a matter of public concern, is, as a general principle, punishable as a crime."—*Ibid, sec.* 913.

The only remaining question is whether, in view of all these facts, it will be the duty of this house to call the President to answer before the Senate, or

whether any considerations of mere public or party expediency, on either side of the House, ought to be allowed to prevail on them to let the accused go free.

And here there is but a single question that can legitimately enter into the discussion, and that is, whether, in view of the time which he has yet to serve, any apprehended jar or possible disturbance to the country, would probably outweigh the favorable results that might be expected from such an inquiry.

The undersigned are loth to enter into any mere mercantile statement of profit and loss in a case where the life of a great nation is in the balance. The people did not stop, like cold-blooded economists, to count the cost when the flag of the nation was fired upon at Sumter. They took counsel only of their instincts when they saw their country's ensign floating in the thick smoke of treason, and they rushed incontinently to its defence. The shock of that conflict has rocked the government to its foundations, but it has only seated those foundations deeper and more solidly than ever, while it has developed its amazing powers, and falsified the auguries of its world-wide enemies. If it could survive the catastrophe that smote down its great Chief Magistrate, and lifted Andrew Johnson into his place, it will not even feel the jar, when the mighty machine, freighted with the destinies of so many generations, shall rush over the prostrate form of the discarded servitor who had so nearly wrecked it. But even the temporary shock, if any, that such an event might occasion, were nothing to the chronic disturbance, the universal derangement produced by a standing obstruction of so long continuance, which has kept the South in anarchy for the last two years, and threatens, under the determined hostility to the congressional plans of reconstruction, to perpetuate the existing disaffection and insecurity of life and property for the remainder of his constitutional term. Mr. Johnson is, by virtue of his office, the executive minister of the law. To expect or hope, after his own utterances, and the long experience of the nation, that he will administer and execute in good faith the will of a body which he denies to be a Congress so long as the disloyal States are excluded, and denounces as a usurper, is to be sanguine beyond the usual measure of credulity that is allowed to man. The first step in the direction of effective restoration would seem to be, not the empirical and questionable process of abridging the constitutional powers of the executive magistrate, but the committal of this great work to the hands of those who will recognize the jurisdiction of Congress, and bow respectfully to its authority.

But there is another consideration of an equally important character. There are some things which the people cannot afford to overlook. Where a great principle is violated, or a great wrong is done by a high public officer, which threatens the existence of the state, or endangers it in the example, the people interested cannot safely stop to inquire whether the vindication of the law will alarm the timid or disturb the mercenary, or even as to the actual mischief which the special violation may have produced. A great poet has remarked that "our fears are traitors." Free government was not designed for coward races. It was not the weight of the exaction that drove the patriot Hampden to his single-handed struggle with the whole power of the British crown. The penny of taxation on the pound of tea was nothing to the men who sounded the tocsin of the revolution in the streets of Boston. It was against the principle that made them slaves that they revolted. They knew their rights. They had studied the British constitution in its principles and elements. They had sounded all its depths and shoals, and they knew precisely where their liberties were vulnerable. It is the testimony of Mr. Burke that there were no men living, who better understood the value of a principle, and it was because they belonged to a race which, according to the same great statesman, had the happy faculty of scenting danger on the breeze, and was indebted mainly for its freedom to the great fact of its extreme sensibility to attacks upon its cardinal maxims of liberty. That race, with all its admixtures, still governs this land. It may

possibly become familiarized to invasions of its cherished rights. It may come eventually, under false and unworthy teachers, to look upon the overthrow of its great landmarks of liberty as of so little importance as to be unworthy of notice. But when that time comes—when its blood shall be so diluted, and its susceptibilities so deadened, that the icy torpor of indifference shall steal over it, and the apologists of tyranny be allowed to impugn the motives of its assailants, and to say that it is better to bear with it, either because they want peace, or because the contemner of the laws is supposed to be powerless, or because his removal may result in a change of rulers—its history will be written. The first cunning usurper will seize upon its liberties, and a subservient Congress will ratify the act.

In view, then, of all that has been said, and upon the fullest consideration of the facts disclosed, your committee do solemnly pronounce and declare it as their deliberate judgment that Andrew Johnson, as President of the United States, is guilty of high crimes and misdemeanors within the meaning of the Constitution, in the exercise of his great office, of so grave a nature as to demand his immediate arraignment and trial therefor; and they do accordingly, in behalf of the loyal people of the United States, whose rights and interests he has betrayed, and whose government he has endeavored to subvert; in vindication of the law that he has violated, and the justice that he has contemned; and in the name of the thousands who have died in order that the republic might live, recommend and respectfully insist that he be impeached, and held to answer therefor before the Senate of the United States.

In accordance with the testimony herewith submitted, and the view of the law herein presented, the committee are of opinion that Andrew Johnson, President of the United States, is guilty of high crimes and misdemeanors, requiring the interposition of the constitutional powers of this house—

In that, upon the final surrender of the rebel armies, and the overthrow of the rebel government, the said Andrew Johnson, President of the United States, neglected to convene the Congress of the United States, that by its aid and authority legal and constitutional measures might have been adopted for the organization of loyal and constitutional governments in the States then recently in rebellion:

In that, in his proclamation to the people of North Carolina, of the 29th day of May, 1865, he assumed that he had authority to decide whether the government of North Carolina, and whether any other government that might be set up therein, was republican in form; and that, in his office of President, it was his duty and within his power to guarantee to said people a republican form of government, contrary to the Constitution, which provides that the United States shall guarantee to every State in this Union a republican form of government, and contrary, also, to a deliberate opinion of the Supreme Court, which declared that Congress is vested exclusively with the power to decide whether the government of a State is republican or not:

In that he did thereafter recognize and treat a plan of government, set up in North Carolina under and in conformity to his own advice and direction, as republican in form, and entirely restored to its functions as a State, notwithstanding Congress is the branch of the government in which, by the Constitution, such power is exclusively vested; and notwithstanding Congress did refuse to recognize such government as a legitimate government, or as a government republican in form:

In that, by public proclamation and otherwise, he did, in the year 1865, invite, solicit, and convene, in certain other States then recently in rebellion, conventions of persons, many of whom were known traitors who had been engaged in an attempt to overthrow the government of the United States, and urged and directed such conventions to frame constitutions for such States:

In that he thereupon assumed to accept, ratify, and confirm certain so-called constitutions framed by such illegal and treasonable assemblies of persons, which constitutions were never submitted to the people of the respective States, nor ratified and confirmed by the United States; thus usurping and exercising powers vested by the Constitution in the Congress of the United States exclusively:

In that he pardoned large numbers of public and notorious traitors, with the design of receiving their aid in such conventions, called by his advice and dictation, for the purpose of organizing and setting up such illegal governments in the States then recently in rebellion, prior to the annual meeting of Congress, with the intent thus to constrain Congress to accept, ratify, and confirm such illegal and unconstitutional proceedings:

In that he did within and for the States recently in rebellion create and establish, as a civil office, the office of provisional governor, so-called—an office unknown to the Constitution or laws of the land:

In that he appointed to such office, so created in said States respectively, men who were public and notorious traitors, he well knowing that they had been engaged in open, persistent, and formidable efforts for the overthrow of the government of the United States, and well knowing, also, that these men could not enter upon the duties of said office without committing the crime of perjury, or in manifest violation of the laws of the country:

In that he directed the Secretary of State to promise payment of money to said persons, so illegally appointed, as salary or compensation for services to be performed in said office, so illegally created contrary to the provisions of a law of the United States approved February 9, 1863, entitled "An act making appropriations for the support of the army for the year ending the thirtieth day of June, eighteen hundred and sixty-four, and for a deficiency for the signal service for the year ending June thirty, eighteen hundred and sixty-three":

In that he directed the Secretary of War to pay moneys to said persons for services performed in said office, so illegally created, which moneys were so paid under his direction, without authority of law, contrary to law, and in violation of the Constitution of the United States:

In that he deliberately dispensed with and suspended the operation of a provision of a law of the United States passed on the second day of July, A. D. 1862, entitled "An act to prescribe an oath of office, and for other purposes":

In that he appointed to offices created by the laws of the United States persons who, as was well known to him, had been engaged in the rebellion, who were guilty of the crime of treason, and who could not, without committing the crime of perjury or otherwise violating criminally the said act of July 2, A. D. 1862, enter upon the duties thereof:

In that, without authority of law and contrary to law, he used and applied property taken from the enemy in time of war for the payment of the expenses and the support of the said illegal and unconstitutional governments so set up in the said States recently in rebellion; and for a like purpose, and in violation of the Constitution and of his oath of office, he authorized and permitted a levy of taxes upon the people of said States, thus usurping and exercising a power which, by the Constitution, is vested exclusively in the Congress of the United States.

All of which acts were usurpations of power, contrary to the laws and Constitution of the United States, and in violation of his oath of office as President of the United States.

In that, the said Andrew Johnson, President of the United States, has, in message to Congress and otherwise, publicly denied, substantially, the right of Congress to provide for the pacification, government, and restoration of said States to the Union; and, in like manner, he has asserted his exclusive right to provide governments therefor, and to accept and proclaim the restoration of said

States to the Union; all of which is in derogation of the rightful authority of Congress, and calculated to subvert the government of the United States:

In that, in accordance with said declarations, he has vetoed various bills passed by Congress for the pacification and government of the States recently in rebellion, and their speedy restoration to the Union, and upon the ground and for the reason that the said States had been restored to their places in the Union by his aforesaid illegal and unconstitutional proceedings, thus so interposing and using a constitutional power of the office he held as to prevent the restoration of the Union upon a constitutional basis:

In that he has exercised the power of removal from, and appointment to, office for the purpose of maintaining effectually his aforesaid usurpations, and for the purpose of securing the recognition by Congress of the State governments so illegally and unconstitutionally set up in the States recently in rebellion; such removals and appointments having been attended and followed with great injury to the public service and with enormous losses to the public revenue:

In that, in the exercise of the pardoning power, he issued an order for the restoration of one hundred and ninety-three men belonging to West Virginia, who, upon the records of the War Department, were marked as deserters from the army in time of war; and this upon the representations of private and interested persons and without previous investigation by any officer of the War Department, and for the sole purpose of enabling such persons to vote in an election then pending in said State, and with the expectation that they would so vote as to support him in his aforesaid unconstitutional proceedings; he then well knowing that the men so restored, and by virtue of such restoration, would be entitled to a large sum of money from the treasury of the United States:

In that by his message to the House of Representatives of the 22d day of June, 1866, and by other public and private means, he has attempted to prevent the ratification of an amendment to the Constitution of the United States, proposed to the several States by the two Houses of Congress agreeably to the Constitution of the United States, although such proposed amendment provided among other things for the validity of the public debt of the United States, and rendered the payment of any claim for slaves emancipated, or of any debt incurred in aid of insurrection or rebellion against the United States impossible, either by the government of the United States or by any of the States recently in rebellion, he well knowing that the provisions inserted under and by his dictation in the said illegal constitutions for said States were wholly inadequate to protect the loyal people thereof, or the people of the United States against the payment of claims on account of slaves emancipated, and of debts incurred by such States in aid of rebellion, thus rendering it practicable and easy for those in authority in the aforesaid illegal and unconstitutional governments, thus set up, to tax and oppress the loyal people of such States for the benefit of those who had been engaged in the attempt to overthrow the government of the United States:

In that he has made official and other public declarations and statements calculated and designed to injure and impair the credit of the United States; to encourage persons recently engaged in rebellion against its authority to obstruct and resist the reorganization of the rebel States, so called, upon a republican basis, and calculated and designed also to deprive the Congress of the United States of the confidence of the people, as well in its patriotism as in its Constitutional right to exist, and to act as the department of the government which, under the Constitution, possesses exclusive legislative power; and all this with the intent of rendering Congress incapable either of resisting his said usurpations of power, or of providing and enforcing measures necessary for the pacification and restoration of the Union:

And that in all this he has exercised the veto power, the power of removal and appointment, the pardoning power, and other constitutional powers of his

office, for the purpose of delaying, hindering, obstructing, and preventing the restoration of the Union by constitutional means, and for the further purpose of alienating from the government and laws of the United States those persons who had been engaged in the rebellion, and who, without aid, comfort, and encouragement thus by him given to them, would have resumed in good faith their allegiance to the Constitution; and all with the expectation of conciliating them to himself personally, that he might thereby finally prevent the restoration of the Union upon the basis of the laws passed by Congress.

And, further, in that the said Andrew Johnson, President of the United States, transferred and surrendered, and authorized and directed the transfer and surrender of railways and railway property of the value of many millions of dollars, to persons who had been engaged in the rebellion, or to corporations owned wholly or in part by such persons, he well knowing that in some instances the railways had been constructed by the United States, that in others such railways and railway property had been captured from the enemy in war, and afterwards repaired at great cost by the United States, such transfer and surrender being made without authority of law, and in violation of law:

In that he directed and authorized the sale of large quantities of railway rolling stock, and other railway property, of the value of many millions of dollars, the property of the United States by purchase and construction, to corporations and parties then known to him to be unable to pay their debts then matured and due, and this without exacting from said corporations and parties any security whatsoever:

In that he directed and ordered subordinate officers of the government to postpone and delay the collection of moneys due and payable to the United States on account of such sales, in apparent conformity to an order previously made by him that the interest upon certain bonds issued or guaranteed by the State of Tennessee in aid of certain railways, then due and unpaid for a period of four years and more, should be first paid out of the earnings of the roads in whose behalf said bonds were so issued or guaranteed:

In that, in conformity to such order and direction, the collection of moneys payable and then due to the United States was delayed and postponed, and the interest on such bonds, of which he himself was a large holder, was paid according to the terms of his own order, thus corruptly using his office to defraud and wrong the people of the United States, and for his own personal advantage:

In that he has not only restored to claimants thereof large amounts of cotton and other abandoned property that had been seized and taken by the agents of the treasury in conformity to law, but has paid and directed the payment of the actual proceeds of sales made thereof, and this in violation of a law of the United States which orders and requires the payment into the treasury of the United States of all moneys received from such sales, and provides for loyal claimants as efficient and easy remedy in the Court of Claims, and in manifest violation also of the spirit and meaning of the constitution wherein it is declared that no "money shall be drawn from the treasury but in consequence of appropriations made by law";

And further, in that the said Andrew Johnson, President of the United States, authorized the use of the army of the United States for the dispersion of a peaceful and lawful assembly of citizens of Louisiana, and this by virtue of a despatch addressed to a person who was not an officer of the army, but who was a public and notorious traitor; and all with the intent to deprive the loyal people of Louisiana of every opportunity to frame a State government republican in form, and with the intent further to continue in places of trust and emolument persons who had been engaged in an attempt to overthrow the government of the United States, expecting thus to conciliate such persons to himself and secure aid in support of his aforesaid unconstitutional designs.

All of which omissions of duty, usurpations of power, violations of his oath of office, of the laws, and of the Constitution of the United States, by the said

Andrew Johnson, President of the United States, have retarded the public prosperity, lessened the public revenues, disordered the business and finances of the country, encouraged insubordination in the people of the States recently in rebellion, fostered sentiments of hostility between different classes of citizens, revived and kept alive the spirit of the rebellion, humiliated the nation, dishonored republican institutions, obstructed the restoration of said States to the Union, and delayed and postponed the peaceful and fraternal reorganization of the government of the United States.

The committee therefore report the accompanying resolution, and recommend its passage.

GEO. S. BOUTWELL.
FRANCIS THOMAS.
THOS. WILLIAMS.
WILLIAM LAWRENCE.
JOHN C. CHURCHILL.

RESOLUTION providing for the impeachment of the President of the United States.

Resolved, That Andrew Johnson, President of the United States, be impeached of high crimes and misdemeanors.

Mr. Wilson submitted the following as the views of a minority:

We dissent from the conclusions arrived at by a majority of the committee, and ask leave to present a minority report.

On the third day of June, 1867, it was declared by a solemn vote in the committee, that, from the testimony then before them, it did not appear that the President of the United States was guilty of such high crimes and misdemeanors as called for an exercise of the impeaching power of this House. The vote stood yeas five, nays four. On the 20th instant this action of the committee was reversed, and a vote of five to four declared in favor of recommending to the House an impeachment of the President. Forty-eight hours have not yet elapsed since we were informed of the character of the report which represents this changed attitude of the committee. The recentness of this event compels a general treatment of some features of the case as it is presented by the majority, which otherwise would have been treated of more in detail.

The report of the majority resolves all presumptions against the President, closes the door against all doubts, affirms facts as established by the testimony in support of which there is not a particle of evidence before us which would be received by any court in the land. We dissent from all of this, and from the temper and spirit of the report. The cool and unbiased judgment of the future, when the excitement in the midst of which we live shall have passed away, will not fail to discover that the political bitterness of the present times has, in no inconsiderable degree, given tone to the document which we decline to approve.

Dissenting, as we do, from the report of the committee, both as to the law of the case and the conclusions drawn from the facts developed by the testimony, a due respect for the body which imposed on us the high and transcendently important duty involved in an investigation of the charges preferred against the President, impels us to present at length our views of the subject which has been committed to us by a most solemn vote of the House of Representatives. In approaching this duty we feel that the spirit of the partisan should be laid aside, and that the interests of the republic, as they are measured by its Constitution and laws, alone should guide us. And we most deeply regret that, in this regard, we cannot approve the report of our colleagues who constitute a majority of the committee. While we would not charge them with a design to act the part of partisans in this grave proceeding, we nevertheless feel pained by the tone, temper and spirit of their report. But regrets will not answer the demands of the present grave and commanding occasion; and we therefore re-

spond to them by presenting to the House the results of a careful, deliberate, and, as we hope, a conscientious investigation of the case before us.

The Constitution of the United States declares that "the House of Representatives * * * shall have the sole power of impeachment." What is the nature and extent of this power? Is it as boundless as it is exclusive? Having the sole power to impeach, may the House of Representatives lawfully exercise it whenever and for whatever a majority of the body may determine? Is it a lawless power, controlled by no rules, guided by no reason, and made active only by the likes or dislikes of those to whom it is intrusted? Have civil officers of the United States nothing to insure them against an exercise of this power except an adjustment of their opinions and official conduct to the standard set up by the dominant party in the House of Representatives? Happily for the nation this power is not without its constitutional boundaries, and is not above the law. When we examine the Constitution to ascertain in what cases the power of impeachment may be exercised—for what acts civil officers may be impeached—we are informed that

"The President, Vice President, and all civil officers of the United States shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors." (Art. II, sec. 2.)

In these cases only can the power of impeachment be lawfully used. It would seem to be difficult to mistake the import of this plain provision of the fundamental law of the land; and yet it is not free from conflicting interpretations. This conflict does not arise upon the terms "treason" and "bribery," for they are too well understood and too clearly defined in the Constitution and the laws of the land to admit of any disputation concerning them. They are both crimes of a high grade, and punishable upon indictment in the courts of the United States. They are offences against the public weal, with just and adequate penalties prescribed for them by the law of the nation. There is no difficulty in ascertaining the meaning of the Constitution, in so far as it relates to these crimes. Whatever conflict of opinion has arisen respecting the extent of the power of impeachment finds its origin in the terms "other high crimes and misdemeanors." These terms, it has been claimed, give a latitude to the power reaching far beyond the field of indictable offences. This doctrine is denied. Here arises the only doubt concerning the jurisdiction of the impeaching power of the House of Representatives.

The fact that the framers of the Constitution selected by name two indictable crimes as causes of impeachment would seem to go far towards establishing as the true construction of the terms "high crimes and misdemeanors," that all other offences for which impeachment will lie must also be indictable. Having fettered the House of Representatives by naming two well-defined crimes of the highest grade, it is not to be presumed that the same hands which did it clothed the House with the right to ramble through all grades of crimes and misdemeanors, all instances of improper official conduct and improprieties of official life, grave and unimportant, harmful and harmless, alike. It is unreasonable to say that the men who framed our Constitution, after undertaking to place a limitation on the power of impeachment, ended their effort by throwing away all restraints upon its exercise and placing it entirely within the keeping of those upon whom it was intended to confer only a limited power. There is something more stable than the whims, caprices, and passions of a majority established as a restraint upon this power by the Constitution. The House of Representatives may impeach a civil officer, but it must be done according to law. It must be for some offence known to the law, and not created by the fancy of the members of the House. As was very pertinently remarked by Hopkinson on the trial of Chase, "The power of impeachment is with the House of Representatives, but only for impeachable offences. They are to proceed against the offence, but not to *create* the offence, and make any act criminal and im-

peachable at their will and pleasure. What is an offence, is a question to be decided by the Constitution and the law, not by the opinion of a single branch of the Legislature; and when the offence thus described by the Constitution or the law has been committed, then, and not till then, has the House of Representatives power to impeach the offender."

A civil officer may be impeached for a high crime. What is a crime? It is such a violation of some known law as will render the offender liable to be prosecuted and punished. "Though all wilful violations of rights come under the generic name of wrongs, only certain of those made penal are called crimes." (Encyc. Brit., vol. xiii. 275.) The offence must be a violation of the law of the sovereignty which seeks to punish the offender; for no act is a crime in any sovereignty except such as is made so by its own law. In England no act is a crime save such as is so declared either by the written or unwritten law of the kingdom, and therefore only crimes by the law of England are indictable in England. Crimes are defined and punished by law—by the law of the sovereignty against which the crime is committed—and nothing is a crime which is not thus defined and punished. "Municipal law" (which, among its multiplicity of offices, defines and punishes crimes) "is a rule of action prescribed by the supreme power in a state, commanding what is right and prohibiting what is wrong." (1 Blackstone, 44.) Nothing is a crime which is not such a breach of this command or prohibition as carries with it a prescribed penalty. Hence Blackstone said: "All laws should be therefore made to commence *in futuro*." The citizen must be notified of what acts are crimes, and he cannot be lawfully punished for any others. The reasonableness of this rule was appreciated, and its enforcement provided for, by the convention which framed the Constitution of the United States, when they placed in that instrument the declaration that "no * * * * * *ex post facto* law shall be passed." No act which was not a crime at the time of its commission can be made so by subsequent legislative or judicial action; and this doctrine is as binding on the House of Representatives when exercising its powers of impeachment as when employed in ordinary criminal legislation.

All that has been said herein concerning the term "crimes," may be applied with equal force to the term "misdemeanors," as used in the Constitution. The latter term in nowise extends the jurisdiction of the House of Representatives beyond the range of indictable offences. Indeed, the terms "crime" and "misdemeanor" are, in their general sense, synonymous, both being such violations of law as expose the persons committing them to some prescribed punishment; and, although it cannot be claimed that all crimes are misdemeanors, it may be properly said that all misdemeanors are crimes. Blackstone, in his Commentaries, states it thus: "In common usage, the word crimes is made use of to denote such offences as are of a more atrocious dye; while smaller faults, and omissions of less consequence, are comprised under the gentle name of misdemeanors only." Hale, in his Pleas of the Crown, states the doctrine in this wise: "Temporal crimes, which are offences against the laws of this realm, whether the common law or acts of Parliament, are divided into two general ranks, or distributions, in respect to the punishments that are by law appointed for them, or in respect of their nature or degree; and thus they may be divided into capital offences, or offences only criminal, or rather, and more properly, into felonies and misdemeanors. And the same distribution is to be made touching misdemeanors, namely: They are such as are so by the common law, or such as are specially made punishable as misdemeanors by acts of Parliament."

Thus it appears that the terms crime and misdemeanor merely indicate the different degrees of offences against law—crime marking the felonious degree, misdemeanor denoting "all offences inferior to felony." Both indicate indictable offences. They are terms of well established legal signification. There is nothing uncertain about them. The framers of the Constitution used these terms

as terms of art, and we have no authority for expounding them beyond their true technical limits.

An examination of the several provisions of the Constitution which have any bearing upon this subject will strengthen the position hereinbefore assumed. Section three, article one, reads thus: "The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside, and no person shall be convicted without the concurrence of two-thirds of the members present." When the Senate is organized under this section of the Constitution as a high court of impeachment, it is simply a court of special criminal jurisdiction—nothing more, nothing less. It is bound by the rules which bind other courts. It is as much restrained by law as any other criminal court. It is not a tribunal above the law, and without rule to guide it; if it were, it might well be addressed in the language of Burke, in one of his speeches in the Hastings case, when he said: "This high court, * * * * this highest court of criminal jurisdiction, exercised upon the requisition of the House of Commons, if left without a rule, would be as lawless as the wild savage, and as unprincipled as the prisoner that stands at your bar." (Burke's Works, vol. 8, p. 8.) No man would be safe before such a court—a court that could make the crime, determine its mode of proof, pronounce and execute judgment, without restraint from the Constitution or laws of the land. No such irresponsible engine of wrong and oppression has been created by the Constitution. The British constitution allows no such unrestricted power to the House of Lords. "An impeachment before the Lords by the Commons in Great Britain, in Parliament, is a prosecution of the *already known and established law*, and has been frequently put in practice, being a presentment to the most high and supreme court of criminal jurisdiction by the most solemn grand inquest of the whole kingdom," (4 Blackstone, 259;) and when this most high and supreme court of criminal jurisdiction is assembled for the trial of a person impeached for a violation of the "already known and established law," it must proceed according to the known and established law, for although "the trial must vary in external ceremony, it differs not in essentials from criminal prosecutions before inferior courts. The same rules of evidence, the same legal notions of crimes and punishments prevail." (Woodeson, vol. 2, 611.) A doctrine which would assert for the Senate of the United States greater and more despotic power in cases of impeachment than is possessed by the House of Lords will never be accepted by the American people.

If the Senate, sitting as a high court of impeachment, is not to be bound by the laws which bind other courts, why require the senators to be put on oath or affirmation? If this court may declare anything a high crime or misdemeanor which may be presented as such by the House of Representatives, and pronounce judgment against a civil officer thereon, why swear the members of the court at all? The oath is not a solemn mockery. It is prescribed for some good purpose. What is it? The form of oath adopted by the Senate in Chase's case affords a very satisfactory answer, and it is, therefore, here quoted, as follows: "You solemnly swear or affirm, that in all things appertaining to the trial of the impeachment of ———, you will do impartial justice according to the Constitution and laws of the United States." (Chase's Trial, vol. 1, p. 12.) This oath is very comprehensive. It covers the charge, the evidence, and all the rules thereof; the decisions upon all questions arising during the progress of the trial, and the final judgment. In all these several respects the members of the court are to be guided by the Constitution and laws of the United States. They can try upon no charges other than treason, bribery, or other high crimes and misdemeanors; and the offence charged must be known to the Constitution, or to the laws of the United States. The rules of evidence under and in pursuance of which crimes may be proved upon indictment in the courts of the United States are to

be observed. The judgment "shall not extend further than a removal from office and disqualification to hold and enjoy any office of honor, trust, or profit under the United States." The office of the oath is to insure a strict observance of these requirements of the Constitution and the laws. This seems clear without further reference to other provisions of the Constitution; but it is proper that we should look at all of its clauses bearing upon the question under discussion.

The Constitution having created a court for the trial of impeachments, prescribed its jurisdiction and placed a limitation on its power to pronounce judgment, then declares that "the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment, according to law." It would seem difficult, indeed, to misunderstand this language. A civil officer convicted on impeachment is, notwithstanding such conviction, still liable to a prosecution for the same offence in the courts of ordinary criminal jurisdiction. How can this be if his offence be not an indictable crime? The court of impeachment cannot apply the usual statutory punishment. It cannot go beyond removal from, and disqualification to hold, office under the United States. The enforcement of other penalties for the same criminal conduct is left to the criminal courts of the country, after conviction upon indictment. Is not this substantially a constitutional direction to the court of impeachment not to convict a civil officer of any crime or misdemeanor for which an indictment will not lie? This view of the question was very forcibly stated by Mr. Martin, in his argument in Chase's case, in these words: "The very clause in the Constitution, of itself, shows that it was intended the persons impeached and removed from office might still be indicted and punished for the *same* offence, else the provision would have been not only nugatory, but a reflection on the enlightened body who framed the Constitution; since no person ever could have dreamed that a conviction on impeachment and a removal from office, in consequence, for *one offence*, could prevent the same person from being indicted and punished for *another* and *different offence*." (Chase's Trial, vol. 2, p. 137.) How can the force of this argument be avoided? Wherein does it lack the support of sound reason and good sense? But it does not rest merely upon the clauses of the Constitution above quoted; others, yet to be noticed, give it much additional strength, and these will now be examined.

The section of the Constitution securing the trial by jury reads as follows: "The trial of all crimes, except in cases of impeachment, shall be by jury." (Section 2, article 3.) Can it be successfully claimed that the word "crimes," as here used, is less comprehensive than it is where it occurs in section 4 of article 2? If not, then the crimes for which a civil officer may be impeached are the subjects of indictment or presentment; for such only can be tried by a jury. Any act which is a crime within the meaning of the last-named section is also a crime within the intent of the former, although the converse of this proposition is not true, as it is not every crime which a jury may try that will render a civil officer committing it liable to impeachment. For the latter purpose the crime must "have reference to public character and official duty," (Rawle on the Constitution, 204.) The plain inference to be drawn from the section is, "that cases of impeachment are cases of trials for crimes."

Again, in that part of the Constitution which clothes the President with the power to grant pardons, it is said, "He shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment." (Article 2, section 2.) What is the meaning of the term "offences"? It cannot mean less than such acts as render offenders liable to punishment, else why is a pardon necessary, or even desirable? No one needs a pardon who has not committed a crime. A pardon shields from or relieves of punishment. Punishment follows trial and conviction. Trial and conviction for crime can be had only for a violation of an existing law declaring the act done a crime. The term offences, then, means crimes, in which, of course, is included misdemeanors.

High crimes and misdemeanors are subject to two jurisdictions—first, in the ordinary criminal courts of the country; second, in the high court of impeachment. The same party, for the same acts, may be on trial in both tribunals at the same time. If convicted in both cases the President may pardon the criminal and relieve him of the consequences resulting from a conviction by the first-named jurisdiction, but the Constitution forbids his interference with the last. The grant of power and the exception are both in the same clause of the same section, and the fact that they are thus intimately associated shows that they relate to the same subjects—indictable offences.

So intimately are these several sections and clauses of the Constitution connected with each other; so unerringly do they point in the same direction; so irresistibly do they suggest a consecutive train of thought; so perfectly does each part adjust itself to the whole, that it seems impossible to escape the conclusion that nothing less than an indictable crime or misdemeanor will support an impeachment of a civil officer of the United States. A fact recorded in the trial of Chase is very suggestive in this connection. Eight articles were preferred against him by the House of Representatives. It seems to have been admitted that all of the articles except the fifth charged him with criminal conduct. In regard to the fifth, his counsel made the point that it did not "charge in express terms some criminal intent on the respondent." The proof was as clear upon this article as it was upon the remaining seven. Thirty-four senators voted on the several articles, and while the votes on seven of them ranged from four to nineteen for conviction, every senator answered "not guilty" on the fifth. It is fair to conclude, in view of the proof submitted in support of the several articles, that the members of the court approved the position taken by the counsel of Chase on the trial.

It is claimed by those who oppose the doctrine herein advanced that it is contrary to the current of the English and American authorities. This is an error which a careful examination of the cases will not fail to expose. Comparatively little attention has been devoted to the power of impeachment, and to the laws and principles which govern it in this country. Popular opinion is more at fault with respect to this subject than perhaps any other within the entire range of the Constitution. It is generally considered a kind of unlimited, undefined, and undefinable power, whose proper office it is to supply all defects of law, and to provide all desired remedies respecting civil officers and their official conduct—a patent medicine for the speedy cure of all cases which baffle the skill of the regular practice. It seems strange that this idea should have become so prevalent, for it has not a fair, impartial, well-considered case in either the United States or Great Britain to support it.

The first case of impeachment by the House of Representatives was that of William Blount, a senator from the State of Tennessee, in 1797. The articles in this case were five in number. "The first charged the said William Blount with intending to carry into effect a hostile expedition in favor of the English against the Spanish possessions of Louisiana and Florida; the second, with attempts to engage the Creek and Cherokee Indians in the said expedition; the third, with having alienated the affections of the said Indians from Ben. Hawkins, an agent of the United States among the Indians, the better to answer his said purposes; the fourth, with having seduced James Cary, an interpreter of the United States among the Indians, for the purpose of assisting in his criminal intentions; and the fifth, with having attempted to diminish the confidence of the Cherokee Indians in relation to the boundary line, which had been run in consequence of the treaty which had been held between the United States and the said Indians." (Annals of Congress, 5th Congress, vol. 1, pages 499, 919) These charges were set out with great particularity, and were declared to be criminal breaches of Blount's "trust and station as a senator, in violation of the obligations of neutrality, and against the laws of the United States." They were undoubt-

edly regarded as indictable offences. Why they were so regarded will appear hereafter.

Blount appeared by his counsel, Jared Ingersoll and A. J. Dallas, who entered, in his behalf, a plea to the jurisdiction of the court. The plea set up four reasons why the court should not entertain jurisdiction of the case, though it appears that the matter was disposed of upon a single point. After argument, the following motion was voted on by the court: "That William Blount was a civil officer of the United States, within the meaning of the Constitution of the United States, and, therefore, liable to be impeached by the House of Representatives; that, as the articles of impeachment charge him with high crimes and misdemeanors, supposed to have been committed while he was a senator of the United States, his plea ought to be overruled."

The vote of the senators upon this motion stood—yeas 11, nays 14; and thereupon the managers of the House of Representatives and the counsel for Blount were informed that—

"The court is of opinion that the matter alleged in the plea of the defendant is sufficient in law to show that this court ought not to hold jurisdiction of the said impeachment, and that the said impeachment is dismissed." (Ibid., vol. 2, pages 2318–'19.) This is the only point decided in the Blount case.

The next case presented by the House of Representatives was that against John Pickering, judge of the United States district court of the district of New Hampshire. He was charged with gross misconduct in the trial of a revenue case which grew out of the seizure of a certain vessel for a breach of the revenue laws, contrary to his "trust and duty as a judge of the said district court, against the laws of the United States, to the great injury of the public revenue, and in violation of the solemn oath which he had taken to administer equal and impartial justice;" and that he did this "wickedly intending to injure the revenues of the United States, and thereby to impair their public credit." This was the substance of three of the articles presented in the case. The other one (there being four in all) charged him with "being a man of loose morals and intemperate habits;" and that he appeared on the bench for the purpose of administering justice "in a total state of intoxication," * * "and did then and there frequently, in a most profane and indecent manner, invoke the name of the Supreme Being," &c. (Ibid., first session 8th Congress, 321.)

Judge Pickering did not appear in the case, but his son sent to the Vice President a petition, which was laid before the court, asking for a postponement of the trial, and that, as his father was incapable of defending himself, he might be defended by his friends. The petition alleged, among other things, that "at the time when the crimes wherewith the said John [Pickering] stands charged are supposed to have been committed, the said John was, and for more that two years before and ever since has been, and now is, insane, his mind wholly deranged, and altogether incapable of transacting any kind of business which requires the exercise of judgment, or the faculties of reason; and, therefore, that the said John Pickering is incapable of corruption of judgment, no subject of impeachment, or amenable to any tribunal for his actions." (Ibid., 328.)

A discussion arose on this petition, in which the managers of the House of Representatives opposed the reception of the petition and the introduction of evidence in support. But the court decided to "hear evidence and counsel respecting the insanity of John Pickering," by a vote of—yeas 18, nays, 12. (Ibid., 332.) A number of depositions were read in support of the petition, and it will be difficult to find any fact in the case better supported, or more substantially proved, than that of the insanity of the respondent. This issue was a grave and pertinent one, and yet the court, after deciding to entertain it, and proceeding to its trial, finally disposed of the case as though no such issue had been raised. This conduct of the court is both remarkable and discreditable;

but not more so than its final action on the question of the guilt or innocence of the accused. Pickering was impeached for high crimes and misdemeanors. If convicted at all, the Constitution required that it should be for high crimes and misdemeanors, as there were no charges of treason or bribery in the case. In order that the guilt or innocence of the respondent should be directly passed upon by the court, without any improper evasion of its real and legal merits, Senator White moved that the "following question be put to each member upon each article of impeachment, viz: Is John Pickering, district judge of the district of New Hampshire, guilty of high crimes and misdemeanors upon the charges contained in the —— article of impeachment, or not guilty?" The mover stated that he had borrowed the form of the question from the one used in the case of Warren Hastings. The question was fair in form, and presented the identical issue which the court was about to decide; but it did not suit the purposes of those who were determined to convict, and it was rejected by a vote of—yeas 10, nays 18. Thereupon Senator Anderson moved the following form, viz: "Is John Pickering, district judge of the district of New Hampshire, guilty as charged in the —— article of the impeachment exhibited against him by the House of Representatives?" This form was adopted by—yeas 18, nays 9. (Ibid., 364.) So the court, after entertaining the plea of insanity and neglecting to decide it, on the foregoing evasive and unmeaning question, convicted Pickering on each article, and removed him from office; but this end was reached by a strict party vote. Senator Dayton said of the form of the question, and the reason of its adoption: "They were simply to be allowed to vote whether Judge Pickering was guilty as charged—that is, guilty of the facts charged in each article—aye or no. If voted guilty of the facts, the sentence was to follow, without any previous question whether those facts amounted to a high crime or misdemeanor. The latent reason of this course was too obvious. There were members who were disposed to give sentence of removal against this unhappy judge, upon the ground of the facts alleged and proved, who could not, however, conscientiously vote that they amounted to high crimes and misdemeanors, especially when committed by a man proved at the very time to be insane, and to have been so ever since, even to the present moment." (Ibid., 365.) If this rule is to be followed, any civil officer may be impeached, convicted, and removed from office, for acts entirely proper and strictly lawful. Who can wonder that members of the court denounced the whole proceeding as "a mere mockery of trial?" Surely, the case reflects no credit on the Senate which tried it, and in one short year the members of the body seem to have arrived at the same conclusion; for, on the trial of Judge Chase, the form of the question adopted to be propounded to each member of the court was as follows, viz: "Mr. ———, how say you; is the respondent, Samuel Chase, guilty or not guilty of a high crime or misdemeanor, as charged in the —— article of impeachment?" (Ibid., 2d session 8th Congress, 664.) It is to be hoped that no one will ever quote the Pickering case as an authority to guide the House in presenting, or the Senate in trying, a case of impeachment. It decided nothing except that party prejudice can secure the conviction of an officer impeached in spite of law and evidence.

The next case carried to the Senate by the House of Representatives has gone into history as one "without sufficient foundation in fact or law." (Hildreth's History of the United States, vol. V. 254.) The case of Samuel Chase, a judge of the Supreme Court of the United States, is now referred to. Chase was impeached for high crimes and misdemeanors in eight articles. It is not necessary to set out the substance of these articles. One of them was founded on his conduct at the trial of John Fries for treason, before the circuit court of the United States at Philadelphia, in April and May, 1800—more than four years before his impeachment. Five of them were based on his conduct at the trial of James Thompson Callender "for printing and publishing, against the

form of the act of Congress, a false, scandalous, and malicious libel," &c., "against John Adams, then President of the United States," &c. The remaining two rested on his charge to the grand jury in and for the district of Maryland, in May, 1803, and his refusal to discharge the grand jury in and for the district of Delaware, in June, 1800. The articles portrayed the conduct of Judge Chase in as offensive a manner as the committee could command. The bitterness of Randolph appeared in every article, and the enemies of the accused felt confident of his conviction.

Chase answered minutely and elaborately to the several articles, and filed against each the following plea, viz.: "And the said Samuel Chase, for plea to the said article of impeachment, saith that he is not guilty of any high crime or misdemeanor, as in and by said first article is alleged; and this he prays may be inquired of by this honorable court, in such manner as law and justice shall seem to them to require." (Ibid., 117) This was the issue on which the case went to trial. The result was the acquittal of Chase on each article. This result was not owing to a failure of the evidence produced to support the facts alleged; for, so far as at least four of the articles are concerned, the allegations were supported in almost every particular; and had the same form of question been used on the conclusion of the trial as was adopted in the Pickering case, Chase, doubtless, would have been convicted. The questions propounded in both cases have already been quoted, and a mere glance at them will show how Pickering was convicted and Chase acquitted.

If this case establishes anything, it is that an impeachment cannot be supported by any act which falls short of an indictable crime or misdemeanor. This point was urged by the able counsel for Chase with great ability and pertinacity; and the force with which it was presented drove the managers of the House of Representatives to seek shelter under that clause of the Constitution which says: "The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior." (Manager Nicholson's Speech, Ibid., 597.) This provision, respecting the tenure of the judicial office, it was claimed would authorize the impeachment of a judge for misbehavior which would not support an indictment. The court did not approve this position, and very properly; for, as the Constitution provides that civil officers may be impeached for high crimes or misdemeanors, and nothing is known to the law as a high crime or misdemeanor which is not indictable, of course an impeachment for anything else would be improper.

If the position assumed by the managers in the Chase case, that a judge may be impeached for mere misbehavior in office not amounting to an indictable offence, because such conduct is a breach of the tenure by which the judicial office is held, is correct, what would be its effect on the case which this committee now have in hand? If resort must be had to the clause of the Constitution which prescribes the tenure of the judicial office to justify an impeachment of a judge on account of conduct not known to the law as a crime, does it not reach too far to serve the purposes of those who would impeach the President of the United States because of acts for which he may not be indicted? The President holds his office by a different tenure. The Constitution says: "The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years." (Art. 2, sec. 1.) This provision of the Constitution stands firmly in the way of those persons who would tone down the term misdemeanor below the indictable standard by resorting to the clause fixing the judicial tenure. Judges hold their respective offices during good behavior; the President holds for a definite time—four years. If, therefore, the argument proves anything in the former case, it proves too much for the latter. If a judge may be impeached for non-indictable conduct, because he holds his office during good behavior, it follows logically that an officer who holds for a term of years cannot be so impeached. This exposes the fallacy of the entire argument.

In 1830, the House of Representatives carried another impeachment to the Senate for trial. This was the case against James H. Peck, judge of the district court of the United States for the district of Missouri. The charge against Judge Peck was of high misdemeanor in office. But one article was presented, which set out with great particularity the facts on which the accusation was based, and charged that the "said James H. Peck, judge as aforesaid, unmindful of the solemn duties of his station, and that he held the same, by the Constitution of the United States, during good behavior only, with intention wrongfully and unjustly to oppress, imprison, and otherwise injure Luke Edward Lawless, did, thereafter, at a term of the said district court of the United States for the district of Missouri, * * * * arbitrarily, oppressively, and unjustly, and under color and pretence that the said Luke Edward Lawless was answerable to said court, * * * as for a contempt thereof," &c.; that he caused Lawless to be unlawfully arrested; that he unjustly, oppressively, and arbitrarily imprisoned said Lawless in the common prison, and suspended him from practicing in said court, "to the great disparagement of public justice, the abuse of judicial authority, and to the subversion of the liberties of the people of the United States." (Trial of Judge Peck, 51.)

Peck filed a lengthy answer, in which he justified his conduct. He alleged that "in all the actions and doings of the respondent in the premises, he avers that he was supported and justified by the Constitution and laws of the land." This was the issue tendered by the respondent. He did not rest upon any real or supposed weakness of the case as presented by the House of Representatives, but boldly declared that his conduct was proper, lawful and right. He elected to present an affirmative defence, and to rely upon the strength of his own cause, and the court sustained him; the vote stood—"guilty," 21; "not guilty," 22. (Ibid., 474.)

The next and last case of impeachment by the House of Representatives was that of West H. Humphries, judge of the United States district court for the several districts of the State of Tennessee, in 1862. Seven articles were preferred against Humphries. Each of them charged him, in direct or indirect terms, with the crime of treason, for they all occurred after the secession of South Carolina, and the assembling of armed men to enforce and render successful the treasonable position assumed by that State. The South Carolina convention passed the ordinance of secession on the 17th day of December, 1860. The first criminal act laid to the charge of Humphries was alleged to have transpired on the 29th day of December, 1860, at which time he urged the people of Tennessee to secede, and thus made himself a party to the treason which had already levied war against the United States in South Carolina. The third article charged him with having, in conjunction with others, organized armed rebellion and levied war against the United States; and all of the other articles charged treasonable acts upon him. (Congressional Globe, volume 48, page 2277.) Humphries was convicted, as it was right he should be. He was charged with a crime against the known law of the land; he was a traitor against the government of the United States.

Five cases only of impeachment have been presented to the Senate by the House of Representatives. One of them, as has been shown, was disposed of on a plea to the jurisdiction of the court, two resulted in the acquittal of the accused, and two in conviction.

An examination of the English cases will not, it is believed, lead to a different conclusion. Cases can doubtless be found wherein Parliament has exercised this high power in a most extraordinary manner, and convicted persons upon charges not indictable. The power of Parliament over the subject is far greater than that which the two houses of Congress can exercise over the citizen. The power of Parliament embraces impeachments, bills of attainder, and bills of pains and penalties. In times of high party excitement this power has been in

some cases most shamefully and oppressively exercised. Excitement arising from other causes has sometimes put this irresponsible engine of good and evil into motion. Hatsell gives an account of a most singular exercise of this power in these words: "On the 21st of May, 1368, the forty-second year of Edward III, the King, prelates, lords, and commons being in the white chamber, (after the business was over of reading the petitions and answers, with the aid granted by the commons, and the King's thanks,) there staid and dined with the King all the lords and many of the commons; and after dinner, returning into the white chamber, Sir John Lee was brought before them, and accused of divers misdemeanors, of imprisoning William Latimer, and, as steward of the King's household, for attacking divers persons, and making them answer to him out of councils, on which articles Sir John Lee, not being able sufficiently to excuse himself by law, was committed to the Tower of London until he should pay a fine according to the King's pleasure, and then the prelates, dukes, earls, barons, and commons departed."—(Vol. 4, p. 100.)

Now, although this singular after-dinner proceeding may have been very proper in the judgment of those who participated in it, and comes down to us white with age, it will hardly be contended that we should accept it as a precedent to be followed by the House of Representatives and Senate of the United States, notwithstanding it is embalmed in the history of the proceedings had in the Parliament of Great Britain. But even in this case, swimming as it did in the King's wine, the drunken lords and commons charged Sir John Lee with offences indictable at common law.

Some three hundred years later, the Earl of Strafford was impeached for treason, and high crimes and misdemeanors. The proceeding was likely to fail, or at all events was too slow for the excited populace. Parliament was forced to adopt the more speedy mode of a bill of attainder. Such a bill was passed, and Strafford was executed on the 12th of May, 1641. This attainder was afterwards reversed (but too late for Strafford) by the act 13 and 14 Charles II., chapter 29, in which Parliament records its own shame by stating the reasons for the passage of the act in these words: "That he [Strafford] was condemned upon accumulative treason, none of the pretended crimes being treason apart; that he was adjudged guilty of constructive treason; that the bill was forced through both houses by mobs of armed and tumultuous persons; that when the King signed the commission for giving the royal assent to the bill, he did it with exceeding great sorrow," &c. (4 Hatsell, 239.) The last fact recited is well supported by the King's letter to Strafford, given on the same page, and which reads as follows, viz:

"STRAFFORD: This misfortune that is fallen upon you by the strange mistaking and conjuncture of these times being such that I must lay by the thought of employing you hereafter in my affairs, yet I cannot satisfy myself, in honor or conscience, without assuring you now, in the midst of your troubles, that, *upon the word of a King*, you shall not suffer in life, honor, or fortune; this is but justice, and therefore a very mean reward from a master to so faithful and able a servant as you have showed yourself to be; yet it is as much as I conceive the present times will permit; though none shall hinder me from being your constant and faithful friend.

"CHARLES, R.

"WHITEHALL, *April* 23, 1641."

Within twelve days of the date of this letter the King signed the bill of attainder, and Strafford was executed. The wild, unbridled passions of the times were too much for King and Parliament. Strafford was really charged, tried, convicted, and executed by a mob. But whatever may be said against this case—and certainly enough may be said to deter the House of Representatives from adopting any part of it as a precedent to be followed—this much must be said in its favor—it charged Strafford with indictable crimes. The Commons, in no case worthy of notice, ever rested their action on any act which was not alleged to be criminal. In some cases mere pretexts were resorted to in support

of crimes charged; in others, resort was had to strained constructions of the law; but the necessity of the presence of an allegation of a known crime was, almost without an exception, recognized. Some of the efforts of the Commons to bring their cases within the rules of law were not very happy, though made by men of great learning and ability. Thus, in the case of Lord Chief Justice Scroggs, (1680,) who was charged with high treason, when some difficulty was found in sustaining the allegation by any definition of treason to be found in the laws of the realm, Mr. Sergeant Maynard, during the very able debate which took place in the House of Commons, undertook to preserve the consistency of Parliament, and to keep up a show of respect for the law, by advancing the following doctrine: he said, "What treason is, no man can define nor describe. The statute of 25 Edward III. does not do it. If another offence be committed, the Parliament shall judge whether it deserves the punishment of treason. Whatever offence deserves the punishment of a traitor, the Parliament may impeach, and the lords may judge accordingly." (4 Hatsell, 158.)

This doctrine would certainly afford a sufficient latitude of jurisdiction to enable Parliament to punish any obnoxious person. It was cunningly devised to answer the purpose of those who felt that they had need of some excuse for punishing as treason a course of conduct which did not range within the limits of any defined treason. The unsoundness of the position assumed by Maynard is presented in a strong light by a speech made on the same side by Sir Francis Winnington, who said: "The two great pillars of the English government are Parliament and juries; it is this gives us the title of free-born Englishmen; for my notion of free Englishmen is this: that they *are ruled by the laws of their own making*, and tried by men of the same condition as themselves. These two great undoubted privileges of the people have lately been invaded by the judges that now sit in Westminster Hall." (Ibid., 170)

Now, if Winnington was right, Maynard was wrong; for if Scroggs, as a free Englishman, was to be ruled by laws relating to treason made by free Englishmen, how could he be impeached for that which was no treason by any law thus made? Parliament makes the laws of England, not the courts. The House of Lords, when engaged in the trial of an impeachment, is a court to administer the law. If a law be not first made, how can a court administer it? It was complained of Scroggs that he did not administer the law properly, and as free Englishmen had made it; and the complaint was well founded. But this would not justify Parliament in following his example. The attempt of the actors in this case to appear consistent was successful only in rendering their inconsistency most palpable on the page of history.

The doctrine contended for by Maynard has never been adopted in any English case fit to be quoted as an authority. It belongs to another parliamentary power, and is thus referred to by Hatsell: "Where the courts of criminal judicature are equal to the trial of any offence, and can, by existing laws, inflict a punishment adequate to the crime, the same observations are applicable to bills of pains and penalties, viz: that recourse should never be had to extraordinary modes of proceeding. But if the crime is of a nature and magnitude deserving a punishment, in the particular case, far beyond what has by the law been deemed sufficient in similar but less atrocious misdemeanors, or if the rules of admitting evidence, or other forms, to which the judges in a court of law are bound to adhere, would preclude the execution of justice upon offenders whose imprisonment or banishment from the country were become a necessary sacrifice to the order and well-being of the public at large, it has been held, ever since the Revolution, and in the best times of this government, that such circumstances would reasonably justify a departure from the common forms of proceeding, and would entitle the legislature itself to take cognizance of the case, and by a bill of pains and penalties to avenge the mischief offered to the state, thereby to

hold out an example which might prevent similar offences in future." (Vol. 4, 103.)

Another writer states the matter thus: "All the modes of criminal prosecutions hitherto spoken of, whether by impeachment or otherwise, are vindications of the laws in being, on which they are wholly founded. But besides the regular enforcement of established laws, the annals of most countries record signal exertions of penal justice, adapted to exigencies unprovided for in the criminal code. Such acts of supreme power are with us called bills of attainder." (Woodeson 2, 621.)

That the principle supported by these authorities has been violated in many cases, in addition to those already referred to, is not doubted; but this does not at all detract from their force, and when we find that in all the cases an attempt was made to bring them within some known law, every violation of the principle but adds to its strength. Hatsell, in his Precedents of Proceedings in the House of Commons, gives fifty-nine cases of impeachment, ranging from the accession of James I. to 1780, and in every case wherein the facts on which the Commons based their action are given, a crime or misdemeanor, either at common law or by statute of Parliament, is disclosed. Of these cases, twenty-nine were for high treason; two for bribery and corruption in office; two for corruption in office; four for sedition; one for procuring illegal patents; one for extortion; one for unlawfully granting writs of privilege; one for arbitrary and illegal proceedings as a judge; one for the embezzlement of prize goods; one for smuggling; and twelve for high crimes and misdemeanors, in which the offences are not sufficiently described to justify a classification of them by name. Twenty-one of the fifty-five cases never went to trial before the Lords. Some of them were abandoned by the Commons before presentation to the House of Lords, some were dismissed by the Lords for want of prosecution, and several were disposed of by the more summary methods of bills of attainder and bills of pains and penalties.

These cases disclose many curious facts, and some very bad law. Some of them were based on most frivolous pretexts; others rested solely on the resentments of men of influence at court and of power in Parliament. The case of Lord High Treasurer Middlesex is an example of the latter class. In 1624 he was impeached for taking bribes, and convicted on some of the articles. This case and its consequences are charged to the resentment of the Duke of Buckingham, who was in high favor with the King. (4 Hatsell, 132.) Two years afterwards the Duke of Buckingham was impeached for a variety of offences in his administration. The King interfered to save him, and dissolved the Parliament. The Commons revived the case in the next Parliament; but before its conclusion Buckingham was assassinated. (Ibid., 134.) Individual resentment, partisan prejudice and excitement, and desire for revenge, instigated very many of the English impeachment cases. This is very well illustrated in the speech of Lord Carnarvon on the trial of the Earl of Danby—a speech that forms one of the foot-prints in the history of parliamentary impeachments which should ever remind the people of this nation that great caution should be used in the selection of English precedents. Carnarvon said: "My lords, I understand but little of Latin, but a good deal of English, and not a little of English history, from which I have learned the mischiefs of such kind of prosecutions as these, and the ill fate of the prosecutors. I could bring many instances, and those ancient; but, my lords, I shall go no further than the latter end of Queen Elizabeth's reign, at which time the Earl of Essex was run down by Sir Walter Raleigh. My Lord Bacon, he ran down Sir Walter Raleigh, and your lordships know what became of my Lord Bacon. The Duke of Buckingham, he ran down my Lord Bacon, and your lordships know what happened to the Duke of Buckingham. Sir Thomas Wentworth, afterwards Earl of Strafford, ran down the Duke of Buckingham, and you all know what became of him. Sir Harry

Vane, he ran down the Earl of Strafford, and your lordships know what became of Sir Harry Vane. Chancellor Hyde (Lord Clarendon) ran down Sir Harry Vane, and your lordships know what became of the chancellor. Sir Thomas Osborn, now Earl of Danby, ran down Chancellor Hyde; but what will come of the Earl of Danby your lordships best can tell. But let me see that man that dare run the Earl of Danby down, and we shall soon see what will become of him." (11 Howell, S. T., 632, 633.)

Did chance weld the chain which so closely holds these names together in the history of parliamentary impeachment? Was it not rather the natural product of misused power? The officer or party who misuses power may be considered fortunate indeed if the wheel of fortune returns no retribution. An advance beyond the law for the punishment of an obnoxious officer is always attended with danger, and English history is crowded with proof of the truth of this assertion. Almost every case which has stamped disgrace upon parliamentary impeachments is impressed with some departure from the known law of England, or with motives which should never enter the precincts of a court; still there is greater excuse for the appearance of such cases in the proceedings of Parliament than could be claimed for the Congress of the United States if it should choose to follow in the footsteps of these English precedents. Many of the most obnoxious parliamentary cases were the results of popular excitement. A great majority of the people of England were excluded from the exercise of the right of the elective franchise, and comparatively few officers were elective. "The King can do no wrong," and the Crown is hereditary, the wrongs, oppressions, and usurpations of the Crown carried no responsibilities beyond the ministers, who were selected by the irresponsible master whose work they were to do and whose crimes they were to assume; grievances, real or supposed, could not be corrected by the people at the ballot box. In times of great commotion, smarting under the effect of their grievances, they regarded an impeachment, a bill of attainder, or a bill of pains and penalties as the only remedy afforded them, and they insisted on its application, regardless of the consequences which might follow. The turbulent populace of London often gave swift motion to the wheels of parliamentary power. Kings, lords, and commons were overawed and forced to do great wrongs. Could this excitement have passed off through that great conservator of the public weal, the ballot-box, at times of oft-recurring elections, impeachments would have been far fewer and much more creditable. For want of this, some of the best men of England have been sent to the block, and Englishmen of to-day hang their heads in sorrow and shame when they look upon the recorded conduct of their ancestors.

When we take up the reports of the well considered cases of parliamentary impeachments, cases which were controlled by the judgments instead of the passions of men, we find but little difficulty in ascertaining the doctrines on which they rest. No unbiased mind can be misguided by them. They rest upon the known law of England, and were had for its enforcement. They exhibit the House of Lords sitting as a court and bound by the laws and rules which were observed by the other criminal courts of the realm, a court for the trial of offenders against laws which existed when the offences were committed, and which looked into those laws to see whether or no the persons arraigned at its bar had violated a "rule of conduct prescribed by the supreme power of the state."

In the year 1724 the Commons impeached the Earl of Macclesfield, lord chancellor of England, of high crimes and misdemeanors, in that he had unlawfully sold offices, masterships in chancery, for his own private gain. He had realized large sums of money from this source. This case is given at length in 16 How, State Trials, and the conviction hinged exclusively on the fact that he had committed an indictable offence. Of this case Lord Campbell remarks: "There has been a disposition in recent times to consider that Lord Macclesfield was wrongfully condemned. 'The unanimity of his judges,' says Lord Mahon, 'might

seem decisive as to his guilt, yet it may perhaps be doubted whether they did not unjustly heap the fault of the system on one man; whether Parker had not rather, in fact, failed to check gradual abuses, than introduced them by his authority or encouraged them by his example.' I must say that although it is impossible not to pity a man of such high qualities when so disgraced, and it must be acknowledged that, with good luck, notwithstanding all that he did, he might have escaped exposure and preserved an untarnished fame; yet, in my opinion, his conviction was lawful, and his punishment was mild. There can be no doubt that the sale of all offices touching the administration of justice (with the strange exception in favor of common law judges) was forbidden by the statute of Edward VI, and every chancellor who afterwards sold a mastership in chancery must have been aware that he was thereby violating that statute." (Lives of the Lord Chancellors, vol. 4, p. 554.)

The report of this case perfectly sustains this position of Lord Campbell. It establishes beyond doubt that had not Macclesfield's conduct been made criminal by the statute of Edward VI, he would not have been convicted. The action of both houses of Parliament outside of the case confirms this understanding of the record. Hatsell, (vol. 4, 258,) in a note to the case of Macclesfield, furnishes the following facts respecting the action had for the indemnity of the masters who had purchased offices of the lord chancellor. On the charge being sent to the House of Lords, Hatsell says: "The Commons immediately ordered in a bill for indemnifying the masters in chancery from the penalties of the act of 5th and 6th of Edward VI, chapter 16, against buying and selling offices, upon discovering what consideration they paid for their respective offices." The bill was quickly passed by both houses.

But we need not go outside of the very complete report of the case as given in the State Trials to sustain the declaration that the proceeding would have resulted in an acquittal of Macclesfield had the charges made against him not involved indictable crimes. Not one of the several able managers for the Commons pretended to claim a conviction in the absence of proof of an indictable crime. The effort of the managers throughout the entire trial was to show that such crimes had been committed by the accused earl. They claimed that the acts with which he stood charged were crimes at common law, by the statute of 12 Richard II. and of Edward VI.; in the language of one of the managers, "criminal by the common law and criminal by act of Parliament."

No unbiased mind can examine this case and arrive at a conclusion respecting it different from that which has been stated above. The doctrine of the case is, beyond all question, that an act, to be impeachable, must also be indictable.

The case was free from all passion, resentment, revenge, or partisan bias. It was well considered, and the vote in favor of conviction was unanimous. The case reflects the law of England respecting impeachments as well as any one that was ever tried by the House of Lords. The rules of law concerning crimes and their proof were observed and adhered to throughout, and Macclesfield was convicted because he was proved guilty of crimes declared by the law, and indictable in the courts, of England.

The case of Warren Hastings is another full of instruction. No one can read the twenty-two articles preferred against Hastings and fail to discover a multitude of crimes prescribed by the law of England. Bribery, peculation, usurpation of powers, official corruption, official oppression and extortion, all appear in the long array of crimes laid to the charge of Hastings, and each of them was indictable in the criminal courts of the realm.

Of these crimes Burke, in his speech on the third day, said:

"As to the crime which we charge, we first considered well what it was in its nature, and under all the circumstances which attended it. We weighed it with all its extenuations and with all its aggravations. On that review we are warranted to assert that the crimes with which we charge the prisoner at the bar are substantial crimes; that they are no errors or

mistakes, such as wise and good men might possibly fall into; which may even produce very pernicious effects, without being, in fact, great offences. The Commons are too liberal not to allow for the difficulties of a great and arduous public situation. They know, too well, the domineering necessities which frequently occur in all great affairs. They know the exigency of a pressing occasion which in its precipitate career bears everything down before it, which does not give time to the mind to recollect its faculties, to re-enforce its reason, and to have recourse to fixed principles, but, by compelling an instant and tumultuous decision, too often obliges men to decide in a manner that calm judgment would certainly have rejected. We know, as we are to be served by men, that the persons who serve us must be tried as men, and with a very large allowance indeed to human infirmity and human error. This, my Lords, we knew, and we weighed before we came before you. But the crimes which we charge in these articles are not lapses, defects, errors, of common human frailty, which as we know and feel we can allow for. We charge this offender with no crimes that have not arisen from passions which it is criminal to harbor; with no offences that have not their root in avarice, rapacity, pride, insolence, ferocity, treachery, cruelty, malignity of temper; in short, in nothing that does not argue a total extinction of all moral principle, that does not manifest an inveterate blackness, dyed ingrain with malice, vitiated, corrupted, gangrened to the very core. If we do not plant his crimes in those vices which the heart of man is made to abhor, and the spirit of all laws human and divine to interdict, we desire no longer to be heard on this occasion. Let everything that can be pleaded on the ground of surprise or error upon those grounds be pleaded with success; we give up the whole of those predicaments. We urge no crimes that are not crimes of forethought. We charge him with nothing that he did not commit upon deliberation; that he did not commit against advice, supplication, and remonstrance; that he did not commit against the direct command of lawful authority; that he did not commit after reproof and reprimand, the reproof and reprimand of those who are authorized by the laws to reprove and reprimand him. The crimes of Mr. Hastings are crimes not only in themselves, but aggravated by being crimes of contumacy. They were crimes not against forms, but against those eternal laws of justice which are our rule and our birthright. His offences are, not in formal, technical language, but in reality, in substance and effect, *high* crimes and high misdemeanors."—(*Burke's Works, vol.* 7, *pp.* 13, 14.)

This is Mr. Burke's own interpretation of his articles against Warren Hastings. Apply to this the doctrine that acts which are *malum in se* are crimes at common law, and what must become of every attempt to torture this case into a prop to uphold the dangerous doctrine that public officers may be impeached for acts not known to the law as crimes or misdemeanors? It is believed safe to aver that every offence for which a conviction was really claimed by the managers on behalf of the Commons was known to the law of England as an indictable crime.

For some seven years the trial of this ponderous case "dragged its slow length along" before a conclusion was reached. During the whole trial the rules of the criminal law of England were applied to the case. Questions relative to which the Lords had doubts were submitted to the judges. The managers complained of some of the opinions of the judges; but the Lords followed the judges. The end of the case was an acquittal of Hastings. But it would be difficult to understand how this result could have been arrived at, if the doctrine that an impeachment may be had for acts not indictable had been countenanced by the Lords; for no one can doubt that the evidence disclosed sufficient in the way of mistakes, errors, and misbehavior to justify a conviction under that doctrine.

The last English impeachment case was that of Viscount Melville, in 1806. A very complete report of this case may be found in 29 How. S. T., 550 to 1482, inclusive, and it will well repay a careful perusal, as it was a thoroughly and calmly considered case, and undoubtedly presents the settled doctrine of the English law of impeachment.

Melville was treasurer of the navy, and the Commons charged him in ten articles with having "fraudulently, corruptly, and illegally" used, and permitted others to use, the public money intrusted to him, for private gain. Sir Samuel Romilly, solicitor general, who was one of the managers for the Commons, in his argument stated the case thus: "My Lords, the crimes imputed to the noble lord are of two kinds; they are offences against the common law, and a direct breach of a positive act of Parliament. The first and the tenth articles of impeachment relate only to offences at the common law, and the other articles

comprise in them offences at the common law, and likewise violations of the act of Parliament." (P. 1151.) He insisted that Melville's acts were indictable crimes, and in no part of his argument did he claim, nor did any other manager for the Commons claim, that a conviction could be justified on any other ground than that the evidence disclosed an indictable offence. No one during the entire course of the proceeding and trial questioned that such was the law of England.

At the close of the case the Lords sent three questions to the judges, substantially directing them to inform the House whether the facts recited constituted such unlawful proceedings on the part of Melville as "would have been a misdemeanor or punishable by information or indictment." The judges answered that they were not such unlawful acts as could be thus punished, (pp. 1469, '70, '71.) Melville was thereupon acquitted upon each of the ten articles preferred against him. And this closes the list of parliamentary impeachments in England.

Cases can be found in parliamentary history in conflict with the doctrine stated. But that it would be wise, safe, or lawful for the House of Representatives to follow such cases is utterly denied. If we are to be guided at all by English cases, let us resort to those which were the best considered, the latest, the most calmly tried, the most enlightened to be found on the records of Parliament, and not those that were moulded in the midst of revolution, directed by passion, and decided by unreasoning prejudice.

No precedent should be followed which is not founded in reason. The enlightenment of the present day should not be obscured, nor its progress obstructed, by the follies, mistakes, or passions of men who passed away centuries ago. Who would think of respecting the infamous ruling of Jeffreys in Sidney's case, because it was the act of a judge upon the bench? And yet who does not know that many of the parliamentary impeachments were as full of passion and as void of law as the court in which Sidney, and Russell, and Armstrong, and Baxter were tried?

The idea that the House of Representatives may impeach a civil officer of the United States for any and every act for which a parliamentary precedent can be found is too preposterous to be seriously considered. However well such precedents may answer present purposes, they may return to plague those who give them countenance. Those who hold to the doctrine that the "Senate is the *sole judge*" of what are high crimes and misdemeanors, and that "there is no revising court," (Am. Law Reg. Sept., 1867, p. 660,) forget how often appeals in this country are carried from senates, congresses, presidents, and courts to the high tribunal of the people at the ballot-box, and how inexorable are the mandates of reversal which proceed therefrom. The history of this country is crowded full of such appeals and of their results.

Another very important question may be here suggested. If only indictable crimes and misdemeanors are impeachable, by what law must they be ascertained? Must it be by the law of the United States, of the States, the common law, or by any or all of these?

In the case of the United States *vs.* Hudson and Goodwin, (7 Cranch, 32,) it was held that "the legislative authority must first make an act a crime, affix a punishment to it, and declare the court that shall have jurisdiction of the offence," before the courts of the United States can exercise jurisdiction over it. This doctrine was affirmed by the case of the United States *vs.* Coolidge *et al.*, (1 Wheaton, 415,) and Chief Justice Marshall, in delivering the opinion of the court in *ex parte* Ballman and Swartwout, (4 Cranch, 95,) said; "Courts which originate in the common law possess a jurisdiction which must be regulated by the common law, until some statute shall change their established principles; but courts which are created by written law, and whose jurisdiction is defined by written law, cannot transcend that jurisdiction." And it was in following these cases that Justice McLean held, in United States *vs.* Lancaster, (2 McLean's R., 433.) that "the federal government has no jurisdiction of offences

at common law. Even in civil cases the federal government follows the rule of the common law as adopted by the States, respectively. It can exercise no criminal jurisdiction which is not given by statute, nor punish any act, criminally, except as the statute provides." The same doctrine is followed in 1 Wash. C. C. R., 84; 2 Brock, 96; 1 Wood. and Minot, 401; 3 Howard, 103; 12 Peters, 654; 4 Dallas, 10, and note; 1 Kent's Com., 354; Sedgwick on Statutory and Constitutional Law, 17; and Wharton, in reviewing this question, says: "However this may be on the merits, the line of recent decisions puts it beyond doubt that the federal courts will not take jurisdiction over any crimes which have not been placed directly under their control by act of Congress." (Am. Criminal Law, 174)

Are these authorities founded in reason? If they are, why should they not be followed by the High Court of Impeachment, as well as other courts of the United States? The principle on which they proceed is that nothing is a crime against the United States which has not been declared so to be by the sovereignty of the republic; that only the laws of the United States can be enforced in the courts of the United States; that the United States do what other civilized and Christian governments do—enforce their own laws, for such only are rules of conduct prescribed for their own citizens. This seems to be reasonable; and if it is so, it would be difficult to find an excuse, or form a pretext, for not applying it to the tribunal intrusted with the jurisdiction to try cases of impeachment.

But it is claimed that the High Court of Impeachment is exempt from this jurisdictional limitation by the terms of the Constitution itself; that the Constitution establishes the court, confers its jurisdiction, and includes within it common law crimes, inasmuch as it says: "The President, Vice-President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors." This, it is said, opens the broad field of the common law for the ascertainment of offences for the commission of which civil officers may be impeached; that the terms treason, bribery, and other high crimes and misdemeanors, are common law terms, and are to be understood in the sense given them by the common law; that, as used in the Constitution, their import is the same as at common law. Is this true, to the extent stated? Suppose the impeachment is to be for treason, and some common law treason is attempted to be set up, what would be the result? The Constitution says: "Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort." This puts an end to all attempts to impeach a civil officer of the United States for treason at common law. Then the term treason, as used in the Constitution, although it be a common law term, is shorn of its common law signification.

But it may be said that the term "bribery" is not defined in the Constitution, and, therefore, a civil officer may be impeached for bribery at common law. If this be true, why is it true? Bribery was, at the time the Constitution was formed, a crime known not only to the common law, but also to the laws of each of the thirteen States participating in the organization of the government of the United States. It was selected by name because it affected the administration of the affairs of the government in all of its departments—executive, legislative, and judicial—as treason touched the very life of the nation. Being thus selected by name, recourse may be had to the common law to ascertain the constituent elements of the crime thus named. "Courts may properly resort to the common law to aid in giving construction to words used in the Constitution," (3 Wheaton, 610; 1 Wood. and Minot, 448;) and as the Constitution used the word bribery, resort can be had to the common law to determine its meaning. Thus, the framers of the Constitution placed within the jurisdiction of the high court of impeach-

ment the two crimes which peculiarly affect the life and well-being of the nation—both being specifically named.

How is it with other offences? The Constitution says: "or other high crimes and misdemeanors." What other high crimes and misdemeanors? To what extent can the common law aid us in answering this question? If we go to the common law to find what a crime is, we discover that it is some act or omission in violation of law which may be punished in the mode prescribed by law. This is the general signification of the term crime at common law. It is not a naming of a specific offence. If the Constitution had named murder, arson, burglary, larceny, or any other crime, by its title, the common law could have aided us in arriving at its meaning, for all these, and a multitude of others, are crimes at common law. After wandering over the entire field of common-law crimes, how are we to tell those which will support an impeachment? Learned writers assert that those offences which may be committed by any person, such as murder, burglary, robbery, &c., are not the subjects of impeachment. (Rawle on the Constitution, 204.) But these are all crimes, high crimes, and they meet us at every step in our gropings among the winding passages of the common law engaged in vain endeavors to determine what the Constitution means by the terms high crimes and misdemeanors. Can any mode of escape from this perplexity be devised except that which shall affirm that the phrase "or *other* high crimes and misdemeanors" means such other high crimes and misdemeanors as may be declared by the law-making power of the United States? Is it unreasonable to conclude that a civil officer can be impeached only for some crime or misdemeanor named by the Constitution or laws of the United States? This is the course pursued towards the citizen in private life. Why should greater uncertainty attend the public officer?

It will not do to answer these suggestions by stating hypothetical cases, and affirming that an officer who should do this, that, or another thing, ought to be impeached, and that it would be unsafe for the nation to permit such conduct to pass unchallenged and unpunished. The obvious answer to all this is, that everything which ought to be made a crime can be made so by legislation. The power is ample and the machinery perfect for all such work. If they are not used, the fault may not lie at the door of the delinquent officer. The statement of a supposed case of itself proves that a remedy may be provided. The remedy is to prohibit the doing of the thing supposed, and declaring its commission a crime. A case cannot be stated which will not suggest its own remedy. Every difficulty may be surmounted by appropriate legislation; and the question may very well be asked, What right has the House of Representatives and the Senate of the United States to sleep on their undisputed legislative powers and then resort to the common law of England for the punishment of civil officers, when no civil court of the United States can punish a citizen or foreigner for any crime from the highest to the lowest degree, except it be first prescribed by an act of Congress? The decisions of the courts of the United States that they have jurisdiction of no crimes not found in the statutes of Congress, give great force to the statement of Mr. Rawle in his work on the Constitution, that "The doctrine that there is no law of crimes except that founded in statutes, renders impeachment a nullity in all cases except the two expressly mentioned in the Constitution—treason and bribery, *until Congress shall pass laws declaring what shall constitute the other high crimes and misdemeanors.*" (Page 265.)

Rawle combatted the doctrine of the decisions referred to, and this it is which gives peculiar force to the language just quoted from him; for had he accepted the doctrine of the decision in the case of the United States *vs.* Hudson and Goodwin, it is perfectly evident that he would have declared the impeaching power inoperative, except so far as it relates to treason and bribery, until Congress, by legislation, should give it vitality.

Story also combatted this doctrine, and denied the correctness of the decisions upon which it is based. It was this which gave direction to those parts of his commentaries on the Constitution so freely quoted by those who claim that the power of impeachment is unlimited. He cites approvingly the remarks of Rawle above quoted. (Com. on the Constitution, section 796.) He affirmed that the courts of the United Stated have jurisdiction of common law crimes; but the decisions are against him. He states in his Commentaries on the Constitution that impeachments will lie for non-indictable offences; but the authorities which he cites are against him. He cites Rawle; but it has already appeared how that author surrenders the entire position. He quotes 2 Woodeson, lecture 40, but in this very lecture Woodeson says: "Impeachments, as we have seen, are founded and proceed upon *the laws in being*. A more extraordinary course is sometimes adopted. New and occasional laws have been passed for the punishment of offenders. Such ordinances are called bills of attainder and bills of pains and penalties." (2 Woodeson, 620.)

Offences known to the laws in being are indictable; and the Congress of the United States may not resort to bills of attainder and bills of pains and penalties; these are forbidden by the Constitution. But to what laws must the offences be known? To the law of the sovereignty against which they are alleged to have been committed.

Is there any foundation on which to rest a contrary doctrine? May not the case be stated as a syllogism thus: No officer is subject to the impeaching power for the commission of an act which is not indictable; common law crimes are not indictable in the courts of the United States; *ergo*, common law crimes will not sustain an impeachment by the House of Representatives of the United States?

The case of the United States *vs.* Hudson and Goodwin was decided by the Supreme Court of the United States in February, 1812, and its doctrine has been adhered to from that day to the present time. It is of some importance to remember this date, as it is subsequent to the impeachment of Blount, Pickering, and Chase, which may account for the failure to raise the question in those cases: "Can a civil officer be impeached for an offence which is not indictable under the laws and in the courts of the United States?" It was not necessary to raise it in the Peck case, for his defence, as has already been stated, was a justification of his conduct; while the Humphries case was founded on statutory offences, and no defence was made.

The duty now remains of presenting the facts upon which this case rests as they are developed by the testimony. This will be done in accordance with the arrangement of the charges in the preamble and resolution of the House.

The first charge is: "Usurpation of power and violation of law."

This is understood to relate mainly to the acts of the President relative to the reconstruction of the rebel States, and perhaps no better way of presenting this branch of the case (and the same may be remarked of the several branches) can be devised than to quote the most important passages of testimony and such official acts as require no proof, as will serve to cast light upon it.

To the question, "Did any one of the cabinet express a doubt of the power of the executive branch of the government to reorganize State governments in States which had been in rebellion, without the aid of Congress?" honorable Edwin M. Stanton answered as follows, viz:

A. None whatever. I had myself entertained no doubt of the authority of the President to take measures for the organization of the rebel States on the plan proposed during the vacation of Congress, and agreed in the plan specified in the proclamation in the case of North Carolina. It may be proper to add, in regard to the history of this subject, that on the day succeeding the date of the telegram to General Weitzel, and on the last day of Mr. Lincoln's life, there was a cabinet meeting, at which General Grant and all the members of the cabinet, except Mr. Seward, were present. General Grant at that time made a report of the condition of the country as he conceived it to be, and as it would be on the surrender

of Johnston's army, which was regarded as absolutely certain. The subject of reconstruction was talked of at considerable length. Shortly previous to that time I had myself, with a view of putting in a practicable form the means of overcoming what seemed to be a difficulty in the mind of Mr. Lincoln as to the mode of reconstruction, prepared a rough draught of a form or mode by which the authority and laws of the United States should be re-established and governments reorganized in the rebel States under the federal authority, without any necessity whatever for the intervention of rebel organizations or rebel aid. In the course of that consultation Mr. Lincoln alluded to the paper, went into his room, brought it out, and asked me to read it, which I did, and explained my ideas in regard to it. There was one point which I had left open; that was as to who should constitute the electors in the respective States. That I supposed to be the only important point upon which a difference of opinion could arise—whether the blacks should have suffrage in the States, or whether it should be confined for the purposes of reorganization to those who had exercised it under the former State laws. I left a blank upon that subject to be considered. There was at that time nothing adopted about it and no opinions expressed; it was only a *project*. I was requested by the other members of the cabinet, and by Mr. Lincoln, to have a copy printed for each member, for subsequent consideration. My object was simply to bring to the attention of the President and cabinet, in a practical form, what I thought might be a possible means of organization without rebel intervention. Mr. Lincoln seemed to be laboring under the impression that there must be some starting point in the reorganization, and that it could only be through the agency of the rebel organizations then existing, but which I did not deem to be at all necessary. That night Mr. Lincoln was murdered. Subsequently, at an early day the subject came under consideration, after the surrender of Johnston's army, in the cabinet of Mr. Johnson. The *project* I had prepared was printed, and a copy in the hands of each member of the cabinet and the President. It was somewhat altered in some particulars, and came under discussion in the cabinet, the principal point of discussion being as to who should exercise the elective franchise. I think there was a difference of opinion in the cabinet upon that subject. The President expressed his views very clearly and distinctly. I expressed my views, and other members of the cabinet expressed their views. The objections of the President to throwing the franchise open to the colored people appeared to be fixed, and I think every member of the cabinet assented to the arrangement as it was specified in the proclamation relative to North Carolina. After that I do not remember that the subject was ever again discussed in the cabinet. (Page 401.)

In the testimony of honorable William H. Seward, the following questions and answers occur, viz:

Q. Is the plan of reconstruction applied by the President to the rebel States a system of his own creation, or how was it agreed upon?

A. I think it grew during the administration of Mr. Lincoln and the administration of Mr. Johnson, and it was modified from time to time by the circumstances as they occurred. The first act of reorganization, as I have mentioned, was in the case of Tennessee. I think I am the author of that. I think, so far as I know, that plan of reconstruction was pursued, at least until the time I was taken sick and went to my bed, in the month of April, 1865. When I came out of the sick-room, the first day I went to the cabinet, I think the draught of the President's proclamation, or a plan of proclamation, was submitted to me. I found that it substantially accorded with what I had understood to be my own plan, and I accepted it as being the same.

Q. Do you refer to the proclamation now in the case of North Carolina?

A. I refer now to the general proclamation of amnesty and reconstruction of Mr. Johnson. How far it differed from other plans submitted, I do not remember. When this question came up before the President, and in cabinet, it was discussed and adopted during my sickness, and was understood and stated, I believe, as one which harmonized with what had previously been done, but modified by the circumstance of the close of the war, and other things.

Q. Was there not this difference, that Mr. Lincoln's plan was adopted during the war as a war measure, while Mr. Johnson's plan was adopted after the war had ceased?

A. There was a difference both of time and circumstance.

Q. I find the proclamation for the organization of a provisional government of North Carolina was dated May 29, 1865. Was that proclamation considered in cabinet before it was published?

A. That and the other proclamation referred to were all subjects of frequent discussion and very careful deliberation before any one was issued. I think that when the proclamation was reduced definitely to the form which it now has, it was submitted to the whole cabinet, but I cannot certainly say as to the fact that it was. My recollection is that all the provisions contained in it were carefully considered by the President in cabinet. I am not able to state, however, positively about that. I see, by looking at the date, that at that time I had only partially recovered, and I was unable to be in cabinet in all its meetings. I remember, when I arose from my sickness, that I took the papers then presented to me and made some suggestions to it in the way of amendment, which were accepted. (Pages 377, 378.)

The following will be found in the testimony of General U. S. Grant:

Q. Do you recollect the proclamation that is called the "North Carolina proclamation?"

A. Yes, sir; that was the first one published giving a State government.

Q. Did you have any conversation with the President as to the terms or purport of that proclamation?

A. I was, as I say, present when it was read. It was in the direction that I wanted. I was anxious to see something done to give some sort of temporary government there. I did not want to see anarchy.

Q. Did you give any opinion in favor of that proposition?

A. I did not give any opinion against it. I was in favor of that or anything else which looked to civil government until Congress could meet and establish governments there. I did not want all chaos left there and no form of civil government whatever. I was not in favor of anything or opposed to anything particularly. I was simply in favor of having a government there; that was all I wanted. I did not pretend to give my judgment as to what it should be. I was perfectly willing to leave that to the civil department. I asked no person what I should do in my duties; I was willing to take all the responsibilities; and I did not want to give my views as to what the civil branch of the government should do.

* * * * * *

Q. I understand you to say that you were very anxious, at the close of the war, that civil governments should be established in some form as speedily as possible, and that you so advised the President?

A. I so stated frequently in his presence.

Q. But that you advised no particular form or mode of proceeding?

A. I did not.

Q. Were you present when this North Carolina proclamation was read in the cabinet?

A. I would not be certain, but my recollection is that the first time I heard it read was the presence only of the President, the Secretary of War, and myself.

Q. Did you give your assent to that plan?

A. I did not dissent from it. That is just in accordance with what I have stated. It was a civil matter, and, although I was anxious to have something done, I did not intend to dictate any plan. I do not think I said anything about it or expressed any opinion about it at that time. I looked upon it simply as a temporary measure, to establish a sort of government until Congress should meet and settle the whole question, and that it did not make much difference how it was done so there was a form of government there.

* * * * * *

Q. I wish to know whether at or about the time of the war being ended you advised the President that it was, in your judgment, best to extend a liberal policy towards the people of the south, and to restore as speedily as possible the fraternal relations which existed prior to the war between the two sections?

A. I know that immediately after the close of the rebellion there was a very fine feeling manifested in the south, and I thought we ought to take advantage of it as soon as possible; but since that there has been an evident change there. I may have expressed my views to the President.

Q. What is your recollection in reference to that?

A. I may have done so, and it is possible I did; I do not recollect particularly. I know that I conversed with the President very frequently. I do not suppose that there were any persons engaged in that consultation who thought of what was being done at that time as being lasting—any longer than until Congress would meet and either ratify that or establish some other form of government. I know it never crossed my mind that what was being done was anything more than temporary. (Pages 832, 834, 835.)

This testimony presents the beginning of the reconstruction policy, so called, of President Johnson; and interweaves, to some extent, with the preceding administration.

It does not appear in any part of the testimony that the President or his advisers claimed exclusive jurisdiction in the matter of the reorganization of the rebel States. On the contrary, it does appear that no such claim was asserted. General Grant says that he was in "favor of anything which looked to civil government until Congress could meet and establish civil governments there."

On the same point the following question and answer disclose the opinion of Mr. Stanton:

Q. You have expressed an opinion as to the power to issue proclamations for reorganization. Do you mean by the opinion you have expressed to include any opinion as to the final legality of the organizations to be accomplished under such plan of reorganization; in other words, whether that reorganization would be final and conclusive, and that Congress would have no right to regulate and control it?

A. My opinion upon that point is only the opinion of an individual citizen. My opinion is that the whole subject of reconstruction, and the relation of a State to the federal government, is subject to the controlling power of Congress; and while I believe that the President and his cabinet were not violating any law, but were faithfully performing their duty in endeavoring to organize provisional governments in those States, I supposed then, and still suppose, that the final validity of such organizations would rest with the law-making power of the government. That, however, as I said, is but the opinion of an individual. (Page 406.)

And it will be remembered that the Secretary of State, acting for the President, on the 24th day of July, 1865, sent a telegram to the provisional governor of Mississippi in these words, viz:

W. L. SHARKEY, *Provisional Governor of Mississippi, Jackson:*

Your telegram of the 21st has been received. The President sees no reason to interfere with General Slocum's proceedings. The government of the State will be provisional only, *until the civil authorities shall be restored, with the approval of Congress.* Meanwhile military authority cannot be withdrawn.

WILLIAM H. SEWARD.

In still more emphatic terms the Secretary of State addressed a letter to the provisional governor of Florida, as follows, viz:

DEPARTMENT OF STATE,
Washington, September 12, 1865.

SIR: Your excellency's letter of the 29th ultimo, with the accompanying proclamation, has been received and submitted to the President. The steps to which it refers, towards reorganizing the government of Florida, seem to be in the main judicious, and good results from them may be hoped for. The presumption to which the proclamation refers, however, in favor of insurgents who may wish to vote, and who may have applied for, but not received, their pardons, is not entirely approved. All applications for pardons will be duly considered, and will be disposed of as soon as may be practicable. It must, however, be distinctly understood that the restoration to which your proclamation refers will be subject to the decision of Congress.

I have the honor to be, your excellency's obedient servant,

WILLIAM H. SEWARD.

His Excellency WILLIAM MARVIN,
Provisional Governor of the State of Florida.

These several proofs show pretty conclusively that General Grant was not mistaken when he testified: "I do not suppose that there were any persons engaged in that consultation [with reference to reconstruction] who thought of what was being done at that time as being lasting, any longer than until Congress would meet and either ratify that or establish some other form of government." The testimony before the committee unquestionably proves that it was the original purpose of the President to act in conjunction with Congress with reference to the reconstruction of the rebel States; and had this purpose continued, there would have been no serious conflict between the executive and legislative departments of the government over the restoration of those States to their proper positions in the Union. In that case the assumption by the President of a challenged power would not have been asserted a crime by those who now arraign him as a criminal. The executive department of the government was called upon to deal with a new question, under circumstances of great embarrassment, and in the midst of most troublous times. The nation was just emerging from a most terrible, and, on the part of the rebels, a most unjustifiable war, during which it had given but little attention to modes of reconstruction, and that little had been marked by a confusion of ideas and theories most discordant. No well-rounded issue had been made up between the two departments of the government, nor would such a result have been arrived at had not a seeming change of purpose on the part of the President crystallized an issue and brought on a conflict.

The first official notice which Congress received of the President's change of purpose was contained in his first annual message, delivered to the two houses December 4, 1865. In that document, after stating what he had done in the matter of reorganizing civil governments in the rebel States, he proceeded to

say: "The amendment to the Constitution being adopted, it would remain for the States whose powers have been so long in abeyance to resume their places in the two branches of the national legislature, and thereby complete the work of restoration. Here it is for you, fellow-citizens of the Senate, and for you, fellow-citizens of the House of Representatives, to judge, each of you for yourselves, of the elections, returns, and qualifications of your own members."

This, with other official and unofficial indications of the President's purpose, led to the creation of the Joint Committee on Reconstruction, which was effected by the concurrent resolution of December 13, 1865, by the terms of which the committee was directed to "inquire into the condition of the States which formed the so-called Confederate States of America, and to report whether they or any of them are entitled to be represented in either house of Congress." Everything relative to those States coming before either house was turned over to this committee; and weeks and months were devoted to a most searching inquiry into their condition, and what had been done toward their reconstruction by the President. During this time the breach became wider, and the conflict waxed warmer between the executive and legislative departments of the government. On the 19th day of February, 1866, the President returned to the Senate with his objections the "bill to amend an act to establish a bureau for the relief of freedmen and refugees, and for other purposes." In the message assigning his reasons for the return of the bill, the President said: "The bill under consideration refers to certain of the States as though they had not 'been fully restored in all their constitutional relations to the United States'. If they have not, let us at once act together to secure that desirable end at the earliest possible moment. It is hardly necessary for me to inform Congress that, in my own judgment, most of those States, so far, at least, as depends on their own action, have already been fully restored, and are to be deemed as entitled to enjoy their constitutional rights as members of the Union."

On the 20th day of February, the House of Representatives responded to this part of the message by passing, by a vote of yeas 109, nays 40, the following resolution:

Resolved by the House of Representatives, (the Senate concurring,) That, in order to close agitation upon a subject which seems likely to disturb the action of the government, as well as to quiet the uncertainty which is agitating the minds of the people of the eleven States which have been declared to be in insurrection, no senator or representative shall be admitted into either branch of Congress from any of said States until Congress shall have declared such State entitled to such representation.

Following quickly upon this came the President's celebrated and notorious speech of the 22d of February, which rendered irreparable the breach between him and Congress—if such had not before been its character—and ten days thereafter (March 2) the Senate passed the foregoing resolution of the House of Representatives by a vote of yeas 29, nays 18.

The next prominent act of the President which added fuel to the flames that divided the two departments of the government was his veto of the "bill to protect all persons in the United States in their civil rights, and to furnish the means of their vindication," popularly known as the "civil rights bill." This occurred on the 27th of March, 1866. If anything was needed to render complete the rupture between the two departments of the government, the message which announced this veto supplied it.

During the time covered by these several acts the Joint Committee on Reconstruction was diligently occupied in the discharge of its duties. It passed carefully over the entire field committed to its charge. The condition of every rebel State was examined. The devious ways of the "President's policy" were explored—nothing escaped its vigilance and scrutiny. On the 18th day of June, 1866, the committee presented its report to the two houses of Congress. The report was signed by W. P. Fessenden, James W. Grimes, Ira Harris, J.

M. Howard, George H. Williams, Thaddeus Stevens, Elihu B. Washburn, Justin S. Morrill, John A. Bingham, Roscoe Conkling, George S. Boutwell, Henry T. Blow, twelve able, careful, earnest men. This report summed up the whole case involved in the President's efforts at reconstruction, and the consequent conflict between him and Congress. It did not charge him with criminal conduct, nor fail to consider the "peculiar circumstances" under which he acted. On the contrary, in speaking of the authority of the people to "frame a form of government," the report said: "Ordinarily this authority emanates from Congress; but, under the peculiar circumstances, your committee is not disposed to criticise the President's action in assuming the power exercised by him in this regard." And near the close of the report this passage may be found: "While your committee do not for a moment impute to the President any such design," [to destroy the constitutional form of government, and absorb its powers in the Executive,] "but cheerfully concede to him the most patriotic motives, they cannot but look with alarm upon a precedent so fraught with danger to the republic."

The remedy proposed by that committee was not an impeachment of the President, but an amendment to the Constitution of the United States, as follows, to wit:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of both houses concurring,) That the following article be proposed to the legislatures of the several States as an amendment to the Constitution of the United States, which, when ratified by three-fourths of said legislatures, shall be valid as part of the Constitution, namely:

ARTICLE XIV.

SECTION 1. All persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the States wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

SEC. 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, or representatives in Congress, the executive and judicial offices of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such males citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

SEC. 3. No person shall be a senator or representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same or given aid or comfort to the enemies thereof. But the Congress may, by a vote of two-thirds of each house, remove such disability.

SEC. 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned; but neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.

SEC. 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

This amendment, as passed, was a modification of the one originally reported by the committee and embraced the provisions of the one first reported, and adjusted more satisfactorily to the views of its friends the disqualifications contained in "a bill declaring certain persons ineligible to office under the government of the United States," which was reported by the committee as a part of the plan of reconstruction.

The amendment passed the Senate on the 8th day of June, 1866, by yeas 33, nays 11; and was adopted by the House on the 13th of June, yeas 138, nays 36.

To make the plan complete, the committee also reported "a bill to provide for restoring the States lately in insurrection to their full political rights," in these words, namely:

Whereas it is expedient that the States lately in insurrection should, at the earliest day consistent with the future peace and safety of the Union, be restored to full participation in all political rights; and whereas the Congress did, by joint resolution, propose for ratification to the legislatures of the several States, as an amendment to the Constitution of the United States, an article in the following words, to wit:

[The article is above quoted.]

Now, therefore, *Be it enacted, &c.*, That whenever the above recited amendment shall have become part of the Constitution of the United States, and any State lately in insurrection shall have ratified the same, and shall have modified its constitution and laws in conformity therewith, the senators and representatives from such State, if found duly elected and qualified, may, after having taken the required oaths of office, be admitted into Congress as such.

SEC. 2. *And be it further enacted*, That when any State lately in insurrection shall have ratified the foregoing amendment to the Constitution, any part of the direct tax under the act of August 5, 1861, which may remain due and unpaid in such State, may be assumed and paid by such State; and the payment thereof, upon proper assurances from such State to be given to the Secretary of the Treasury of the United States, may be postponed for a period not exceeding ten years from and after the passage of this act.

This bill was never finally acted on, but it is well known that a compliance, in good faith, on the part of the insurrectionary States with this plan of reconstruction would have assured their restoration to the Union. There would have been objections from some members in each house of Congress, but the general feeling was as stated.

In view of the grave character of the case with which the committee has been charged, it seems important that one feature of this plan should not be overlooked, namely, that it proposed to use the identical governments which were organized in the insurrectionary States, in pursuance of the President's "policy," as a means to insure its own success. Nor has Congress, down to the present time, destroyed or set aside such governments. The act of March 2, 1867, "to provide for the more efficient government of the rebel States," contains the following section:

SEC. 6. *And be it further enacted*. That, until the people of said rebel States shall be by law admitted to representation in the Congress of the United States, any civil governments which may exist therein shall be deemed provisional only, and in all respects subject to the paramount authority of the United States at any time to abolish, modify, control, or supersede the same; and in all elections to any office under such provisional governments all persons shall be entitled to vote, and none others, who are entitled to vote under the fifth section of this act; and no person shall be eligible to any office under any such provisional governments who would be disqualified from holding office under the provisions of the third section of said constitutional amendment" (*Statutes 39th Congress*, 429.)

The affairs of those States are now administered through the machinery of the provisional governments, under the supervision of the military authorities of the United States; and here it may be well to consider, however wrong or unlawful the acts of the President in the creation of those governments may be regarded, whether, without regard to the questions of law hereinbefore discussed, he can be held criminally responsible in the presence of their permissive existence by Congress, and the use to which it has put the results of his improper and illegal acts.

Looking over the entire field of presidential and congressional action affecting the reconstruction branch of this case, and in consideration of the peculiar circumstances which have surrounded it; the multitude of opinions which obstructed the formation of a definite legislative judgment; the necessities of the recent past which impelled public officers to some action, and the present condition of

the country, it seems to us that the issues involved are more properly triable before the grand tribunal of the people at the ballot-box, where they have so long been pending, than in the presence of the high court of impeachment.

The reconstruction policy of the President cannot succeed except through an approval by Congress. Such an approval would destroy every element of crime involved in it, for it would then be the act of the government of the United States. If it do not receive the sanction of Congress it cannot present a perfected crime. The present Congress will continue until the close of the President's term of office. It will not approve his plan. Success in his alleged crime is thus rendered impossible.

We do not deem it necessary to enter upon an examination of the details involved in the President's action relative to the subject of reconstruction. These are but, severally, parts of a general system, and are as well understood by the House and the country as by us. Each part was necessary to constitute the whole. If the greater be not a crime, the less cannot rise to that importance.

The second charge is, that the President has "corruptly used the appointing power."

Relative to this charge, a large amount of testimony has been taken by your committee; and it discloses pretty conclusively that, for a time at least, the President and some members of his cabinet used this power with considerable vigor in behalf of those applicants for office who favored the policy of the administration; and it cannot be doubted, from the disclosures of the testimony, that this power was used for the purpose of strengthening the administration in its contest with Congress.

Executive Document No. 96, communicated to the House of Representatives February 20, 1867, discloses the fact that there were sixteen hundred and forty-four postmasters removed "between the 28th day of July, 1866, and the 6th day of December, 1866;" and that "of this number, one thousand two hundred and eighty-three were removed for *political reasons*." The Postmaster General (Hon. A. W. Randall) was examined with reference to these removals, and gave the following testimony, viz:

Q. In your answer to the House resolution calling for information in regard to the appointments to office, you designated as causes in a great many cases, thirteen or fourteen hundred in all, "political reasons." The term is a very vague one, and I will be obliged to you to state more distinctly what you mean by it?

A. There were above twelve or fourteen hundred in all, and part of them were for political reasons.

Q. Referring to your printed answer, I find that you state the whole number of removals to be 1,601, and that of these 1,283 were for "political reasons;" and you state afterwards that eight were for "political reasons and neglect of duty," thereby implying, I suppose, something more than mere neglect of duty?

A. In those cases there were charges against the individuals as well as political reasons: perhaps inattention to duty. I do not remember the particulars in these cases. I suppose the statement which you have read is a correct statement. I will answer that "political reasons" embrace a good many things. Removals for that cause have been frequent in almost every administration. When we began, we turned men out because they did not vote for Lincoln; that was a political reason, and it was so stated. If men voted the democratic ticket or were opposed to the policy of Mr. Lincoln, they were removed for that cause; it was designated "political reasons."

Q. I am speaking now of the removals made by the President in office, and the removals to which you refer in this answer.

A. I was proceeding to state that opposition to the policy of the present administration, which is understood to be the policy of Mr. Lincoln, was a cause for which many of these men were removed. It was opposition to Lincoln's policy, which Mr. Johnson was trying to carry out, and the general term "political reasons" was used; that is, the general term used to cover a great variety of circumstances. A man may have been very abusive of Mr. Johnson, denouncing him on the street as a traitor; he would be turned out of office, and it would be stated for "political reasons." If he was abusive of the Postmaster General, denouncing him in the same way, we would turn him out, and assign the reason for it as "political."

Q. I wish you would state, in the cases referred to in this answer, whether "political

reasons" were not difference of opinion with the Executive in regard to his policy in the reconstruction of the southern States?

Not altogether; these questions entered into it. It went both ways: for instance, republican members of Congress would come into the department and complain of a man as having been opposed to the war, as denouncing Lincoln and Johnson, and wanted me to turn him out. I would turn him out, and assign as cause "political reasons." On the other hand, complaint would come that a man was abusing Mr. Johnson, calling him a traitor for carrying out his policy in opposition to Congress. He would be turned out and the cause assigned "political reasons." Without my attention being called to particular cases, I can only state the meaning of the term in this general way; and I have simply intended to give you a general idea.

Q. I wish you would state whether, in a majority of cases, these removals were not made simply from the fact that the persons harmonized in sentiment with Congress in the matter of reconstruction?

A. In a great many cases it was so, but I cannot say in a majority. I could not, from memory, undertake to say with accuracy what proportion. (Pages 333, 334.)

This is substantially an avowal that opposition to the policy of the administration was deemed a sufficient cause for the removal of a public officer. The testimony of James M. Scovel (pages 619 to 633) shows that this was the case, and that no person who refused to support such policy would be appointed to office, and that he received this information, at least in an inferential way, from both the President and his private secretary, Mr. Edward Cooper.

In view of all the testimony taken with reference to this branch of the case, we can but conclude that it was the purpose of the President to use the appointing power in such manner as to favor those who approved of the policy of the administration, and would accord to it their support, and that this purpose related to all of the executive departments, in which many removals and appointments were made in pursuance of it. Was this purpose and its consequent use of the appointing power a change from the practice and action of former administrations? An affirmative answer to this question would go far towards establishing the charge of corruption in the exercise of this power. What has been the practice of former administrations? Does any one doubt that whigs were formerly turned out of office by democratic presidents because they were whigs, and for no other reason? and that in the mutations of parties democrats shared the same fate for a like reason? Did not the republican party continue the practice? and is it now first discovered to be a crime? We will not affirm that this practice is not wrong, nor can we say that there is a member of either branch of Congress who has not, at some time, asked for its application. If "honest, faithful, and capable" officers could continue to discharge their public duties regardless of the successes and defeats of parties, the government and the people, doubtless, would profit thereby. But it is a well-established historical fact that for half a century each succeeding administration has practiced, to a greater or less extent, the doctrine that "to the victors belong the spoils." The appointing power was left without regulation or restraint by law, until the 2d day of March, 1867, when Congress passed "an act regulating the tenure of certain civil offices." (Acts 39th Congress, 430.) We are not apprised of any infraction of this statute by any testimony before us.

Since 1836, in all cases where deputy postmasters have been appointed and confirmed by the Senate, a commission in the following form has been issued:

PRESIDENT OF THE UNITED STATES OF AMERICA.

To all who shall see these presents, greeting:

Know ye that, reposing special trust and confidence in the integrity, ability, and punctuality of ———, I have nominated, and by and with the advice and consent of the Senate do appoint, ——— deputy postmaster ———, and do authorize and empower him to execute and fulfil the duties of that office according to law; and to have and to hold the said office, with all the powers, privileges, and emoluments to the same of right appertaining unto him, the said ———, for the term of ———, unless the President of the United States for the time being should be pleased sooner to revoke and determine this commission.

In testimony whereof I have caused these letters to be made patent, and the seal of the [L. S.] United States to be hereunto affixed.

Given under my hand, at the city of Washington, the ——— day of ———, in the year of our Lord one thousand eight hundred and ———, and of the independence of the United States of America the ———.

By the President:

——— ———,

(Page 767.) *Secretary of State.*

This form reserves and asserts the right and power of the President to revoke and determine the commission at any time, and at his pleasure to create a vacancy by a removal.

In all cases since 1837, "when such officers have been appointed during a recess of the Senate," the following form of commission has been used, viz:

PRESIDENT OF THE UNITED STATES OF AMERICA.

To all who shall see these presents, greeting:

Know ye that, reposing special trust and confidence in the integrity, ability, and punctuality of ———, I do appoint ——— deputy postmaster ———, and do authorize and empower him to execute and fulfil the duties of that office according to law, and to have and to hold the said office, with all the powers, privileges, and emoluments to the same of right appertaining unto him, the said ———, during the pleasure of the President of the United States for the time being, and until the end of the next session of the Senate of the United States, and no longer.

In testimony whereof I have caused these letters to be made patent, and the seal of the [L. S.] United States to be hereunto affixed.

Given under my hand, at the city of Washington, the ——— day of ———, in the year of our Lord one thousand eight hundred and ———, and of the independence of the United States of America the ———.

By the President:

——— ———,

(Page 767.) *Secretary of State.*

These forms represent the practice of the executive department of the government for very many years. They disclose a usage of the government, and it is an established principle of law, affirmed by the Supreme Court, that "usages have been established in every department of the government which have become a kind of common law, and regulate the rights and duties of those who act within their respective limits, and no change of such usages can have a retrospective effect, but must be limited to the future. Usage cannot alter the law, but it is evidence of construction given to it, and must be considered binding on past transactions." (7 Peters, 14.)

The act of March 2, 1867, pronounced against this usage, and declared a rule by which the appointing power should be guided. The executive department of the government has conformed its action to that rule, and has changed the forms of its commissions accordingly. Since the passage of that act, in all cases of suspension from office, commissions in the following form have been issued, to wit:

PRESIDENT OF THE UNITED STATES OF AMERICA.

To all who shall see these presents, greeting:

Know ye that, reposing special trust and confidence in the integrity and ability of ———, I do designate him to perform the duties of the office of deputy postmaster at ———, in the State of ———; and do authorize and empower him to execute and fulfil the duties of that office according to law, and to have and to hold all the powers, privileges, and emoluments to the same of right appertaining unto him, the said ———, until the next meeting of the Senate of the United States, and until the case of ———, who has been suspended by the President from the performance of the duties of said office, shall be acted upon by the Senate, and no longer, unless the commission shall be sooner revoked, subject to the conditions prescribed by law.

In testimony whereof I have caused these letters to be made patent and the seal of the [L. S.] United States to be hereunto affixed.

Given under my hand, at the city of Washington, the ——— day of ———, in the year of our Lord one thousand eight hundred and ———, and of the independence of the United States of America the ———.

By the President:

———— ————,
Secretary of State.

(Page 768.)

In all "cases of vacancies by death or resignation," the following forms of commissions have been used, namely:

PRESIDENT OF THE UNITED STATES OF AMERICA.

To all who shall see these presents, greeting:

Know ye that, reposing special trust and confidence in the integrity, ability, and punctuality of ———, I do appoint him deputy postmaster at ———, in the State of ———, and do authorize and empower him to execute and fulfil the duties of that office according to law; and to have and to hold the said office, with all the powers, privileges, and emoluments to the same of right appertaining unto him, the said ———, until the end of the next session of the Senate of the United States, and no longer, subject to the conditions prescribed by law.

In testimony whereof I have caused these letters to be made patent and the seal of the United States to be hereunto affixed.

Given under my hand, at the city of Washington, the ——— day of ———, in the year of our Lord one thousand eight hundred and ———, and of the independence of the United States of America the ———.

By the President:

———— ————,
Secretary of State.

(Page 768.)

When officers have been confirmed by the Senate, upon the nomination of the President, commissions have been issued in form as follows, namely:

PRESIDENT OF THE UNITED STATES OF AMERICA.

To all who shall see these presents, greeting:

Know ye that, reposing special trust and confidence in the integrity, ability, and punctuality of ———, I have nominated, and by and with the advice and consent of the Senate do appoint ——— deputy postmaster ———, and do authorize and empower him to execute and fulfil the duties of that office, with all the powers, privileges, and emoluments to the same of right appertaining unto him, the said ———, for the term of ———, subject to the conditions prescribed by law.

In testimony whereof I have caused these letters to be made patent and the seal of the [L. S.] United States to be hereunto affixed.

Given under my hand, at the city of Washington, the ——— day of ———, in the year of our Lord one thousand eight hundred and ———, and of the independence of the United States of America the ———.

By the President:

———— ————,
Secretary of State.

(Page 767.)

If any departure from this system has transpired, the testimony before us does not disclose it.

Complaint has been made that the President, for the purpose of more effectively using the appointing power to the advancement of his own ends, has corruptly endeavored to evade the provisions of the Constitution defining and regulating the appointing power, by neglecting or refusing to send to the Senate, in a number of cases, nominations to fill vacancies which happened "during the recess of the Senate." The evidence does not support this charge. The testimony of Hon. Hugh McCulloch, (71 to 78 inclusive,) of George Parnell, J. L. W. Huntington and C. E. Creecy, (79 to 84 inclusive,) of Hon. A. W. Randall, (333 to 345,) of W. E. Chandler, esq., (472 to 480,) Robert Johnson, (495,) and of W. G. Moore, (542, 543,) explains the circumstances involved in this com-

plaint, and rebuts the presumption sought to be raised of a corrupt or criminal intent on the part of the President relative to the absence of nominations to fill said vacancies.

The appointment to office of persons who could not take the oath of office prescribed by the act of July 2, 1862, may be properly considered under this charge. Some sixty appointments of this character were made, and the state of facts disclosed by the testimony concerning them will be briefly stated. The following extracts are made from the testimony of Hon. Hugh McCulloch, viz:

Q. Have any persons been appointed to office in the southern States since the close of the rebellion, and been allowed to enter on the duties of their office without taking what is commonly called the test oath?

A. A number of persons have been appointed to office in the southern States who were unable to take the test oath of 1862.

Q. State to the committee, without further interrogation, the circumstances of their appointment, &c.

A. In reply to a resolution of the Senate, dated December 13, 1865, calling for information on the subject, I addressed to the Senate a reply, which is to be found in Executive Document No. 3, 39th Congress, 1st session. As I stated the facts as they occurred concisely at the time, I would like to make that reply a part of my testimony in this case. (Page 604.)

In the document referred to a statement is given explanatory of these appointments, and from it we quote as follows:

Upon the surrender of the confederate armies, it was regarded by the President and his cabinet as a matter of great importance that revenue offices should be established in the southern States, in order that commerce and trade might be resumed, and the authority of the government in one of its most important branches should be again recognized in all parts of the Union with as little delay as practicable. It was also regarded as a matter of scarcely less importance that citizens of the respective States in which offices were located, and not strangers, should be appointed revenue officers. In carrying into effect these views it became necessary to call into requisition the services of some southern men who had participated in the rebellion. None, however, have been appointed to office, or permitted to hold office under the law for the collection of the revenues, who are known to have instigated the rebellion, or who could properly be considered as justly responsible for it. It has been my purpose to recommend the appointment, and to sanction the appointment, of such only as could take the oath literally; and failing to be able to find such persons, to confine the appointment to those who gave no aid to the rebellion until the government of the United States had failed to give them the protection to which they were entitled, and there was no government but rebel government (State and confederate) to which they could look for safety or support in the perilous circumstances in which, without any previous action of their own, they had been forced. It is believed that very few persons not belonging to one or the other of these classes are holding positions under this department. (Page 605.)

* * * * * * *

Q. Were those appointments made by the President?

A. The principal appointments are presidential appointments. They were made by the President on the recommendation of the Secretary of the Treasury. I desire to state that this was considered a matter of so grave importance that, before any action was taken upon the subject of filling revenue offices at the south, it was a matter of cabinet consultation; and, after a full and careful deliberation, it was agreed—as I recollect, unanimously—that, as it was important for the government that we should establish our revenue offices without delay, the Secretary of the Treasury would be justifiable in doing the best he could in regard to appointments, under the peculiar circumstances of the country. (Page 607.)

* * * * * * *

Q. When was this cabinet meeting held to which you refer?

A. I cannot name the time. It was the subject of conference at one or two meetings. It was pretty soon after the collapse of the rebellion—early in 1865.

Q. What efforts were made by your department, previous to that decision to which you refer, to ascertain whether men who could take the test oath could be found at the south?

A. We made no other efforts than to inquire of the men whom we met from the south in reference to the best persons in their neighborhoods to hold the respective offices, and to request that in all cases they would name persons, if they could do so, who were competent and could take the oath. That was about the only means we had of ascertaining.

Q. Can you give any reason why Congress was not informed of that action until the Senate called for information by resolution?

A. I have no other reason to give than this, that the action of the Treasury Department and of the Post Office Department in reference to appointments to southern offices was, as we understood, known to Congress without any formal communication. I had myself frequent conversations with leading men on the subject. No communication was made to Con-

gress, because I thought it was generally understood that such appointments had been made, and it was expected that Congress would take some action in the matter without a formal communication.

Q. State in this connection to what member of Congress you ever made any such communication.

A. I cannot recollect definitely with whom I conferred. I think I did speak once or twice to Mr. Fessenden on the subject; and without being able to give names, my impression is that I spoke to perhaps a dozen others, explaining fully the course which had been taken by the Secretary of the Treasury. I wish to say that, after Congress had failed to take any action on the report which I made in December, after waiting for some action, and none being had, in March I addressed a communication to the President on the subject, and that communication was referred to Congress. As soon as I understood that Congress was hardening, as I deemed it, toward the South, and that there would be no modification of the oath, I took the most prompt measures in my power to have all the occupants who had not taken the oath dismissed from or to resign office, and others appointed in their places.

Q. Have all those men who did not take the oath been paid their salaries?

A. Not a dollar to my knowledge, with the single exception referred to. Some have been applicants to Congress for relief.

Q. Did not collectors retain their salaries out of money which came into their hands?

A. Under present regulations, and I think under regulations which were then in existence, a collector of internal revenue does not retain his compensation, but is compelled to deposit the entire amount of his receipts, he receiving at the proper time a draft for his commissions, &c. (Pages 613, 614.)

The testimony of ex-Attorney General Speed casts some light upon the subject of these appointments, as the following extracts will show, viz:

Q. During your period of office, did you at any time consider the question of the power of the President or of the heads of departments to appoint men to office who could not take and subscribe the oath of office prescribed by the statute of 1862, known as the test oath?

A. Yes, sir. I do not recollect having given any official opinion on the subject. I have had the records examined, and could find no trace of an official opinion there. I recollect, however, that the subject was discussed as early as and before the 30th of May, 1865. Immediately after the collapse of the rebellion the administration desired very earnestly to establish the various departments of the government in the seceded States. The judiciary department was under my control. I was very anxious to send judges, marshals, and the appropriate officers of that department to the south. I find that on the 30th of May, 1865, Mr. Mason was commissioned as district attorney, and Mr. Dick was commissioned as district judge of North Carolina. On or prior to the day that those commissions were made out, the subject of taking the test oath had been discussed in the cabinet. There was very little discussion of it. Some of us were of the opinion that probably persons could be inducted into office and made *de facto* officers without taking the test oath. Under that opinion, not well considered, those commissions were issued. After they were issued, I and other members of the cabinet (Mr. Stanton more particularly) examined carefully the question, and came to the conclusion that no persons could be inducted into office down there without taking the test oath. Mr. Dick and Mr. Mason had gone home. I wrote to them to that effect, and they returned their commissions, not being able to take the test oath. From that time no persons were commissioned in that department who could not take the test oath.

* * * * * * *

Q. Have you any specific recollection whether the fact of that decision was made known to the President?

A. I have no specific recollection of the occasion. My recollection is very distinct to this effect—that when the matter was first brought before the cabinet Mr. Stanton, who is a bright lawyer, aided me in looking into the matter, and we concurred in the notion that possibly persons might be inducted into office without taking the test oath. The matter was laid over, and we afterwards considered it more carefully, and both of us came to the conclusion most decidedly that it could not be done. Whether Mr. Stanton was at the second meeting of the cabinet when the decided opinion was given I cannot say; but at that second meeting of the cabinet, a very decided opinion was given by me. My impression is that I did not write out any opinion, but that I talked from minutes which I held in my hand in relation to the matter. (Pages 791, 792.)

This second discussion of the question occurred some time in August, 1865, the precise day Mr. Speed could not state.

A number of persons were appointed after this date to revenue offices who could not take the "test oath," but the testimony does not show that the President in any case knew that the appointees could not qualify in manner and form required by law.

Appointments of this character were confined almost exclusively to the Treasury Department, as it appears from the testimony that a distinction was made between officers deemed peculiarly advantageous to the government, and those regarded as more intimately connected with the interests and convenience of the people of the insurgent States; hence, while revenue officers who did not qualify in accordance with the act of July 2, 1862, were appointed, no such cases seem to have occurred in the appointment of postmasters. These appointments were regarded as relating more to the advantage and convenience of the people of the insurgent States than to the government. They were not made unless the appointees could qualify under the said act. Why was this exception made if the design was merely to subserve the purposes of the administration? Why was not the same system carried out in all of the executive departments, if its designed end was predetermined to work out the success of the plan of the President regardless of the law of the land or the will of Congress?

The third charge is: that the President has "corruptly used the pardoning power."

This power is vested in the President by section 2 of article 2 of the Constitution, in these words: "He shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment." The exercise or non-exercise of the power rests in the discretion of the President. If he does not use it corruptly, he commits no crime. He must be guided by his judgment in the use of this as in all other instances of discretionary power, and "when an officer is called to exercise a judgment of his own, he is not punishable for a mere error therein, or for a mistake of the law. Here the act, to be cognizable criminally, or even civilly, must be wilful and corrupt." (Bishop on Criminal Law, 913.)

That the President has used the pardoning power in a vast number of cases, is a fact of public notoriety, and is abundantly established by the testimony. But this fact proves but one thing, namely, that a great many persons in the United States had committed crimes. It raises no presumption of corruption. The legal presumption is that the President used this power properly in each and every instance. This presumption may be overcome by proof; but this result has not been arrived at in any case examined by the committee. It is not contended that the power may not have been unwisely used, nor that many mistakes may not have been made in its exercise. It is simply affirmed that in such cases as have been examined in detail, the element of corruption in granting the pardon does not appear.

The pardon of Solomon Kohnstam created considerable excitement in the country when it was announced. The statements concerning it, made in the press, seemed to establish conclusively that a wanton, reckless, and corrupt use of the pardoning power had been discovered. Kohnstam had deliberately, and by most wicked and criminal practices, defrauded the government out of a large sum of money when it was straining every resource to the utmost tension to destroy a rebellion which threatened its life. The President pardoned him, and the committee examined the supports underlying the action of the Executive. The result may be found on pages 417, 418, and if they are turned to, few will assert that that case presents evidence of a corrupt use of the pardoning power.

Other cases were examined in detail, such as that of George W. Gayle, who proposed for $1,000,000 to "cause the lives of Abraham Lincoln, William H. Seward, and Andrew Johnson, to be taken," (564 to 570,) and the case of Joseph R. Anderson, one of the proprietors of the Tredegar iron works, of Richmond, Virginia, (417,) with no graver results.

It has been asserted that the case of the "West Virginia soldiers" establishes an instance of a corrupt use of this power, because two hundred and ninety-one persons were included in one order, without an examination into the merits

of each individual's case. What are the facts? The following letter was presented to the President:

WASHINGTON CITY, D. C., *October* 22, 1866.

SIR: The soldiers whose names will be found in the accompanying list were nearly all marked absent without leave in the year 1864, during that terrible campaign to Lynchburg, under command of Major General Hunter. In the cavalry those so marked had their horses killed, and were obliged, like the disabled infantry, to make their way back within our lines, or hide in the mountains until the command returned. If a soldier is absent at three roll-calls, and the officers do not know where he is, he is marked a deserter; when that record is made, a trial by court-martial is necessary to remove the charge; this opportunity these men never had. They rejoined their respective commands and served nobly to the end of the war, when, mustered out of service, they were unable to draw the pay due them.

You will perceive there has been a selection made of the deserving men from each regiment; the small number taken from each is proof of that fact. I do not consider these men deserters; they certainly never intended or thought of deserting, and justice requires that the charge should be removed, and thus restore them to all the rights and privileges of soldiers and citizens. These men are registered and want to vote, but will be debarred unless the disability is removed.

I have the honor to be, most respectfully, yours,

M. McEWEN, *M. D.*,
Late Surgeon-in-Chief 2d Cav. Div., and Brevet Col. U. S. A.

His Excellency ANDREW JOHNSON,
President of the United States. (Page 283.)

On this appeared the following indorsements:

Referred to the honorable the Secretary of War. All pains and penalties attaching to these men on account of the charge of desertion are remitted, and the charge will be removed from the rolls.

ANDREW JOHNSON.

OCTOBER 23, 1866

Referred to the Adjutant General to issue order in conformity with above by the President.

E. M. STANTON, *Secretary of War.*

Concerning these papers the Hon. E. M. Stanton testified as follows:

Q. As far as the files of the department show, was there any paper transmitted to your department from the President, at the same time the one last referred to was received?

A. There was none at that time that I have any knowledge of. The letter of Surgeon McEwen, with the indorsement of the President, was brought to me by some one; I cannot now recollect whether by Mr. McEwen, or whether it was transmitted in the ordinary course by the President. I read the order of the President and immediately indorsed my order below, and sent it down to the Adjutant General. The letter of Surgeon McEwen I did not then read, and have never read it since.

Q. Was there any investigation made into the nature of the offences committed, or said to have been committed, by these men, for the purpose of ascertaining whether they were real deserters or nominal deserters?

A. No investigation was made by me. Shortly after the order was sent to the Adjutant General, probably the same day, he reported to me that he thought the President had been deceived in reference to that application, for he found that one or more of the persons ordered to be relieved had deserted to the enemy. I immediately went to the President and asked him whether he was aware of that fact, and whether he desired to have such persons released. He said he was not aware of the fact and certainly did not mean to order their release, and directed me to have an investigation made as to how many of them belonged to that class. I returned instantly to the War Department and gave directions to the Adjutant General to examine how many of them belonged to that class, and not to embrace them in the order. I understood that on examination it was found that only one belonged to that class, and he was not embraced in the order. What investigation was made in reference to the others I am unable to say. I acted upon the order that was indorsed upon the letter. (Pages 276, 277.)

The result is evidenced by the following order:

WAR DEPARTMENT, ADJUTANT GENERAL'S OFFICE,
Washington, November 21, 1866.

All pains and penalties attaching to the following named men, on account of the charge of desertion against them, are hereby removed, and the charges will be removed from the rolls: [Here were inserted the names of the soldiers.]

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant General.

(Page 278.)

But it is said that the President acted upon the promptings of a corrupt motive—that the real reason which governed him was a desire to control the election in the Martinsburg district, West Virginia, and that this is proved by a letter alleged to have been written by Edward W. Andrews, who was at the time the democratic candidate for Congress in that district. The letter referred to is in words as follows:

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

SIR: The accompanying list embraces the names of nearly two hundred soldiers, who are disfranchised by the charge of desertion. The great majority of these men reside in my congressional district. It would be doing me a great service to have the charge removed, and thus enable them to vote at the approaching election. The contest will, without doubt, be a very close one, and I feel well assured the restoration of these men will result in my election, provided it can be done immediately. (Page 317.)

Matthew McEwen testifies (page 57) that he received this letter from Mr. Andrews. Andrews testifies (page 317) that he never wrote the letter—that it is a forgery. His son, Samuel J. Andrews, swears (page 361) that he wrote the letter without his father's knowledge, and says that "Dr. McEwen sat down and wrote off in pencil a letter which I copied and then signed my father's name to it and gave it to him," (McEwen.) An effort is made to trace this letter to the hands of the President, but taking the testimony of McEwen, (page 56,) of Thomas B. Florence, (page 273,) of Robert Johnson, (page 493,) and of William G. Moore, (page 540,) together, it does not appear that the letter reached the President or that he had any knowledge of it.

Supplemental testimony has been taken tending to show that the Andrews letter did reach the President, and that an answer to it was written by Colonel W. G. Moore, one of the President's private secretaries. We affirm that under no rule of law does the testimony carry a knowledge of that letter, or of its contents, to the President. But suppose it did reach him, and that he acted on its improper appeal; what then? The act of pardon was right. The soldiers affected by it ought to have been restored to the rolls, and have received an honorable discharge. They had served their country well, and their alleged desertion was the result of the technicality of military law, and not of their own intention. There is no reasonable doubt of this. A technicality disfranchised them; nothing more did the deed. Suppose the motive of the President was bad; the deed itself was right. For what, then, is he to be impeached—the bad motive or the good deed? If the President is to be impeached for this, let those who choose stand and demand from these soldiers of the republic a surrender of the elective franchise; we will not do it.

The policy pursued relative to the pardon of persons applying therefor under the amnesty proclamation, and the reasons on which it was based, are thus disclosed in the testimony of ex-Attorney General Speed:

Q. What principle governed you in recommending men to pardon?

A. The general principle of clemency. If I saw the party, or if a gentleman in whom I had great confidence gave me a description of the party, which I relied upon, I recommended a pardon. I regarded it as best to relieve those persons of apprehension, and let them go to work. We operated on these exceptions in the office in this way: The persons coming under the $20,000 clause and the more minor officers were all thrown together, and there was very little question asked about them. Our object was to fling pardons broadcast. And so that there would be no question in the future about slavery, we put a condition in the pardon that the person pardoned should accept the situation of the country in reference to the abolition of slavery. There was a condition in the pardon that he should never thereafter hold a slave, or make use of slave labor; and if we only gave pardons to a few it would be ridiculous to make that condition, whereas giving pardons to a great many persons of the influential classes would give force and effect to that idea. That induced us to be very liberal with pardons.

Q. Is that the principle on which you account for the pardoning of such a large number of leading men in the south who came under the exception?

A. I do not know whether that is the principle. The principle on which we acted in the office was, not to investigate closely the cases coming under the $20,000 clause, and the

clause in relation to minor officers. Unless there was something against the party the pardon went as a matter of course. In the cases of higher officers the applications had to come direct to the Attorney General or the President; and we made exceptions in particular cases. (Pages 303–304.)

If the general policy of granting pardons, or its individual application, has been corrupt or criminal, the testimony before us does not disclose it. We do not assert that the use made by the President of the pardoning power has not been unwise, impolitic, dangerous; but we do affirm that the testimony does not disclose a crime or misdemeanor known to the law, in its exercise.

The fourth charge is: "That the President has corruptly used the veto power."

The testimony taken by the committee under this charge relates mainly to the veto of the bill for the admission of the proposed State of Colorado. The following extract from the testimony of Hon. John Evans, one of the senators elect of the proposed State, will serve as a condensation of this branch of the committee's inquiry, viz.:

Q. State as much as possible in detail the conversation that occurred between you and Mr. Cooper, and between you and the President.

A. Previous to our interview with the President, we were invited into a private room by Mr. Cooper, who said he desired to talk with us in regard to the Colorado question. After a resumé of the present political situation, he said it was of vital importance for us to be friends of the President and his plan of restoration; said there would be no trouble about our bill if we would give our adherence to the President's policy; that believing, as the President did, that the future welfare and harmony of the country depended upon sustaining him as against Congress, it would not be expedient in him (the President) to admit us to fix a ruling power over him in the Senate; that there was no constitutional reason or precedent upon which to veto—it was merely a question of expediency, and added: "It is for you, gentlemen, to decide." He said a great deal else of this import, to all of which we answered, and stated that we had no personal hostility to the President; would be glad to see harmony, and hoped a more perfect understanding between the President and Congress would yet harmonize them, and that some plan would yet be agreed upon that would restore the union of all the States, so that loyalty could be encouraged and protected in the late rebel States; that one of us (Mr. Chaffee) had voted for him (the President) in the Baltimore convention, and that we should sustain him so far as we could, in justice to our views upon the great national question of reconstruction. He then asked us to go in and see the President, which we did. The President met us very cordially; went over his whole plan in detail, since his inauguration; said that our bill placed him in a rather awkward position; that he felt the necessity of carrying out his policy as the only one to restore the Union; that the radicals in Congress, if allowed to succeed, would disrupt and destroy the government. He characterized the leading men as actuated only by a desire to prolong themselves in power, and said he did not deem it expedient, or in consonance with the future welfare of the Union, to admit two more into the Senate to carry out their schemes; that he felt friendly to the *West*, and desired to do right, &c., &c.; to all of which we answered that we thought him mistaken about the animus and object of the majority in Congress; that we believed they, as well as himself, were actuated by patriotic motives; that we felt it to be our duty to be free to act as we thought best in our judgment, after taking the oath to support the Constitution of the United States; that we could have no object in this exigency but to act in a way that would restore the country upon a just basis, so that the rights of all would be guaranteed; that we should have sustained the civil rights bill if we could have voted upon it; that we very much desired the admission of Colorado, and hoped he would approve the measure, &c. I further stated to him that I had been a republican since the organization of that party. After we left him Mr. Cooper held another private interview with us, in which he requested us to put our views in writing *for him*, not to be used, as nearly and as favorably as we could, consistently, with the President's policy; to think of it over night, and to see him again at nine o'clock in the morning. During this interview he left us and went in to see the President, and after returning he made this request for us to put our views in writing. We called in the morning, separately, and without consultation with each other, and declined, stating that we had said and done all that we could, and would have to submit to what the President saw fit to do in the premises. (Pages 19–20.)

Hon. Jerome B. Chaffee, the other senator elect, confirmed this statement of his colleague, and, in addition thereto and in answer to the following question, gave this reply:

Have you any doubt, from what transpired between you and Mr. Cooper and the President, that if you had agreed to their proposition the President would have signed the Colorado bill?

I have not a doubt, in the world. I judge so from the conversation of the President—from

his remark to us that it put him in an awkward position—that he had always been the friend of the west—that he hated to veto the bill; but he deemed the restoration of these States of paramount importance to everything else—and that he did not deem it expedient to admit two more senators to override him. (Page 22.)

Of course, this opinion of Mr. Chaffee cannot be received as evidence, but the facts he testified to go far towards supporting it.

Mr. Cooper was examined with reference to these interviews, and the following extracts are taken from his testimony:

I was extremely anxious that Colorado should be admitted as a State. That was my position. I was urging upon the President of the United States its admission, and for that purpose I desired to learn what were the views of Mr. Evans and Mr. Chaffee, in regard to the political questions then agitating the country.

Q. Please state what occurred at that interview.

A. I cannot pretend to detail the conversation. The substance of it was to ascertain, if I could from them, what position they assumed in regard to the questions then dividing Congress and the President as to declaring the States lately in insurrection and rebellion territories. I received from Mr. Chaffee a written statement of his views, and a verbal statement from Mr. Evans.

Q. Can you produce the written statement made by Mr. Chaffee?

A. It is on file in the Executive Mansion, and if it has not been destroyed, can be produced.

Q. Please state your recollection of the conversation that occurred on that occasion.

A. The substance of the conversation that I recollect was, that I inquired of them what their views were in regard to the restoration of the States lately in insurrection—whether they held with the majority in Congress, that they were dead States, incapable of representation, or whether they believed loyal representatives elected from the States should be received by Congress to their seats. I understood both of these gentlemen to say that while they were republicans, they were unhesitatingly in favor of the admission of loyal representatives elected from any of the States lately in rebellion who could take the test oath. When I ascertained that to be their view, I urged it as an argument to the Executive why the Colorado bill should be sent back approved.

Q. At whose instance did you have this interview?

A. At my own.

Q. Had the President any knowledge whatever of your intention to bring about this interview?

A. Not the slightest.

Q. It was, then, solely on your own responsibility?

A. It was.

Q. Did you inform the President of it?

A. Yes, sir. I took the gentlemen into the President's room myself.

Q. That conversation commenced before you took them in to see the President, and was on the same evening of their interview with the President?

A. Yes, sir.

Q. Did you go in to see the President before they were introduced?

A. It is very probable I did, though I do not remember it. If I did, it was only to see if he was disengaged and was willing to give them a hearing.

Q. Were you present at the interview between them and the President?

A. I was not. As soon as they were admitted I retired.

Q. Did you see them after the interview between them and the President?

A. I think not. If I did, it was only casually. (Pages 24 and 25.)

* * * * * * * * *

Q. Did you suggest to Mr. Evans or Mr. Chaffee, or to either of them, that the approval of the Colorado bill by the President might depend upon their position relative to the questions you discussed with them?

A. No, sir; I only desired to know them for the purpose of using them as an argument. The President had at no time predicated his action upon the political position that the senators would assume or that they held. His objections were of an entirely different character.

Q. Do you know at what time the message was written?

A. It was not completed until the day it was sent in.

Q. Do you know whether it had been commenced the day before?

A. I do not. I am satisfied the views and positions assumed in the message had been determined upon by the President days before.

Q. Do you remember anything being said during the interview between Mr. Evans and Mr. Chaffee and yourself about it being in their power to determine what would be the fate of the bill?

A. I have no idea I told them that. I had no authority to say it was. If I did say it, it was upon my own responsibility. They certainly misunderstood me if they so stated, for I had no authority in the world to do so in the slightest. One of my reasons for favoring the Colorado bill was, that in its constitution it used the word "white" in regard to electors. It

was changing its condition from a territorial state by the decree of its citizens, as I thought, and I believed that Governor Cummings was doing them injustice.

* * * * * * * * * * *

Q. Did you express your own opinion to either Mr. Chaffee or Mr. Evans, as to the probability of the President's signing the bill in case their statements were satisfactory?

A. No, sir. I had no authority to do so—not the slightest. I only stated that I desired to use it as an argument, and would be glad to have an opportunity of doing so to sustain my own views. My support of the Colorado bill was entirely independent of Mr. Chaffee's or Mr. Evans's views in regard to any question. (Page 26.)

The only paper signed by Messrs. Evans and Chaffee is here given:

WASHINGTON, D. C., *May* 12, 1866.

DEAR SIR: We have seen and heard reports to the effect that "the Colorado senators have sold out to the radicals for the sake of getting the bill passed through Congress for the admission of Colorado into the Union." We desire to say to you, and all others, that this statement is entirely untrue; that we have not agreed or pledged ourselves to support any man or measures; that we are wholly free to vote and act as our judgment directs, and shall do so to the best of our knowledge and ability, and in accordance with the Constitution which we swear to support. We would not consider ourselves worthy of a seat in the United States Senate under any such imputation, if true.

Very respectfully, your obedient servants,

J. B. CHAFFEE.
JNO. EVANS.

Hon. EDWARD COOPER.
(Page 27.)

The Colorado bill was vetoed May 15, 1866. The veto message was not acted on in the Senate. This is substantially the entire case before the committee relating to a corrupt use of the veto power. If it discloses an impeachable crime we are unable to detect it. The testimony undoubtedly shows that the President had determined to veto the Colorado bill. Suppose he did offer to change his position, and to approve it in consideration of a promise by the senators elect to support his administration—to change his position and approve the bill—what then? He was required by the Constitution to approve or disapprove the bill. He had resolved upon the former. Did he change his resolution? No. An offer to change for a consideration, if he proposed it, was very improper; but was it a crime? Put it in its worst light, and we are still confronted by the fact that the offer was not accepted, and the act was not done. Has Congress, even, declared that this was wrong? Colorado is not yet a State. Why? Congress did not overrule the veto of the President. Is not this, under the Constitution, an approval of his official act? Let this form the basis of impeachment, who will assume the responsibility of giving it effect?

The fifth charge is, that the President has "corruptly disposed of the public property of the United States."

Under this charge considerable attention was devoted to the disposition of railway property in the rebel States. For a complete statement of this branch of the case reference is here made to the testimony of honorable E. M. Stanton, and its accompanying exhibits, commencing on page 186 and closing on page 264.

It does not appear from the testimony that the President gave his personal attention to this subject to any considerable extent, except so far as relates to the railroads in the State of Tennessee. The Secretary of War and the Quartermaster General seem to have been the principal actors in regard to the disposal of that class of property, so far as the inauguration of a system is concerned. The following statement may be found in Mr. Stanton's testimony, viz:

Shortly after the surrender of the rebel armies, the attention of the War Department was directed to the proper disposition to be made of the railroads and railroad stock throughout the rebel States which came into our possession, either by capture or construction. It was the subject of a good deal of consultation and conference between the Secretary of War and the Quartermaster General. It was the opinion of the Secretary of War that it was wholly impracticable for the government to operate these railroads under any system, and that it would tend greatly to the advantage of the country to make such disposition as would allow them as speedily as possible to become what they were designed—channels of commerce and trade between the States; and that any terms on which that could be done, would be advan-

tageous. This was especially the case in regard to the western and southwestern railroads, where it was said there were large amounts of cotton that would be available to remove north in exchange for supplies to go south, of which it was said they were greatly in want. The first case, I think, in which the matter came up for practical action, was in reference to the Orange and Alexandria railroad. In the case of this road an arrangement was made by which it was turned over to the company, the details of which I am not now able to state. An officer in the quartermasters' department is engaged in getting the papers together, and they will be furnished. The attention of the department, some time prior to the 27th of June, was called to the railroads in Tennessee by a correspondence between the Quartermaster General and General Donaldson, chief quartermaster of the department of the Cumberland, copies of which I hereby present. I have the originals here, which the committee may examine if they desire. On the 7th of July the Quartermaster General submitted to the Secretary of War a report upon the subject, relating to a communication from M. Burns, president of the Nashville and Northwestern railroad, which is annexed with the other papers. These views of the Quartermaster General were concurred in by the Secretary of War generally, and so indorsed on the report on the 11th of July, 1865. At the time of my approval of the report, I did not advert to the observations which had been made by the Quartermaster General in the close of his report in regard to the act of Congress of the 31st of January, 1865. My construction of the law differs from that which seemed to be entertained by the Quartermaster General in regard to that subject. I have not regarded that act as having anything to do with roads in Tennessee, or in any of the other States where they were captured by our armies or were enemy's property acquired by military occupation.

* * * * * * *

Q. In case of the construction of a railroad by the government, the government furnishing the material and the labor, what has been the custom of the department in surrendering such roads to companies claiming them?

A. In all instances, I think, such roads have been surrendered in the same manner as if they had been originally constructed by the companies. That subject was talked of, and was the subject of a good deal of conference between myself and the Quartermaster General. My own view was that the great object on the part of the government was to get these roads operated, and that to go into an inquiry as to the cost of construction would be impracticable, either as to the actual cost of construction or as to any certain rule of compensation, because many of them were constructed at a much larger expense than companies would construct them. They were constructed under the pressure of war, and for temporary purposes. The object of arriving at the actual cash or money value or equivalent for the roads was not only impracticable, but really of but very little practical interest in comparison with the great end of having the channels of commerce in the rebel States opened and carried on with a view of getting out their produce, furnishing supplies, and getting commerce into its regular channels. In my own view that appeared to be the most certain and most speedy system of reconstruction we could adopt, and that it would tend more to establish harmony than any other thing that could be done by the government. In view of all this, and after the most deliberate consideration we could give to it, it was the opinion of the Quartermaster General and myself—certainly my own—that it would be impracticable to make any distinction. And, so far as I know, no distinction was made in any part of the country in reference to roads built by the government and roads that had been constructed by companies before the war commenced.

Q. Suppose the government, at its own expense, had constructed seventy miles of railroad in one of the rebel States, and that at the close of the war a company should apply to the executive department of the government for a transfer of the road so constructed by it, by what authority or provision of law would the executive department be authorized to transfer the road so constructed to the company making the application?

A. I do not know of any act of Congress that directly or in terms would authorize any such transfer; but regarding the construction of the road in time of war simply as a means or instrument of carrying on war, when the war was over I would conceive it to be strictly proper and within the scope of the powers of the General commanding, or especially of the President of the United States, as the commander-in-chief of the army, to render that instrument as available for peace purposes as possible. And inasmuch as the road would be entirely useless unless it was operated, and it would be for the benefit and interest of the public to have it operated as speedily as possible, I should think it would be in the exercise of a wise discretion, and exercising proper authority, to turn over that road to any company or individual who would operate it, for in that way he would be applying the war material to the only available use to which it could be applied. (Page 183 to 186.)

These ideas were reduced to a system, and a plan was finally adopted involving the following propositions, viz:

1. Every railroad in charge of the quartermasters' department to be turned over as soon as no longer required to the applicants seeming to have the best claim to it, and being able to operate it the most efficiently for the transportation of stores and troops.
2. No charge to be made against the railroad for expense of material or operation.
3. All material for permanent way used in the repair and construction of the road, and all

damaged material of this class left along its route, to be considered part of the railroad given up with it.

4. No payment or credit to be given the road for occupation or use during the military necessity which compelled the United States to take possession of it; the return of the road with repairs being a full equivalent for its use.

5. All movable property and rolling stock belonging to the United States to be sold at auction, after simple notice, to the highest bidder.

6. All rolling stock and material which belonged to the road before the war or before possession by United States forces, to be given up to the proper agents of the road as soon as no longer required.

7. When there are State boards of public works able and willing to take roads, the roads to be given up to such boards, leaving to the State authorities and judicial tribunals the determination of rival claims.

8. Railroads not operated by the quartermasters' department not to be interfered with unless under military necessity, but to be left with present possessors, subject only to removal of every official and operative who had not taken the oath of allegiance.

9. The eighth condition not being enforced, a receiver, accountable for receipts to the board of directors, to be appointed.

10. In Virginia, no obstacle to be interposed to possession by the board of public works of all the roads not in use by the United States military forces, and those thus used to be turned over to the board when no longer required. In States holding bonds of the roads, but not having boards of public works, roads to be turned over to the State authorities, or to receiver appointed by the Treasury Department at the instance of the War Department, to take possession of them as abandoned property. (Pages 189, 190.)

This general plan was defaced by order of the President of August 8, 1865, which related to the "relinquishment of government control over roads in Tennessee," directing that the roads in said State be surrendered upon the following principles, to wit:

1. Every company to reorganize and elect a board of directors, whose loyalty should be established to General Thomas's satisfaction.

2. A complete inventory of rolling stock, tools, and other material and property on each road to be made out in triplicate.

3. Separate inventories of rolling stock and other property originally belonging to each road, and that furnished by and belonging to the government.

4. Bonds satisfactory to the government for payment, within twelve months from transfer or such other reasonable time as should be agreed upon, of a fair valuation of government property, turned over upon an adequate appraisement—the United States reserving government dues for carrying mails and other service by each company until payment of obligations by the companies, and the balance of unliquidated indebtedness remaining at the maturity of the debt to be paid by the companies in money.

5. Tabular statements to be made of all expenditures by the government for repairs to each road, with full statements of receipts from private freights, passage, and other sources, and of the number of persons and amount of freight transported, and the distance in each case. All of said reports or tabular statements to be made in triplicate, one each for the Secretary of War, the military headquarters of the department, and the railroad company.

6. All railroads in Tennessee to be required to pay arrearages of interest due on bonds issued by that State, prior to the date of its pretended secession, to aid in construction of the roads, before declaration or payment of dividends to stockholders.

7. Buildings erected for government purposes on the line of railroads, and not valuable or useful for business of the companies, not to be a charge against the companies, and charge not to be made for rebuilding houses, bridges, or other structures which were destroyed by the federal army.

8. Authority given General Thomas to give to quartermasters within his division any orders necessary for the carrying out of this plan. (Page 190.)

"After a conference between the Secretary of War and the Quartermaster-General, on the 14th of October, 1865," the benefits of the foregoing plan were extended to all roads within General Thomas's command; and subsequently, "upon the recommendation of the Quartermaster-General," the same privileges were extended to other roads.

Many million dollars' worth of property passed into the hands of railway corporations under these orders. Was it property the title to which was vested in the United States? So far as the road beds and other real estate belonging thereto are concerned, this question must be answered in the negative. None of these roads had become the property of the government, either by seizure, condemnation, and sale of the roads themselves, or of the shares held by the stock-

holders. The title was in the companies. The government was in possession for military purposes; when these purposes had been served, the government relinquished its possession, and surrendered the roads. Such is the case which the testimony discloses. Whether this action was wise, prudent, just, are not questions for us to determine. We are dealing with crimes and misdemeanors, and if these do not appear, the case fails, no matter what amount of folly and censurable conduct may be disclosed.

Here it may be well to call attention to the action of the Attorney General, (Mr. Speed,) relative to the property of corporations. A letter of instruction was directed by him to the United States district attorney for Alabama, in these words, to wit:

ATTORNEY GENERAL'S OFFICE,
Washington, D. C., October 18, 1865.

SIR: A corporation cannot be guilty of treason, or of any of the acts denounced in the confiscation law of July 17, 1862.

You will not, therefore, seize the property of corporations; and release any that may have been seized.

Very respectfully, &c.,

JAMES SPEED,
Attorney General.

JAMES Q. SMITH, Esq.,
United States Attorney, Montgomery, Alabama.

(Page 432.)

This was a terse and emphatic approval of the position assumed by the Assistant Attorney General, in a communication addressed to the same district attorney, on the 22d September, 1865, in which he said:

This office has heretofore been and is now of the opinion that a proceeding will not be and cannot be sustained in law under that statute to enforce the confiscation of the property of a corporation for any acts done by the directors or agents of the corporation in contravention of the statute. Such acts can only render the directors or agents personally responsible to the law. They cannot render the corporation liable to the penalties of the confiscation act. The directors, being but attorneys, could do no act, unless within the scope of their authority, to bind their principals. Were the rule different, the loyal stockholders and creditors of the corporation, including those who may never have been in the rebellious States, would lose their property without having been in any way in fault. If the law were otherwise, the property of every town and city whose officers may have applied any part of the corporation funds in aid of the rebellion, would be liable to confiscation; and thus loyal citizens as well as rebels might be punished for acts in which they had no personal share or sympathy. (Page 431.)

We are not prepared to challenge the correctness of the doctrine here advanced.

It may be claimed that, so far as regards movable property, a different rule applies. What then? In most instances a different one was applied. In many cases the rule was violated to the advantage of the government; for it was applied even in the cases of corporations. Property of this description was appraised and sold to the companies. Absolute property rights were asserted by the government, and sales were made. In such cases wherein payments were not made at the time of sale, bonds securing the amounts bid were required and executed. There was no law for this, and every such sale was illegal. But every unlawful act is not a crime. Were these things done with intent to violate law and injure the government? Even under the broad doctrine that a civil officer may be impeached for a common law crime, these things must appear. They do not appear in this case.

An effort is made to fix on the President a criminal intent and corrupt motive by proving the following state of facts. A communication in these words was addressed to the President in the interest of the Nashville and Chattanooga Railroad Company, viz:

WASHINGTON, *April 20, 1866.*

SIR: M. Burns, President of the Nashville and Chattanooga railroad, at Nashville, Tennessee, requested me to say to your Excellency that he is sorely pressed by the officers of the government to pay in part for the material he purchased for the use of this road from the

quartermasters' department. He says that he was induced to believe that the government would not urge the payment of those claims until time could be had to make a settlement for the use of the road, upon a basis proposed by him (Burns) to Quartermaster General Meigs, in the presence of Mr. Lincoln.

Acting upon this belief, he advertised that he was ready to pay the interest on the bonds of the company in New York on a certain day, and made all his preparations for it, but in the mean time the above demand was made, accompanied by threats that they would again seize the road.

Now, what he most urgently desires of you is, that the payment of these claims be ordered to be suspended until the settlement can be had, or to give him time to make the road earn the money. The road is doing well, and all that the company want is time. The amount now on deposit to meet interest on bonds would pay the amount now due the government.

You see how ruinous it would be to him, to the credit of the company and the credit of the State, if he is forced to comply with this demand.

Very respectfully,

JNO. McCLELLAN,
For M. BURNS.

His Excellency the PRESIDENT.

This appeal was successful, and an extension was granted in pursuance of an order indorsed on the communication, and which is here copied:

Respectfully referred to the honorable Secretary of the Treasury, with directions that collection be suspended until further orders.

EDMUND COOPER,
Acting Private Secretary.

(Page 240.)

The President held nineteen bonds of the Nashville and Chattanooga Railroad Company of one thousand dollars each. These bonds were guaranteed by the State of Tennessee. In the testimony of Colonel Robert Morrow the history of these bonds, as well as some others, is given, and the following quotation is made therefrom, to wit:

I have seen these bonds again and can give about this description of them: There are nineteen mortgage bonds of the Nashville and Chattanooga Railroad Company issued under a special act of the legislature, and the payment of which is guaranteed by the State of Tennessee. Six of these have the following indorsement on the back, written in ink: "From Bank of Tennessee to Governor Johnson. C. J." I know the handwriting of the initials to be that of Cave Johnson, who was President of the Bank of Tennessee from 1853 until about the beginning of the war. The bonds were issued in 1854, or at least bear that date. The other thirteen of the nineteen correspond with the six I have described in every particular, except the indorsement of Cave Johnson. They are made payable to bearer, and may be transferred without any formal assignment. There are also ten bonds of the State of Tennessee, issued for the general purposes of the revenue of the State, bearing date 1859, for $1,000 each, five of them bearing the same indorsement, signed "C. J." as the six Nashville and Chattanooga railroad bonds I have referred to. Four of the other Tennessee State six per cent. bonds, of $1,000 each, have the following indorsement:

"Maxwell, Saulpaw & Co. sold this bond to A. Johnson, September 24, 1860.

"A. L. MAXWELL & Co."

These bonds were also issued by the State of Tennessee for general State purposes. One of the ten Tennessee State bonds bears no indorsement. There is also one bond of the East Tennessee and Virginia railroad for $1,000, bearing the following indorsement:

"Sold by me to Andrew Johnson on 15th October, 1858.

"WM. M. LOWEY."

Making in all thirty bonds of $1,000 each. Then, in addition to these are four new bonds, into which the overdue interest on the Tennessee State bonds was funded. I cut the coupons from the thirty bonds for interest, which had accumulated since the first or middle of 1861; and, through the First National Bank of Washington, transmitted those cut from the Nashville and Chattanooga railroad bonds to New York, where they were paid in currency, and the ten Tennessee State bonds and one East Tennessee and Virginia railroad bond to Nashville to be funded, and for which the four new bonds were received, the difference, whatever it was, being paid." (Page 644.)

It is claimed by the committee that this state of facts shows that the President acted corruptly in granting an extension of time to the Nashville and Chattanooga Railroad Company for the payment of the amount due the government, because the State of Tennessee was not prepared to pay the interest due on

these bonds, and that the only way to get his interest was for him to postpone the payment of the debt due to the United States, so that the company could use its funds in taking up the coupons due on the bonds—that in this the President prostituted the powers of his office to advance his private interests. If this extension stood alone amid all the pressing needs of southern railroad companies and their applications for relief, some force might be accorded to the argument based on it. But what are the facts? In Mr. Stanton's testimony it appears that—

The first extensions of time for the payment of indebtedness to the government were given by order of Major General Thomas on the 29th of March, 1866, when, upon representations of the inability of the East Tennessee and Virginia and the East Tennessee and Georgia Railroad Companies to commence regular monthly payments, and in consideration of the same inability and a disposition to meet its liabilities to the government on the part of the Mississippi and Tennessee, he directed extension to be granted to these three companies. By direction of General Thomas extensions were also allowed: on April 5 to the McMinnville and Manchester Railroad Company, upon representation that such extension would be the best arrangement for payment that the company could make; on April 10 to the New Orleans and Ohio, upon the application of the company; on April 12 to the Nashville and Northwestern, upon application of the company; on April 17 to the Nashville and Chattanooga, because the money which should have been applied to liquidation of indebtedness to the government had been paid out; on April 26 to the Mobile and Great Northern, and the Mississippi, Gainesville, and Tuscaloosa, on the application of the companies and the recommendation of the quartermaster charged with the management of the affairs of military railroads and the collection of indebtedness; on May 7 to the Mississippi Central and the Nashville and Decatur Line, upon the solicitation and representations of the companies.

Extensions were granted by order of the Secretary of War: on May 11 to the Memphis, Clarksville, and Louisville railroad, upon the recommendation of Major General Thomas and the Quartermaster General, based upon the representation of the embarrassment of the stockholders, and the outlay required for repairs to the road; on July 20 to the Alabama and Tennessee River railroad, on the recommendation of Major General Thomas and the Quartermaster General, based on the inability of the company to pay, and the defeat of the purpose of the transfer which would result from attempt at enforcement of immediate payment; on August 3 to the Alabama and Florida, on the recommendation of Major General Thomas and the Quartermaster General; on August 28 to the Atlantic and Western, on the application of the governor of Georgia, and to obtain further security by enactment of the Georgia legislature for the payment of the indebtedness; on November 21 to the Nashville and Decatur line, on the recommendation of Major General Thomas, based upon the disposition of the company to act in good faith, the greater security for payment, the advantage to the government in having the road resume operation, and the disadvantage of selling the property at public sale; on December 5 to the Selma and Meridian, on the recommendation of Major General Thomas and the Quartermaster General; on December 6 to the Mobile and Ohio, on the recommendation of Major General Thomas and the Quartermaster General. (Page 191.)

As to the restoration of property which had been seized and held by agents of the government under the act of July 17, 1862, commonly known as the confiscation act; the acts of July 2, 1864, and March 3, 1865, relating to the Bureau of Freedmen and Refugees, and the act of July 2, 1864, which provided "for the collection of captured and abandoned property," many pages of testimony have been taken. Pages 84 to 159, inclusive, embrace the testimony of General O. O. Howard, General J. S. Fullerton, General Rufus Saxton, Daniel R. Goodloe, and D. H. Starbuck; pages 364 to 368, that of General E. R. S. Canby; pages 512 to 525, additional by General Fullerton; pages 550 to 554, that of Attorney General Stanbery; pages 614 to 618, that of the Secretary of the Treasury; pages 761 to 766, additional by General Howard, with exhibits and statement of property restored, on pages 773 to 777; pages 806 to 813, that of ex-Attorney General Speed, with exhibits; pages 816 to 824, that of honorable Francis E. Spinner; pages 860 to 863, additional by the Secretary of the Treasury, with exhibits on pages 870 to 878. This testimony discloses the policy and practice of the Executive department in the administration of said several acts, and shows the kinds and amounts of property restored to claimants and former owners.

Section 5 of the act of July 17, 1862, provides:

That to insure the speedy termination of the rebellion, it shall be the duty of the President of the United States to cause the seizure of all the estate and property, money, stocks, credits, and effects of the persons hereinafter named in this section, and to apply and use the same and the proceeds thereof for the support of the army of the United States, &c.

Section 7 declares:

That to secure the condemnation and sale of any such property, after the same shall have been seized, so that it may be made available for the purpose aforesaid, proceedings in *rem* shall be instituted in the name of the United States in any district court thereof, or in any territorial court, or in the United States district court for the District of Columbia, within which the property above described or any part thereof may be found, or into which the same, if movable, may be brought, which proceedings shall conform as nearly as may be to proceedings in admiralty or revenue cases, and if said property, whether real or personal, shall be found to have belonged to a person engaged in rebellion, or who has given aid or comfort thereto, the same shall be condemned as enemy's property, and become the property of the United States, and may be disposed of as the court shall decree, and the proceeds thereof paid into the treasury of the United States for the purposes aforesaid.

The testimony shows that a large amount of property had been seized under the fifth section of the aforesaid act, and proceedings were pending in a number of districts looking to the condemnation and sale of the same.

Section 13 of the act is in these words, to wit:

That the President is hereby authorized, at any time hereafter, by proclamation, to extend to persons who may have participated in the existing rebellion in any State or part thereof, pardon and amnesty, with such exceptions and at such time and on such conditions as he may deem expedient for the public welfare.

Acting in harmony with the spirit of this section of the act referred to, President Lincoln issued his amnesty proclamation of December 8, 1863, portions of which are here quoted, as follows:

Whereas, in and by the Constitution of the United States it is provided that the President shall have power to grant reprieves and pardons for offences against the United States; and

Whereas a rebellion now exists whereby the loyal State governments of several States have for a long time been subverted, and many persons have committed, and are now guilty of *treason* against the United States; and

Whereas with reference to said rebellion and treason, laws have been enacted by Congress, declaring *forfeitures* and *confiscation of property* and *liberation of slaves*, all upon terms and conditions therein stated, and also declaring that the President was thereby authorized at any time thereafter, by proclamation, to extend to persons who may have participated in the existing rebellion, in any State or part thereof, pardon and amnesty, with such exceptions and at such times and such conditions as he may deem expedient for the public welfare; and

Whereas the congressional declaration for limited and conditional pardon accords with well established judicial exposition of the pardoning power;

* * * * * *

Therefore I, Abraham Lincoln, President of the United States, do proclaim, declare, and make known to all persons who have, directly or by implication, participated in the existing rebellion, except as hereinafter excepted, that a full pardon is hereby granted to them and each of them, *with restoration of all rights of property*, except as to slaves and in property cases where rights of third parties shall have intervened, and upon condition that every such person shall take and subscribe an oath, and thenceforward keep and maintain said oath inviolate; and which said oath shall be registered for permanent preservation, and shall be of the tenor and effect following, to wit:

I, ——— ———, do solemnly swear, in the presence of Almighty God, that I will henceforth faithfully support, protect, and defend the Constitution of the United States, and the Union of the States thereunder; and that I will, in like manner, abide by and faithfully support all acts of Congress passed during the existing rebellion with reference to slaves, so long and so far as not repealed, modified, or held void by Congress, or by decision of the Supreme Court; and that I will, in like manner, abide by and faithfully support all proclamations of the President made during the existing rebellion having reference to slaves, so long and so far as not modified or declared void by decision of the Supreme Court: so help me God.

This proclamation specified the classes of persons excepted from its benefits, and also contained President Lincoln's one-tenth plan of reconstruction.

The act of July 17, 1862, and the proclamation referred to, established a policy relative to persons who engaged in the rebellion, their rights and property.

After the war ceased and Mr. Johnson had succeeded to the presidency, it

became necessary to consider what should be done, in view of the policy thus established, with rebels and their property.

The act creating the office of Attorney General provides that one of his duties shall be "to give his advice and opinion upon questions of law when required by the President of the United States," &c. (Brightley's Digest, 92.) It is fair to presume that, when the President receives an opinion from the Attorney General, he is justifiable in following it. If this be not true, the statute is not only a meaningless contrivance, but a dangerous trap.

Mr. Speed testifies that, as Attorney General, he more than once gave to the President opinions that the act of July 17, 1862, was a war measure, and that, the war being over, it was not proper to continue to enforce it. (Page 807.) The present Attorney General (Mr. Stanbery) approved this position of his predecessor, and testified that "the recital of the act of 1862 is, 'that for the purpose of suppressing insurrection, confiscation is ordered to be carried on.' After the insurrection was put down, it did not seem proper to go on and order confiscation." (Page 552.) This view of the law has been acted on by the President. But this did not complete the policy which he has pursued upon this subject.

He next inquired of the Attorney General (Mr. Speed) whether a cessation of hostilities rendered it necessary or proper that another proclamation of amnesty and pardon should be issued. This inquiry was made on the 21st of April, 1865. On the 1st day of May following the Attorney General submitted to the President, at length, his opinion, and advised "that another and new offer of amnesty, adapted to the existing condition of things, should be proclaimed." (Pages 1083 to 1086.)

In pursuance of this opinion the President issued his amnesty proclamation of May 29, 1865, as follows, to wit:

Whereas the President of the United States, on the 8th day of December, A. D. eighteen hundred and sixty-three, and on the 26th day of March, A. D. eighteen hundred and sixty-four, did, with the object to suppress the existing rebellion, to induce all persons to return to their loyalty, and to restore the authority of the United States, issue proclamations offering amnesty and pardon to certain persons who had, directly or by implication, participated in the said rebellion; and whereas many persons who had so engaged in said rebellion have, since the issuance of said proclamations, failed or neglected to take the benefits offered thereby; and whereas many persons who have been justly deprived of all claim to amnesty and pardon thereunder by reason of their participation, directly or by implication, in said rebellion and continued hostility to the government of the United States since the date of said proclamations, now desire to apply for and obtain amnesty and pardon:

To the end, therefore, that the authority of the government of the United States may be restored, and that peace, order, and freedom may be established, I, Andrew Johnson, President of the United States, do proclaim and declare that I hereby grant to all persons who have, directly or indirectly, participated in the existing rebellion, except as hereinafter excepted, amnesty and pardon, with restoration of all rights of property, except as to slaves, and except in cases where legal proceedings, under the laws of the United States providing for the confiscation of property of persons engaged in rebellion, have been instituted; but upon the condition, nevertheless, that every such person shall take and subscribe the following oath, (or affirmation,) and thenceforward keep and maintain said oath inviolate; and which oath shall be registered for permanent preservation, and shall be of the tenor and effect following, to wit:

"I ——— ———, do solemnly swear, (or affirm,) in presence of Almighty God, that I will henceforth faithfully support, protect, and defend the Constitution of the United States and the union of the States thereunder; and that I will, in like manner, abide by and faithfully support all laws and proclamations which have been made during the existing rebellion with reference to the emancipation of slaves; so help me God."

(Here follows an enumeration of the excepted classes.)

Provided, That special application may be made to the President for pardon by any person belonging to the excepted classes, and such clemency will be liberally extended as may be consistent with the facts of the case and the peace and dignity of the United States.

This proclamation did not differ materially from the one issued by President Lincoln, except in an enlargement of the excepted classes, and a modification of

the oath so far as to exclude all conditions concerning a support of all laws and proclamations having "reference to the emancipation of slaves."

In all cases of seizure of the property of persons who come within the amnesty declared, and of those to whom special pardons have been granted, it has been restored, and in some instances restoration has been made after condemnation—in a few, after sale. The circumstances governing the latter class of cases do not appear in the testimony.

This was done upon the broad ground that "when the pardon is full it releases the punishment, and blots out of existence the guilt, so that in the eye of the law the offender is as innocent as if he had never committed the offence;" and that "if granted before conviction it prevents any of the penalties and disabilities consequent upon conviction from attaching, as was subsequently held by the Supreme Court of the United States, in *ex parte* Garland, (4 Wallace, 380.)

Whether the policy thus established be right or wrong, wise or unwise, the principles involved in it seem to have guided the President in the surrenders of property made by him, in all cases of seizures under the several acts of Congress above mentioned, except such surrenders as may have been made in accordance with the principles of the acts themselves.

Let it here be noted that every act of Congress determining a penalty or forfeiture must be based upon some crime, and that every crime lies within the limits of the pardoning power. This principle extends to every seizure of property under the several acts of Congress above mentioned. This resolves this entire branch of the case, as well as that which affirms a corrupt use of the pardoning power, into a determination of the question whether, in each act of pardon, the element of corruption entered. We have not been able to discover the instance in which this element appears. However much we may question the wisdom, prudence, or sagacity which have marked the exercise of this power, we must still ask for the evidence of its corrupt use, under any view of the law governing the case. The testimony fails to present a satisfactory answer.

The sixth charge is, that the President has "corruptly interfered in elections, and committed acts, and conspired with others to commit acts, which, in contemplation of the Constitution, are high crimes and misdemeanors."

Both branches of this charge relate mainly to subjects which have already been considered under other charges, and it is unnecessary to recapitulate what has gone before.

A great deal of the matter contained in the volume of testimony reported to the House is of no value whatever. Much of it is mere hearsay, opinions of witnesses, and no little amount of it utterly irrelevant to the case. Comparatively a small amount of it could be used on a trial of this case before the Senate. All of the testimony relating to the failure to try, and admission to bail of, Jefferson Davis, the assassination of President Lincoln, the diary of J. Wilkes Booth, his place of burial, the practice of pardon brokerage, the alleged correspondence of the President with Jefferson Davis, may be interesting to a reader, but is not of the slightest importance so far as a determination of this case is concerned. Still, much of this irrelevant matter has been interwoven into the report of the majority, and has served to heighten its color and to deepen its tone. Strike out the stage effect of this irrelevant matter and the prominence given to the Tudors, the Stuarts, and Michael Burns, and much of the play will disappear. Settle down upon the real evidence in the case, that which will establish, in view of the attending circumstances, a substantial crime, by making plain the elements which constitute it, and the case, in many respects, dwarfs into a political contest.

In approaching a conclusion, we do not fail to recognize two stand-points from which this case can be viewed—the legal and the political. Viewing it from the former, the case upon the law and the testimony fails. Viewing it from the latter, the case is a success. The President has disappointed the hopes and ex-

pectations of those who placed him in power. He has betrayed their confidence, and joined hands with their enemies. He has proved false to the express and implied conditions which underlie his elevation to power, and, as we view the case, deserves the censure and condemnation of every well-disposed citizen of the republic. While we acquit him of impeachable crimes, we pronounce him guilty of many wrongs. His contest with Congress has delayed reconstruction, and inflicted vast injury upon the people of the rebel States. He has been blind to the necessities of the times and to the demands of a progressive civilization. He remains enveloped in the darkness of the past, and seems not to have detected the dawning brightness of the future. Incapable of appreciating the grand changes which the past six years have wrought, he seeks to measure the great events which surround him by the narrow rules which adjusted public affairs before the rebellion and its legitimate consequences had destroyed them and established others. Judge him politically, we must condemn him. But the day of political impeachments would be a sad one for this country. Political unfitness and incapacity must be tried at the ballot-box, not in the high court of impeachment. A contrary rule might leave to Congress but little time for other business than the trial of impeachments. But we are not now dealing with political offences; crimes and misdemeanors are now demanding our attention. Do these, within the meaning of the Constitution, appear? Rest the case upon political offences, and we are prepared to pronounce against the President, for such offences are numerous and grave. If Mexican experience is desired, we need have no difficulty, for there almost every election is productive of a revolution. If the people of this republic desire such a result, we have not yet been able to discover it; nor would we favor it if its presence were manifest. While we condemn and censure the political conduct of the President, judge him unwise in the use of his discretionary powers, and appeal to the people of the republic to sustain us, we still affirm that the conclusion at which we have arrived is correct.

We therefore declare that the case before us, presented by the testimony and measured by the law, does not disclose such high crimes and misdemeanors, within the meaning of the Constitution, as require "the interposition of the constitutional power of this House," and recommend the adoption of the following resolution:

Resolved, That the Committee on the Judiciary be discharged from the further consideration of the proposed impeachment of the President of the United States, and that the subject be laid upon the table.

JAMES F. WILSON.
FREDERICK E. WOODBRIDGE.

Mr. MARSHALL submitted the following as the views of a minority:

The undersigned, agreeing with our associates of the minority of the committee in their views of the law and in the conclusion that the evidence before the committee presents no case for the impeachment of the President, might, if they had stopped there, been content simply to have joined in the report which they have submitted.

But as they, as well as the majority, have felt it their duty to go further and express their censure and condemnation of the President, we feel that it is due to ourselves and to the position we occupy to present as briefly as possible a few additional remarks for the consideration of the House and of the country. Having determined that the evidence does not show that the President has been guilty of any act or crime for which under our Constitution and laws he can or ought to be impeached, this conclusion, as it seems to us, is the determination of the whole question submitted by the House to the committee. It is the commission by the President of an impeachable offence only that can subject him to our official jurisdiction, or justify us as a committee of the House of Repre-

sentatives, or even the House itself, as such, in challenging his official acts. As the report of the majority does not charge the President with any act recognized by any statute or law of the land as a crime or misdemeanor, we can but regard the charges preferred as a political or partisan demonstration, tending and intended to bring him into odium and contempt among the people; as an unjustifiable attempt to excite their suspicions, "*spargere voces in vulgum ambiguas*." We utterly deny the right of the committee, or any member thereof as such, to do this.

As citizens, as politicians, we may criticize, find fault with, and condemn the policy, the political acts, or even the entire administration of the President, but as a committee of this house considering the charges referred to it, as members of Congress acting officially, we have no such right, power, or jurisdiction.

The executive is one of the co-ordinate departments of this government, invested with certain defined constitutional powers and prerogatives, over which the legislative has no control, and with the constitutional exercise of which the legislative department has no right to interfere. The original source of all executive and legislative power is the same, the *people*—the warrant and measure of those powers the same, the *Constitution*. In his constitutional and legitimate sphere, in the exercise and conduct of his department, the President is as free to act and as independent as the Congress, while acting within the bounds prescribed for it by the Constitution. He is no more accountable or responsible to Congress than Congress is to him. Congress has no more authority to censure and condemn him than he has to censure and condemn Congress. His discretion, exercised within the bounds of the Constitution, is no more subject to the animadversion or reproof of Congress than are the constitutional and discretionary acts of Congress to his. Neither Congress nor the President has any powers or authority not derived from and found in the Constitution.

The only question with reference to which the committee were authorized to inquire was whether the charges against the President were true and constituted an offence or offences subjecting him to impeachment. Certainly if this is not the only question referred to the committee, it is the only one which the committee as such has investigated. The political propriety of the acts of the President has not for one moment engaged the attention of the committee.

We most certainly, having no other motive or interest than to serve our country and do our duty in the matter referred to us, have never once in the taking of testimony or the examination of witnesses supposed that any question other than the impeachment was properly before us. The impeachment of the President, the chief officer of this great republic, the bare inquiry with a view to ascertain whether he had committed any offence for which he ought to or might be put upon trial before the most august tribunal of the world, impressed us from the beginning with most solemn awe. We endeavored in the investigation to exclude from our mind every question of mere politics, and as far as possible to be uninfluenced by party bias.

We were admonished that in some sense the nation, the people, in the person of their executive head, were on trial before the world, and that personal animosity and party politics should be inflexibly and scrupulously forgotten or ignored. For any cause to have shrunk from a full and careful investigation of the great question of impeachment was cowardice; to have pursued it in the spirit of party, to have degraded it into a mere investigation of political policy with reference to partisan success, would have been meanness, and disgraced the nation itself by scandalizing the nation's constitutional head. We repeat, therefore, that the investigation of the committee was, so far as we took part in it, with the sole view to ascertain whether the President, under the charge preferred against him, was guilty of any impeachable offence; not only so, but with the belief that it was the only question we were authorized or expected to inquire into. Not a witness was called or examined with any view to proving a case

for merely censuring or condemning the political action of the President. No suggestion was made or intimation given by the majority of the committee, till the resolution of censure was offered, that there was any purpose of considering, as a committee, any but the question of impeachment. Nor was there then, as we understood it, any purpose of reporting such resolution to the House for its official action. We think, therefore, that we are warranted in saying that, although much testimony irrelevant, illegal, and experimental was taken—much that had no bearing upon the question of impeachment, and much more that was not testimony in any case or for any purpose, that none was taken with any view except the impeachment. Hence we insist that if the committee had the right and jurisdiction (which we deny) to inquire into the political and discretionary acts of the President with a view to his condemnation, it has not in any legitimate and proper manner investigated or attempted to consider that subject.

We do not impugn the personal motives of any member of the committee who differs with us. Our intercourse upon the committee has been pleasant, and the courtesy with which we have been treated uniform and uninterrupted. We entertain none but the most kindly personal feelings towards every member; but candor and a sense of duty compel us to declare that we can find no warrant or excuse for this travelling outside or beyond the subject with which the committee was charged, to censure and condemn the President, except in the prejudice and zeal of overheated partyism. The President needs and can ask no defence from us upon party grounds, or upon any other than those which spring from official obligations and duty. He was not the President of our choice, and was not elected by our votes; nor is it necessary that we should agree with him, or justify or approve all he has done. Neither do we feel called upon to review all the great mass of testimony taken by the committee to show that his censure and condemnation are not warranted by it, in fact, though taken as it has been and unchallenged as it was in that regard. We do not, however, believe the unbiased, the unprejudiced mind will be able in the testimony to discover any just or reasonable cause for condemning or impugning the motives by which he was actuated. Indeed, differing with him in opinion, as we have, as to the policy and propriety of many things he has done and many more that he has left undone, we feel compelled to declare that the proofs before us will not warrant a charge that he was in any instance controlled by motives other than those pure and patriotic.

His greatest offence, we apprehend, will be found to be that he has not been able or willing to follow those who elected him to his office in their mad assaults upon and departure from the constitutional government of the fathers of the republic; and that, standing where most of his party professed to stand when they elevated him to his present exalted position, he has dared to differ from a majority of Congress upon great and vital questions. He has believed in the continuing and binding obligations of the Constitution; that the suppression of the rebellion against the Union was the preservation of the Union and the States comprising it; and that when the rebellion was put down the States were all and equally entitled to representation in the Congress of the United States. Planting himself firmly and immovably upon this position, he has incurred the fierce and malignant hatred and opposition of all those who claim, by virtue of the alleged conquest of the territory and the subjugation of the people of the lately rebellious States, the power and right to dictate to them the constitution and laws they shall live under and the liberties they shall be permitted to enjoy. In this difference between Congress and the President, and the desire of each for the adoption by the country of their respective views, is, we suspect, to be found not only the cause for the movement to impeach the President, but of his censure and condemnation. Out of it have grown the embittered feelings and violent hatred of the President by his former friends. The majority of Congress and of the committee have entertained and been prepared to declare at all times, in

Congress and out of it, even more strongly than is expressed in their report, the same censure and condemnation. This opinion was not formed upon any testimony taken before the committee or upon any facts elicited by its investigations. It was a political opinion growing out of difference of views upon political questions. It was the opinion with which the majority of the committee entered upon the investigation. It was that which inspired and stimulated all its inquiries and examinations. But, notwithstanding these pre-existing opinions and prejudices, the minority of the committee have been compelled to find, after the fullest consideration and the most protracted deliberation, that the President has committed no offence for which, under our laws, he can or ought to be impeached, and hence none, as we insist, subjecting him to the official jurisdiction of the committee or the House. The censure and condemnation of the President, either by the majority or minority, is without our jurisdiction, not justified by the facts, unbecoming one department of the government towards the other, and calculated to bring reproach upon the committee, the House, and the nation.

We cannot ignore the fact that time has been spent and testimony taken by the committee in endeavoring to ascertain if the President, in his official capacity, has spoken censoriously or condemnatory of Congress with a view to his impeachment therefor. Can it be more becoming in a committee of this house or in the House itself, to go beyond its jurisdiction and censure and condemn the President, than for him to censure and condemn Congress? Is not the impropriety of the one as apparent as the other? If one is impeachable, is not the other wrong? What would be thought of the Supreme Court if, after having been compelled in a case properly pending before it, to decide an act of Congress constitutional, it should, because it did not agree to the propriety or policy of the enactment, declare its severe censure and condemnation of the Congress for having passed it? Who would hesitate to pronounce this an unjustifiable and unwarrantable interference with the rights and duties of Congress by the Supreme Court, calculated to disturb the harmony of our governmental system, and to bring into unhappy, if not fatal collision, the co-ordinate departments? Like this attempt to reprove or censure the President for acts or wrongs not amounting to offences subjecting him to the legal jurisdiction of the House of Representatives, such an act would, it seems to us, be sheer impertinence on the part of the court, justly meriting, obloquy and reproach.

Such interference by one department of the government with the others, without authority of law, must and will most assuredly break off that comity which should at all times characterize their relations and intercourse.

The end cannot but be foreseen: the antagonism will ultimately produce enmity and open hostility and aggressions, which must result in the destruction of one or more of the departments, and, as a consequence, destroy our system of government altogether.

With all due respect to the majority of the committee, we cannot regard the charges made against the President as a serious attempt to procure his impeachment. Without dwelling upon their utter failure to point to the commission of a single act that is recognized by the laws of our country as a high crime or misdemeanor, the inconsistency of the majority cannot fail to challenge the attention of the country. Acts for which Mr. Lincoln was clamorously applauded, are deemed high crimes in Mr. Johnson. For every act so gravely condemned the President had the sanction and approval of his cabinet, and yet, while he is arraigned before the world as a criminal of the deepest dye, they are not only not impeached, but are recognized as special favorites of the party for impeachment. The latter have even gone so far as to unite in the passage of an extraordinary and unprecedented law to prevent the President from removing these officers from the places which they hold. Mr. Stanton, the late Secretary of War, gave his emphatic approval of the acts for which the President is arraigned,

and yet the ex-Secretary is a favorite and popular martyr, and the whole country is vexed with clamors for his restoration to power and place. The President is held criminally responsible for the acts of subordinates, of which he did not even have the slightest notice or knowledge. And yet those bringing him to trial enact a statute depriving him of all control over these same subordinates, and they are deemed worthy of the especial protection of Congress. The President has used every means within his power to bring the great state prisoner, Jefferson Davis, to a speedy trial, and yet he has been denounced throughout the land for procrastinating and preventing the trial, while the judges and prosecuting officers having entire control of the matter have been deemed worthy of the most honeyed plaudits. Were ever inconsistencies more glaring and inexplicable than these? And can we possibly be mistaken when we assert that however honest may be the majority of the committee, the verdict of the country and of posterity will be that the crime of the President consists not in violations of, but in refusals to violate the law?—in being unable to keep pace with the "party of progress" in their rapidly advancing movements, or to step "outside of and above" the Constitution in the administration of the government?—in preferring the Constitution of his country to the dictation of an unscrupulous partisan cabal, in bravely daring to meet the maledictions of those who have aimed at the accomplishment of a most wicked and dangerous revolution, rather than to encounter the reproaches of his own conscience and the curses of posterity through all time?

If the subject were not too grave and serious a one for mirth, some of the grounds of impeachment presented by the majority would certainly be sufficiently amusing. The President is gravely arraigned for arraying himself against the loyal people of the country in vetoing the mis-called reconstruction acts of Congress, when (without dwelling upon the constitutional right and duty of the President in the premises) Congress itself has, for these same acts, just received the most withering and indignant condemnation and rebuke of the entire people from Maine to California. The impeachers, forgetting that they have been themselves impeached, and that the verdict of the tribunal of last resort has already been rendered against them, still persist in trifling with the peace, safety and prosperity of the country by precipitating upon it this dangerous question at a time so critical as this. It is wicked thus to trifle with the most vital interests of the nation, and to disregard the voice of a great people when spoken, as in this case, so emphatically in favor of the preservation of our constitutional form of government and the rights and liberties established by our revolutionary fathers.

We will not attempt to add anything to the able, and, as we believe, unanswerable argument just presented by the chairman of our committee upon the law of impeachment. Had not experience taught us the wonderful diversity in human judgments and conclusions, we should find it difficult to believe that there could, upon the questions submitted to us, possibly be two opinions among candid and intelligent men. Blind bigotry and unbridled partisan rage, it is true, can see crime in the most meritorious actions, and men governed by these unhallowed passions do not hesitate to drag to the stake or the tortures of the inquisition all who will not conform to their wretched creeds and miserable dogmas. They substitute their own crude and often crazy theories for truth and justice, and under pain of severest penalties demand of all men to bow down and worship the idol they have erected. That their own judgment may be fallible, or that other men differing from them may be equally wise and honest with themselves, never occurs to their minds, and they will, without hesitation, question the justice even of the Almighty if the ways of Providence do not conform to their own crude theories. This class of men has constituted a considerable portion of mankind in all ages, and in none have they been more numerous than in our own. They have furnished the bigots and persecutors of all times, and their pathway through the long line of history,

from its earliest dawn to the present time, has been marked with carnage and desolation. With such men no argument based upon the Constitution and established laws can have any validity. They live and breathe in a purer and higher atmosphere "outside of the Constitution" and above the laws. They are too pure and immaculate to be fettered by the restraints of constitutions or written laws. They are a law unto themselves, and both men and gods must conform to their views and theories or receive their bitterest maledictions. But our people will never submit to have their Chief Magistrate arraigned for trial for offences unknown to the laws and which exists only in the excited brains of his political enemies. It would be a precedent disastrous in its consequences and subversive of our political institutions.

We cannot doubt that the evidence herewith this day submitted will be received with one universal burst of indignation by the American people. If they retain any just pride in their country and its institutions, they will blush to find that the chief officer of their government has for ten months been subjected to the scrutiny of a secret star chamber inquisition unparalleled in its character in the annals of civilization. A drag-net has been put out to catch every malicious whisper throughout the land, and all the vile vermin who had gossip or slander to retail, hearsay or otherwise, have been permitted to appear and place it upon record for the delectation of mankind. Spies have been sent all over the land to find something that might blacken the name and character of the Chief Magistrate of our country. Unwhipped knaves have given information of fabulous letters and documents that, like the *ignis fatuus*, eternally eluded the grasp of their pursuers, and the chase ever resulted only in aiding in the depletion of the public treasury That most notorious character, General L. C. Baker, chief of the detective police, even had the effrontery to insult the American people by placing his spies within the very walls of the executive mansion; the privacy of the President's home, his private life and habits and most secret thoughts, have not been deemed sacred or exempt from invasion; the members of his household have been examined; and the chief prosecutor has not hesitated to dive into loathsome dungeons and consort with convicted felons, for the purpose of accomplishing his object of arraigning the President on a charge of infamous crimes.

When we consider all these facts, and that the investigation has been a secret *ex parte* one; that it has been so persistent and untiring, and carried on at a time of most unparalleled party excitement; when the masses of the dominant party were lashed into a wild frenzy, and led to believe that the President was guilty of treason; when thousands all over the land really thought that it would be a righteous act to get him out of the way by any means, fair or foul; and when he has been hunted down by partisan malice as no man was ever hunted and hounded down before, it is really wonderful that so little has been elicited that tends in the slightest degree to tarnish the fair fame of the President. The American people ought to congratulate themselves, for the sake of the reputation of their country, that this failure has been so emphatic and so complete.

In what we have said of the character of evidence taken before us, and the means used to procure it, we must not be understood as reflecting upon the action of the committee or any member thereof. Such an interpretation of our remarks would do great injustice to us and to them. Whether such latitude should have been given in the examination of witnesses, we will not now inquire. In an investigation before a committee it would be difficult, and, perhaps impossible, to confine the evidence to such as would be deemed admissible before a court of justice. Indeed it may be questioned whether it would be proper so to restrict it, and it is perhaps better, even for the President, that those who were managing the prosecution from the outside were permitted to present anything that they might call or consider evidence, as the world can

thus the better comprehend how utterly destitute of foundation is all this clamor that has been raised against him.

The first witness examined was General Lafayette C. Baker, late chief of the detective police, and although examined on oath, time and again, and on various occasions, it is doubtful whether he has in any one thing told the truth, even by accident. In every important statement he is contradicted by witnesses of unquestioned credibility. And there can be no doubt that to his many previous outrages, entitling him to an unenviable immortality, he has added that of wilful and deliberate perjury; and we are glad to know that no one member of the committee deems any statement made by him as worthy of the slightest credit. What a blush of shame will tinge the cheek of the American student in future ages, when he reads that this miserable wretch for years held, as it were, in the hollow of his hand, the liberties of the American people. That, clothed with power by a reckless administration, and with his hordes of unprincipled tools and spies permeating the land everywhere, with uncounted thousands of the people's money placed in his hands for his vile purposes, this creature not only had the power to arrest without crime or writ, and imprison without limit, any citizen of the republic, but that he actually did so arrest thousands all over the land, and filled the prisons of the country with the victims of his malice, or that of his masters.

This whole system—such an outrage upon the Constitution and every principle of free government; so anti-American and anti-republican—has, with its originators and supporters, already, thank God, been damned to eternal infamy; and it is pleasant to reflect that not only the system, but its unscrupulous agents, will go down to posterity loaded with infamy and followed by the curses of millions. It sometimes happens that the administration of the most dangerous usurpations is placed in the hands of men so respectable for character and talents as to disarm suspicion and conciliate even those whose liberties are endangered. We have reason to be thankful to an ever kind and merciful Providence that this worst feature of the worst of despotisms, when the attempt was made in an unhappy hour to transplant it to our free American soil, was placed for its administration in the hands of a class of men so destitute of manhood and character as to arouse the undying scorn and indignation of the entire people. And as these infamous outrages were not sanctioned by any precedent in our own country, it is hoped and believed that they will never, throughout all time, be deemed worthy of imitation.

It is not our purpose now to attempt an analysis or discussion of the evidence taken before us, or to point out the gross absurdities and inconsistencies of a very large portion of it. It will be read and considered by the American people, and we cannot doubt what their verdict will be. When those who have been attempting to load with disgrace and infamy the Chief Magistrate of our country shall stand pilloried in the undying scorn and indignation of a great people, he, after passing through this fiery ordeal, we have no hesitation in predicting, will have and retain all over the land, even to a greater extent than ever heretofore, the respect and confidence of his countrymen.

S. S. MARSHALL.
CHAS. A. ELDRIDGE.

22540

IMPEACHMENT INVESTIGATION.

TESTIMONY

TAKEN BEFORE

THE JUDICIARY COMMITTEE OF THE HOUSE OF REPRESENTATIVES

IN THE

INVESTIGATION OF THE CHARGES

AGAINST

ANDREW JOHNSON.

SECOND SESSION THIRTY-NINTH CONGRESS, AND FIRST SESSION FORTIETH CONGRESS,
1867.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1867.

FORTIETH CONGRESS—FIRST SESSION—CONGRESS OF THE UNITED STATES.

IN THE HOUSE OF REPRESENTATIVES,
July 17, 1867.

Mr. COVODE submitted the following, which was adopted:

WHEREAS it is reported that a pardon has been issued by the President to Stephen F. Cameron: Therefore be it

Resolved, That the Judiciary Committee be instructed to examine into the foregoing charge, and report the evidence to the House on the first week of its next session, together with all the testimony already taken in the impeachment case.

Attest:

EDWARD McPHERSON,
Clerk.

FORTIETH CONGRESS—FIRST SESSION—CONGRESS OF THE UNITED STATES.

IN THE HOUSE OF REPRESENTATIVES,
July 18, 1867.

On motion of Mr. J. F. WILSON,

Resolved, That the Committee on the Judiciary be authorized to cause to be printed the usual number of copies of the testimony in the matter of the impeachment investigation to be reported to the House during the first week of the next session of Congress, whether the same be a regular or adjourned session.

Attest:

EDWARD McPHERSON,
Clerk.

FORTIETH CONGRESS—FIRST SESSION—CONGRESS OF THE UNITED STATES.

IN THE HOUSE OF REPRESENTATIVES,
July 20, 1867.

On motion of Mr. LOGAN,

Resolved, That in the matter of the impeachment of the President the Committee on the Judiciary be further instructed to report forthwith to this House all the testimony that has been taken in the case.

Attest:

EDWARD McPHERSON,
Clerk.

IMPEACHMENT.

TESTIMONY

TAKEN BEFORE

THE JUDICIARY COMMITTEE OF THE HOUSE OF REPRESENTATIVES

IN THE

INVESTIGATION OF THE CHARGES

AGAINST

ANDREW JOHNSON,

SECOND SESSION THIRTY-NINTH CONGRESS, AND FIRST SESSION FORTIETH CONGRESS, 1867.

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IMPEACHMENT INVESTIGATION.

FORTIETH CONGRESS—FIRST SESSION—CONGRESS OF THE UNITED STATES.

IN THE HOUSE OF REPRESENTATIVES,
March 7, 1867.

WHEREAS, The House of Representatives of the 39th Congress adopted on the 7th of January, A. D. 1867, a resolution authorizing an inquiry into certain charges preferred against the President of the United States; and, whereas, the Judiciary committee, to whom said resolution and charges were referred, with authority to investigate the same, were unable, for want of time, to complete said investigation before the expiration of the 39th Congress; and, whereas, in the report submitted by said Judiciary committee on the 2d of March, they declare that the evidence taken is of such character as to justify and demand a continuation of the investigation by this Congress. Therefore, be it

Resolved, By the House of Representatives, that the Judiciary committee, when appointed, be and they are hereby instructed to continue the investigation authorized in said resolution of January 7th, 1867, and that they have power to send for persons and papers, and to administer the customary oath to witnesses, and that the committee have the authority to sit during the session of the House, and during any recess which Congress or this House may take.

Resolved, That the speaker of the House be requested to appoint the committee on the Judiciary forthwith, and that the committee so appointed be directed to take charge of the testimony taken by the committee of the last Congress, and that said committee have power to appoint a clerk, at a compensation not to exceed six dollars per day, and to employ the necessary stenographers.

Resolved further, That the clerk of the House of Representatives be directed to pay out of the contingent fund of the House, on the order of the committee on the Judiciary, such sum or sums of money as may be required to enable the said committee to prosecute the investigation above directed, and such other investigations as it may be ordered to make.

Attest: EDWARD McPHERSON, *Clerk.*

THIRTY-NINTH CONGRESS—SECOND SESSION—CONGRESS OF THE UNITED STATES.

IN THE HOUSE OF REPRESENTATIVES,
January 7, 1867.

Mr. JAMES M. ASHLEY, as a question of privilege, submitted the following, which was read, considered and agreed to:

I do impeach Andrew Johnson, Vice President and acting President of the United States, of high crimes and misdemeanors.

I charge him with a usurpation of power and violation of law, in that he has corruptly used the appointing power; in that he has corruptly used the pardoning power; in that he has corruptly used the veto power; in that he has

corruptly disposed of the public property of the United States; in that he has corruptly interfered in elections, and committed acts, and conspired with others to commit acts, which, in contemplation of the Constitution, are high crimes and misdemeanors. Therefore, be it

Resolved, That the committee on the Judiciary be, and they are hereby, authorized to inquire into the official conduct of Andrew Johnson, Vice President of the United States, discharging the powers and duties of the office of President of the United States, and to report to this House, whether, in their opinion, the said Andrew Johnson, while in said office, has been guilty of acts which were designed or calculated to overthrow, subvert, or corrupt the government of the United States, or any department or officer thereof; and whether the said Andrew Johnson has been guilty of any act, or has conspired with others to do acts, which, in contemplation of the Constitution, are high crimes or misdemeanors, requiring the interposition of the constitutional power of this House, and that said committee have power to send for persons and papers, and to administer the customary oath to witnesses.

Attest: EDWARD McPHERSON, *Clerk*.

WASHINGTON, D. C., *Wednesday, February* 6, 1867.

LAFAYETTE C. BAKER, sworn and examined.

By Mr. ASHLEY, of Ohio:

Q. I wish you to state to the committee the contents, as nearly as you can, of a letter which you have had in your possession, written by Andrew Johnson some time in the early part of 1864 to a Southern man, giving information as to the troops about the capital and elsewhere, and advice to Jefferson Davis. State where that letter is, if you know, and give its contents as nearly as you can, and the history of it.

A. I know there was a letter of that character, purporting to have been written by Andrew Johnson.

Q. Give its date, as nearly as you can.

A. I am not positive as to the date. It was during the time, however, that Andrew Johnson was acting governor of Tennessee. I had the letter twice in my possession, the first time about three days, and the last time about two weeks.

By Mr. LAWRENCE:

Q. State when that was.

A. That was, I think, in the last of October, or the first part of November, 1865. I doubted the genuineness of the letter at first, and so expressed myself to the party who gave it to me; and for that reason it was given to me the second time. Not being familiar with the signature of Andrew Johnson, I carried the letter to Colonel Browning, to the White House. Turning over the written part of the letter, so that he could only see the signature, I said to Colonel Browning that I believed there were parties engaged in forging the President's signature to letters of recommendation, and other papers, and that I had there what purported to be his signature. This was in Colonel Browning's private room at the White House. There were two persons present. I called him over to the marble fire-place and laid the letter down on the mantel-piece, with the written part turned under. I asked him if that was the signature of the President. He said it was. I asked him whether, in the event he should be called upon at any time, he would swear to it. He said he would swear it was the President's signature. I carried the letter back to the party who gave it to me. He had left the city, in the meantime, for three days. He afterwards came to me, and I returned to him the letter.

By the CHAIRMAN:

Q. State the contents of the letter.

A. I cannot state the contents of that letter with any degree of certainty. The first time I had the letter in my possession, as I said before, I did not believe it was a genuine letter, and I paid very little attention to it. It was very difficult to read; that is, it was not written very legibly. The second time I had it in my possession I read it. It was dated at Nashville, and was addressed to Jefferson Davis, and was apparently in reply to a letter which he had received either from Davis or some one in authority. In fact, the letter starts out by acknowledging the receipt of another letter. It goes on to make suggestions as to some declared policy which had been adopted by the confederacy. In another place he refers to Parson Brownlow in very severe terms, the language I do not recollect. The party who handed me that letter I have not seen but once since. I saw him in Washington some three months after I returned to him the letter. He told me he was here as an applicant for a position. He wanted to know from me what use could be made of this letter to secure it. I asked him what he wanted. He mentioned to me one or two positions, although he was not particular. The first time I had this letter in my possession I mentioned to some parties or party here in Washington that there was such a letter. I was waited upon by a number of members of Congress, I think three times, to get the letter. It was too late, however; I had returned the letter. Mr. Hotchkiss, Mr. Scofield, and, I think, Mr. Van Aernam, called on me about it. This was in the beginning, or some time during the month, of November, 1865.

By Mr. LAWRENCE:

Q. Are you not mistaken? Congress did not meet till December.

A. I think it was soon after the Cobb difficulty, in reference to pardons. I was arrested on the 11th of November, and the indictment was found on the 10th.

Q. That was after Congress met.

A. It may have been.

Q. Was not Mr. Shellabarger there once?

A. Yes, sir; it may have been in December, I am not positive as to dates. The only way I have of fixing the date is, that I know it was after the Cobb difficulty.

By the CHAIRMAN:

Q. Have you stated all you can recollect of the contents of the letter?

A. I have stated all I can swear to in reference to it.

By Mr. ASHLEY:

Q. Did he not advise Davis in that same letter about the number of troops about the capital and in Kentucky?

A. There was reference made to troops in that letter.

Q. As to the disposition of the United States forces—where they were?

A. No. I do not think he designated any point and stated the number of troops at that point. I think he referred to troops being at such and such places, but that he stated the numbers I do not recollect. I do not think he did.

By the CHAIRMAN:

Q. Was there anything in the letter about the shipment of arms?

A. Not in that letter, that I recollect.

Q. What account did the person who had possession of that letter give of the manner by which he had obtained the possession?

A. I asked him that question repeatedly, and never got any direct answer from him except that the letter was taken off Andrew Johnson's table.

Q. Where?

A. In Nashville.

Q. Did the body of the letter and the signature seem to have been written by the same person?

A. Yes, sir. It was very difficult to read the letter. I studied over it a long time before I could make it out.

By Mr. MORRIS:

Q. Do I understand that it was taken from Mr. Johnson's table before it was sent?

A. Yes, sir; that was the statement of this man.

By Mr. LAWRENCE:

Q. Who was that man?

A. John W. Adamson.

Q. Of where?

A. 29 Myrtle street, Nashville, Tennessee.

Q. He was the man who inquired of you what use could be made of it in getting an appointment?

A. Yes, sir.

Q. Has he ever received any appointment?

A. I think not. I never heard of his receiving any.

By the CHAIRMAN:

Q. What statement did he make relative to his obtaining possession of the letter? Did he himself take it from Johnson's table?

A. No, sir.

Q. Did he state by whom it was taken from Johnson's table?

A. Yes.

Q. By whom did he say?

A. He said that Governor Brownlow's son employed a colored man to take it.

Q. Which one of Governor Brownlow's sons?

A. He did not say.

Q. Did he say anything about the then whereabouts of the colored man, or whether he knew anything about him?

A. No, sir.

By Mr. LAWRENCE:

Q. To whom did you return that letter?

A. I returned it to John W. Adamson. He did make a partial explanation to me in reference to it. He stated that he wanted to make some pecuniary use of the letter. He did not hesitate to state that to me in both, in fact in all, of the conversations that I had with him.

By the CHAIRMAN:

Q. Did you ever disclose the fact of the existence of the letter to any officer of the government?

A. No, sir; to no officer of the government except to members of Congress. I may have talked with General Eckert about it.

Q. From whom did you receive the letter the second time?

A. From the same man.

Q. And returned it to the same man?

A. Yes; I asked him for it the second time. I sent for him, and he came to my office on Eighteenth street in the night, and handed it to me.

Q. Where is Adamson now?

A. He is in Nashville, I suppose.

Q. What business is he engaged in?

A. I do not know.

Q. State whether any other parties read this letter besides yourself and Adamson, and, if so, who they were.

A. Yes; a man by the name of Charles H. Cruther and another man named C. G. Watkins. I met Watkins and Adamson on the street together several times.

By Mr. ASHLEY:

Q. Did any other parties read the letter besides those persons and your wife?

A. I do not know that my wife read it. She heard me trying to read it several times.

Q. State whether the whole import of the letter written by Andrew Johnson was not to turn the whole power which he possessed in Tennessee, in a certain contingency, over to the rebel cause.

A. No; I did not have that opinion of the letter exactly. From what I recollect of it, the thing was that he was making a proposition—making suggestions as to what their policy should be.

Q. And if they accepted it?

A. If they accepted it, my impression from the letter was that he was going with them.

By Mr. LAWRENCE:

Q. With the rebels?

A. Yes, sir.

By the CHAIRMAN:

Q. State whether you know where those persons are now who read this letter.

A. I do not.

Q. Where is Watkins's residence?

A. I do not know; somewhere in Maryland; not far from here, I think.

By Mr. ASHLEY:

Q. State what knowledge you have of the existence of any other letters written by Johnson, either before or after he became President.

A. Mrs. Lucy L. Cobb, of Washington city, showed me two letters the evening she was brought to my headquarters, the 8th of April, 1866. I talked to her very severely about visiting the White House, saying that a woman of her character had not any business to go there. She claimed that she had a right to go there, and that it was with the knowledge, consent, and approval of the President. To satisfy me that her statement was correct, she showed me two letters, one written by the President to the Postmaster General, to give Mr. Cobb, her husband, a situation in the Post Office Department, and another one written to Mr. McCulloch, asking him to give Mrs. Cobb a situation in the Treasury Department.

By Mr. LAWRENCE:

Q. State what position you held then.

A. I was provost marshal of the War Department.

Q. What was the character of Mrs. Cobb?

A. She was a disreputable woman, or, in other words, a woman of the town.

By the CHAIRMAN:

Q. If there are any other letters that you have seen of Johnson's, written by him to any person connected with the confederate government, or proposing to change the administration of the government in their favor after he became President, or anything of a public nature affecting the public interests of the United States, please state it, and state all you know about such letters.

A. I do not know of any letters of that character – of any other letter. Mr. Adamson told me that there were other letters. I told him I wanted to see

him. He brought a man to me to introduce to me, named Speck, who had letter in his possession purporting to be written by Andrew Johnson.

By Mr. ASHLEY:

Q. Before or after he became President?

A. After he became President.

Q. How long after?

A. The letter, I think, was dated in July or August after he became President.

Q. Did you read that letter?

A. Yes; I read what I could of it. I could not read it all. I only had it for a few moments in my hand.

Q. Please state its character.

A. I returned the letter and told the man I believed it was a forgery, and that I did not wish to have anything to do with it; and I believe so still. I believe so, because the signature did not look like the signature which Colonel Browning pronounced the genuine signature of Andrew Johnson.

By Mr. LAWRENCE:

Q. You stated that there were two persons present when you showed the letter to Colonel Browning; who were they?

A. One of them was Major Long. They did not see the letter, and did not hear the conversation.

Q. Are you not familiar enough with the handwriting of Johnson to determine for yourself whether the handwriting was genuine?

A. No, sir; I do not suppose I have seen half a dozen of his signatures.

By the CHAIRMAN:

Q. State what you know about telegrams, and the manner in which they were sent, and to whom, after he became President.

A. That is all hearsay; I do not know anything of it of my own knowledge.

By Mr. ASHLEY:

Q. State what you heard, and from whom, with reference to those telegrams being sent in cipher from the President's house to Nashville.

A. I think the first intimation I had of telegrams was some time in August or September, 1865. I was at Nashville, where I had been sent by Mr. Johnson's order. I received a written order from the President to go to Macon, Mobile, Atlanta, and other places, for the purpose of looking up certain letters which were supposed to have belonged to C. C. Clay. While in Nashville, I was applied to by a man who claimed to have been in the government telegraph department.

By the CHAIRMAN:

Q. Give his name.

A. His name is Wilbur. He applied to me, in the first place, for a situation.

Q. Can you give his full name?

A. I have got it on some papers, but I cannot recollect it now. He made an application to me for a position as a detective on my force, and in the conversation I had with him he said he had been in the government telegraph office. I asked him where. He said at Nashville. I told him that I did not want to employ any more detectives. He said he thought he had something very important. I told him that if he would come to my room at the hotel that night I would talk with him. He came around there and stated that he had seen copies of telegrams sent by Andrew Johnson, which the operators in the office thought were very singular—so much so that it had become a subject of conversation among them. I asked him what they were. He said that the tele-

grams in reference to Parson Brownlow were very scandalous. I asked him if he could get me copies of them. He said he could not get them himself, as he was not then in the office, but that he knew an operator in the office from whom he thought he could get copies. I told him I was going south, and should be back in Nashville in two or three weeks, and that if he could get any copies of those telegrams and would bring them to me, I would be able to judge whether they were genuine or not, or whether they were of any importance or not. I went away, and when I came back to Nashville I found him at the hotel the night I arrived. I asked him if he had got the telegrams. He said he had not, but that he had been at the office and had seen them. I asked him what the purport of them was. He said they were telegrams sent to Nashville, in cipher, from the office here in Washington.

Q. From the War Department office?

A. From the War Department office. There was no other office at that time for sending government messages. Parson Brownlow was very ill at that time, and Mr. Johnson hoped that the Lord would take him away as soon as possible; that it was the only salvation for the State of Tennessee—and a great many things that I do not recollect. When I found that I could not get the telegrams into my possession, I did not attach much more importance to it at that time.

Q. Did you or not get the impression from that conversation that those telegrams were sent to persons who would regard them as instructions to overturn the established government in Tennessee?

A. I got that impression for this reason—that he told me plainly that all the operators in the office regarded it as a conspiracy against the government.

Q. Against the loyal government of Tennessee?

A. Against the State government.

Q. Do you know about what time those despatches were sent from here?

A. They must have been sent in July or August, 1865. He told me a long story about a cipher; that he had seen some messages; that the President wanted a new cipher arranged; that he was not willing that even the Secretary of War should know his cipher; and that he applied to General Eckert, the chief telegraph operator, to arrange a cipher, and that General Eckert did arrange a cipher, and nobody had the key to it except the parties in his office here and one party in the office at Nashville. I spoke to General Eckert after I came home about the cipher, and if there was such a cipher.

Q. What did the General say?

A. Well, he did not give me any answer. It was not a proper question for me to ask him in the first place, but I asked without really expecting to get an answer.

Q. What was the name of the party at Nashville who understood that private cipher?

A. That I do not recollect. I was trying to find it last Sunday among my papers in Philadelphia; I have got it somewhere.

Q. Was he an operator in the office?

A. No, sir; he was a citizen, and my impression is that he is the present mayor of Nashville. I feel very certain he is. The name is a German name.

By Mr. ASHLEY:

Q. Who was the operator at that time, at this end of the line, at the War Department?

A. There were seven or eight of them. There was one particular operator, I believe, who had charge of those cipher messages.

Q. What was his name?

A. I do not know who he was. General Eckert would know more about that than I do; he was in charge of the military telegraph office at that time. In

my conversation with Mrs. Cobb she went on to tell a long story about the President having facilities for communicating with his friends in the South which even Mr. Stanton did not know anything about.

Q. I wish you to state to the committee the number of persons who were arrested by you, and tried and convicted either by courts-martial, military commissions, or civil courts during the rebellion, who have been since pardoned by Johnson, and who are now holding office. Give the names of those whom you recollect, and if you have the list furnish it.

A. I have brought to Washington the proof sheets of the book which I am publishing, and which contains the names of the parties, the nature of their offences, &c.

Q. State the number as near as you can.

A. I think there have been one hundred and twenty-three of my prisoners who were convicted.

Q. Of penitentiary offences?

A. Yes. Out of that number ninety-two or ninety-three were pardoned and holding office at the time I made my report to General Fry. In my report the facts are all set forth, the names of the prisoners, the sentences, the amount of fines imposed, &c.

Q. Do I understand that those persons are now holding office?

A. About ninety-two or ninety-three of them are. Cahill was convicted of forging soldiers' enlistment papers, and was sentenced to five years in the penitentiary. He was pardoned by Mr. Johnson, and was appointed to a situation in the Philadelphia post office as letter carrier, where he now is. Devlin was sentenced to ten years in the penitentiary and a fine of $10,000. He was pardoned before he left the Old Capitol prison, and was, I am told, appointed an inspector of customs in New York under Mr. Smyth. Those names are all contained in my report to the Provost Marshal General.

Q. State what you know about the pardon brokerage business.

A. Previous to the arrest of Mrs. Cobb, a despatch was received by the Secretary of War from General Sheridan, at New Orleans, stating that Isaac N. Surratt was on his way from Monterey in Mexico to Washington to assassinate President Johnson. The Secretary handed me the despatch. I said to the Secretary, "I do not know what I can do; I do not know this man, and have got no description of him." The next day General Sheridan sent a despatch, which General Steele had sent him, giving a full description of Surratt. The Secretary sent for me again, and handed me the second despatch. I said, "Now I can do something, because I have got a description of the man." This despatch was received the very day I was going to Canada. I handed the two despatches to my assistant, and told him he had better detail a man or two to go to the White House at night, and watch around outside; but they were under no circumstances to go inside the building, as I did not want even the President to know that there was any fear of his assassination. I left Washington that night on the six o'clock train to go to Canada to get those letters I have been talking about. I got as far as Baltimore when I met a man on the street, who told me that Isaac N. Surratt was in Baltimore; I went into General Heintzelman's office, and telegraphed in cipher to the Secretary of War: "Isaac N. Surratt in Baltimore; look out for him." I went to Canada, and was there three weeks. When I came back I asked my assistant in the office, "Did you detail men for the White House." He said, "I did." I said, "Whom did you detail." He said, "S. S. Jones and John Odell." I said to my assistant, "You send for Jones and Odell; I want to see them." They came up to my office, and I asked them if they had seen any suspicious characters about the White House; they said that they had not. They then volunteered a statement with reference to their duties at the White House. They said that the President heard that they were on duty there, and sent one of the messengers for them to come up. Jones went up and

had an interview with the President; and after that he was with the President every night, and walked out with him in the grounds at night for exercise. He was a sort of body-guard for the President. In this conversation that I had with Jones and Odell, they told me that there were a great many improprieties going on at the White House; that certain women were going there at all times—night and day—and, among others, they mentioned the name of Mrs. Cobb. "Why," said I, "it is not possible that Mrs. Cobb goes to the White House?" Jones said, "She is there all the time. She came down stairs yesterday morning with a pardon in her hand, shook it in my face, and boasted that she could get anything done she wanted." I said they must be mistaken, and I put on my hat and went to the White House. In the reception room, I saw Mrs. Cobb sitting with a large batch of papers in her lap. I went up to her and said, "What are you doing here? You have got no business here; you are not a proper character to be here." She refused to go out, and I took her by the shawl, raised her off the seat, took her down stairs, and told her to go away. In a further conversation that I had with Jones and Odell, I learned something of the manner in which those pardons were being procured. I then became satisfied that Mrs. Cobb was procuring pardons, and I got one of my detectives to get up a fictitious application in the name of Captain Clarence J. Howell, of the rebel army. I told him to go to the Avenue House, where Mrs. Cobb was stopping, and to make a contract with her in writing to procure a pardon. I gave him two $50 notes to give her. He went there under a written contract, which I have got, paid Mrs. Cobb the hundred dollars, and was to have the pardon next night at 6 o'clock. Next night at 6 o'clock I went down with him to the Avenue House. He went up to Mrs. Cobb's room and got the pardon, paying $200 more for it. I had marked all the money. I went up to the room then and demanded the money from Mrs. Cobb. She would not give it to me. I asked her to go to my headquarters. She wanted to know if I had any objections to her husband going with her. I said, "No." We got into a carriage and went to my headquarters. I took her into my private office. She was very indignant at being treated in the way I treated her. She wanted to know why I made an example of her. She said there were other women making ten dollars for the one she made, and getting ten pardons for the one she got, and she could not understand why she should be selected from the others. I asked her who were getting pardons. She said that Mrs. Colonel Washington, of Harper's Ferry notoriety, was getting a great many pardons; also, Mrs. Stewart, and Mrs. Reed, of Charleston, South Carolina—the woman who got the cotton order there. She then boasted of her intimacy with the President, and pulled out of her bosom the two letters that I have before referred to, to the Postmaster General, and to Mr. McCulloch. She said she had procured a number of pardons, and gave me the names of the persons, which I wrote down on the blotting paper on my desk. She told me how much money she got for them, and how much she paid for them.

Q. Did she tell you that the President knew she was getting money for them?

A. She said the President knew all about it. I asked her the question to whom she paid money. She stated that, for two pardons which she procured for two men in Richmond, she had got $3,000; that she bought a pair of kid gloves for Colonel Robert Johnson, took two $500 bills, put a $500 bill in each glove, and presented the gloves to Robert Johnson. She went on to state that the President had, on one or two occasions, made advances to her, and asked her into his private room; that she had met him twice at the Kirkwood House before he was President, and staid in his room all night once, and one night until 2 o'clock. She then detailed to me a conversation which I afterwards corroborated partially, that the President was going to muster out certain radical officers, and was going to dispense with Mr. Stanton. After she told me that

Mrs. Washington was procuring pardons, I made out an application in the name of John Kelly, and gave it to the same man who had procured the pardon from Mrs. Cobb, and I gave him, with it, one hundred dollars. The application was made out, I think, after 7 o'clock in the evening.

I went to Georgetown, and made a written contract with Mrs. Ellen B. Washington, the wife of the rebel Colonel Lewis Washington, who lived near Harper's Ferry. She got into the carriage after she got the $100, and came down to the President's house, went up stairs, came down again in a few minutes, and said it was all right, that they were then filling up the pardon, and it would be ready that evening. That same evening there was to be a party at Georgetown, in the house of Mrs. English, to which some cabinet officers had been invited. She made an excuse that she must go back to Mrs. English's at once. In the meantime, next morning, the arrest of Mrs. Cobb became known, and the thing stopped at once. After I got the pardon in my possession, the contract of Mrs. Cobb, and the marked money, I went to see the President, leaving Mrs. Cobb sitting in my room. I found him alone and he asked me to be seated. I handed him the pardon, and began to tell him the story as to how I got possession of it. He stopped me at once, and wanted to know where I got the pardon. I said I got the pardon from Mrs. Cobb, and I began telling him the story again. He interrupted me, and became very much excited. He continued to ask me the question where I got the pardon. When I attempted to explain to him where I got it, he interrupted me. Finally, he wanted to know where Mrs. Cobb was. I said, "She is at my office." He then wanted to know the character of the woman. I gave him a little history of my knowledge of the woman, and of her character. He said to me, "I don't know these people. All sorts of people come here, and I am obliged to see them all. I want to treat them all kindly, and hear their complaints, as far as I can; and it is very likely there are people of that character coming." He said, "I recollect signing this pardon, but I did not sign it until after 4 o'clock to-day, and I don't know how you got it." He called his son Robert, and handed him the pardon. He asked him, "Robert, what do you know about this pardon?" Robert says, "Why, father, this is the pardon you signed for Mrs. Cobb this afternoon." Then I began telling him the story about the pardon, and he became very much excited, and charged me with having circulated a certain circular, which was got up by the radicals before Congress met, pledging certain members of Congress and Senators to a certain line of policy, after Congress should meet. He wanted to know if I carried round such a circular. I said I did not. He said I did, and told me I was telling an untruth. I told him I never saw such a circular in my life; that I had simply heard there was such a paper in existence, but that I had never seen it. He asked me to leave the papers with him, and to come to see him again. I left the papers, and the next afternoon I got a note from Major Long, saying the President wanted to see me immediately. I went to the White House, and the President wanted to know about this manner of procuring pardons. I gave him a little history of it. He pulled out of his drawer this pardon, which Mrs. Cobb had got, and said to me, "This pardon, it appears, has not been returned to the Attorney General for his signature; there is no oath attached to it, as required by law." And he wanted to know how I got it into my possession. I told him again how I got it, that I got it from Mrs. Cobb; that she gave it to me. He wanted to know if I suspected anybody in the Attorney General's office. I told him what Mrs. Cobb said in reference to Mr. J. M. Pleasants, the pardoning clerk in the Attorney General's office; that she had to divide with Pleasants upon every pardon she got. And then I told him the circumstance of Pleasants following Mrs. Cobb out of the room one day into the hall, taking hold of her, and telling her she should not carry away that pardon until he had his half of the money. He was apparently very indignant at Mr. Pleasants, and said he would send for him, and talk with him. I don't know whether he ever did so. At any rate he said he should take measures to

stop this business, and to stop these characters from coming to the White House. I left him. In the course of four or five days I found that Mrs. Cobb was still going to the White House, and was procuring pardons; and I determined then to ascertain whether she was going with his approval or not. I directed one of my men to go to the door of the White House, and if Mrs. Cobb came there to tell her she could not go into the building. This was on Monday morning. My man went down there, and had been there about an hour, when she came and wanted to go into the White House. He said no, you cannot go into the building. She wanted to know by whose orders she was prohibited. The man told her it was by my orders. She went around the back way, entered the grounds, passed the conservatory, came into the kitchen, got up stairs, and went to the President's room. After a few minutes the President sent for the man whom I had stationed at the door, and wanted to know by whose orders he was guarding the doors of the White House. This man's name was S. S. Jones. Mr. Jones told the President he was there by my orders. The President said, "Do you tell General Baker I want to see him immediately." Before Jones got up to my office the President had sent another messenger for me, who came, very much excited, and said the President wanted to see me. I told him I would be down in a few moments; and on my way down to the White House I met Jones, who was on his way to my office, and he told me what the President said. He said the President was very furious, and that he was a little drunk, and that I had better not go down there then, but to wait until that afternoon. I said no; that I would go down to the President, as he had sent for me. I went to the White House, and found a good many people waiting in the ante-room. The messenger told the President I was there, and he opened the door himself. There was nobody in the room; and when I went in he locked the door—or catched the lock in some way—and in a very furious manner wanted to know by what authority I was detailing detectives to the White House. I said to him, "I supposed you did not want Mrs. Cobb to come here, and I found she was coming here, and I stationed the man at the door to prevent her coming; you told me you did not want any of these characters to be coming to the White House, and I thought it my duty to prevent her coming here." He said, "When I want you to detail detectives to the White House I will send for you and let you know." I was standing up near the door, and he came over to where I was and began to say I had made myself very conspicuous in reference to this particular matter of pardons; that when he wanted an investigation made in reference to matters that occurred at the White House, he would give a written order to make it. I excused my conduct as far as I could. He talked very loudly and abusively; and I said something to him that I do not recollect. Then he shook his fist in my face, and wanted to know how I dared talk to him in that way. I told him I dared talk to any man when I was right. He got very much beside himself, and walked around the table, and I started to go out of the room. He called me back and said, "You can tell your friend Stanton what I say." I said, "Very well, sir;" and I started to go out. He repeated, "I say you can go and tell your friend Stanton what I say" I said, "Very well, sir." I got by that time up to the door, and he came right up to me and shook his fist at me and said, "Now you go and tell your friend Stanton what I said." I said, "Very well, sir," and backed out of the room and came away. There had been a good many complaints made by people coming from the South for pardons that they were subjected here to all sorts of impositions by claim agents and pardon-brokers. Governor Parsons came up here in behalf of his constituents to do something to prevent it. He claimed that these applicants for pardon were all poor men and had no means—scarcely means enough to come here—and that when they did get here he claimed they should obtain their pardons; that the business should be expedited as fast as possible, and they allowed to go away without

being subjected to extortion on the part of claim agents and pardon-brokers. To obviate that difficulty, it was suggested that an agent be appointed to remain permanently in Washington who should receive all the applications, place them on file, take them to the Attorney General's office, get the pardons, and send them to the persons free of charge. This agent to be paid either by the State of Alabama or by the government. Arrangements, I believe, were entered into, and Colonel Sayers opened an office on the Avenue, opposite Willard's Hotel.

Q. You mean Colonel Sayers late of the rebel army?

A. So I understood. That was immediately after the difficulty with Mrs. Cobb. Some three or four months after that I was told that Colonel Sayers was sending a good many pardons through Adams & Co.'s express, and sending the bills with them. I went down to Mr. Dunn, in Adams & Co.'s office, in this city, and told him I wanted to look at his books. He took me into his office and introduced me to his agent. He showed me a register of packages sent. I do not recollect the exact number, but the books will show there were a great number between the 4th and 14th of November. The pardons were sent away by express in the official envelope of the Attorney General, and outside on the envelope they had put "C. O. D. $100," (collect on delivery $100.) I went to work and copied from Adams & Co.'s books the names of the persons for whom pardons had been procured, the dates of the pardons, and where they were sent. Then I went to see the cash book of Adams & Co., showing when the money came back and to whom it was paid. Adams & Co.'s books will show how many pardons Colonel Sayers sent away between given dates, and how much money he received for them. It is a well known fact that he made out regular bills and collected $100 for each pardon. There were some 1,300 or 1,400 pardons which he got paid for—that is if he got paid for all that he sent, as I presume he did. My investigation only extended to a number of days in the month of November. I am told, however, that the business continued right on, and continues to this day.

Q. Do those books show that Sayers received the money?

A. The cash book shows that.

FEBRUARY 7, 1867.

Q. You spoke yesterday of the pardon clerk in the Attorney Generals office—do you know whether he knew of any improprieties in connection with the exercise of the pardoning power, regarding pardons, or anything connected therewith?

A. I know that in a conversation I had with the Attorney General, Mr. Speed, he said he had very strong suspicions against his clerk, Mr. Pleasants, but that he had declined to make any charge against him or to dismiss him until he could get the facts. I related to him the conversation I had with Mrs. Cobb, in which she said that she had paid Mr. Pleasants one-third of all the money that she had received for pardons. I related the circumstance which she told me of Mr. Pleasants sending a messenger after her when she went out of the office having a pardon in her possession; of his following her up some distance towards the White House, and saying that Mr. Pleasants wanted to see her, that she went back, and Mr. Pleasants said to her he must have that $50, referring to one-third of $150 which she had received for procuring a pardon for a man named Myers, in Richmond.

WASHINGTON, D. C., *Thursday, February 7*, 1867.

LAFAYETTE C. BAKER recalled and examination continued.

By the CHAIRMAN:

Q. You stated yesterday that some 123 persons who had been arrested by you had been convicted by the civil and military courts of various crimes, and

of that number some ninety had been pardoned by President Johnson, and a number of them appointed to office under the government Give the names of these persons.

A. Here are the proof-sheets of a book of mine which has been published in Philadelphia. They embrace the convictions and pardons up to the time the book was written, and I have the list of the balance of them. In my report to General Fry, reference is made to them, and I think the names are given of the persons convicted, who then held positions under the government. Cahill is in the post-office in Philadelphia, and Devlin was in the custom-house, in New York. There are but two or three in the list who had not been pardoned, and those have been pardoned since.

Q. All the persons embraced in this list have been pardoned?

A. Yes, sir.

Q. Can you not furnish us with the names of those persons?

A. I can give you the full names and the positions which they now hold, but I cannot do so without getting the original manuscript from Mr. Headley. The President asked me to state officially what I knew concerning Mrs. Cobb and other women who were visiting the White House. He wanted it to put it on record. On the 12th of November I made this written confidential report to him in which I went over the whole ground of the pardoning business, the names of the persons engaged in it and the character of those women. I delivered that report to him myself in person, and sat in the chair and heard him read it. Mr. Headley has got a copy of that report to the President. The last interview I had with the President was two or three days after he had received my report. The report was made before I stationed the detective at the door. He charged me in that last interview, among other things, with stating in my report that which was not so.

By Mr. THOMAS:

Q. In the violent interview which you had with the President, did you discover that his provocation grew out of the fact that you had stationed a detective there?

A. Oh, yes; he complained of it directly. He commenced the conversation by asking me by what right I had stationed detectives at the White House.

Q. That was subsequent to your report?

A. Oh, yes. The very first interview I had with him on the subject, I gave him the history of this woman. That report was verbal. He then asked me to make him a written report. I then gave him the report which I have spoken of. The list of persons convicted and afterwards pardoned, will appear fully in the paper which Mr. Headley has got, from which the list in this book is compiled.

By the CHAIRMAN:

Q. Do you recollect any other particular subject treated of in your book bearing on the subject of the investigation, which is before the committee?

A. Yes, sir. I propose to publish in my book the whole history of the pardon business, as I understand it. I pu lish all the official documents which I have in my possession on the subject. I publish my report to the President, his letters and notes requesting me to see him, the particulars of the interviews between us, and Mrs. Cobb's statement to me. They are in type, but I have not got the proof-sheets. The book will contain about 900 pages, and I have only about 750 here.

Q. Was there any effort made on the part of any member of the Executive Department to suppress the publication of your book?

A. Yes, I think there was.

Q. Can you state of your own knowledge that there was any such effort made?

A. Not of my own knowledge directly.

Q. Have you reason to believe that such an effort was made?

A. Yes.

Q. What is the ground of that belief?

A. I made a written contract with a publishing house in New York—Derby & Miller, 5 Spruce street—to publish my work after first submitting to them the materials which I had, to make a book. I knew nothing then about the relations between Mr. Seward and the publisher, Mr. Derby. I had made a contract with Mr. Headley to write the work. He began writing it, and submitted his manuscript from time to time. I came to Washington, and Mr. Riddle, ex-member of Congress from Ohio, who lives next door to Mr. Baker, chief clerk in the State Department, told me that Mr. Baker, in a conversation with him the night before, told him he had seen proof-sheets of Baker's book in the State Department. Mr. Riddle wanted to know whether I was going to submit the proof-sheets of my book to Mr. Seward. I said no, that I wasn't aware that Mr. Seward ever had them. I made some further inquiries and satisfied myself that Mr. Seward had the proof-sheets and had read them. I had published some original orders from Mr. Seward for the arrest of persons which he had given me in 1861. I understood that was his objection to the work, that I had no right to publish his orders. The work was suspended on the book for some months in New York. I finally went to New York and made an arrangement to have the work continued.

Q. What was the cause of the suspension?

A. I understood it was Mr. Seward's interference.

Q. From whom did you get that understanding?

A. I got it from several persons.

Q. Did you get it from the publishers?

A. Not directly from the publishers.

Q. Have you had any interview with Mr. Seward since you came to this city this last time?

A. I have seen Mr. Seward.

Q. Did you have any conversation with him touching this investigation?

A. No, sir, not a word.

Q. Or with any other member of the executive branch of the government?

A. Not directly. I had some conversation with Mr. Stanton.

Q. Concerning this investigation?

A. Not particularly. He simply asked me how long I had been in the city, and what I was doing here, and I told him.

Q. Did he seek the interview?

A. No, sir. He wanted to see me with reference to a suit that was pending against him by Smithson, the banker. I had in my possession the original papers for the arrest of Smithson and the seizure of his property, and Mr. Stanton wanted to see me with reference to those papers.

Q. There was nothing in either of those interviews that led you to believe that Mr. Seward or Mr. Stanton had interfered in the publication of your book?

A. No, sir. It is generally understood and believed that the delay in the publication of the book has been in consequence of the interference by Mr. Seward. I never heard of Mr. Stanton interfering with it.

Q. Did Mr. Seward seek the interview you had with him?

A. I had not any interview with him directly. I met him accidentally.

Q. Where?

A. I met him at the door going into the department as I was coming out.

Q. That is the only interview you had with him?

A. That is the only interview I have had with him since I have been here this last time.

By Mr. ASHLEY:

Q. State whether you can recollect the names of any other parties who had read this letter that was written by Mr. Johnson.

A. After giving my testimony yesterday I was thinking of the matter. I knew that somebody had seen and read that letter, and I happened to think of the man who read it. I was in correspondence with Mr. W. C. Matchett, and it was through him that those gentlemen whom I referred to yesterday as being anxious to see the letter came to my room. I had forgotten, when I gave my testimony yesterday, that Matchett had seen this letter. He has seen it, and he has got a memorandum in his pocket giving the purport of a number of letters which I had, not referring to this matter but to other matters, which memorandum he says he took at that time.

WASHINGTON, *February* 15, 1867.

EDWARD R. PHELPS sworn and examined.

By the CHAIRMAN:

Q. Did you testify before the committee on public expenditures of the House of Representatives, concerning a subject called the general order business in New York?

A. Yes, sir.

Q. Please state what is meant by that term "general order" business.

A. Warehouses are kept in New York, in which a large business is done by the storage of goods which are not passed directly through the custom-house. These are under the control of the collector, and are kept by men who receive appointments from him.

Q. Is the general order business regarded as profitable?

A. Yes, sir; very profitable, especially in New York. It has been estimated in New York to be worth over $100,000 a year to the parties who have it.

Q. The profits arise from the amounts received from storage?

A. From storage, cartage, and labor. A great many men are employed in getting goods in and out.

Q. Were you ever engaged in any negotiation with any person to secure any part of the general order business in the city of New York?

A. Yes, sir; I was engaged with Thomas J. Barr, of New York.

Q. Please state all the circumstances attending such negotiations.

A. We employed one Mrs. W. C. Perry, of Cincinnati, who was a confidential friend of the President, as we understood. She called upon the President at the White House to state to him what we wanted. He requested her to bring myself and Mr. Barr to him. I called, on the appointment made by the President, to state to him that we wished the general order business from pier No. 59, North river, to the battery. He questioned me, and also Mr. Barr, as to what party we belonged. I stated to him that I was a republican. He then asked me if I could bring him endorsements from members of Congress, on which he could fall back, or something of that kind, if any question was made in reference to it. He said if I could bring satisfactory recommendations I should have it; that he knew Mrs. Perry very well, and that I was recommended very highly by her; that he would give me this for the benefit of Mrs. Perry; that he wanted to have it made satisfactory to her. I then got a letter from Henry J. Raymond, recommending myself to the President, which was endorsed by ten or twelve members of Congress from New York State.

Q. They knew nothing about the arrangement, of course?

A. No, sir. Mr. Raymond knew me very well, and would indorse me for

anything within the gift of the government. We then called upon the President, upon an appointment, between six and seven o'clock in the evening, about the middle of June, I think, 1866. He said that I should have the appointment. I told him there would be considerable of a time about it among the politicians in New York, because it was patronage very much looked after, and there were parties there who would think I ought not to have it, and that I wanted him to stand by me. Says he, "Young man, I will stand by you; this is all right. As soon as I appoint a collector, I will give you the necessary papers to him."

Q. Did he give you any papers to the collector?

A. He did; a week or ten days before Mr. Smythe was confirmed.

Q. Was the paper he gave you in the nature of a letter to Mr. Smythe?

A. Yes, sir; it was addressed to the collector of the port of New York, and placed in an envelope from the executive department.

Q. Where is that letter?

A. It is in the hands of Mr. Smythe.

Q. When did you deliver it to Mr. Smythe?

A. On the Tuesday or Wednesday after he was confirmed. He was confirmed on Friday, and came from Washington on Saturday.

Q. Can you state the contents of the letter?

A. I do not recollect exactly how it was worded. The substance was about this: "You will please give the general order business from pier No. 59, North river, to the battery, to Edward R. Phelps and Thomas J. Barr, of New York."

Q. How many interviews had you with the President prior to receiving that letter?

A. I should think about four. Mr. Barr had two.

Q Who was present at those several interviews?

A. At the interviews with myself there were Mrs. Perry and the President, and sometimes Colonel Moore and Mr. Browning, private secretaries.

Q. Had you any acquaintance with the President prior to your application for the general order business?

A. No, sir.

Q. By whom were you introduced to the President?

A. By Mrs. Perry.

Q. How did you become acquainted with Mrs. Perry?

A. I became acquainted with her some six or seven years ago, when she was living at Syracuse. She was then Mrs. Haskins, and, as I understand, known here as Mrs. Jennie Norwood.

Q. When did you learn that she had influence with the President?

A. I learned it in the winter of 1863, while he was military governor of Tennessee.

Q. When did you first speak to Mrs. Perry in relation to the general order business in New York?

A. In June, I think it was, 1866.

A. What proposition, if any, did you make to Mrs. Perry in relation to that business?

A. She told me that she had influence with the President; that she could obtain almost anything for me; that she had a great many offers from parties to become a partner with them, but that she had never done that. I told her that we wanted the general order business; that if she would obtain an order on the collector we would give her, I think, one-fourth of the net profits. She called upon the President, as I stated, and, in pursuance of an appointment, I subsequently called, and the President asked me, at the interview, about the general order business—as to what it was. He appeared to be ignorant of it. I explained it to him. He asked me how lucrative it was, and what it would amount to in a year. I told him there had been different estimates put upon

it—from forty to fifty thousand dollars. He asked me who held it, and their politics. I told him that several gentlemen held it who were all, except one, opposed to him in politics. He then said, as I have said, that if I could get recommended it would be satisfactory, and we should have the appointment.

Q. Did he make these promises prior to any statement on your part as to the interest Mrs. Perry was to have in the business?

A. He made them all at one time. He said if these recommendations were brought as to my standing as loyal to my party, and character, &c., that there would not be any trouble about our having the business, saying that he gave it to us for the benefit of Mrs. Perry, as he had known her for a long time and wished to benefit her.

Q. How did the President know Mrs. Perry was to be benefited by this arrangement?

A. I suppose she had told him what we had promised. Nothing occurred in my presence at that time indicating that he knew of the arrangement. That was about all that occurred in that interview. The next interview was some ten days afterwards. At that time nobody was present but myself, Mrs. Perry, and Colonel Browning. I then brought him the letter I mentioned from Mr. Raymond, and letters from prominent men in regard to Mr. Barr. He asked me how I wanted the letter written, and directed Colonel Browning to write a letter to the collector of the port of New York giving to Mr. Barr and myself the general order business. Colonel Browning wrote the first paper, which was signed by the President, and I left. I ascertained in the course of a week or ten days that this paper was not satisfactory, and Mrs. Perry and myself called upon the President again. In the meantime, Mrs. Perry had said to us that she wanted an agreement drawn up between ourselves and her. I drew up a paper and gave it to her, pledging her, I think, one-fourth of the net profits of the business. I then called upon the President to get another paper from him, which I did, directed to the collector of the port of New York, directing him to give the general order business to Barr and Phelps. At that time she took out the paper we had signed and exhibited it to him They walked off to one side, while Colonel Moore, who was then present, drew up this order on the collector of New York. The President read the paper, and said to me that he wanted us to act right with Mrs. Perry, or something of that kind. He stated, "I see that it is all right between Mrs. Perry and yourself, and I want you to act honorably with her."

Q. Have you a copy of that paper?

A. No, sir.

Q. Is that all that occurred in that interview in which she exhibited that paper to the President?

A. I think it was.

Q. Was any arrangement made by which you was to give any share of the profits to any other person?

A. No, sir.

Q. Did you secure that business?

A. No, sir; this last paper, drawn up by Colonel Moore and signed by the President, was held by us until Mr. Smythe was appointed collector and confirmed. We then called upon him within two or three days and presented the paper. He appeared to be very much surprised at receiving it, and remarked that the business was all disposed of, saying: "The President must know about this, for I saw him on Saturday (the day after he was confirmed) and he said nothing about it. He must know I had disposed of it or a certain part of it," and then remarked that he had to give a certain portion of it to Senator Doolittle's son, and a portion of it to the son of another Senator whom I do not recollect, and some to Senator Patterson, the President's son-in-law; that he had

given it to those parties before he could be confirmed, and that he had only reserved $15,000 of it for himself, for poli ical purposes, he afterwards added.

Q. Did he tell how that $15,000 was to be used?

A. He did not.

Q. Did you inform the President of the result of the interview with Mr. Smythe?

A. Mrs. Perry did. Mrs. Perry was at Washington. We immediately wrote to her; she wrote back that she had called to see the President but could not get an interview with him, and she came on to New York the next day and called and saw Mr. Smythe and had an interview with him, and she had to my knowledge several interviews with Mr. Smythe.

Q. You did not see the President afterwards?

A. No, sir; I never went near him.

Q. Does that close your connection with the general order business?

A. After Mr. Smythe stated that the business had been disposed of, he then offered to compromise the thing. He wanted to know if he could not satisfy this party, who was so intimate with the President, by giving her $5,000 interest in the business, and said he would then try and do something for myself and Mr. Barr. We told him we could not accept any such proposition; that we thought we were entitled to the position. He then asked us to call in two or three days, I think on Thursday, and he would then let us know what he could do. Mr. Barr and myself then called, and he stated that the whole matter was disposed of, and he could not do anything about it; that he had information from the President that he could do just as he pleased about the matter.

WASHINGTON, D. C., *February* 19, 1867.

JOHN EVANS, sworn and examined.

By the CHAIRMAN:

Q State your residence?

A. Denver City, Colorado territory.

Q. To what position were you elected under the proposed State organization of Colorado?

A. United States Senator.

Q. Were you in this city about the time of the passage of the bill, during the first session of the 39th Congress, providing for the admission of the State of Colorado into the Union?

A. I was.

Q. State whether you had any interviews with the President of the United States, after the passage of that bill, in reference to the same?

A. I had.

Q. Were you invited to any such interview?

A. I was, by an anonymous note.

Q. Have you the note, and if so, produce it?

A. Supposing it would be called for I brought it along, and present the original note.

Q. Please read it.

A. It reads as follows: "Mr. Evans will please call at the President's house and see Mr. Edward Cooper—Monday."

Q. Do you know in whose handwriting this note is?

A. I do not.

Q. By whom was it delivered to you?

A. It was left in my box at the hotel post office, National Hotel.

Q. State whether in response to that note you called upon Mr. Edward Cooper.

A. I did.

Q. What position was Mr. Cooper occupying at that time?

A. I understood him to be the private secretary of the President.

Q. Please state what transpired at that interview between you and Mr. Cooper.

A. We had a long interview in regard to the political situation, and in regard to the probability of the President signing the Colorado bill.

Q. State substantially, in detail, what transpired during that interview.

A. It would be difficult at this late period to detail all the conversation that passed between us. The substance of it was that it was Mr. Cooper's impression that, if Mr. Chaffee and I would sustain the President's policy, he would not veto the Colorado bill.

Q. Did he pretend to speak by authority?

A. I think that, although his general conversation would indicate that he did, he in terms disclaimed speaking by authority. He said the matter was in our hands, and that it was for us to say.

Q. Meaning thereby that the approval or disapproval of that bill was in your hands?

A. That is what I understood him to mean.

Q. After that interview with Mr. Cooper, did you have an interview with the President the same day?

A. We did, immediately following, on the same night.

Q. Did Mr. Cooper go in with you?

A. No, sir; he proposed that we should go in and see the President.

Q. State, as much as possible in detail, the conversation that occurred between you and Mr. Cooper and between you and the President.

A. Previous to our interview with the President, we were invited into a private room by Mr. Cooper, who said he desired to talk with us in regard to the Colorado question. After a resume of the present political situation, he said it was of vital importance for us to be friends of the President and his plan of restoration; said there would be no trouble about our bill, if we would give our adherence to the President's policy; that believing as the President did, that the future welfare and harmony of the country depended upon sustaining him as against Congress, it would not be expedient in him (the President) to admit us to fix a ruling power over him in the Senate; that there was no constitutional reason or precedent upon which to veto—it was merely a question of expediency—and added, "It is for you, gentlemen, to decide." He said a great deal else of this import, to all of which we answered and stated that we had no personal hostility to the President, would be glad to see harmony, and hoped a more perfect understanding between the President and Congress would yet harmonize them, and that some plan would yet be agreed upon that would restore the Union of all the States, so that loyalty could be encouraged and protected in the late rebel States; that one of us (Mr. Chaffee) had voted for him (the President) in the Baltimore convention; and that we should sustain him so far as we could, in justice to our views, upon the great national question of reconstruction. He then asked us to go in and see the President, which we did. The President met us very cordially; went over his whole plan in detail since his inauguration; said that our bill placed him in a rather awkward position; that he felt the necessity of carrying out his policy as the only one to restore the Union; that the radicals in Congress, if allowed to succeed, would disrupt and destroy the government. He characterized the leading men as actuated only by a desire to prolong themselves in power, and said he did not deem it expedient or in consonance with the future welfare of the Union to admit two more into the Senate to carry out their schemes; that he felt friendly to the West, and desired to do right, &c., &c.; to all of which we answered that we thought him mistaken about the animus and object of the majority in Congress;

that we believed they, as well as himself, were actuated by patriotic motives; that we felt it to be our duty to be free to act as we thought best in our judgment, after taking the oath to support the Constitution of the United States; that we could have no object in this exigency but to act in a way that would restore the country upon a just basis, so that the rights of all would be guarantied; that we should have sustained the civil rights' bill if we could have voted upon it; that we very much desired the admission of Colorado, and hoped he would approve the measure, &c. I further stated to him that I had been a republican since the organization of that party. After we left him Mr. Cooper held another private interview with us, in which he requested us to put our views in writing for him, not to be used, as near and as favorably as we could, consistently, with the President's policy, to think of it over night, and to see him again at nine o'clock in the morning. During this interview he left us and went in to see the President, and after returning he made this request for us to put our views in writing. We called in the morning, separately and without consultation with each other, and declined, stating that we had said and done all that we could, and would have to submit to what the President saw fit to do in the premises.

Q. Did you have any interviews with the President or with Mr. Cooper other than those you have mentioned in your testimony?

A. Prior to this we did. This last interview with Mr. Cooper occurred in the morning, and the veto was sent in in the afternoon of the same day. We saw the President once before, soon after the Colorado bill was presented to him.

Q. Did anything transpire, at any of your prior interviews, in relation to the course he would take in regard to the Colorado bill?

A. In our first interview with the President there was nothing said that related to the course that we should pursue in Congress. We simply laid before him the evidence of our population, wealth, and resources—evidence of what, as we supposed, was calculated to demonstrate the propriety of his signing the bill. There had been a great deal of disparagement of Colorado in the discussion that had taken place in the Senate.

Q. You say the veto was sent in the afternoon of the day on which you were requested to call and present your views in writing; have you read the veto message?

A. I have.

Q. Did the President in that message state any reason for disapproving the bill which he had assigned to you in your conferences with him and with Mr. Cooper?

A. I do not recollect that the President discussed with us the grounds which were assigned in his veto message.

Q. Did he state anything in conflict with the statement of Mr. Cooper that there was no constitutional objection and no precedents on which to found a veto, but that it was a mere matter of expediency, and that it was a matter in your hands to determine?

A. He did not. He did not, however, make any constitutional objection in his message.

Q. Did either he or Mr. Cooper intimate that a veto message had been prepared?

A. Not to my recollection.

Q. State the date of your first interview with Mr. Cooper which occurred in pursuance of the note you have testified to.

A. That interview was the evening before the veto was sent in. I think it was on the 17th of May last.

JNO. EVANS.

WASHINGTON, D. C., *February* 19, 1867.

JEROME B. CHAFFEE sworn and examined.

By the CHAIRMAN:

Q. Where do you reside?

A. I reside at Central City, Colorado.

Q. Were you elected to any public position by the legislature of the proposed State of Colorado? If so, state what position.

A. Yes, sir. I was elected as one of the Senators of the United States from that State.

Q. Have you heard the statement of Mr. Evans concerning the interviews held by him and yourself with Mr. Cooper, and with the President?

A. Yes, sir.

Q. State whether you concur in the statements made by him.

A. Yes, sir; I concur in them fully.

Q. Is there anything you can add thereto?

A. I do not know that there is anything particularly, except to say that our interviews lasted about four hours with the President and with Mr. Cooper. I may also state that I received a note inviting me to call, the same as Mr. Evans did.

Q. Can you furnish that note?

A. I will do so, if I can find it. I think it is in my trunk, in New York.

Q. Was there an intimation in these conversations with the President or with Mr. Cooper that a veto message had been prepared?

A. No, sir.

Q. Did he state any reasons to you during the conversations with him which were stated in the message that was sent to the Senate?

A. In that interview he did not discuss any reasons for vetoing the bill, except such as stated by Mr. Evans.

Q. Did he intimate to you that he had or had not made up his mind upon the question of vetoing the bill?

A. From his conversation, my judgment would be that he had not made up his mind, but that it depended upon the result of that interview. I may state that Mr. Cooper said he knew there would be no trouble about the bill, provided certain statements in writing were made by us.

Q. What were they?

A. The proposition was that the rebel States were States in the Union, and as such were entitled to representation. And upon that proposition we had our discussion. He wanted the proposition in writing. He showed me some letters from prominent politicians, one of which I read, from a man in Albany by the name of Delavan. The substance of it was, not to trust the Senators from Colorado; that they would agree to support his policy, and when they got into the Senate they would "throw" him. I judged that was the reason why he wanted to have our opinion in writing; thinking we were a little shaky, he wanted to have us on record.

Q. To whom was the letter addressed?

A. To the President.

Q. You say there were other letters; did you see them.

A. There were two or three other letters. I did not read them. I felt some indignation at what they contained.

Q. Did you see to whom they were addressed?

A. I could not say. I am pretty sure they were addressed to the President.

Q. Did Mr. Cooper state the contents of any other letter?

A. I understood from his conversation that they were urging the President to veto the bill.

Q. Have you any doubt, from what transpired between you and Mr. Cooper and the President, that if you had agreed to their proposition the President would have signed the Colorado bill?

A. I have not a doubt in the world. I judge so from the conversation of the President—from his remark to us that it put him in an awkward position—that he had always been the friend of the West—that he hated to veto the bill—but he deemed the restoration of these States of paramount importance to everything else—and that he did not deem it expedient to admit two more Senators to override him.

Q. He did not, then, turn his objection to the Colorado bill upon any other ground than simply that? He did not give any of the reasons contained in his veto message?

A. He made no reference to any of those grounds, to my recollection.

Q. State whether Mr. Cooper, on the occasion of your interview with him on the day you had your interview with the President, left you; and if so, how long he was absent, and what he said on his return.

A. After his first conversation with us that evening, he left us, and came back in a few minutes and invited us to go in and see the President. We went in and saw the President and talked with him perhaps an hour and a half. We then came back and had another interview with Mr. Cooper. He then wanted us to think the matter over, and let him know in the morning early, and reduce our conclusions to writing. I went back in the morning, and told him I could not say or do anything more than I had done. I said to him, as I had said to the President, that I would like to have the State admitted, but that I could never consent to take a seat in the Senate unless I went there free to do as I saw it my duty to do. I therefore declined to do anything more than I had already done.

Q. The decision of the case, you understood, was held in reserve until your answer that morning had been given?

A. Yes, sir; the morning of the day on which the veto message was communicated to the Senate.

Q. State any other conversation you may have had with the President upon the subject of the Colorado bill.

A. When we first came here with our bills and papers relating to Colorado, we called on the President and laid before him the papers we had brought, and which are embodied in Executive Document No. 10. We asked him to look them over, transmit them to the Senate, and recommend the passage of a bill for the admission of the State. He stated to us that we had better have our men ready to take charge of the bill when it came in. I told him we had already spoken to some men on the subject. He expressed himself as having no doubt as to the admission of our State, and in favor of her admission at that interview.

Q. If you have heard the President say anything relative to his opinion as to the propriety of admitting Colorado, other than you have already stated, please state what you have heard him say.

A. I went up to the President's with a friend of mine, General Ed. McCook. This was before the case was decided in Congress. He said he would have recommended her admission. He then smiled, and said that if he had recommended her admission, the radicals would have pitched in against the bill, or something to that effect, and he thought he had better not say anything about it. That was before there had been any discussion on the bill. I judged from that he was favorable to the admission of the State.

J. B. CHAFFEE.

WASHINGTON, D. C., *February* 26, 1867.

Hon. EDWARD COOPER sworn and examined.

By the CHAIRMAN:

Q. Please state your residence and position.

A. My residence is Shelbyville, Tennessee. I am a member of Congress, from the fourth district of that State.

Q. Were you private secretary to President Johnson?

A. I was acting private secretary to President Johnson from early in April until the 29th day of July, 1866.

Q. Look at that note (given in testimony of witness Evans) and state whether you recognize the handwriting.

A. I do not.

Q. Do you recognize the note?

A. I never saw it before that I can remember.

Q. Did you ever send a note to Mr. Evans, who was one of the senators elect under the proposed State government of Colorado, requesting an interview?

A. I never did that I have any recollection of.

Q. Did you have an interview with him during the time the Colorado bill was before the President, on the evening before the veto message was sent in?

A. Yes, sir. I had an interview with Mr. Evans and Mr. Chaffee together—no interview with Mr. Evans separately.

Q. State at whose instance that interview was held.

A. At my own.

Q. How was it brought about?

A. I do not recollect whether by invitation in person or through others. I think it was in person to Mr. Chaffee.

Q. Was your request for an interview made only to Mr. Chaffee?

A. That was all, and at my desk at the President's, at a time when Mr. Chaffee had called there.

Q. Where was that interview held?

A. It was held in the room now occupied in the White House as a reception room.

Q. State the reason which induced you to request an interview of that sort.

A. I was extremely anxious that Colorado should be admitted as a State. That was my position. I was urging upon the President of the United States its admission, and for that purpose I desired to learn what were the views of Mr. Evans and Mr. Chaffee in regard to the political questions then agitating the country.

Q. Please state what occurred at that interview.

A. I cannot pretend to detail the conversation. The substance of it was to ascertain, if I could, from them what position they assumed in regard to the questions then dividing Congress and the President as to declaring the States lately in insurrection and rebellion territories. I received from Mr. Chaffee a written statement of his views, and a verbal statement from Mr. Evans.

Q. Can you produce the written statement made by Mr. Chaffee?

A. It is on file in the Executive mansion, and if it has not been destroyed, can be produced.

Q. Please state your recollection of the conversation that occurred on that occasion.

A. The substance of the conversation that I recollect was, that I inquired of them what their views were in regard to the restoration of the States lately in insurrection—whether they held with the majority in Congress, that they were dead States, incapable of representation, or whether they believed loyal repre-

sentatives elected from the States should be received by Congress to their seats. I understood both of these gentlemen to say that while they were republicans they were unhesitatingly in favor of the admission of loyal representatives elected from any of the States lately in rebellion who could take the test oath. When I ascertained that to be their view, I urged it as an argument to the Executive why the Colorado bill should be sent back approved.

Q. At whose instance did you have this interview?

A. At my own.

Q. Had the President any knowledge whatever of your intention to bring about this interview?

A. Not the slightest.

Q. It was, then, solely on your own responsibility?

A. It was.

Q. Did you inform the President of it?

A. Yes, sir. I took the gentlemen into the President's room myself.

Q. That conversation commenced before you took them in to see the President, and was on the same evening of their interview with the President?

A. Yes, sir.

Q. Did you go in to see the President before they were introduced?

A. It is very probable I did, though I do not remember it. If I did, it was only to see if he was disengaged, and was willing to give them a hearing.

Q. Were you present at the interview between them and the President?

A. I was not. As soon as they were admitted I retired.

Q. Did you see them after the interview between them and the President?

A. I think not. If I did, it was only casually.

Q. State whether, at the interview of Mr. Evans, Mr. Chaffee, and the President, you requested them to put their views in writing?

A. I requested them to do so. I cannot state whether before or after their interview with the President. I was not present at the interview with the President.

Q. Do you remember anything said about their views being committed to writing, and calling on the President again the next morning?

A. My recollection is, that they were to submit to me their views in writing, (whether that request was before or after they saw the President, I cannot say,) and that they were to return the next morning to me with their views.

Q. Did they call the next morning?

A. I think I saw one of them. As I went from the Executive mansion, I think I saw Mr. Evans.

Q. Did you have any conversation upon that subject?

A. None that I remember. If I did, it was a very brief one.

Q. Do you know whether they had an interview on that morning with the President?

A. No, sir; I cannot say.

Q. You were so well satisfied with their position in regard to their views of admitting representatives from the recent rebellious States, as to use your influence with the President to secure his approval of the bill?

A. No; that does not do me justice. I was in favor of the admission of Colorado, as an independent proposition. I used my influence with the Executive to induce him to sign the bill as it originally came from Congress, before I had an interview with either of the Senators. I favored that proposition independent of their views. In the course of a conversation, while I was arguing with Mr. Chaffee, or stating to him that these were my views, of his own accord he proceeded to state his position in regard to the measures then before Congress. Believing that if those were his views and those of Mr. Evans, it might be an additional argument which I could present to the President to induce him to sign the bill in accordance with my wishes, I sought the interview

with them; and after my interview with them, I procured an interview with the President for them, at which I was not present. I requested their views in writing. Mr. Chaffee reduced his to writing, and they were on file in the secretary's office when I left the desk.

Q. When did you receive this statement from Mr. Chaffee in writing?

A. My recollection does not serve me as to that.

Q. You do not remember whether it was that day or the next day?

A. I do not. I think it was the day before the interview.

Q. Was this interview on the day the veto message was sent to the Senate?

A. The evening before, I think.

Q. And they were to call in pursuance of the request you made the morning of the day the veto was sent in?

A. Yes, sir; I think so. I, however, only depend on my memory.

Q. Did you suggest to Mr. Evans or Mr. Chaffee, or to either of them, that the approval of the Colorado bill by the President might depend upon their position relative to the questions you discussed with them?

A. No, sir; I only desired to know them for the purpose of using them as an argument. The President had at no time predicated his action upon the political position that the Senators would assume or that they held. His objections were of an entirely different character.

Q. Do you know at what time the message was written?

A. It was not completed until the day it was sent in.

Q. Do you know whether it had been commenced the day before?

A. I do not. I am satisfied the views and positions assumed in the message had been determined upon by the President days before.

Q. Do you remember anything being said during the interview between Mr. Evans and Mr. Chaffee and yourself, about it being in their power to determine what would be the fate of the bill?

A. I have no idea I told them that. I had no authority to say it was. If I did say it, it was upon my own responsibility. They certainly misunderstood me if they so stated, for I had no authority in the world to do so in the slightest. One of my reasons for favoring the Colorado bill was, that in its constitution it used the word "white" in regard to electors. It was changing its condition from a territorial state by the decree of its citizens, as I thought, and I believed that Governor Cummings was doing them injustice.

Q. Do you remember anything being said in that conversation to the effect that the future welfare of the country depended upon sustaining the President as against Congress; that it would not be expedient in him to admit Colorado, and thus fix a ruling power over him in the Senate?

A. I may have said that the happiness and welfare of the country, in my opinion, depended upon sustaining the policy of the President. Those were my views. I have no idea that I said to them that it depended upon maintaining a majority in the Senate of the United States, or otherwise.

Q. Did you, in any manner, represent to them that their approval of the President's policy, and their agreement to support it in the Senate, would tend to produce a favorable action on the part of the President relative to the Colorado bill?

A. I have no idea I did. I said to them, I have no doubt that agreeing with the President in regard to his plan for the restoring of the States would afford me a strong argument in their favor. I have no doubt I said that, because I believed it would.

Q. Do you remember anything like this being said: that there was no constitutional reason for vetoing the bill; that it was merely a question of expediency?

A. I do not. I may have made use of the remark that there was no question of constitutional law involved in it, in my opinion. There were many persons

who were at the office urging me to intercede with the President in favor of the bill, and there were many others who called upon me urging me to use whatever influence I might have, in inducing him to veto it. I cannot pretend to say who they were.

Q. After Mr. Evans and Mr. Chaffee had left the President, did you have an interview with the President that evening?

A. I did not, on that subject. I do not think I did at all; certainly not on that subject.

Q. Do you remember going in to see the President and returning again to Mr. Evans and Mr. Chaffee, and then requesting them to put their views in writing?

A. I do not remember that it occurred in that way. It may have done so. My impression is that the request to reduce their views to writing was made previous to their interview with the President, though in the midst of so much office business it is impossible for me to recollect now at this time when it occurred.

Q. Do you remember showing any letters to either Mr. Evans or Mr. Chaffee during that interview?

A. I do not.

Q. Have you any recollection of a letter written by a person by the name of Delavan, from Albany, relating to the admission of Colorado?

A. Yes; and I may have shown it to Mr. Chaffee in one of my interviews. The letter was written by a man whose name commenced with "D"—a gentleman purporting to have large mining interests. The letter was adverse to the admission of Colorado.

Q. Do you remember what that letter contained?

A. It simply contained an argument against it on the ground that the territory did not contain population sufficient to justify its admission.

Q. Did it intimate anything as to what the Senators elect might do if they were admitted?

A. Not at all.

Q. There was no expression of opinion as to what might or would be the course of Mr. Evans and Mr. Chaffee in case they were admitted?

A. Not the slightest.

By Mr. COOK:

Q. The idea you drew in regard to Mr. Chaffee was, that he was a decided supporter of the President's policy?

A. That is what I had heard. It came through some editorial in a Nebraska paper that was sent to the desk, I think.

Q. Did you express your own opinion to either Mr. Chaffee or Mr. Evans, as to the probability of the President's signing the bill in case their statements were satisfactory?

A. No, sir. I had no authority to do so—not the slightest. I only stated that I desired to use it as an argument, and would be glad to have an opportunity of doing so to sustain my own views. My support of the Colorado bill was entirely independent of Mr. Chaffee or Mr. Evans' views in regard to any question.

Q. Did you show them any letters at the time?

A. None that I recollect. It is more than probable that I showed Mr. Chaffee everything that was at the desk, legitimate for public observation, against their admission, so as to enable him, if possible, to counteract it.

Q. To whom was that letter addressed?

A. Simply to myself, as secretary.

Q. Do you remember whether that letter was written by Mr. Delavan?

A. It may have been. I do not remember certainly.

Q. Where is that letter?

A. It is on file if it has not been destroyed.

Q. Please obtain that, and the letter from Mr. Chaffee to which you have referred, and bring them before the committee.

A. I will do so, if possible.

WASHINGTON, D. C., *February* 27, 1867.

Hon. EDWARD COOPER, M. C., having been recalled, made the following statement:

I have examined the files of the private secretary of the President's mansion. I find no letter received from Mr. Delavan. There was such a letter addressed to me, but I do not find it there. I find among the files the following original letters:

KIRKWOOD HOUSE, *Washington, D. C., May* 10, 1866.

DEAR SIR: In the brief time allowed to visitors at your office, I was unable this morning to give you such a statement of facts in reference to Colorado as I desired; and knowing that you could not give your valuable time to long conversations, I have presumed upon your good feeling (as expressed) towards Colorado, to enclose you a written statement as regards the population, mineral wealth, agricultural resources, and political status of this young territory, now asking to be admitted into the Union. I ask of you, out of consideration to the people of that territory, to submit these facts to the President of the United States, with the request to examine the same.

I am, with great respect, very respectfully,

GEO. T. CLARK.

Hon. EDWARD COOPER, *Private Secretary of the President, Executive Mansion.*

WASHINGTON, D. C., *May* 12, 1866.

DEAR SIR: We have seen and heard reports to the effect that "the Colorado senators have sold out to the radicals for the sake of getting the bill passed through Congress for the admission of Colorado into the Union." We desire to say to you and all others, that this statement is entirely untrue; that we have not agreed or pledged ourselves to support any man or measures; that we are wholly free to vote and act as our judgment directs, and shall do so to the best of our knowledge and ability, and in accordance with the Constitution which we swear to support. We would not consider ourselves worthy of a seat in the United States Senate under any such imputation, if true.

Very respectfully, your obedient servants,

J. B. CHAFFEE,
JNO. EVANS.

Hon. EDWARD COOPER.

Accompanying this letter of George T. Clark, were several statements or exhibits relating to the condition of the territory, among which was the following:

"POLITICS.—Some of the people of Colorado formed a territorial government in 1861. There has been but one simple question with them, and that was, for the Union, or against it. This was the only issue. No parties were or have been formed. The calling of the constitutional convention was under the name of 'those supporting the Union and administration,' &c. The convention was composed of men of all parties. It was not a question of politics, but that of framing such a constitution as would be acceptable to the people, and in conformity with the laws and Constitution of the United States. The senators and representatives were elected upon the Union administration ticket without a pledge to any party, and were sent to Washington to urge our admission into the Union, and advocating such measures as would be beneficial to Colorado."

These are the only communications I can find on file. My recollection is distinct that I had a letter from Mr. Chaffee, which was filed, stating his position upon the questions at issue, but it is not there, or at least I have not found it to-day. Mr. Evans's letter was never handed to me. My recollection is that, on the morning after the interview referred to in my last examination, I passed

him coming into the building as I was going out, and stated to him that it was unnecessary for me to act any further; that the President had decided to veto the measure, or that a veto message would go up.

Q. Do you know whether Mr. Evans wrote such a letter?

A. I do not know whether he did or not. My impression is, that he said he had one prepared. I desire to state further that the writer, George T. Clark, of the letter and exhibit referred to, was introduced to me at my desk by Mr. Chaffee.

WASHINGTON, D. C., *February* 7, 1867.

Hon. JOSEPH HOLT sworn and examined.

By the CHAIRMAN:

Q. State whether you have in your possession the diary alleged to have been taken from the person of J. Wilkes Booth, after the assassination of Mr. Lincoln, and after the death of Booth?

A. I have, and now offer it for the consideration of the committee, as it was given to me.

Q. Is it now in the same condition it was when you received it?

A. It is. It has been in my possession since I received it.

Q. From whom did you receive it?

A. The precise person from whom I received it, I cannot now state. It was some one connected with the pursuit of Booth and his capture, or it may have been given to me from the War Department. It was reported and represented to me to have been taken from his person when he was killed. The diary itself indicates very clearly its character.

Q. Was an abstract of letters, said to have been written by Davis and other confederates to his or their agents in Canada, ever furnished to you?

A. Yes, sir. General Baker, who, I think, went to Canada with a view of recovering these papers, or seeing the agents said to have them, gave me a paper in which there were certain extracts. I think I showed it to the Secretary of War. One of the letters was represented to contain a sentence in Latin.

Q. Do you know where that is at this time?

A. I do not. I have been unable to find it. I do not mean to say the Latin was in the extract; but there was a passage which was ended, as General Baker showed me, by a sentence in Latin, which, I think, he stated he was unable to copy.

Q. Is that extract in the Bureau of Military Justice?

A. I have searched for the paper, but have not found it. Whether it passed into the hands of others in the course of the consultation upon the subject I do not know. I was anxious to have followed the subject further, but was unable to do so. The passage, as I remember, was in a letter to Thompson, and the substance—I cannot give the precise language—was, "Your explanation for not proceeding in the matter which, more than all others, concerned the confederacy, is not satisfactory." Then followed, as I understood, the Latin, which I was anxious to get hold of and which, as I supposed, might give me a clue to what was meant.

By Mr. WILLIAMS:

Q. Do you remember the substance of the quotation?

A. No, sir; it was not there. I think General Baker said he had not been able to copy it, not understanding the language. I know there was nothing there which I could translate. I thought if I could get the original it would furnish a key to the whole matter.

Q. I understand that you searched for that paper and was not able to find it?

A. No, sir; I did not find it. I will look for it again. My attention was the more drawn to it because of the state of Thompson's mind as shown by the testimony on the trial of the assassins, which was that, while approving the assassination, he was unwilling to proceed with it without more specific instructions and authority from Richmond, for which he is represented to have been waiting a short time before the date of this letter. I supposed it probable that in that frame of mind he had offered this explanation of his delay, which Davis said was not satisfactory. He said the explanation was not satisfactory, whatever it was.

By Mr. COOK:

Q. Can you state the reason why the effort to get these letters was not followed up?

A. I had not the authority myself, and I think the Secretary of War, with whom I conferred upon the subject, had not sufficient faith in the value, or importance, or genuineness of the papers to make the large appropriation of funds necessary to obtain them. It was, I believe, in consequence of this distrust on his part that he did not then authorize me to meet the terms on which alone it was alleged the letters could be obtained; and I could not proceed without his approval or direction. Some time afterwards he placed funds at my disposal, and authorized me to make an effort to get possession of the letters.

Q. You think it possible that extract may be found in your office?

A. It is hardly possible. I will make another search for it. I have no knowledge of these papers except these meagre extracts. General Baker, who made the extracts, can of course speak of the entire papers, as they were in his possession.

WASHINGTON, D. C., *February* 11, 1867.

Hon. JOSEPH HOLT having been recalled, made the following statement:

I desire to say to the Committee that since giving my deposition on the 7th instant, I have caused a very careful search to be made in the Bureau of Military Justice for the paper of which I spoke, and which purported to contain extracts from letters of Davis. It has not, however, been found, nor do I now entertain any expectation of being able to recover possession of it.

It is proper to add that during the last summer the Secretary of War placed the fund deemed necessary at my disposal, and authorized me to make an effort to obtain these letters from Davis, referred to by me in my former testimony. I accordingly sent an agent to Canada for this purpose. He was deemed specially well qualified for the undertaking, because of his intelligence and acquaintance with the parties and their associates who were believed to have the letters either in their possession or under their control. I have no reason to doubt but that the agent was faithful and thorough in the investigation which he made. He was, however, wholly unsuccessful, and returned, I think, with a decided impression that no such genuine letters existed.

WASHINGTON, D. C., *Wednesday, February* 6, 1867.

LAFAYETTE C. BAKER sworn and examined.

By the CHAIRMAN:

Q. How long after John W. Booth was shot by Corbett, was it before you saw his body?

A. He was shot in the morning about daylight, and I saw the body about half past eleven o'clock that night.

Q. Had anything been taken from his person that you know of before you saw his body?

A. Everything.

Q. By whom?

A. By Colonel Conger and Lieutenant Baker. I have a memorandum of everything he had on his person—the original memorandum made right at the time.

Q. Have you it with you?

A. I have got it among my papers in Washington, and will produce it to the committee.

Q. State whether you have ever seen any letters tending to show the complicity of Jefferson Davis with the plot to assassinate President Lincoln.

A. Yes, sir.

Q. State when and where you saw them, and the contents of the letters, as near as you can.

A. By the direction of Mr. Stanton I went to Canada three or four times for the purpose of getting some letters which were supposed to be in the possession of rebels there, referring to the assassination of the President. I went there and had several interviews with parties. Finally I made an arrangement for nine letters which I had selected. I came back to Washington and stated to the Secretary of War, as nearly as I could recollect, the contents of those letters. He wanted me to bring those letters to Washington. I told him it was impossible for me to get the letters in Canada without paying for them. He did not know that he was at liberty to authorize the disbursement of any money for that purpose. I then tried to get the letters on the ground that they should be brought to Washington and examined, and if found to be genuine they were to be paid for.

By the CHAIRMAN:

Q. Go on and state what the letters contained.

A. I will get at that in one moment. I went back the third or fourth time to get the letters, and found I could not get them. I then asked the privilege of making copies of them. I went back and was to have had copies of those letters. I began copying one letter when parties came into the room and declined letting me go on unless the letters were paid for. I did, however, make a brief of eight letters, and brought that brief to Washington. On a Sunday morning I went to Mr. Stanton, at the War Department, between nine and ten o'clock. He looked at the brief and said it was very important. He sent for Judge Holt. I remained there until Judge Holt came, and submitted the paper to the judge. The judge asked me to make a copy of it and bring it over to his office that day. I had it copied and carried it to Judge Holt. I went with Judge Holt to the Secretary of War. The Secretary of War told me to come to the office prepared to go to Canada that night on the six o'clock train. I went to the War Department as directed. I told Mr. Stanton I was ready to go, and he said, "You need not go." He had told me in the morning that he would see the President, and I presumed when I came back that he had seen the President, because he told me very promptly when I came inside the door that it was not necessary for me to go. There was a Latin quotation in one of those letters which I did not understand, but which Judge Holt seemed to understand. I copied the letters as correctly as I could. That letter was written on the 8th of March, 1865.

Q. By whom?

A. It was written by Jefferson Davis to Jacob Thompson. There was another letter written by Jefferson Davis to the Bishop at Halifax.

Q. That is the place where Mr. Davis's children are now.

A. Yes, sir.

By Mr. THOMAS:

Q. Do you know the handwriting of Jefferson Davis?

A. The Secretary of War pronounced it a genuine letter.

Q. Did you know it yourself to be genuine?

A. The Secretary examined the letters which I got in the South, and said he was satisfied that the signatures were genuine; so said Judge Holt. They never saw the originals of the Canada letters, but I was satisfied that they were genuine letters. I think the Attorney General, Mr. Speed, went to Canada, and had all those letters in his possession at one time, and was on the point of coming away with them, when something occurred. He went to Canada, and had a conference with those parties, while I was there. I was somewhat familiar with Davis's signature, because I was in Richmond a prisoner, in 1861, and had three interviews with him in his room. I received a pass from him in his own handwriting, which I have got yet. I got letters while I was in the South, which I ascertained to be in Davis's handwriting; and by comparing the handwriting with the Canada letters, I knew them to be written by the same person.

Q. State the contents of these letters, to the best of your recollection.

A. The letter written by Davis to the Bishop at Halifax was thanking the bishop very kindly for his attention to his children, who were at school there, and giving a very doleful, discouraging account of the prospects of the confederacy. In the letter of the 8th of March, from Davis to Thompson, he uses this language: "The consummation of the act that would have done more to have ended this terrible strife, being delayed, has probably ruined our cause." The last clause I am not very clear about, but I think that is the language. That is written distinctly in Davis's letter to Thompson of the 8th of March, 1865. I took pains particularly to get that part of the letter correct.

By Mr. ASHLEY:

Q. What was the purport of the other letters?

A. I cannot recollect the contents of them. They were all of that character.

Q. And all from Davis?

A. No, sir. There were two or three of them from Lawson Clay, in the adjutant general's office, in Richmond, to C. C. Clay. There were two or three letters written by Thompson to Davis, and there was a copy of one letter written by Thompson to Dr. Blackburn.

Q. Did the Secretary of War tell you that the President did not want those letters?

A. No, sir.

Q. Was that the impression you got from the manner in which your contemplated visit to Canada was cut short?

A. I got the impression from the fact that the Secretary of War told me in the morning that I was to go to Canada that night in the 6 o'clock train to get those letters, and that he would see the President, and from the fact that when I went back in pursuance of orders, in the afternoon, he told me very promptly he did not want me to go to Canada, or to bother myself any more about it.

Q. What was the price agreed upon to be paid for those letters?

A. I think they wanted $20,000. I have been trying to find the brief which I furnished to Judge Holt, but I cannot find it. I copied one or two of the letters in pencil. When I submitted the brief to Judge Holt, he wanted it copied off with pen and ink. I carried it back to my office, and my clerk copied

it. Then I carried the copy to Judge Holt, and that is the copy which I inquired for several times. I asked Judge Holt for it several times, and he said he supposed it was at the War Department. The brief covers eight or ten pages.

WASHINGTON, D. C., *Thursday, February* 7, 1867.

LAFAYETTE C. BAKER, recalled and examination continued.

By the CHAIRMAN:

Q. Are you prepared to-day to furnish to the committee a list of the articles found on the person of J. Wilkes Booth, after he was shot by Corbett?

A. I find that I have not got that paper with me. I have it, but not with me.

Q. Can you furnish that paper?

A. Yes.

Q. When did you first see the diary of Booth?

A. I saw it the afternoon of the day that Booth was shot.

Q. Did you examine it particularly?

A. I read portions of it. I cannot say that I did examine it particularly, because I received it and started immediately to deliver the articles to the Secretary of War.

Q. Did you deliver that to the Secretary of War?

A. Yes, and he read a good deal of it in my presence—extracts from it.

Q. Did any person take a copy of the entries in that diary?

A. I cannot swear positively that any person did. I think Judge Holt or Judge Bingham has got a full copy of the diary.

Q. Did Mr. Bingham see it before it was delivered to the Secretary of War?

A. No, sir; he saw it afterwards. It was written in pencil.

WASHINGTON, D. C., *February* 7, 1867.

LAFAYETTE C. BAKER recalled and examined.

By the CHAIRMAN:

Q. Examine this article. State whether you have ever seen it before; and if so, under what circumstances?

A. I recognize this as a book taken from the body of J. Wilkes Booth, but I do not think it is all here. There seems to have been some leaves torn out here in a number of places. There was a note written on one of these sheets. The one I have reference to was written to Dr. Stewart. I recognize the loose sheet here also. I had reference to a note written to Dr. Stewart, asking him to send a horse and wagon over to the Garret farm.

Q. State whether there were any other entries in that book then than those which appear there now.

A. I think there was a great deal more of the original diary than appears here now.

Q. Examine that part of the diary where leaves seem to have been torn out, and say whether you see any evidences on the remaining margins of the leaves which have disappeared, of their having been written on, and state what your recollection is as to there being other entries in the book at the time you first saw it.

A. All the pages torn out seem to have been written on with one exception. I do not find any marks on one or two of them.

Q. How many seem to have been torn out?

A. There seem to have been sixteen or eighteen leaves cut out. My recollection in reference to this book is quite indistinct, for the reason that I only had it in my possession a very short time.

Q. What is your recollection as to other entries in this book than those which now appear?

A. I cannot testify as to that. I can only say that, in my opinion, there have been leaves torn out of that book since I saw it.

By Mr. BOUTWELL:

Q. As far as you know, in whose hands was that diary placed by you?

A. I handed the diary to the Secretary of War.

Q. From whom did you receive it?

A. From Colonel Conger. There were some other papers in the book which I do not see now.

Q. What was the nature of them?

A. Nothing except memorandums of the names of persons in lower Maryland, written on cards and slips of paper. I do not see any of them here now. There is a map here, and some poetry. They were small pieces of paper, which might drop out of the book and not be noticed.

Q. Did you read all that was written in the diary?

A. No, sir.

Q. Did you read any of it?

A. I looked through it—yes, sir. One reason why I think these leaves have been torn out since I had the book in my possession is this: When Colonel Conger handed me the book, I asked him if he took it from Booth, himself. He said he did. There was a sheet that should be in the book, with a drawing of a house on it; just a pencil sketch of a house. I know we talked about it afterwards, to see if we could determine where that house was; whether it was where Mrs. Surratt lived, or some other house he was in the habit of frequenting.

Q. You stated there were some sixteen or eighteen pages missing. You mean by that at one place?

A. At one place; yes, sir.

WASHINGTON, D. C., *February* 22, 1867.

Major General AMOS BECKWITH sworn and examined.

By Mr. COOK:

Q. What office do you hold in the army of the United States?

A. I have the rank of major general by brevet.

Q. Where were you stationed on the 30th of July last?

A. In the city of New Orleans.

Q. What duties were you discharging there at that time?

A. The duties of chief commissary for the south-western States.

Q. How far was your office from that of General Baird, who was in command of the troops there?

A. The two offices were adjoining, in different buildings.

Q. Were you in the office of General Baird on that day, and if so, about what time?

A. I went into the office of General Baird on that day sometime about 12 o'clock.

Q. State whether any communication was brought to General Baird from Lieutenant Governor Albert Voorhees, after you went into the office; and give, as near as you can, the time when such communication was brought.

A. Some time after I went into the office a communication was brought from Albert Voorhees, lieutenant governor, by a messenger, and handed to General Baird.

Q. What was the substance of that communication?

A. The substance of the communication was, informing General Baird that parties of negroes were collecting in the lower portions of the city, or something of that kind, and that there were symptoms of an outbreak or riot.

Q. Give your best judgment as to the time of day when that communication was brought to General Baird.

A. Some time between 12 and 1 o'clock; I cannot fix the precise minute.

Q. State what was done by General Baird to bring troops from the barracks to the city.

A. General Baird, at some time previous to the moment that I went to his office, had made an arrangement with the quartermaster to have a steamboat in readiness at the landing to send for troops, in case he should deem it necessary. A short time after I went into the office, he despatched a messenger to take the boat and proceed to the barracks for the troops. That messenger returning, he sent him back a second time, to increase the speed of the troops, if possible. A short time after, he mounted his horse and went out to meet the troops himself. I went with him.

Q. What was said by General Baird concerning his understanding as to the time at which the convention was to meet?

A. Soon after I went into the office he informed me that he had been mistaken as to the hour at which the convention was to meet; that he had supposed that it was to meet late in the day; whereas he had just been informed that it had assembled already, at 12 o'clock; had taken a recess, and was to meet again at 1 o'clock.

Q. Can there be any doubt that it was after 12 o'clock when you went to the office of General Baird, and when the message you speak of was received?

A. I am positive it was after 12 o'clock when I went to the office of General Baird at the time I have mentioned. I always left my office about 12 o'clock, to go down and get lunch—never before. General Baird took lunch with me that day, and that was not until after 12 o'clock.

Q. You say you are positive it was after 12 o'clock when the letter or message was received: may it not have been as late as 1 o'clock, according to your recollection?

A. It may have been; I would not be so positive about that.

A. BECKWITH,
Brevet Major General U. S. Army.

WASHINGTON, D. C., *Friday, February* 8, 1867.

LEWIS E. PARSONS, Senator elect from Alabama, sworn and examined.

By Mr. BOUTWELL:

Q. Were you provisional Governor of Alabama; if so, when were you appointed and how long did you hold the office?

A. I was appointed provisional Governor of Alabama on the 19th of June, I think, and was removed from that office on the 20th of December following.

Q. Did you take an oath of office when you entered upon the duties of pro-

visional Governor; if so, did it contain what is usually known as the test oath?

A. There was an oath attached to the commission which was given to me at the State Department, and I was expected to cause the oath to be administered to myself, which I did, with one qualification. There are several clauses in the oath, in all of which the statement is to the effect that the party has not voluntarily done thus and so. I could not state as a fact that I had not done some things which would amount to aiding rebellion; but I could state conscientiously that I never did it from any choice because I desired the destruction of the government of the United States.

Q. Did you receive from the government of the United States any compensation for your services as provisional Governor?

A. I was informed in the commission that my compensation would be at the rate of $3,000 a year, which I could draw for at times specified; but I made no draft at all. When I was relieved from the position of provisional Governor, I came here and was directed to make out an account for services rendered to the government of the United States, which I did, and that account was paid—$1,500, being for six months' service; that is, I was paid $1,500, less the tax.

Q. Was that payment made by the Treasury Department?

A. I am unable to say. The account was rendered to the Secretary of War, and by him directed to be paid. Some gentleman in the office took charge of the matter after the account was allowed, and the money was paid to me on the next day, I think, on my calling at the War Department.

Q. Have you had any conversation with President Johnson in reference to the pending constitutional amendment?

A. Yes, sir.

Q. In those conversations, has President Johnson expressed to you any opinion as to whether or not it should be ratified by the States?

A. The first conversation I had with him on the subject—I cannot state the time, but of course it was since the amendment was proposed—he asked me what I thought the people of Alabama would do in relation to it. I replied that I did not think they would accept it, and I went on to give him my reasons in brief.

Q. Did he express any opinion himself as to what he desired?

A. He did not; he made no expression whatever.

Q. At any time since then, has he expressed to you any opinion as to his desire in the matter?

A. Never in terms. I have understood, as every one has, that he was opposed to it, and I have always spoken to him myself as if that was the fact; but he has never said to me, "I am opposed to it," or given me any reason why it ought not to be ratified. On the contrary, the reasons, such as they were, had been often urged by me on him why the amendment should be strenuously opposed by all who desired to continue the distinct line between the federal and State authorities as it was marked out by our fathers.

Q. Did you understand President Johnson to dissent from those views, or assent to them?

A. President Johnson never signifies, so far as I am aware, whether he approves or disapproves of what you say. So far as my experience goes, he listens to what you have to say, and withholds whatever may be his own views.

Q. Has he ever, at any time, to you or in your presence, given any counsel or advice as to what should be done by yourself or anybody else on the subject of ratifying or rejecting the constitutional amendment?

A. I cannot recollect that he has.

Q. Do you know of anything done by President Johnson in reference to its ratification or rejection?

A. I cannot say that I do; I do not recollect anything that he has ever done on the subject.

By the CHAIRMAN:

Q. State whether you have from other sources than the President himself received any information of any steps or measures taken or adopted by the President to affect the action of the State on the proposed constitutional amendment?

A. No, sir.

By Mr. BOUTWELL:

Q. Have you been engaged, either for yourself or in behalf of others, in prosecuting claims against the government on account of property confiscated or abandoned, or property seized by the government in the southern country during the war or subsequently?

A. I have not been engaged in prosecuting claims, either for myself or others, in reference to property confiscated or abandoned that I recollect. I have been engaged in obtaining the release of property seized by the government of the United States, or rather by its agents, without due authority, as my clients contended; and I have obtained in one instance proceeds of cotton thus seized unlawfully by the government agents, which was sent to New York and sold, and the proceeds held in the hands of the agent until the claim put in by my client, who is a citizen of my State, could be heard before the Treasury Department.

Q. Speaking first of those cases where you obtained the release of the property, state the names of the clients and the character of the claims for the property seized.

A. It was cotton in each instance, I believe. The cotton was released in two instances. Some fifty bales were released in behalf of Mr. McCurdy, of Chambers county, Alabama. The cotton was seized by the subordinate agent in Alabama, and, on presentation of the facts in the case to the Treasury Department, the Secretary became satisfied that the seizure was improperly made, and directed the agent to release the property.

Q. Were there any other cases of that sort?

A. In the case of the estate of N. H. Harrison, of Pickens county, Alabama, represented by one of his administrators, Lewis M. Stone, of Pickens county, there were some 500 or 600 bales involved. The order in that case for the release was made first by the Secretary of the Tresury, and subsequently another application had to be made to the Attorney General to the same effect on evidence, which is there on file.

Q. Did you apply to the President in either of those cases?

A. No, sir; I never spoke to him on the subject of cotton in any case.

By the CHAIRMAN:

Q. With whom did you have any interview respecting those claims?

A. With the Secretary of the Treasury and the assistant Secretary, Mr. Chandler. The application was made to them, and, the case being heard first by them, they referred it for a report to some of the officers.

Q. Do you recollect to whom it was referred?

A. My recollection is that in one instance a reference was made to the Solicitor of the Treasury, Mr. Jordan. In the other instance it was referred to Mr. Charles Eames, an attorney in this city. They were especially referred to him by the direction of the Secretary of the Treasury, and also to Mr. Kaufmann, one of the assistants in the Treasury Department, who was in charge, as I understand, more particularly of that bureau in the department. These, I think, are the only names of officers that now occur to me to whom reference was made.

Q. Can you now refer to the statute, if there be any, under which this property was released?

A. The argument which I made to the Secretary, and to the assistant Secretary, and to Mr. Eames, and to Mr. Jordan, was based upon the ground that

the Treasury of the United States was charged with the duty of seizing cotton which was liable to be seized under the laws of the United States, and that if the Secretary became satisfied that his subordinate agents had either corruptly or innocently made a mistake it was his duty, as a just and faithful public officer, to correct that mistake at the earliest possible moment.

By the CHAIRMAN:

Q. Give the circumstances attending each case of seizure, and the alleged ground on which the seizure was made by the government.

A. I cannot do so with the degree of clearness which, perhaps, justice requires. I can only give my general recollection. The facts, however, are all on file in writing on which the order was made in every instance where I had anything to do with the claim. In the case of the Harrison estate, my recollection is that Mr. Harrison raised the cotton that was seized, that it remained on his estate until he died, and was subsequently, after the surrender, about to be removed to market by his lawful administrators, when it was seized by persons claiming to be Treasury agents of the government, and carried to Mobile. The evidence, *pro* and *con*, in reference to the title of the estate to the cotton was sent on to Washington, and the testimony made so clear a case that the Secretary of the Treasury, on the examination of the case, ordered the release of the cotton; and, thereupon, those same men who had attempted to make it liable under the Treasury agency turned round and attempted to make it liable by a new proceeding before the courts of the United States Thereupon I was telegraphed to for the first time by the representative of the State, or his attorney, in Mobile, I forget which. In a short time Mr. Stone, himself, one of the administrators, came on, and I went with him to the Attorney General, Mr. Speed. We laid before him the evidence which had been taken in the Treasury Department, *pro* and *con*, on which the Secretary of the Treasury had decided, and such other evidence as was adduced at the time. Mr. Speed promptly ordered the district attorney to stop proceedings against the cotton. In the case of McCurdy, a gentleman whom I have known personally for a number of years, his fifty bales of cotton were seized by a man named Lazare while I was provisional Governor of Alabama. McCurdy made application to me setting forth the facts; and, under the regulations issued by the Treasury Department, copies of which had been furnished to me by the Secretary of the Treasury, I informed Mr. Lazare, after examining the facts in the case, that I thought this cotton was not liable to be seized. The facts were, that Mr. McCurdy was a large planter and had several hundred bales of cotton. He had subscribed fifty bales to the confederate loan, but he had never set apart the number of bales, or put any mark upon them to indicate any particular fifty bales as being those which he subscribed to the confederate government. Before the subscription was called for in kind, the confederate authorities provided by an act that their cotton agents might receive confederate treasury notes in payment of the cotton. Mr. McCurdy satisfied their claim in that way. On that state of the case I advised Mr. Lazare that I thought the cotton was not liable, and he released it. That was not done by me as an attorney, but simply as an officer of the State for the time being. Subsequently I was relieved, and being elected to the United States Senate, I came to Washington, and while here I received a letter from Mr. McCurdy's son—the old gentleman himself being so feeble that he could not write—stating that somebody else had seized that fifty bales of cotton and was attempting to make it liable, and requesting me to apply to the Secretary of the Treasury, or to the proper quarters, to obtain its release. I did obtain an order releasing it, but I do not recollect now whether that order was made by the Secretary of the Treasury or by the Attorney General. It was made, however, by one or the other, as the seizure was made under the alleged authority of the one or other department.

By Mr. BOUTWELL:

Q. Was the first release of this cotton which you made while you were provisional Governor referred to the department in Washington?

A. No, sir; I did not make any order officially in the case. I simply looked into the matter, and advised Mr. Lazare that I thought this man's cotton was not liable, and I gave him my reasons for thinking so, and he came to the conclusion himself that it was not liable. Mr. Lazare had a commission authorizing him to identify and seize a certain number of pounds of cotton—several thousand pounds—on the ground that a similar amount of cotton belonging to him, as an agent for a French house, had been destroyed by the government of the United States—he being a Frenchman himself. On examining the facts, as I have stated, Mr. Lazare came to the conclusion that the cotton was not liable to seizure, and he let it go of his own accord.

Q. You spoke of another case in which you obtained proceeds of sale?

A. Yes. But before I pass to that, I recollect that I endeavored to obtain the release of some other cotton, but not successfully, it being still involved in litigation in Montgomery or Mobile. It was at the instance of Josiah Morris, of Montgomery, he having been security on a replevin bond for the Bank of Louisiana, as I understood. I did not succeed, however, in obtaining that release; that is, the cotton is still in litigation, as I learned the other day. That, as far as I now remember, covers the cases in which I have made applications to have cotton released in Alabama, where anything has been done.

Q. State the facts in reference to the case in which you obtained an order for the money.

A. That is the case of Benjamin Jolly, of Madison county, Alabama. Mr. Jolly claimed to have bought 1,554 bales of cotton, and to be the owner of it. He was a man of large wealth prior to the war. That cotton was situated in what we call South Alabama, south of the Alleghany mountains. Mr. Jolly claimed that he had a permit, duly issued under the authority of the Treasury Department, to make this purchase, which was approved by President Lincoln; and he offered proof to show that he had that authority, and that he made this purchase in pursuance of it. Before he could remove the cotton the rebellion collapsed, and an order from General Canby prohibited individuals from moving cotton. This cotton was then taken by the government agents and carried to Mobile. Mr. Jolly and his agents followed it up and watched it as carefully as they could. He claimed that he had proved that 1,274 bales of it had reached the city of New York, being shipped on various vessels, and had come into the possession of Simeon Draper, who was cotton agent for the government at that place. Proof of all those facts in writing is on file in the Treasury Department. On that state of facts, the cotton itself having been sold along with other cotton that had been shipped at different times of shipment, the Treasury released the proceeds after deducting the government's fourth first, and then all the expenses on the whole transaction from the remainder, from the part which properly belonged to Mr. Jolly. Under the terms of the permit Mr. Jolly was to give one-fourth of the purchase to the government, clear of all expense at Mobile. The number of bales which Mr. Jolly claimed had reached New York, was disputed by the Treasury Department. It did not admit that his proof in that respect was satisfactory. It did not regard the proof as showing that more than 700 or 800 bales had reached the hands of Mr. Draper, and the decision, therefore, was that Mr. Jolly should have three-fourths, less all the expenses, of whatever number of bales the Treasury had got the proceeds of.

Q. Were those bales identified all the way to New York and in the sale?

A. Yes, sir. The records kept by Mr. Draper in New York and referred to Mr. McCulloch, and the records kept by the agent through whose hands the cotton was shipped from Mobile, show the number of bales. According to Mr.

Jolly's view, the evidence of Mr. Draper's books shows that 1,174 bales had come to New York, but Mr. McCulloch decided that only 700 or 800 bales had reached New York.

Q. When was this money paid to Mr. Jolly?

A. Last November or December.

Q. Was any other person than yourself concerned in prosecuting this claim before the department?

A. I think there were others as assistants.

Q. What are the names of those persons?

A. It is only a conjecture on my part.

Q. Give us the benefit of the conjecture.

A. I think Mr. Leftwich, a member of Congress from Tennessee, was interested as an attorney, and was employed in it before me while he was here claiming his right to a seat. This claim had all been made out before he was admitted to a seat.

Q. Were there any other persons connected with the prosecution of that claim?

A. None as attorneys, except General John A. Logan. I think there were some other persons interested in helping Mr. Jolly to identify the cotton as private individuals followed it up.

Q. Give us the names of those persons.

A. Mr. F. W. Brooks, of Memphis, Tennessee, a gentleman named Parkman, and another gentleman named Roddy.

Q. What amount of money was received on account of this cotton?

A. I think $71,000 was the amount awarded to Mr. Jolly after deducting the charges and the government fourth.

Q. With whom, in the Treasury Department, did you have interviews concerning the payment of this money?

A. The whole question was argued before Mr. McCulloch, and the case was referred to Mr. Eames for a report. It was discussed before him, and his report was made in writing on evidence which is on file.

By the CHAIRMAN:

Q. Was his report in favor of the payment of the money?

A. Yes, sir. He decided on the facts before him that we were entitled to much more than we were allowed.

Q. By whom was Mr. Eames paid for his services?

A. I think they deducted his pay out of the proceeds, making it part of the costs.

Q. Do you know the amount of his compensation?

A. I think it was $250 or $500; I have forgotten which. It came out of the charges that were made against Jolly.

Q. How long after his report was submitted to the department was it before the order was made for the payment of the money?

A. I do not recollect. It was some weeks.

Q. During that time did you have interviews with any other persons in the department following up the claim?

A. Yes, sir; to urge a final decision.

Q. With whom were those interviews?

A. Sometimes I applied to Mr. Chandler, and sometimes to Mr. McCulloch, urging him to take up and act upon the question.

Q. Where did Mr. Jolly reside at the time he purchased this cotton?

A. At Huntsville, Alabama, as I understood.

Q. Are those the only cases of claims in which you have been interested as an attorney?

A. They are the only cases that were disposed of, except one in favor of William Smith, of Selma, Alabama, for whom I obtained the release of about

one hundred bales. I have some small claims pending now. This was the only case in which I ever succeeded in getting any money. I have got two or three claims for cotton now which I hope to get some action on some day or other.

By Mr. BOUTWELL:

Q. Do you know anything of a claim belonging to a man named Shepherd, of Alabama?

A. Yes, sir.

Q. Is that claim still pending?

A. I had nothing to do with that case as counsel. I saw a statement in the New York Tribune yesterday about that case, which is utterly unfounded. I never drew a dollar from the Treasury for Mr. Shepherd. My understanding of the claim is, that he bought a large amount of cotton and claimed it; but the Secretary of the Treasury would not allow his claim. He proved that he had gone to a good deal of expense and labor and time, watching and preserving the cotton from destruction during the period of commotion which attended the collapse of the rebellion. On this refusal to recognize his claim to the cotton, Mr. Shepherd, as I understood, made an application to have an allowance made for services. He got a small amount for those services—I suppose in the neighborhood of $12,000. My understanding is, that General Logan was the attorney for that claim.

LEWIS E. PARSONS.

WASHINGTON, D. C., *Friday, February* 8, 1867.

WILLIAM L. SHARKEY, Senator elect from the State of Mississippi, sworn and examined.

By Mr. BOUTWELL:

Q. Were you provisional Governor of Mississippi? If so, when were you appointed, and how long did you hold the office?

A. I was appointed some time in June, 1865, and I held the office till October, 1865.

Q. Did you take the oath of office when you entered on your duties?

A. Yes. I took the oath that was administered to me in this city. I do not recollect precisely the phraseology of it.

Q. Did it contain what is usually known as the test oath?

A. No, sir; I think not. There was nothing of that sort in it. I had a copy of it which I took home with me, and it is now in the archives of the State government.

Q. By whom was the oath administered?

A. I think it was by Judge Wylie, of this city. The form was made out, probably, by the Secretary of State, or some one in his office, and was handed to me.

Q. You received the form of oath from the State Department?

A. Yes, I think so.

Q. Do you recollect the name of the person from whom you received it?

A. I do not. I am pretty certain I received it from the State Department, but I cannot recollect the person who gave it to me. I took it to Judge Wylie, who administered the oath to me, and I signed it. I did not deposit the oath, as I suppose I should have done, but took it home with me. It was an oversight on my part.

Q. Did you receive any salary or compensation from the United States, or any officer of the government?

A. Not a cent. I received compensation, but I collected it myself in the

way of taxes. There was not a cent expended by the government, so far as I know, in the administration of the government of Mississippi.

Q. Had you any conversation with President Johnson in reference to the pending constitutional amendment proposed by the 39th Congress?

A. I suppose I have had some conversation with him, the precise tenor of which I cannot recollect.

Q. Have you received from him any advice or opinion as to the manner in which you should act or exert your influence in reference to the ratification of the amendment?

A. No, I think not. I took my own course in that matter, and opposed the amendment, as an individual, for various reasons. All that I said or wrote on the subject was my individual objection. I suppose I have had conversation with the President about it. I can only state, in general terms, that I understood he was opposed to it, but for what particular reason I cannot now undertake to detail.

Q. Have you been at any time engaged in conducting claims against the government on account of citizens who claimed property or the proceeds of property abandoned or confiscated to the government of the United States?

A. I do not know in reference to any confiscated property.

Q. Or to property which had been seized by any officer of the government of the United States?

A. I never collected any claim unless it was determined by the Treasury Department that the cotton was improperly seized.

Q. Who were the claimants in those cases where you have collected the claims?

A. I got some cotton released in New Orleans which had been improperly taken from a man named George, I think. The cotton was taken by an officer and was ordered to be turned over.

Q. Have you in any case received, or have the persons for whom you acted received money that had been paid into the Treasury as the proceeds of the sale of property confiscated, abandoned or seized?

A. On one occasion I aided in obtaining money for a lady named Bonham. I did not get it myself, but it was paid to a friend, under a power of attorney from Mrs. Bonham, who received it in my absence. I supposed it came from the Treasury.

Q. What was the nature of her claim?

A. The cotton was improperly seized and sold, and they paid her for it—a small amount.

Q. What was the amount?

A. Some $12,000 or $14,000; the precise amount I do not recollect.

Q. In behalf of this woman did you present to the Secretary of the Treasury or to any officer of the Treasury, your views of the right of the Treasury Department under the law to pay the money?

A. Probably I did. I do not know whether I ever did in writing. I believe, with the exception of one other case, this was the only claim that I have ever collected. There was a steamboat seized by the government belonging to a man in the southern part of Mississippi, named Portwans, which boat the government delivered over at my request, by request of General Grant, and, I think, of the Judge Advocate General.

Q. Had the boat of which you speak been condemned?

A. No, sir; I think not. The man was a loyal citizen, and so proved himself. His boat had been taken improperly as was decided, and she was returned to him.

Q. So far as you understand, under what provision of law was the money paid out of the Treasury to the woman whom you represented?

A. I do not know.

Q. Do you recollect calling the attention of the Secretary to any provision of law which authorized it to be done?

A. I do not know that I did. The claim was not filed by me, but by a different gentleman, and the lady requested me to press it through. That was about the whole of it.

Q. Did you have any interview with the President in reference to that claim or in reference to any claim of which you have spoken?

A. No, sir; I had no interviews with the President about them. I did ask the President to refer a couple of little claims to the Attorney General, but whether he made the reference I do not yet know. He knew nothing about the merits of them, and I merely wanted the Attorney General's advice. The President has had nothing to do with claims for me. I recollect another case which I aided in getting through the Treasury department. It was the claim of John Duncan, for cotton. However, there were other parties engaged in it. I was merely assisting. The money never came into my hands. It was paid to him individually, I believe. I merely wanted to say that I assisted in getting his claim through.

By the CHAIRMAN:

Q. Has the President of the United States, in any conversation that you have ever had with him, informed you of his desire to defeat the pending constitutional amendment?

A. I do not know that he ever has, except to express his objections to the measure.

Q. You never had any conversation with him on that subject?

A. I stated awhile ago that I probably had a conversation with him about the constitutional amendment, and my understanding was that he was opposed to it; but what particular means he employed, if any, I do not of course know.

Q. He never stated to you any of the means which he employed, if any, to secure its defeat?

A. I think not. I do not recollect that he ever mentioned any means to be employed to defeat it.

Q. Do you know of any means that have been employed to defeat the constitutional amendment?

A. I took means myself, so far as Mississippi was concerned, by writing a letter home. Perhaps the first public expression of opinion from anybody in opposition to the amendment was from me. I took various grounds. The letter was published. As to what anybody else has done, I do not know.

W. L. SHARKEY.

WASHINGTON, D. C., *March* 16, 1867.

CHARLES G. HALPINE sworn and examined.

By the CHAIRMAN:

Q. Are you the editor of the New York Citizen?

A. I am.

Q. Look at the slip now shown you, and say whether it is a part of a number of that paper.

A. It is; this article is from my own pen.

Q. In the form of a letter from Washington, under date of March 6, 1867?

A. Yes, sir.

Q. Is that article a true report of a conversation you had with the President?

A. I would not call it exactly a report. I may say that the closing para-

graph states precisely what it is. The greater points it contains were touched upon by the President. I might call it a free translation into the ordinary newspaper tongue, of a conversation that took place with him, certain points being added by myself as further illustrations of points stated by him, for the reason that the points, as given in a rapid conversation, if reported literally, might not be understood by the public. I have given, for instance, the word "repudiation" in my report. I do not think that precise word was used by the President. He spoke very earnestly and very gravely of his fear that the public securities would be endangered by excessive expenditures, and by the apparent reluctance of Congress to increase taxation, while increasing the expenditures. I translated "danger to the public securities" into "repudiation." I heard—indeed, I saw in the New York Tribune—and I heard that Colonel Forney's paper, the Chronicle, had taken a view of this article as conveying the impression that the President wished to be understood as favoring repudiation, or in that direction. If that inference was drawn from my report, I was exceedingly unfortunate in expressing myself, for it should have been the direct reverse. I had had several conversations with the President previously, some of which I have reported; but this impressed me greatly as very important. The conversation may be characterized as a protest against a system of, or tendency to, excessive expenditures, which would finally result in jeopardizing the public securities, by increasing them to an amount which could not be paid.

Q. Are there any other particulars in which the article misrepresents, in any material point, the conversation?

A. The article speaks of the effects of the reconstruction bill as adding a large number of ignorant negroes to those entitled to suffrage. That point is more fully stated in this article than he gave it to me at our last conversation; but the additions made by me were in harmony with the substance of a very full conversation I had with him on that subject, a year and a quarter ago. I tried, before leaving New York, to find a copy of the paper in which I reported that conversation, but in the hurry of getting away could not find it. In this conversation he only briefly referred to one source of danger to the public securities, from increasing the number of comparatively ignorant individuals who would, under the reconstruction bill, be entitled to the privilege of suffrage. He referred to it very briefly this last time; but in stating it in this article I placed it more fully before the public, by recalling substantially the conversation which I had with him about a year and a quarter ago, and which was, I recollect, copied very widely through the country, and, I think, into the Independent, by Theodore Tilton. It was very widely copied by the press of the country. For the rest, the "cue points," as I may call them, of every paragraph, were impressed upon me by the President's conversation; certain of his peculiar phrases, which struck me as either odd or strong, I can recollect; beyond that, I can only say that it is a free newspaper report or translation, substantially, of the points he gave me. The reference to the very large amount of one hundred millions of dollars for internal improvements, I cannot say was by him. My impression is that while speaking of the tendency in Congress to extravagant expenditures, reference was made by the President to a bill introduced by Mr. Schenck; but whether the phrase given here in regard to one hundred millions for internal improvements, was introduced by Mr. Johnson or by me, I cannot now say. I can only say, the whole report is about as that last paragraph says it was. The point in which the President speaks of the probability of there being a financial crisis was introduced by me. In speaking of the general inactivity of trade in the city of New York, I mentioned that I had been informed that A. T. Stewart was not selling this year a quarter or a fifth the usual amount at this period. It was in that way the President came to speak of the probability of a crisis. The first part of this article, I may say, is almost verbatim; that is to say, it is as closely so as I could translate it into newspaper language.

Q. Down to what point?

A. Down to the last paragraph of the first column, with this exception, that I may have put in a line here and there occasionally, to elaborate some point more fully. I refer more particularly to the point where the article speaks of an aristocracy based on $3,000,000,000 of property in slaves disappearing at one end of the line, and an aristocracy based on $2,500,000,000 of public securities springing up at the other end of the line. Of course, a rapid conversation of that description is like a tide that ebbs and flows; or like two streams joining at a particular point, beyond which it is difficult for either party to claim that exact portion of the common tide which is his. I do not think there is any substantial point introduced in my report which was not received by me (though I may have misunderstood him) from the President's conversation.

Q. Have you any knowledge whether the President understood, or had reason to believe that you would print the conversation?

A. No, sir; though he might have drawn the inference, inasmuch as I had previously printed conversations of his, which at least received his silent approval, my previous reports having never called from him any rebuke, nor altered in any way our relations. It was for this reason, I think, I had the right to conclude it would be no violation of confidence on my part to print this conversation. I spoke to my partner, Mr. R. B. Roosevelt, a gentleman of large fortune, largely mixing with the moneyed classes, and largely interested in the public securities, stating to him briefly the points, before printing it; and I asked him whether I ought to do it. He saw the points were of great public interest, one way or the other, and advised me to print it, as I have done.

By the CHAIRMAN:

Q. Was this interview sought by you, or at the request of the President?

A. It was not sought by the President. I called upon the President as I have always been in the habit of doing when I came to the city.

By Mr. MARSHALL:

Q. Did you take any notes of the conversation before you returned to New York?

A. No, sir; I wrote it out from memory, as I have always been in the habit of doing. I do not use short-hand, or any other notes.

By Mr. CHURCHILL:

Q. How soon after the conversation was it written out?

A. The evening after, in the city of New York. It was dated at Washington, in accordance with the newspaper custom of dating the letter from the point at which the occurrence stated took place.

By Mr. ELDRIDGE:

Q. What was the date of this conversation?

A. The letter is dated on the 6th of March, which was Wednesday. The conversation occurred the day previous. I saw the President about half after four, and I had to go to New York by the 6:30 train.

By the CHAIRMAN:

Q. Do you know whether the President has seen this publication?

A. I have not heard anything from him or seen him. I only came to the city to-day. I take it for granted that he has.

By Mr. WILLIAMS:

Q. Does he read your paper habitually?

A. That I cannot say.

Q. Did you send him a copy of it?

A. I did not. I took it for granted he would see it in other papers. It was published in the World, Herald, Tribune, &c.

By Mr. ELDRIDGE:

Q. Who opened this conversation, he or you?

A. I really could not say. The conversation grew as they grow with all of us. It would be very hard to say who does begin a conversation.

By Mr. CHURCHILL:

Q. Do you know whether the President is actually aware of the publication of this conversation?

A. I do not. I heard to-day from Mr. Hanscom, the editor of the Republican of this city, whom I met accidentally in the hotel, that the President had not expected the conversation to be published. Whether that statement is correct or not I cannot say. My own justification for my act is the fact, as I have stated, of having printed other conversations on topics of public interest, without disapprobation on his part. I may add this, perhaps, that at the time I left the President, he asked me was I going away soon. I said no, I was not going for a day or two, and would do myself the honor, probably, of calling again before I left. He said if I would call the following day, at 12 o'clock, he would see me. On my return to Major General Hunter's, (at whose house I usually stay when here,) I learned of a serious illness in my family at home, and I had to start by the 6:30 train. I did not see the President again, therefore, as I had promised, at 12 m. next day; and, perhaps if I had, he would have told me the conversation of the previous evening was private.

By Mr. ELDRIDGE:

Q. Have you been long on intimate terms with the President?

A. I never saw Mr. Johnson until after he was President. I saw him shortly after—probably three or four months after Mr. Lincoln's death.

WASHINGTON, D. C., *March* 13, 1867.

HENRY M. FLINT sworn and examined.

By the CHAIRMAN:

Q. What is your occupation?

A. Corresponding with newspapers.

Q. Were you corresponding with any paper during the summer and fall of 1866?

A. Yes, sir.

Q. With what paper?

A. The New York News and New Orleans Picayune were the principal ones. I corresponded with the Chicago Times and some other papers in the West.

Q. Did you ever furnish the matter contained in any articles that appeared in the Philadelphia Ledger?

A. I never wrote a word for that paper.

Q. Did you furnish any information touching any subject matter of any article or articles which appeared in that paper?

A. I suppose you allude to certain questions which appeared in that paper, and which attracted considerable attention at the time. These questions were written by me, but I did not write them for the Ledger, nor to the Ledger.

Q. You refer to the questions, published in that paper, alleged to have been submitted by the President of the United States to the Attorney General?

A. Yes, sir.

Q. Did you write these questions for any newspaper?

A. No, sir.

Q. By what means did the publishers of the Ledger get possession of them?

A. I cannot tell you of my own knowledge, but I will tell you to the best of my ability. I sent these questions to a friend of mine in New York, Mr. F. A. Abbott. I knew that he was connected with newspapers. I did not know that he was connected with the Ledger, and I did not know when I submitted these questions that they would appear in the Ledger. That is, however, no doubt, the way they came to appear in the Ledger.

Q. Did you inform him that these questions had been submitted by the President to the Attorney General of the United States?

A. If you will allow me, perhaps I had better tell you in my own way the circumstances connected with the whole matter. At the time I wrote these questions I had been investigating, for my own satisfaction, the subject to which they alluded, namely, whether the 39th Congress, as then constituted, was a constitutional and legal Congress. I was unable to convince myself, from the study I had devoted to it, that it was, particularly as the Constitution declares so positively that the Congress must be composed of the Senators and Representatives from each one of the States, as the questions in the Ledger state. I found, also, in the way I gathered news upon other subjects, that other persons in the city, officials and, as I understood, the President, were devoting, in some degree, attention to this subject. After investigating the matter in that way, and studying it, I wrote out these questions, which were questions, as I supposed, the President would be naturally desirous of asking of his proper legal adviser, if the subject had engaged his attention, as I understood it had. I sent the questions to Mr. Abbott, in New York, with a note, a copy of which I did not retain, and cannot remember its precise contents. It was to the effect that these questions were, I believed, now being considered by the President, and would be, or had been, submitted by him to the Attorney General. I think I stated to Mr. Abbott that nothing would be more likely than that such subjects should present themselves to the President's mind, and that if so of course he would consult the Attorney General upon the subject. When I sent these questions to Mr. Abbott, I had no knowledge that he would have them published, nor did I send them particularly for publication; at the same time, knowing that Mr. Abbott was connected with the press, I supposed it quite likely the questions would appear, in some form, in some paper—what newspaper I did not know. I believe these are the main facts connected with the matter, so far as I had anything to do with them.

Q. What reason had you to believe the President had submitted, or would submit, these questions to the Attorney General?

A. I supposed he would not take any action upon so serious a matter without making himself entirely certain as to the legal questions involved, and I thought the Attorney General was the person he would naturally consult.

Q. What reason had you to believe that the President had any such subject under consideration?

A. Because I was convinced that the course of Congress, even at that time, had been one of such hostility to the President that unless he took some measures either to strengthen himself or stop their action, they would proceed to still stronger measures to deprive him of the powers conferred upon him by the Constitution.

Q. Did you ever have any conversation with the President relative to the subject matter of these questions?

A. I had one conversation with him, but it was after the despatch had been published. I had none before.

Q. These questions were, then, the creation of your brain?

A. The questions were my own composition.

Q. And you had no reason for that composition except the operations of your own mind?

A. Yes, sir; I had. I could not give you my authority for believing that these questions were actually written and submitted to the Attorney General. I ascertained, or, at least, I was convinced, that the matter was actually being considered by the President.

Q. How did you ascertain that?

A. I cannot tell you from whom I had the information. I would willingly tell you if I could recall any particular person from whom I received the information. I know I had that impression.

Q. Did you receive that information from any person?

A. Of course, I must have received it from some persons, but I cannot tell you the names of the persons.

Q. With whom did you converse upon the subject before these questions appeared in the public press?

A. I could not tell you that I had conversation with any person upon this subject.

Q. Had you received no information, in any way, from any person upon the subject?

A. I think the manner in which I derived my impression was from something that had appeared in the newspapers, perhaps; at any rate I derived in some way the impression that this subject was engaging the attention of the President, and that these were the questions, in substance, he would ask the Attorney General.

Q. What started that inquiry in your own mind?

A. It had been in my own mind for a good while. I suppose almost from the time the war was over, and the southern States sent their representatives here, demanding admission into the Senate and House of Representatives.

Q. Did you communicate to Mr. Abbott, in your note to him, that such questions had been addressed by the President to the Attorney General?

A. If I had my note I could tell you exactly. I think it was, in substance, this: "These questions are supposed, or are believed to have been submitted by the President to the Attorney General."

Q. Will you state the ground on which you believed they had been or would be submitted by the President to the Attorney General?

A. Because I was convinced the subject had occupied the President's mind.

Q. What convinced you of that fact?

A. The circumstances by which the President was surrounded. Congress had manifested such hostility to him that he would naturally be led to inquire whether that Congress, as then constituted, was a constitutional and legal Congress. He had recommended, I believe, the admission of the southern States to representation in Congress, and his recommendation had been disregarded.

Q. Do you say that you never received from any source information that the President was actually considering the propriety of submitting these questions to the Attorney General?

A. Nothing definite.

Q. Upon that question you are positive?

A. I think I may say I am.

Q. Did you ever receive information relative to the subject from any person connected with the Attorney General's department?

A. No, sir.

Q. Nor from any person connected with the executive department?

A. No, sir.

Q. It was simply, then, a creation of your own?

A. The impression was on my mind that these questions were being considered by the President. I cannot say they were my own creation, and I cannot tell you the process by which the conviction became fixed upon my mind; that it was a firm conviction upon my mind, I can assure you.

Q. You cannot recollect any fact from which that conviction resulted?

A. No, sir.

Q. Did you receive any reply from Mr. Abbott to the note you sent him?

A. I do not remember whether I did or not, until after the publication in the Ledger, referred to. After that I received several telegrams from him

Q. Can you supply a copy of the note you addressed to him?

A. No, sir; I did not keep a copy. It was a very short note, not more than four or five lines, and was enclosed in the same envelope in which I sent the questions.

By Mr. BOUTWELL:

Q. Look at the article in the first column of the Washington Daily Chronicle, of October 12, 1866, now shown you, and state whether or not that is the article you sent to Mr. Abbott.

A. The first part, down to the word "first," is not mine. The questions, I presume, are those I sent to Mr. Abbott. I think they are correctly printed. What follows the fifth question is not mine.

Q. Did you prepare these questions yourself?

A. Yes, sir.

Q. Who saw them before you transmitted them to New York?

A. No one saw them before Mr. Abbott did, unless they opened the letter.

Q. With whom did you consult in relation to the preparation of these questions?

A. No person.

Q. What did you expect Mr. Abbott would do with these questions when you sent them to him?

A. I will tell you, as I suppose I ought to tell you, that at that time I furnished Mr. Abbott, not daily, but occasionally, with items of news from Washington, at his request; not under any arrangement for pay, but merely as an old friend whom I wished to oblige. I knew that he was connected with several newspapers, and I had no doubt when I sent these questions that they would appear in some paper, in some shape.

Q. What object had you in view in preparing these questions?

A. The object I had in view in writing the questions, and in sending them to Mr. Abbott, was that they might appear before the public, and that the public mind might be directed to that point, and that the newspapers, particularly, might be led to express their sentiments upon the questions involved in it.

Q. How did they interest you particularly?

A. They did not interest me more than any other citizen of the United States. I was strongly impressed then, as I am now, with the belief that the 39th Congress was not such a Congress as the Constitution requires.

Q. With what persons have you ever talked upon that subject, as to whether the 39th Congress was a constitutional body or not?

A. No doubt I have conversed with a number of persons. I cannot remember any particular conversation on the subject.

Q. Have you ever conversed with President Johnson upon the subject?

A. I had a conversation with him after the despatch was published.

Q. How did you happen to have an interview with President Johnson on that subject?

A. The questions referred to had been published, and they had given rise to

considerable discussion in the newspapers. I thought I ought to go to the President and tell him what part of the despatch was mine, and what connection I had had with the publication of it. I therefore went to him and gave him a frank explanation of the whole connection I had had with it, and how I came to write the questions. In the course of our conversation he took up a newspaper lying on his table, and showed me an article which I think appeared the day after the questions were published, in the Daily News of Philadelphia, which took pretty nearly the same ground my questions would indicate.

Q. What did he say about the article in the News?

A. He spoke of it or referred to it, rather approvingly, I could not tell you the exact words. I had remarked to him, "Mr. Johnson, it occurred to me that it would be by no means remarkable that you should prepare such questions as these, upon a subject which I know must have occupied your mind, as it has the public mind." I forget what reply he made; it was a sort of affirmative response or assent. He then took up the paper, and said, "Yes, have you seen this?"

Q. What was the character of that article?

A. It was an article taking very strong ground that the President might well write such questions, or that the subject might well occupy his mind; that there was good ground for at least asking these questions of the Attorney General, and then taking his advice on the subject.

By the CHAIRMAN:

Q. Did the President send for you on this occasion?

A. No, sir; I went to see him of my own accord.

Q. How long after these questions were published?

A. It was long enough for the eastern papers at least to have expressed their opinions on the subject. I think four or five days.

Q. Did he approve or disapprove of your conduct?

A. He disapproved of it. He remarked that on a subject of such magnitude, and before I sent the questions to the press, I should at least have called upon him, or upon some one who could have informed me, and ascertained whether there was foundation for the assertion that such questions had been propounded by him.

Q. Did he claim that there was no foundation for them?

A. No, sir, he did not. I did not question him, of course, and he did not deny that there was good reason for asking the questions. At the same time his whole conversation led me to understand that he had never submitted any such questions to the Attorney General.

Q. Did you converse with any person upon the subject before you called upon the President?

A. No, sir.

Q. Had you ever had any interviews with the President before?

A. I think not. I think this was the first interview I ever had with him.

Q. Did you inform the President, before you were admitted to an audience with him, who you were, and for what purpose you called to see him?

A. I first saw his son, Robert Johnson, and requested him to ask his father if he would see me for a moment. I told him for what purpose I wanted to see the President.

Q. Did you give him the names of two persons from whom you derived your authority?

A. No, sir. I told him how I had derived my information the same as I have told you.

Q. Do you say now that that statement about two men was not true?

A. I have explained how that statement came to be made. I made the statement about the two men to the Ledger man, because he came to my room and

undertook to cross-question me, and this after I had told him frankly all the facts. To get clear of his importunities I informed him of those two men, but there were no such men.

Q. Who was the editor you refer to?

A. Mr. McKean, of Philadelphia.

Q. Did you give him the names of the two persons?

A. No, sir.

Q. Had you two persons in your mind as the persons you referred to?

A. Not two particular persons.

Q. Did he see you in this city?

A. Yes, sir; he came here.

Q. Why did he come here?

A. The Ledger people sent him. They were so determined, he said, to probe the matter to the bottom, that they sent him on to see me.

Q. Why were they determined to probe it to the bottom?

A. I cannot tell why, except that they were very much alarmed at having published the article referred to.

Q. Do you know the cause of their alarm?

A. I do not.

Q. Do you know whether there had been any communication between them and the President on the subject?

A. Not to my knowledge.

Q. Did Mr. McKean inform you that there had been?

A. I think he said he had seen the President.

Q. Did the President inform you that he had had any communication with the Ledger people?

A. No, sir, he did not.

Q. What did Mr. McKean say about it when he called upon you?

A. He said a great deal. The principal matter of the conversation was, that he wanted me to tell him where I got my information. Of course, I did not feel that he had any right to question me on that subject. I had not sent the article to the Ledger.

Q. Did he give any reason for his anxiety upon the subject?

A. Yes. He said the Ledger people wanted to publish a statement about it—stating the facts, exonerating them, and throwing the blame, if there was any blame in the matter, upon me.

Q. Did it occur to you when you sent these questions to Mr. Abbott, that there was anything improper in sending them without having consulted the President on the subject?

A. No, sir.

Q. You thought yourself justifiable, then, in representing to the country, through the public press, that the President had taken, or would take, the grave step of asking those questions?

A. I did not think it was improper.

Q. Did it occur to you at the time, that you might be placing the President in a false position in regard to a question of so grave public importance?

A. No, sir. I regretted it after I saw the direction things had taken. It did not occur to me before. What I mean by regretting it is, that I regretted having done anything to place the President in a false position in any way.

By Mr. BOUTWELL?

Q. In the conversation you had with the President, I understood you to say the President did not complain that you had misrepresented him, but of your taking the liberty of putting forward those views without consultation with him?

A. He did not say I had misrepresented him, but at the same time he might

have thought so. He said it would have been better if I had acquainted myself positively with the fact whether such questions had been asked or not, before giving them to the public. I do not think he said two sentences about it; but what he did say was approving the position the questions would indicate.

Q. You say that the matter contained in the articles preceding the questions was not prepared by you. What did precede the questions as sent to you by Mr. Abbott?

A. Nothing but the note, which was enclosed in the same envelope.

Q. Can you tell wherein the note differed in substance with what precedes the questions in this article as published?

A. I believe that is the substance of what I wrote, except that my note, probably, commenced with, "It is believed," or, "It is understood."

Q. Did your note contain any portion of this article which follows the 5th question?

A. No, sir; not a word.

Q. Did it occur to you, at the time of sending these questions to Mr. Abbott, that their publication might, in some manner, affect the stock market?

A. Not the least; and for the reason that stocks and the money market are something I have never concerned myself with. I never wrote about them, except incidentally, and it did not occur to me at the time that the publication of this despatch would affect the stock market.

Q. Did you, in any way, express an opinion as to what might probably be the response of the Attorney General?

A. No. To the best of my recollection, I did not express any opinion as to what would be the probable reply.

Q. Can you procure a copy of the note you sent to Mr. Abbott?

A. I cannot, unless Mr. Abbott has preserved it.

Q. Have you had a conversation with any one on the subject since the conversation you had with the President?

A. I think not.

NOTE.—I called to see the President on Saturday morning. He might have said, in the course of our conversation, that the Ledger people had sent him a brief telegraphic despatch on the subject, but no other communication. It was a day or two after this that Mr. McKean called to see me. I think he said he had been to see the President. In my interview with the President I told him how I had derived my information, the same as I have told you, and I don't think I mentioned to him two particular persons.

WASHINGTON, D. C., *Saturday, March 23*, 1867.

CHARLES E. CAPEHART sworn and examined.

By the CHAIRMAN:

Q. Where do you reside?

A. I reside at present in the District of Columbia; my home is Wheeling, West Virginia.

Q. Where were you residing during the fall of 1866?

A. In the city of Washington.

Q. Did you make application to the President for the pardon of persons who had been in the military service of the United States, and who had deserted therefrom?

A. I did, through a second party.

Q. Who was the party?

A. Colonel McEwen, late medical director, United States army.

Q. For how many did you make application?

A. For five, who were all on the one list.

Q. When did you make the application?

A. About a week before the Pennsylvania State election, in 1866.

Q. Where did the parties reside?

A. Washington county, Pennsylvania.

Q. Did you have any understanding with those persons as to what their political action would be in the event of pardons being granted them?

A. No, sir. I never saw the men myself.

Q. Was there any understanding between them and any person connected with the case?

A. Yes. Colonel McEwen came to me and told me he had received powers of attorney from five men living in Washington county, Pennsylvania, to settle their cases in case they were pardoned. He asked me if I would use my influence or assist him in the case. I told him I would, and I did so. These men belonged to the twenty-second Pennsylvania cavalry. Colonel McEwen told me that the colonel and officers of the regiment had refused to sign any letter of recommendation for their pardon, as the men had deserted, taking their horses, arms, and equipments with them. Major Myers, who now has charge of the Agricultural Department here, was called upon by Colonel McEwen and asked if he would assist those men and recommend their pardon. They had belonged to his regiment. He said he could not and would not make any affidavit in those cases, as he considered they were deserters.

Q. State all you know about those cases.

A. There was a letter written to the President, stating the facts of the case, and stating that the district, in which there was a contest between William Montgomery and George V. Lawrence, was a very close one, and that a few votes would turn the tide in favor of Montgomery, the democratic candidate.

Q. Who wrote that letter?

A. That I do not know, but the papers, of course, can be found on file. (To Mr. Eldridge.) That letter was written to the President, and the President endorsed the papers. The papers were taken to the President about 11 o'clock in the forenoon, and the pardons were recommended to the War Department. The one-armed messenger, who is on duty in the Adjutant General's office (in General Vincent's office,) came to my house at three o'clock the same day with the five separate, distinct orders restoring these men, with their full pay and allowances. That is all I know about the case. There was a letter received afterwards by Colonel McEwen from Montgomery, the democratic candidate in that district, stating that those votes would help him considerably, and would, probably, with the influence he was using, cause his election, as the district was considered very close.

Q. Was a promise exacted from these men that they would vote for Montgomery?

A. Yes.

Q. Before the pardons were obtained?

A. Yes; I so understood.

Q. From whom did you understand it?

A. From Colonel McEwen, who had the cases.

Q. Was that understanding conveyed to the President?

A. O, yes; that was mentioned in the letter that was written to the President. The whole facts of the case were stated—that they were his friends, and would vote for him; and that, under the present laws of the State of Pennsylvania, they were disfranchised.

Q. Do you know of any other cases of that character?

A. I do not. I have heard of other cases, but I know nothing of them my-

self. These men wrote to Judge Lawrence to intercede for them, but Mr. Lawrence could not do anything for them. Lawrence told me so himself; and he told me that they were all democrats, and would, of course, vote against him if they were pardoned, but that he would do all he could for them, but could not do anything. The orders restoring these men were filed with Colonel Vedder, paymaster, now in the Union building.

Q. Can you give the names of the parties pardoned?

A. Not now. I do not recollect the names; but I will supply them to the committtee.

Q. Was Thomas B. Florence connected with the case?

A. Yes, sir. He was assisting Colonel McEwen. I believe Colonel Florence carried the papers to the President.

By Mr. MARSHALL:

Q. You say you never saw those persons?

A. I never saw them.

Q. You spoke very positively about there being an understanding that they would vote a certain way in case they were pardoned?

A. I so understood from Colonel McEwen. He told me so.

Q. Do you think yourself justified in swearing positively as to facts in that way?

A. I did not swear positively to the bargain being made. I said I so understood it.

Q. You spoke of a letter having been written to the President—why do you speak so positively of its contents?

A. I read part of the letter myself.

Q. How much of it did you read?

A. Four or five lines.

Q. Who wrote that letter?

A. That I do not know.

Q. How came you to see it?

A. I was in Colonel McEwen's office, and saw the letter lying on the table, partly written.

Q. Who had control of it at the time?

A. Colonel McEwen.

Q. Did anybody ask you to read it?

A. No, sir. Colonel McEwen and I were doing business together, settling claims belonging to our own original brigades. I was settling up the claims of my own regiment at the department.

Q. Do you consider yourself at liberty to read any gentleman's private letters?

A. I did, in an office in which I was connected and had an interest.

Q. That is your notion of propriety?

A. Yes.

Q. Whose name was to that letter?

A. That I do not know.

Q. Did you ever see it afterwards?

A. No, sir.

Q. How do you know that that letter was sent to the President?

A. I know that Colonel McEwen and Colonel Florence were in the office one day, and Colonel McEwen said to me, "Did you read that letter which I wrote in those cases of the 22d Pennsylvania cavalry?" I said, "I read a part of a letter which lay there on the table yesterday." He then pulled the letter out of the drawer and put it with other papers which he had in connection with the case, and he and Colonel Florence started to the President's together. That afternoon, at three o'clock, the papers came to me at my house.

Q. Did you see the letter when he took it out of the drawer?

A. I did not read the contents of it. He held it out and asked me if I had seen the letter which he had partly written yesterday. I told him I had.

Q. Have you not stated that you never did see it after the first time?

A. I did not see its contents. I saw what purported to be that letter.

Q. State what you did read of that letter.

A. I do not know that I can recollect the exact words. All that I remember of it was that it was a recommendation to the President for the pardon of those men, and stating the facts of the case, and that the district they lived in was a closely contested district, where a few votes would turn the scale.

Q. You recollect that?

A. I remember that distinctly. That is all that I remember of the contents of the letter.

Q. What was the length of the letter?

A. That I do not know, as I read only a part of it—four or five lines.

Q. You are connected in business with Colonel McEwen?

A. Yes.

Q. And are familiar with his handwriting?

A. Yes.

Q. And you do not know in whose handwriting the letter was?

A. I do not recollect now. I am satisfied it was not in his handwriting.

Q. Did you ever see that letter after Colonel McEwen took it out of the drawer?

A. Only as I stated before—in his hand. I did not read it. He asked me if I had seen that letter which he had written the day before. I told him I had. I do not know that that was the letter.

Q. Then by what authority did you speak of the endorsement that was put on it?

A. Colonel Florence told me that the President endorsed it and recommended them; that the papers would be back that afternoon, and that he had directed them to be sent to my house.

Q. You spoke very positively of an endorsement put on that letter by the President, while you now say you never saw the letter after you read it; how do you explain that?

A. I explain it in this way: In about one hour from the time that Colonel Florence went to the President he returned with Colonel McEwen, and told me that the President had ordered the reinstatement of those men. Another reason is, that I am pretty well conversant with the rules of the War Department, and I know that men will not be restored without the recommendation and endorsement of the President of the United States.

Q. And that is why you swear so?

A. That is the best of my knowledge and belief.

[Mr. MARSHALL said he wished it noted that he protested against the committee taking this class of testimony—regarding it as wholly unjustifiable.

Mr. ELDRIDGE said he joined in the protest, and had objected from the beginning.]

By Mr. ELDRIDGE:

Q. You know the handwriting of Colonel McEwen very well?

A. Yes.

Q. And the letter was not in his handwriting?

A. It was not; at least I think not. I do not know positively, because it is a good while ago, and I have but a very faint recollection of the letter now. He very seldom did any writing himself; he generally dictated, and had a clerk to write.

Q. The letter, at the time you first saw it, was not completed?

A. No, sir.
Q. And was not signed by anybody?
A. No, sir.
Q. To whom was it addressed?
A. To the President of the United States.
Q. Was it dated?
A. I believe it was, if I recollect right, but I cannot say positively as to that.
Q. Did it contain the names of the parties for whose pardon you were applying?
A. I do not recollect; I think not at that time. There were only three or four lines of the letter written.
Q. Did you read all that was written at that time?
A. Yes.
Q. And did you read all that you have stated as being in the letter?
A. As near as I can recollect. I am not speaking positively as to the number of lines.
Q. Was your name mentioned in the letter?
A. No, sir.
Q. Did you sign any paper to the President in the matter?
A. Not within my recollection.
Q. Who was present while you were reading the letter?
A. I do not think there was any one present.
Q. Was there no one in the office?
A. No, sir; I think not.
Q. Who was there at the time Colonel McEwen took the letter out and asked you if you read it?
A. Colonel Florence was present.
Q. Who else?
A. No person.
Q. Did you take the letter in your hand at that time?
A. No, sir.
Q. How near were you to Colonel McEwen?
A. I should judge about ten feet off—probably not so far. I was a few steps from the desk.
Q. Did he hold the letter up to you so that you could see the writing?
A. No, sir. It was folded up with other papers.
Q. How do you swear it was the same letter?
A. I did not swear so. He said to me, "Did you see that letter which I wrote yesterday?" holding it up in his hand. The letter was folded up with the other papers, and he took the letter out.
Q. Then you do not know that you saw this letter, except when you read the three or four lines.
A. I never saw the contents of that letter except the portion that I read the day before.
Q. Do you know that you ever saw the letter at all except when you read four lines?
A. I saw the letter which was partly written the day before, and what he said was that letter.
Q. Then you swear you saw the letter the second time?
A. No, sir. I saw what purported to be that letter. I cannot swear that the letter which he held in his hand was the one written the day before.
Q. Can you say that this letter, of which you read three or four lines, you ever saw again?
A. Not the inside.
Q. Did you ever see the outside?
A. Only what purported to be that letter.

Q. But the outside of a letter does not purport anything, does it? Do you swear that you ever saw the letter the second time?

A. No, sir; only when Colonel McEwen showed me what he said was that letter?

Q. Did he say that that was the letter which you read some of?

A. He did.

Q. How did he know you had read some of it?

A. Because I told him.

Q. When did you tell him that?

A. The same day that I saw the letter started—that afternoon.

Q If you told him that, how came he to ask you a day or so afterwards whether you had seen it?

A. The only reason I know is, because the letter was not finished. I told him I had seen the letter as it was started to be written—only a few lines.

Q. Then he asked you afterwards if you had seen that letter which he had written, and you told him what?

A. I told him I had seen that part of the letter written the day before.

Q. Then you told him that twice?

A. I do not know that I told him twice. I told him I had seen part of the letter which was partly written the day before.

WASHINGTON, D. C., *March* 25, 1867.

SIR: I have the honor to herewith submit to you the list of names of men who were pardoned, in accordance with my promise yesterday to your honorable body: Norvell Hartman, Franklin Fitzsimmons, William Didrich, Daniel Rohrer, A. P. Davis, late privates of companies A and B of the 22d Pennsylvania cavalry, or 3d provisional Pennsylvania cavalry.

I have, sir, the honor to remain, with high respect, your humble servant,

CHAS. E. CAPEHART,
Late Colonel U. S. Vol'n Cavalry.

Hon. Mr. WILSON, *Chairman Judiciary Committee.*

WASHINGTON, D. C., *Wednesday, March* 27, 1867.

MATTHEW MCEWEN sworn and examined.

By Mr. BENJ. F. BUTLER: (Who was permitted to examine the witness.)

Q. What was your rank in the army, and where were you stationed?

A. I was surgeon in the army. My brevet rank is brigadier general. In the early part of the war I was in charge of the United States general hospital in the valley of the Kanawha. I was afterwards assigned to the second cavalry division as surgeon. I was surgeon-in-chief of the brigade, of the division, and of the corps for a short time. I resided before the war in Charlestown, West Virginia.

Q. As such surgeon did you become acquainted with the fact that there was a large number of deserters from the army.

A. Yes, sir. I knew quite a number who were marked deserters, in our command especially.

Q. State whether, after you were discharged from the army, you conceived the idea of attempting to get those deserters, or any of them, restored?

A. I did. I knew a number of men who were marked deserters who should not have been so marked, and as far as that could be corrected, before the command was mustered out, it was done. I made application and had several re-

stored. The applications were made to General Hancock, commanding the middle military division, and he restored those whom the evidence warranted him in restoring.

Q. Were you at Martinsburg some time last fall?

A. Yes.

Q. Did you make up a list of men to make application to have them restored?

A. I did.

Q. How many names did that list contain?

A. One hundred and ninety-three, I think.

(Witness produces a copy of the list, which is appended to his testimony, marked Exhibit A.)

Q. What was your motive in getting these men pardoned?

A. I expected to be paid for it, of course. I have been acting as claim agent for the soldiers of our division.

Q. Having this list, state whether you conceived the design of applying to anybody to get political influence for that purpose?

A. I did. I applied to Mr. Andrews, of Berkley county, the editor of the Era, who was then a candidate for Congress in opposition to Mr. Kitchen, the present member for that district. I applied to him through his son, the father being then absent canvassing.

Q. What was the message that you sent by the son to the father?

A. That the restoration of those men would be of great importance to him in his election. That was the subject we had in discussion.

Q. Did you receive an answer to that message?

A. I did, in the form of a letter to the President of the United States by Mr. Andrews. I think I have a copy of the letter, and, if so, I will furnish it to the committee. It stated that it would be a matter of great political importance to have those men restored; that they nearly all resided in his congressional district, and that the majority of them would vote the democratic ticket. I received this letter three or four days after I had sent the message by the son. Two or three telegraphic despatches had passed between us. The son named a time when the father would be at home. I went to see him, but he was not at home, and the son furnished me with this letter.

Q. What did you do with the letter?

A. I gave it, with the list, to Thomas B. Florence.

Q. How was this list headed?

A. "List of deserters," giving regiments and companies. My impression is that the original list had that heading, but I am not positive.

Q. Do you recollect whether you gave any other paper to Mr. Florence, except Mr. Andrews's letter and this list?

A. I do not think I did, unless it may have been some short statement of my own; but I do not recollect.

Q. What did you tell Mr. Florence that you desired to have done with the letter and list?

A. I wished him to get those men relieved of the charge of desertion, which would place them on the rolls again. He said he would attend to it. I think I saw him again about two days after that. He said that the application looked very favorable, and that he thought it probable the men would be restored. When I called again the second time he furnished me with the order of restoration.

(Witness produces the order removing all pains and penalties from the men named therein on account of the charge of desertion. It is dated Adjutant General's Office, November 21, 1866, signed by E. D. Townsend, Assistant Adjutant General, and is addressed to "Dr. M. McEwen, care of Hon. T. B. Florence, Washington, D. C." The order and envelope in which it was enclosed are attached to this testimony, marked Exhibit B.)

Q. As to how many on that list did you, of your own knowledge, know anything of the merits of their application?

A. I was personally acquainted with nearly all the cavalry men.

Q. As to how many of them had you any written evidence of the merits of their application?

A. I had no evidence at all from their officers.

Q. Did you file any evidence in the War Department?

A. I did not. There were no papers filed except what I have already stated. I am satisfied that no one had anything to do with the application but myself.

Q. How long prior to the election did you get the order restoring these men?

A. A very few days—not over three or four.

Q. As claim agent, what did you suppose would be the amount of penalties and forfeitures that would be lost to those men in case they were not restored, and that would come to them in case they were restored?

A. Some ran as high as $600, and others not over $100. Taking them altogether, I suppose the aggregate amount might be safely put at $75,000.

Q. How much were you to have, as claim agent, in case they were restored?

A. Those with whom I had my understanding were to give me one half. With many of them I have had no understanding at all.

Q. With how many had you such an understanding?

A. With nearly all the cavalry men.

Q. You had no understanding with the infantry men?

A. No, sir; there has been nothing done with any of them.

Q. When you received that order from Thomas B. Florence, did you pay him any money therefor, as a reward for his services?

A. I did.

Q. How much?

A. I paid him $1,000.

Q. In what form?

A. In ten dollar notes.

Q. Did you take any receipt?

A. I did not.

Q. Do you know any other matter or thing in relation to these men which the committee ought to know?

A. I do not know of anything else. I think I have told all.

Q. Do you know one Capehart, who has been a witness before this committee?

A. Yes; he was lieutenant colonel of the 1st Virginia cavalry, a regiment in my division.

Q. Since he has been a witness has he made any communication to you in writing?

A. He has.

(Witness produces a letter from C. E. Capehart, dated March 23, 1867, which is put in evidence and is attached to this record, marked Exhibit C.)

Q. Did you receive this letter the day it is dated?

A. I did. He called at the office, but I was absent. I had not seen him or spoken to him for a long time, perhaps six months. He left the note for me. I did not call upon him, as he requested; but he watched for me and saw me on Seventh street. He asked me why I did not come. I told him I did not desire to come, as it was a matter which I did not suppose I had anything to do with. He entered into a conversation, and told me the importance of it. I told him I could not see it; that I could not see anything in it at all. The application for the restoration of those five men of the 22d Pennsylvania cavalry was made to General Hancock, and strong evidence was filed to show that they should be restored; and I did not see anything wrong in restoring them. That was about the substance of the conversation. They were recommended very strongly by Major Myers, also by Hon. George V. Lawrence. I have here a

rough copy of Mr. Lawrence's recommendation. I think Mr. Lawrence's letter was written by himself.

(Witness produces the copy which is attached to this testimony, marked Exhibit D.)

Q. Can you state approximately the amount of forfeited pay that was coming to these five soldiers?

A. One was awarded $8 33, and one some $20. They were with the command till after the surrender of Lee, and they were restored because they had been good soldiers. They had gone home and overstayed their time, and were marked deserters. The aggregate amount coming to them was about $500, perhaps $550.

Q. Do you know any other thing about those men than what you have stated, which would be of interest to the committee?

A. No, I think not.

By Mr. ELDRIDGE:

Q. Did you recommend all those men to Mr. Florence as worthy of restoration?

A. I do not recollect that we had much conversation, if any, about them. I do not think there was any question or conversation between us on that subject.

Q. Did you make any recommendation to him at all?

A. Not that I am aware of. I do not recollect saying anything to him about them. I may have said to him that all these cavalry men were deserving men and should be restored. That was a fact. I think it probable I said so to Mr. Florence. I do not recollect, but I should say so to any one.

Q. Did you ask Mr. Florence to intercede for their restoration, without giving him any assurance that they were deserving of it?

A. I think the letter of Mr. Andrews was the principal ground I gave him.

Q. Did you know anything of the infantry deserters on the list?

A. I may have known two or three of them.

Q. Were they deserving men?

A. These two or three were very deserving men.

Q. Did you not tell Mr. Florence that?

A. No, sir. I did not call his attention to any particular case.

Q. Had you any information yourself about the other men?

A. No, sir.

Q. How did you come by their names?

A. I had the report furnished me by the adjutant general of the State.

Q. Have you become acquainted with any of those men since that time?

A. No, sir; nothing has been done with them since.

Q. Have you got your pay from any of them?

A. No, sir; not a cent. There have been only three claims filed, and those were of cavalry men.

Q. Where were you and Colonel Florence when you presented him with Mr. Andrews's letter?

A. I was in Colonel Florence's office, in this city. That was the 23d or 24th of October, 1866.

Q. Were you personally acquainted with Mr. Andrews?

A. No, sir. I knew Mr. Kitchen very well, but not Mr. Andrews.

Q. Did you make a like application to Mr. Kitchen?

A. No, sir.

Q. By what authority did you represent to Mr. Andrews that they would vote the democratic ticket?

A. I had no special authority for it. Mr. Andrews's son and I talked the matter over. We both entertained the idea that most of those men would vote the democratic ticket—at least they would vote for his father.

Q. Did you send that word to Mr. Andrews?
A. I do not know that I told his son to tell him so.
Q. What word did you send to Mr. Andrews?
A. That I wanted to get these men restored.
Q. For what reason?
A. It was a matter of business with me.
Q. What reason did you assign to him?
A. A political reason—that they would probably vote for him.
Q. By what authority did you state that, when you had never spoken to the men about it?
A. Some of them I knew would. I had no special authority from the men to say so.
Q. Did you know how any of those infantry men, excepting two of them, would vote?
A. No; I never consulted them on the subject.
Q. Do you know how they did vote?
A. They did not get to vote at all. The papers could not have reached them in time to vote. I knew a good many of the cavalry men who belonged to the democratic party.
Q. Did you know some of them who did not?
A. Yes. They do not all entertain the same political views in the army.
Q. Then your real purpose in representing that they would probably support Mr. Andrews was to get his influence?
A. Certainly. It was a business matter with me; with Mr. Andrews it was political, of course. The presumption was that they would vote for the man who had done them such a favor. They would be ungrateful if they did not.
Q. How long have you known Capehart?
A. I knew him in the army, from his regiment being a part of our command. I never was intimate with him.
Q. Where did you see him the other day?
A. On Seventh street. He was standing, waiting for me, I supposed. I did not want to see him. When he sent me the note I made up my mind that I would not go to see him.
Q. Why?
A. I did not want to have anything to do with him.
Q. Is he not a man of good character?
A. Some think a good deal of him. I do not. It is a difference of opinion. I would not want him to testify against me.
Q. Was that the reason you would not see him—because you thought him a man of bad character?
A. It was because I did not wish to have anything to do with him.
Q. Because you did not think him a man of good character?
A. That was my reason.

By Mr. WOODBRIDGE:

Q. When you had this interview with Mr. Florence was he to see the President of the United States?
A. He said he would.
Q. Did you put it on political grounds to Mr. Florence?
A. Yes, sir. I handed him the paper and told him to look over it, and he read it over. He is crowded in his office all the time, and I could hardly have a chance to talk to him. There was very little conversation between us the day I gave him the papers. There was no chance to talk to him.

By Mr. ELDRIDGE:

Q. Was Capehart present at the time you handed the papers to Florence?

A. O, no; Capehart knew nothing about it.

Q. Was he present at any time when you saw Colonel Florence?

A. No, sir; I never went with him to Florence's office; and I never saw them together that I know of.

By Mr. BOUTWELL:

Q. Do you recollect Florence being at your office in reference to the Pennsylvania deserters?

A. Mr. Florence never was at my office.

By Mr. ELDRIDGE:

Q. Did Florence and you ever have anything to do about the five Pennsylvania men?

A. No, sir; I never saw him in reference to those men at all.

Q. Did you, yourself, write any letter to the President about those five men?

A. I think not. I do not know of any.

Q. Did you show a letter to Mr. Capehart which you said you had written, or partly written, to the President?

A. I think not. I have no knowledge of anything of the kind. He spoke to me about that, and I told him that I did not recollect any such paper.

Q. Were you and Capehart occupying the same office?

A. O, no.

Q. Were you and he very intimate?

A. No, sir; we did not even associate.

Q. Were you in partnership, or in company, in any way with him?

A. No, sir; he was assisting in getting some men of his own regiment restored through General Hancock.

Q. Did you share in the profits in any manner?

A. No, sir.

Q. Were you in the habit of writing letters and leaving them on your table, to be read by him when he came in?

A. Not that I know of. If he ever came in and read any there, I have no knowledge of it.

Q. Do you recollect showing him a letter, which purported to be written to the President, about these five men, and asking him to read it?

A. I do not.

Q. Or his telling you that he saw it on your desk, and read it?

A. I do not recollect any such letter. I do not recollect ever making any such appointment with him.

Q. When those five men were restored, were you on such relations that he was in your office while you were out?

A. He used to come to my office occasionally. I guess he came there very seldom.

Q. Did you write your own letters at that time, or were they written by a clerk?

A. I generally write all my own letters.

Q. Did your clerk write a letter for you, in reference to these five men, to the President?

A. No, sir.

Q. Are you sure of that?

A. I am sure of it. I am very sure of it.

FRIDAY, *March* 28, 1867.

WITNESS recalled and examination continued.

By Mr. BOUTWELL:

Q. Have you made search for the copy of the letter from Mr. Andrews to the President of the United States?

A. I did, but I have been unable to find it, and I am inclined to think that I did not take a copy of it. It was an open letter. I have been thinking it over, and have made a memorandum of the substance of the letter, according to my best recollection.

(Witness produces the memorandum annexed.)

His Excellency Andrew Johnson, President of the United States:

SIR: The accompanying list embraces the names of nearly two hundred soldiers, who are disfranchised by the charge of desertion. The great majority of these men reside in my congressional district. It would be doing me a great service to have the charge removed, and thus enable them to vote at the approaching election. The contest will, without doubt, be a very close one, and I feel well assured the restoration of these men will result in my election, provided it can be done immediately.

The letter was dated, I think, about October 20, 1866.

By Mr. MARSHALL:

Q. You stated the other day that none of these persons did vote at the election?

A. No, sir; they did not get notice of it in time. There was considerable delay in the War Department.

EXHIBIT A.

1. Jacob Shoup, company A, 1st regiment West Virginia infantry.
2. John Wills, company A, 1st regiment West Virginia infantry.
3. Samuel Chance, company C, 1st regiment West Virginia infantry.
4. Samuel Stillwagoner, company C, 1st regiment West Virginia infantry.
5. William Snyder, company C, 1st regiment West Virginia infantry.
6. Martin Burch, company D, 1st regiment West Virginia infantry.
7. William Stephens, company E, 1st regiment West Virginia infantry.
8. John Sullivan, company F, 1st regiment West Virginia infantry.
9. Henry Doyle, company H, 1st regiment West Virginia infantry.
10. Thomas Jennings, company H, 1st regiment West Virginia infantry.
11. Henry Bushman, company I, 1st regiment West Virginia infantry.
12. Robert Reiley, company I, 1st regiment West Virginia infantry.
13. James C. Tunnehill, company I, 1st regiment West Virginia infantry.
14. James Cartwill, company B, 5th regiment West Virginia infantry.
15. Jacob Nacer, company B, 5th regiment West Virginia infantry.
16. Foster Dunn, company K, 5th regiment West Virginia infantry.
17. Enos Dunn, company K, 5th regiment West Virginia infantry.
18. David Brennard, company B, 6th regiment West Virginia infantry.
19. Henry Boreman, company K, 6th regiment West Virginia infantry.
20. Aaron Ankrom, company C, 7th regiment West Virginia infantry.
21. James Cleland, company A, 9th regiment West Virginia infantry.
22. Arthur H. Dennis, company A, 9th regiment West Virginia infantry.
23. Robert S. Harris, company A, 9th regiment West Virginia infantry.
24. William R. Goldsmith, company B, 9th regiment West Virginia infantry.
25. Jacob Short, company B, 9th regiment West Virginia infantry.
26. John F. Hood, company C, 9th regiment West Virginia infantry.
27. George Lowery, company C, 9th regiment West Virginia infantry.
28. Jacob Miller, company C, 9th regiment West Virginia infantry.
29. William McCroskey, company C, 9th regiment West Virginia infantry.
30. Alfred Berry, company D, 9th regiment West Virginia infantry.
31. George Hardee, company D, 9th regiment West Virginia infantry.
32. John S. Johnson, company D, 9th regiment West Virginia infantry.
33. John W. Berry, company H, 9th regiment West Virginia infantry.
34. Rober Huggins, company H, 9th regiment West Virginia infantry.
35. Samuel F. Brown, company F, 9th regiment West Virginia infantry.
36. John A. Baker, company A, 11th regiment West Virginia infantry.
37. George Duncan, company A, 11th regiment West Virginia infantry.
38. Noah Snyder, company A, 11th regiment West Virginia infantry.
39. Alpha O. White, company A, 11th regiment West Virginia infantry.

40. James Myers, company A, 11th regiment West Virginia infantry.
41. John Stamper, company B, 11th regiment West Virginia infantry.
42. Ephraim Nicholas, company E, 11th regiment West Virginia infantry.
43. Elijah Tucket, company E, 11th regiment West Virginia infantry.
44. W. E. Goddard, company I, 12th regiment West Virginia infantry.
45. W. T. Nichols, company B, 13th regiment West Virginia infantry.
46. Alexander McDonald, company F, 13th regiment West Virginia infantry.
47. Frank E. Barrett, company F, 13th regiment West Virginia infantry.
48. Gustavus A. Andrews, company F, 13th regiment West Virginia infantry.
49. Henry Hughart, company G, 13th regiment West Virginia infantry.
50. Isaiah McClure, company G, 13th regiment West Virginia infantry.
51. Abner Cook, company G, 13th regiment West Virginia infantry.
52. John W. McGrew, company G, 13th regiment West Virginia infantry.
53. Joseph Blair, company H, 13th regiment West Virginia infantry.
54. John Martin, company I, 14th regiment West Virginia infantry.
55. Manassy G. Steele, company I, 13th regiment West Virginia infantry.
56. Joseph Townsend, company I, 13th regiment West Virginia infantry.
57. James A. Whittington, company I, 13th regiment West Virginia infantry.
58. Wm. H. Whittington, company I, 13th regiment West Virginia infantry.
59. William H. Johnston, company I, 13th regiment West Virginia infantry.
60. Thomas Kirby, company I, 13th regiment, West Virginia infantry.
61. William Boswell, company K, 13th regiment West Virginia infantry.
62. Elvin C. Carney, company K, 13th regiment West Virginia infantry.
63. Isaac Shoemaker, company E, 14th regiment West Virginia infantry.
64. John W. Murphy, company B, 15th regiment West Virginia infantry.
65. James A. Adams, company C, 15th regiment West Virginia infantry.
66. Joseph Smith, company C, 15th regiment West Virginia infantry.
67. James A. Stewart, company E, 15th regiment West Virginia infantry.
68. Monroe Jackson, company E, 15th regiment West Virginia infantry.
69. James W. Mankins, company E, 15th regiment West Virginia infantry.
70. Henry Pratt, company H, 15th regiment West Virginia infantry.
71. Noah Rains, company A, 17th regiment West Virginia infantry.
72. Frank Holland, company A, 17th regiment West Virginia infantry.
73. Abijah Moiers, company A, 17th regiment West Virginia infantry.
74. A. K. M. Broning, company C, 17th regiment West Virginia infantry.
75. John F. Hood, company C, 13th regiment West Virginia infantry.
1. Philip Allen, company B, 1st regiment West Virginia cavalry.
2. John Foust, company B, 1st regiment West Virginia cavalry.
3. Clinton Clinebell, company C, 1st regiment West Virginia cavalry.
4. Samuel J. Malone, company C, 1st regiment West Virginia cavalry.
5. George W. Phillips, company C, 1st regiment West Virginia cavalry.
6. Archimedes Cooper, company D, 1st regiment West Virginia cavalry.
7. Joseph Gruber, company D, 1st regiment West Virginia cavalry.
8. Gideon Kent, company D, 1st regiment West Virginia cavalry.
9. John Milburn, company D, 1st regiment West Virginia cavalry.
10. Henry C. Rose, company D, 1st regiment West Virginia cavalry.
11. James Butts, company D, 1st regiment West Virginia cavalry.
12. William Touff, company D, 1st regiment West Virginia cavalry.
13. Charles Morey, company D, 1st regiment West Virginia cavalry.
14. Josiah P. Higgins, company D, 1st regiment West Virginia cavalry.
15. Walter St. Clair, company E, 1st regiment West Virginia cavalry.
16. Emans Huntley, company F, 1st regiment West Virginia cavalry.
17. Isaac Larrison, company F, 1st regiment West Virginia cavalry.
18. Clark Gridley, company G, 1st regiment West Virginia cavalry.
19. Garrett L. McConley, company G, 1st regiment West Virginia cavalry.
20. George Harman, company H, 1st regiment West Virginia cavalry.
21. Thomas Grace, company I, 1st regiment West Virginia cavalry.
22. Thomas N. Wilson, company I, 1st regiment West Virginia cavalry.
23. Wiley C. Mitchell company I, 1st regiment West Virginia cavalry.
24. Foster H. Wood, company I, 1st regiment West Virginia cavalry.
25. Joseph Durrell, company I, 1st regiment West Virginia cavalry.
26. Isaac H. O'Rourk, company K, 1st regiment West Virginia cavalry.
27. James H. Hively, company K, 1st regiment West Virginia cavalry.
28. Peter Piper, company K, 1st regiment West Virginia cavalry.
29. Caspar Happel, company M, 1st regiment West Virginia cavalry.
30. John Conrad, company M, 1st regiment West Virginia cavalry.
31. Lewis Robinson, company A, 2d regiment West Virginia cavalry.
32. Lewis Hysell, company A, 2d regiment West Virginia cavalry.
33. Franklin McCollum, company A, 2d regiment West Virginia cavalry.
34. Jerome P. Umensetter, company A, 2d regiment West Virginia cavalry.

35. Gomer Richards, company A, 2d regiment West Virginia cavalry.
36. Alfred Halsey, company A, 2d regiment West Virginia cavalry.
37. James O. Batton, company C, 2d regiment West Virginia cavalry.
38. Frederick Sweitzer, company C, 2d regiment West Virginia cavalry.
39. Elisha Barker, company C, 2d regiment West Virginia cavalry.
40. Robert Peckenpaugh, company D, 2d regiment West Virginia cavalry.
41. John H. Mullins, company D, 2d regiment West Virginia cavalry.
42. Darius Ratliff, company D, 2d regiment West Virginia cavalry.
43. Francis M. Hall, company D, 2d regiment West Virginia cavalry.
44. Amos Dunkle, company D, 2d regiment West Virginia cavalry.
45. Daniel V. Powers, company D, 2d regiment West Virginia cavalry.
46. John J. Keeton, company D, 2d regiment West Virginia cavalry.
47. Azariah Bartholf, company D, 2d regiment West Virginia cavalry.
48. George W. Eades, company E, 2d regiment West Virginia cavalry.
49. Isaac Hamilton, company E, 2d regiment West Virginia cavalry.
50. Levi McMullin, company E, 2d regiment West Virginia cavalry.
51. John Gardner, company E, 2d regiment West Virginia cavalry.
52. Josiah W. Barker, company F, 2d regiment West Virginia cavalry.
53. James Siurs, company G, 2d regiment West Virginia cavalry.
54. Robert Mankins, company G, 2d regiment West Virginia cavalry.
55. George W. Lynch, company G, 2d regiment West Virginia cavalry.
56. Isaiah C. Jeffries, company G, 2d regiment West Virginia cavalry.
57. Thomas L. Mason, company G, 2d regiment West Virginia cavalry.
58. Jacob H. Weddle, company G, 2d regiment West Virginia cavalry.
59. Biddle Yates, company G, 2d regiment West Virginia cavalry.
60. Josiah Molohon, company A, 3d regiment West Virginia cavalry.
61. George De Witt, company B, 3d regiment West Virginia cavalry.
62. Meshac A. Nethken, company B, 3d regiment West Virginia cavalry.
63. B. F. Green, company B, 3d regiment West Virginia cavalry.
64. Andrew McCrobie, company B, 3d regiment West Virginia cavalry.
65. James De Witt, company B, 3d regiment West Virginia cavalry.
66. Isaac T. Bond, company B, 3d regiment West Virginia cavalry.
67. Henry Mowry, company B, 3d regiment West Virginia cavalry.
68. Dennis Menear, company B, 3d regiment West Virginia cavalry.
69. Benjamin A. Lake, company B, 3d regiment West Virginia cavalry.
70. William H. Lewis, company B, 3d regiment West Virginia cavalry.
71. William Myers, company B, 3d regiment West Virginia cavalry.
72. Benjamin R. Wistar, company C, 3d regiment West Virginia cavalry.
73. Robert Margan, company C, 3d regiment West Virginia cavalry.
74. George H. Birch, company C, 3d regiment West Virginia cavalry.
75. Charles H. Woodward, company C, 3d regiment West Virginia cavalry.
76. George Long, company C, 3d regiment West Virginia cavalry.
77. Solomon L. Bennett, company C, 3d regiment West Virginia cavalry.
78. Jonathan F. Tate, company E, 3d regiment West Virginia cavalry.
79. Charles St. Clair, company F, 3d regiment West Virginia cavalry.
80. Samuel Norwood, company F, 3d regiment West Virginia cavalry.
81. James T. Wallace, company F, 3d regiment West Virginia cavalry.
82. Emsey Fisher, company G, 3d regiment West Virginia cavalry.
83. James Tolbert, company G, 3d regiment West Virginia cavalry.
84. John C. Alford, company G, 3d regiment West Virginia cavalry.
85. Ephraim Adkins, company G, 3d regiment West Virginia cavalry.
86. Andrew J. Prichett, company G, 3d regiment West Virginia cavalry.
87. Samuel G. Thompson, company G, 3d regiment West Virginia cavalry.
88. Silas Runion, company H, 3d regiment West Virginia cavalry.
89. Bazil Hall, company H, 3d regiment West Virginia cavalry.
90. Hugh Phelps, company H, 3d regiment West Virginia cavalry.
91. James A. Perkins, company H, 3d regiment West Virginia cavalry.
92. Allen T. McMurray, company H, 3d regiment West Virginia cavalry.
93. Robert J. Bennett, company H, 3d regiment West Virginia cavalry.
94. Henry Farley, company A, 3d regiment West Virginia cavalry.
95. Cyrus E. Hunter, company H, 3d regiment West Virginia cavalry.
96. James L. Bowers, company I, 3d regiment West Virginia cavalry.
97. Clayton J. Boggs, company I, 3d regiment West Virginia cavalry.
98. Travers F. Atkinson, company I, 3d regiment West Virginia cavalry.
99. William Anderson, company K, 3d regiment West Virginia cavalry.
100. John Conner, company K, 3d regiment West Virginia cavalry.
101. Martin Triplett, company K, 3d regiment West Virginia cavalry.
102. Emanuel McDowell, company K, 3d regiment West Virginia cavalry.
103. George L. Story, company K, 3d regiment West Virginia cavalry.
104. Joseph Scarbury, company M, 3d regiment West Virginia cavalry.

105. Marshall Osborn, company M, 3d regiment West Virginia cavalry.
106. William V. Blair, company M, 4th regiment West Virginia cavalry.
107. Jacob Grandstaff, company M, 4th regiment West Virginia cavalry.
108. Lewis L. Mullins, company M, 4th regiment West Virginia cavalry.
109. Owen Clark, company G, 6th regiment West Virginia cavalry.
110. Jacob Carr, Company A, 7th regiment West Virginia cavalry.
111. David Lewis, company A, 7th regiment West Virginia cavalry.
112. John S. Pirkey, company B, 7th regiment West Virginia cavalry.
113. William J. Cook, company I, 7th regiment West Virginia cavalry.
114. Morris F. Elkin, company K, 7th regiment West Virginia cavalry.
115. Isaac Winslow, company K, 7th regiment West Virginia cavalry.
116. Hiram Halstein, company K, 7th regiment West Virginia cavalry.

(For Exhibit B, see the testimony of Hon. E. M. Stanton, Secretary of War, for a copy of the Special Order No. 582 from the Adjutant General's office, relieving the men from the pains and penalties of desertion, referred to by the witness.)

(Copy of envelope.)

"ADJUTANT GENERAL'S OFFICE."

"Official Business:"

Assistant Adjutant General.

"Dr. M. MCEWEN,
"*Care of Hon. T. B. Florence, Washington, D. C.*"

EXHIBIT C.

AGENCY OF THE NORTH AMERICAN LIFE INSURANCE COMPANY,
488 SEVENTH STREET,
Washington, D. C., *March* 23, 1867.

DEAR SIR: I called to see you, but found you absent, and I had but one moment to stay. I was summoned to appear before the Judiciary Committee on the impeachment of the President, and was sworn and examined to-day. It was on the pardon of those five men, you remember, of the 22d Pennsylvania cavalry, of which you know all about. I want to see you this evening, as you will be summoned by the committee in the matter. Call at Mr. Hammond's restaurant at 6 o'clock, p. m. And I want to know whether you mentioned the matter to any one, as they had all the questions wrote out, and they appeared to know all about it. You will please call at the appointed time, as I can tell you all about it.

C. E. CAPEHART.

Colonel MCEWEN.

P. S —This matter is confidential on the part of the government, so say nothing to any one.

EXHIBIT D.

WASHINGTON, D. C., *January* 7, 1866.

I know the soldiers named in the foregoing statement, made by H. A. Myers, late a major of said regiment. They all live in my neighborhood, are young men belonging to respectable families, and have borne excellent reputations as soldiers and citizens. It affords me much pleasure to endorse the affidavit of Mr. Myers. I do sincerely hope you will be able to remove the charge of desertion in these cases, otherwise they get no pay or bounty and are disfranchised for life. Trusting this application will receive your most favorable consideration, I have the honor to be,

Yours most respectfully,

WASHINGTON, D. C., *February 4 and 5*, 1867.

WILLIAM HUNTER, Second Assistant Secretary of State, sworn and examined.

By Mr. COOK:

Q. Did John McGinnis, jr., receive a commission as minister to Sweden?

A. He did.

Q. What is the date of the commission?

A. 16th November.

Q. When was the commission actually delivered to Mr. McGinnis?

A. 21st December.

(Witness produces a copy of the commission, which is appended to his testimony.)

Q. When was the commission actually made out?

A. I cannot say. It was made out by George Bartle, the commission clerk in the department.

Q. When was the order for the commission issued?

A. There is no written order on file in the department. The order, as I understand from Mr. Bartle, came to him from the chief clerk, to whom, I presume, it was orally communicated by the Secretary.

Q. Do you know of any commission from the State Department being antedated?

A. No, sir, I do not. The invariable rule is, when a man is appointed during the session of Congress, to have his commission dated from the day of his confirmation; and when he is appointed during the recess, his commission dates from the day of the President's order directing the appointment.

Q. You do not recollect how it was in this particular case?

A. I do not. I never saw Mr. McGinnis, to my knowledge, and knew nothing about him, and was very much surprised to hear of his appointment, under the circumstances.

Q. Can you tell, by any record in your office, at what time the President's order for this appointment was received in the State Department?

A. I cannot. Appointments are not invariably made on the written order of the President. Sometimes the order is conveyed orally to the Secretary of State, who puts the name on paper, and sends it to the commission clerk or chief clerk, with directions to have the commission made out.

Q. What do you understand to be the amount allowed to Mr. McGinnis, either as salary or outfit?

A. There is no outfit allowed now in any shape. If his commission were dated 16th November, and delivered to him 21st December, he was entitled to a month's salary, but not for a day beyond that. There is a very wise Act of Congress in relation to these diplomatic appointments, correcting an evil that formerly prevailed, and by which persons receiving commissions and awaiting instructions are limited to thirty days' salary. If they leave for their mission before the thirty days expire they are entitled to salary only for the time they wait; but if they wait a day or two, or any number of days after the thirty days, they do so at their own expense. Under the old system of outfits there were a great many abuses.

By Mr. BOUTWELL:

Q. Did Mr. McGinnis receive instructions about the time he left?

A. He did.

Q. And after the meeting of Congress?

A. After the meeting of Congress. I presume his commission and instructions were delivered to him at the same time.

Q. The effect of his leaving is that his salary goes on?

A. Yes, sir; until he receives notice of the decision of the Senate in relation to his appointment.

Q. Had not his nomination been already sent to the Senate at the time he received his commission?

A. I do not know about that.

Q. Do you know whether he was advised by anybody in the State Department, or in the Treasury Department, that he should leave the country without waiting for the action of the Senate?

A. I do not. I never saw Mr. McGinnis, and know nothing about his antecedents.

W. HUNTER.

WASHINGTON, D. C., *February 5*, 1867.

GEORGE BARTLE sworn and examined.

By Mr. COOK:

Q. What is your official position?

A. Commission clerk in the State Department.

Q. Did you make out the commission of John McGinnis, jr., as minister resident to Stockholm?

A. I did, to the best of my knowledge. Sometimes I have a good deal of business on hand, and have my assistant in my room to make out commissions. My best impression is, that I made out this commission myself.

Q. Can you tell the committee what time you made it out?

A. I am not prepared to say, but I think I made it out the day that the commission bears date.

Q. Have you any means by which you can fix the exact time that it was made out?

A. I have not. I never keep a memorandum of the dates on which commissions are made out.

Q. How do you fix the date of the commission?

A. When the appointment is made during the recess of Congress, we date the commission from the day of the appointment. When the appointment is made during the session of Congress, the commission is dated the day of the confirmation.

Q. Are commissions always made out on written orders?

A. No, sir; sometimes there are verbal orders, and sometimes a mere pencil memorandum, which I afterwards throw aside.

Q. Do you know whether this commission of Mr. McGinnis was made out on a verbal or on a written order?

A. I do not, but my impression is that it was on a verbal order.

Q. Given by whom?

A. By Mr. Chew, I think, though I am not positive about that.

Q. Mr. Chew is the chief clerk?

A. Yes.

Q. When commissions are made out upon a verbal order, how do you designate the time that they are to bear date; is it by the time when you receive the order?

A. Yes, sir, that is the usual course pursued.

Q. Do you recollect whether or not this commission of Mr. McGinnis was dated on the day that it was actually prepared?

A. No, sir, I do not.

Q. Have you any recollection of the circumstances, so as to be able to state

definitely whether it was made out on the day that you received the order from Mr. Chew?

A. My best recollection is that it was made out the day the order was given. I have never ante-dated a commission to my knowledge.

Q. If the order was given one day, and the commission were made out a subsequent day, must it not necessarily have been ante-dated?

A. If an order were given to-day, and I had not time to make out the commission, I might possibly date it to the next day, when I did make out the commission. The rule I have always observed is, that if I have an order to make out a commission to-day, and do not make it out until to-morrow, I date it the day I receive the order; but I might possibly date it the day I make out the commission.

Q. Then you have no rule on the subject?

A. No, sir.

Q. Suppose the order were a written one from the President of the United States, dated the 1st of February, and you should fill up the commission on the 1st of March, what date would you put on the commission?

A. If the order were received from the President on the 1st of February, and if there were no particular direction on the subject, I should date the commission on that day.

Q. Suppose the order were a verbal one, given you on the 1st of February, and you did not make out the commission until the 1st of March, what date would you put on the commission?

A. I do not know that I can answer that question, because I never left an order unfilled that length of time.

Q. Suppose there were five days between the date of the order and the time of filling the commission?

A. I would date it the day I received the order, although, as I said before, there was no rule on the subject.

Q. Suppose you received a verbal order, the last of November, to fill up a commission for a minister resident at Stockholm, and that you should delay doing so till the first Monday in December, the day Congress meets, what date would you put in that commission?

A. I should very likely put in the day when it was ordered.

Q. Why?

A. When an order is given during the recess of the Senate, we generally date the commission the day of the order; but when an order is given during the session of the Senate, we wait until the appointment is confirmed, and date the commission on that day. If this order were given during the recess of the Senate, we should probably date it the day of the order.

Q. And that whether the order was verbal or written?

A. Yes, sir.

Q. Did I understand you to say that you have no recollection of this particular case?

A. I have not. The best recollection I have of it is that the commission was made out on the day it was ordered.

Q. Do you know when it was delivered?

A. No, sir; that matter I do not have charge of. I merely make out the commission, and then it goes into the hands of another person.

Q. When did it go to the President for his signature?

A. That I cannot say. I kept no memorandum of that. I simply make out the commission, send it up for signature, record it when it returns, and then deliver it to the clerk who has charge of it.

Q. Who has charge of commissions after they are signed?

A. One of the diplomatic clerks—I think Mr. Chilton; although I am not sure.

Q. Who carries commissions to the President?

A. The messenger, I presume; I do not know.

Q. To whom did you deliver this commission of Mr. McGinnis, when you made it out, to be carried to the President?

A. I cannot answer that. I suppose I delivered it to one of the messengers to be brought down stairs. It is possible I may have carried it myself to Mr. Chilton. I have no recollection about it.

Q. Please to state what the records of the State Department show in reference to this appointment—as to the filling up of the commission, the signing of it by the President, the return to the department, and its delivery to Mr. McGinnis.

A. The records of the department will not show anything except the recording of the commission.

Q. Will not the records of the department disclose more than that concerning other commissions to persons appointed during the recess of the Senate?

A. No, sir, I do not think they will. There may possibly be some such cases, but I cannot call them to mind now.

Q. Are you positive that the order to fill out this commission of Mr. McGinnis was a verbal order?

A. No, sir; I am not.

Q. Can you ascertain whether or not it was a verbal order?

A. I don't think I can. As I said before, I have no memoranda. My impression is that the order came from Mr. Chew verbally.

Q. Do you not enter on books in your office the date of filling up of the commission?

A. Only such date as the commision bears; no other date.

Q. Then there is nothing on your books disclosing the time when the commission was actually made out?

A. No, sir, I do not think there has been any such record kept in the office.

Q. Into whose hands do commissions go after coming from the President?

A. They come to me for record.

Q. Can you inform the committee what was the date of the return to you of Mr. McGinnis's commission for record?

A. No, sir.

Q. Can you give the date of its being recorded?

A. No, sir; there has not been, since I have been in the department, any such entry made.

Q. Do you preserve those pencil memoranda or orders for commissions?

A. No, sir, I do not.

Q. How are those commissions recorded in your department?

A. There are special books for the different commissions—for commissions of ministers, of consuls, &c.

Q. According to your best recollection, you made out this commission of Mr. McGinnis in your own handwriting?

A. My impression is I did.

Q. How distinct is that impression?

A. It is very strong; although, as I stated before, it may have happened that I got my assistant to do it. I am very strongly impressed, however, that I made it out myself.

Q. You think the order to fill up this commission was communicated to you by Mr. Chew?

A. I think so.

Q. At what time did this commission leave your custody?

A. After it received the signature of the Secretary. Probably not more than a day elapsed, when it was sent to the clerk who has charge of these matters.

Q. Can you ascertain the date?

A. I cannot ascertain the date on which it left my custody.
Q. Into whose hands did it go when it left your custody?
A. It should have gone into Mr. Chilton Robb's.
Q. Do you know whether it did go into his hands?
A. I think it did.
Q. Is there any record kept of the time that the commission leaves the department?
A. No.
Q. No record of the date of its delivery?
A. There might be a record of its delivery by some other clerk. On making out commissions to the Post Office Department I do not write the letters accompanying them; I simply enclose them, when they are made out, to the Postmaster General.
Q. Of course, a commission of this kind would not go to any other department?
A. No, sir; nor would I know anything of its disposition after it left my hands.
Q. Do you know whether there is any record kept of the commissions sent by mail, or of those delivered in any other way?
A. I presume there might be a record in another branch of the department, but my work is done when I make out a commission of that character and report it.
Q. Who places the seal of the United States upon commissions?
A. I do.
Q. At what time do you affix the seal?
A. As soon as ever it receives the countersign of the Secretary.
Q. Which is after the signature by the President?
A. Yes.
Q. Is there any way by which you can ascertain the date of the sealing of a commission?
A. No.

By Mr. COOPER:

Q. You say this commission is recorded in a book; what commissions are recorded in that same book—the commissions merely of ministers?
A. All diplomatic officers, ministers resident, envoys extraordinary, secretaries of legation, and perhaps some others of a diplomatic character; but they are entirely kept separate from the consular.

By the CHAIRMAN:

Q. Can any member of the committee of the House of Representatives, charged with an investigation in connection with any act of the State Department, be privileged to examine the records of the department?
A. That question lies entirely with the Secretary.
Q. You have no rule upon the subject?
A. No.
Q. Is it customary or not to permit it?
A. I have never known a case in the business with which I am connected that any person was authorized to examine the records except myself. I might say, however, there might be cases where the Secretary may give permission. I don't know what he might authorize in such a matter, but I have no knowledge of any examination being made of the records.

WASHINGTON, D. C., *February* 18, 1867.

Hon. HUGH MCCULLOCH sworn and examined.

By Mr. BOUTWELL:

Q. In Executive Document No. 14, printed by the Senate at the present session, page four, is a list of names of officers of the internal revenue appointed during the recess of the Senate in 1865, whose names were withheld from the Senate the following session, but have continued in office to the adjournment thereof; have you the papers relating to the officers spoken of in that list?

A. I have brought with me a statement of the facts in each case to which my attention has been called, and which I hand to the committee for such use as they see proper to make of it. In each case the appointment clerk states that the nomination was accidentally omitted. I apprehend that the accidental omission is to be attributed to the fact that the secretary of the President having the matter in charge, was, near the close of the session, engaged elsewhere, and that the nominations were, therefore, overlooked.

Q. Is it the custom of the department to send to the President, at or about the commencement of the session, the names of persons who have been appointed during the recess?

A. The practice of the department is to send them in during the session; sometimes at an early day and sometimes at a later day. The custom officers were appointed for four years, and most of their terms expired during the recess, and all, or nearly all, of whom received temporary commissions. It was the intention of the department that all the nominations should be sent to the Senate. We sent to the President, I think, the nominations for all the offices which had been filled during the recess, to be filled permanently, with the consent of the Senate; and I supposed at the adjournment that all the nominations had been acted upon.

Q. Is it not the practice to prepare, with your list, the customary message which the President sends in making the nomination?

A. We do not usually send from the department a list of the offices to be filled. We send to the President separate nominations, with a statement of the recommendations, if there are any, in each case, and a letter of nomination, to be signed by the President and forwarded by him to the Senate; so that there is a communication to the Senate with each nomination.

Q. Considering for the present occasion, the names of the persons connected with the internal revenue offices, were there not many other appointments made during the recess besides these which were not sent in, as shown in this statement, and whose nominations were made to the Senate and acted upon during the session of 1865–'6.

A. I don't know how many in the Internal Revenue Bureau. There were very few changes made in the officers of internal revenue. There were no vacancies that I can remember of, occurring by death. Officers of the internal revenue hold their positions indefinitely. I do not think there were many nominations made. Nearly all the officers of customs, however, were temporarily appointed during the recess of the Senate, their terms of office having expired after the Senate adjourned.

Q. Your statement is, that these names were sent to the President to be nominated by him to the Senate, and, that until the adjournment, you supposed they had been nominated to the Senate for action?

A. That is my impression; in fact, I am quite sure of it. I supposed that all the nominations had been sent to the Senate, but upon ascertaining that such was not the fact, we immediately took the necessary steps to have the offices filled.

Q. Under the head of "remarks," it appears that some of these persons were

not nominated to the Senate, and that they were still in office; have they been recommissioned, or are they still holding their old appointments?

A. Mr. Cadwallader, assessor of the fifth district of Pennsylvania, I think, has not been recommissioned. It was not discovered until some time after the Senate adjourned, that he had not been nominated for the place he held. The name of Nathan C. James was sent in as his successor during the present session, and his nomination has been rejected by the Senate. By some oversight, the fact that Mr. Cadwallader's name had not been sent to the Senate at the previous session was not discovered, and he continued to hold over under his old appointment.

Q. Was Peter McGough recommissioned?

A. He was not. His case was a singular one. He has been holding office without his nomination having been acted upon since 1864. The error was first committed in the office of internal revenue. As soon as it was discovered that his nomination had not been sent to the Senate, a nomination was sent in, and is now before the Senate.

Q. How soon after the adjournment of Congress did you discover that these errors had occurred?

A. The different errors were discovered from time to time. The fact that the nominations for surveyor of customs and naval officer for Philadelphia had not been sent to the Senate, was discovered pretty soon after the adjournment of the Senate, and on the 3d of August, temporary appointments were given to the officers who had been holding their respective offices for the previous four years.

Q. It appears that in the case of the naval officer, Joseph R. Flannigan was appointed in the place of Mr. Wallace on the 16th of September, 1866.

A. Mr. Wallace was recommissioned on the 3d of August, 1866, and removed on the 16th of September, by the appointment of Joseph R. Flannigan, whose name was sent to the Senate and has been acted upon unfavorably.

Q. Was there not a list made out at the internal revenue office soon after the adjournment of Congress showing the vacancies which existed in consequence of the failure to nominate to the Senate?

A. If so, it never came to my observation. My impression is that these errors were discovered at different times, and communicated by the Commissioner of internal revenue to the department, or else the discovery was made in the appointment office. I do not recollect by what means my attention was called to the omissions.

Q. In each case where a person appointed during the recess was confirmed by the Senate, it would be necessary for him to file a new bond and take the oath anew, would it not?

A. In all cases.

Q. Then the records of the office would show at once, would they not, who had been qualified from the several districts?

A. Certainly they ought, and do in cases where bonds are required.

Q. So that really there would be no difficulty in seeing at a glance on the books of the office whether these places had been filled in the regular way?

A. I do not know how the records are kept in the office of internal revenue. There should have been a list kept from which it would have been easy to have ascertained the omissions.

(The following addition to this answer was subsequently made by witness:)

The following statement by the appointment clerk affords the necessary information on this point: "In all cases the oath of office is required to be filed before the commission is issued, and in case of bonded officers commissions are not issued until the bonds are filed and approved, which requires considerable time. The appointment clerk is, or should be, notified by the commissioners of customs and of internal revenue when the parties commissioned have been duly

qualified and entered upon the discharge of their duties. When many cases are pending, errors and omissions will sometimes occur without being immediately discovered."

Q. Did you take any advice or form any opinion as to the legality of allowing these officers who had been appointed during the recess, and whose nominations were not sent in during the session of 1865, to hold office after the adjournment of Congress?

A. I supposed they held without authority of law, and therefore took the earliest opportunity to have new appointments made after my attention was called to the fact of the omissions referred to.

Q. The list shows two persons to have continued to hold on until now, under the appointment made during the recess, after the session of 1864–'65?

A. Yes; Mr. Cadwallader and Mr. McGough, in reference to whom statement has been made already.

Q. Does it not follow that all their proceedings are either void or voidable?

A. Hardly. I do not suppose their proceedings would be void. The only question considered was whether in case of any defalcation the sureties would be liable.

Q. What opinion did you have in regard to that?

A. My opinion was that the sureties would not be liable.

Q. Have you with you all the papers that have been filed in reference to the appointment, or applications for the appointment, in case of the naval officer at Philadelphia?

A. I have all the papers on file in regard to the appointment of Flannigan as naval officer. Mr. Flannigan was appointed by the President, and no papers are on file recommending him. It was one of the few appointments that were directed to be made by the President from his own personal knowledge and without any outside recommendations.

Q. Are there papers on file in regard to Wallace, or in regard to any other person who may have been an applicant for the place?

A. There are many papers on file recommending Joseph Severns for surveyor of the port of Philadelphia, to fill the vacancy occasioned by the resignation of E. Reid Meyer.

Q. In regard to the appointment of Flannigan, have you any written direction for his appointment?

A. The only paper on file reads as follows:

EXECUTIVE, *September* 7, 1866.

Case of the application of J. R. Flannigan, for appointment as naval officer at Philadelphia, *vice* Dr. Wallace, removed.

Referred to the Hon. Secretary of the Treasury, who will please make this appointment.

By order of the President:

ROBERT JOHNSON, *Private Secretary.*

Q. Do you remember to have seen at any time any papers relating to the application of Mr. Flannigan?

A. I do not. My opinion is that this was an appointment made by the President from personal acquaintance with the applicant.

Q. The earliest appointment of any person to either of the offices named in the list of offices of the internal revenue is that of Andrew S. Holliday, of Nebraska, September 17, 1866. Were none of these ever discovered until at or about the time of this appointment?

(See statement appended.)

A. It is possible that my attention may have been called to the facts some little time before this appointment, but action was taken as soon as we had advice in regard to the proper persons to fill the vacancies. I do not think any

considerable time intervened between my knowledge of the respective omissions and the necessary appointments.

Q. Why were these persons who had been appointed during the recess between the thirty-eighth and thirty-ninth Congresses not reappointed?

A. A number of them were. Some of them were not, because other names were presented which were more acceptable to the Secretary and the President.

Q. Is it not true that the nominations of these appointees were withheld from the Senate because the occupants of the offices were unsatisfactory to the Secretary and the President?

A. I think not. My impression is that they were withheld purely from accident.

Q. What happened after the adjournment of the Senate, in reference to these men, which led to the substitution of others for them? Take, for instance, the case of Selfridge.

A. It was discovered that General Selfridge was holding without authority of law; that his name had not been sent to the Senate, and the question then came up, by whom should the office be filled? The President, on receiving satisfactory recommendation of Mr. Neimann, appointed him to the place held by General Selfridge.

Q. It was not the fault of General Selfridge that he held without authority of law, was it?

A. It was not. The fault in this case may have been in the Treasury Department, although I think our appointment clerk is of the opinion that General Selfridge's name was sent to the President. It is a matter about which I am not entirely clear. I know I was quite surprised that the Senate should adjourn without any action being taken in his case, and upon discovering that his nomination had not been acted upon, I took the necessary steps to have the omission corrected.

Q. If it was your intention, and the intention of the President, so far as known, to send in the name of General Selfridge, and that intention remained through the last session of the Senate, what occurred afterwards that changed your view, or that of the President, in reference to his being reappointed?

A. There was nothing special that I recollect of in the case. When it was discovered that the office was vacant, the question then arose, how should it be filled? And, after giving the matter a careful examination and examining the papers on file, the President concluded, I think, on the advice of the Secretary, to appoint Mr. Neimann in his place.

Q. Have you the papers in behalf of Mr. Neimann?

A. I have.

Q. Will you give the names of the parties who recommended Mr. Neimann, and the date of the recommendations?

A. There is one fact I have omitted to state. Soon after it was discovered that the name of General Selfridge had not been sent to the Senate, Charles Glanz was appointed, but declined to accept the appointment. He declined on the 29th of October, on the ground that he was engaged in brewing, and he thought it might be inconsistent with his duties to the government, as an officer, to continue his business, which he was not then in a condition to close up. In sending in his declination, he recommended Mr. Neimann, under date of October 29. On the 1st of November Mr. Neimann appears to have been recommended by D. M. Van Auken, and on the 6th of November by Philip Johnson, the representative of the district in Congress; on the 9th of the same month by O. B. Hetrich, the collector of the district.

Q. If there are other papers relating to that district, please give the names of the persons representing other parties.

A. General Selfridge had on file a number of endorsements which he wished to have returned, and which have been returned. There was one endorsement

from General Sherman. The only paper I have with me, asking for the appointment of General Selfridge, is that of Mr. A. Miller, dated the 8th of November. There may have been other papers in his behalf which I did not suppose the committee would desire to inquire into, and which I have not here.

Q. In the case of the fifth district of Wisconsin, I ask you by whom was Mr. Sorrenson recommended?

A. The only paper I find on file is a letter I addressed to Postmaster General Randall, under date of September 25, asking him to name a man who, in his opinion, was most fit to be appointed as assessor in that district, and on that letter, which was returned, I find the name of Adolph Sorrenson in the handwriting of the Postmaster General. I apprehend he must have returned the letter personally.

Q. Mr. Garry had held office until the date of that letter, in September, 1866?

A. Yes, sir.

Q. What objection had you to Mr. Garry which led you to ask the Postmaster General to suggest another name?

A. I knew nothing about the incumbent. The office was vacant, and I desired to have it filled in a manner which would meet the approbation of Mr. Randall, who, I supposed, would be as likely to give me reliable information in regard to the men who were applicants for offices in that State as any one.

Q. In the case of Nebraska, Mr. Holliday seems to have been appointed in the place of a man by the name of Burbank. What papers are on file in regard to this appointment?

A. There are on file the following papers: A communication to the President, dated August 28, 1866, recommending Mr. Holliday, signed by E. Worthney, H. C. Lett, James Berry, W. H. Hackney, S. R. Jamison, Samuel Crane, and James Craig. On the 7th of September a communication was received by the Secretary from General J. W. Denver, recommending Mr. Holliday, and asking for his appointment. These are all the papers on file relating to Mr. Holliday. There are other papers on file, under date of September 13—one from Mr. Hitchcock, the delegate from the Territory, recommending Frederick Renner, and one under date of January 29, also recommending him.

Q. According to this printed statement before referred to, a man by the name of Burbank was appointed in the place of Thomas W. Tipton. Are there any papers on file in relation to the appointment of Burbank?

A. It seems, from the papers, that Tipton was appointed in the place of Burbank, who resigned, and Holliday was appointed in place of Tipton, whose name had not been sent to the Senate.

Q. Are there any papers on file in relation to the second district of Georgia?

A. There are certain papers on file in regard to that case. J. E. Webster was appointed assessor on the recommendation of Governor Johnson, who addressed a letter in his behalf to the President, under date of June 19, 1865. Upon the discovery that his name had not been sent to the Senate, a temporary commission was issued to him on the 10th of October, 1866. He was nominated to the Senate January 14, 1867, and confirmed February 1, 1867.

Q. In the fifth Pennsylvania district what papers are on file in the case of A. S Cadwallader?

A. There are a number of papers on file. He was appointed on the 13th of September, 1865, in place of Cowan, resigned. It was not discovered or brought to my attention until a considerable time after the adjournment of the Senate that his nomination had not been sent to the Senate for action. As soon as practicable after the discovery of this omission was made, steps were taken to fill the vacancy, and the name of Nathan James was sent to the Senate on the 7th of January, 1867. No temporary appointment was made during the recess.

Q. Why was Mr. Cadwallader not continued in office?

A. I know of no other reason than that the President preferred, with the

papers before him, to send to the Senate the name of Mr. James, who was strongly recommended.

Q. Please give the names of persons who recommended Mr. James, and the grounds on which they recommended him.

A. He was recommended by S. J. Randall, on the ground that his appointment would be satisfactory to the friends of the administration, and on account of his capacity and integrity. Mr. Cadwallader's removal was asked for by Mr. Ross, the democratic candidate for Congress, for the reason that he was contributing his money and means and individual exertions for his (Ross's) defeat. Mr. Ross recommended the appointment of James on political grounds.

Q. In any of the papers, so far as you know in this case, are there any charges of official misconduct or incapacity against Mr. Cadwallader?

A. None that I am aware of. His removal was strongly urged; but it was not thought advisable to remove him or take any action in his case until the Senate could have an opportunity to act upon the nomination of a successor.

Q. And Mr. James, recommended by Mr. Ross, was nominated at the present session?

A. He was. No removal was made, although Mr. Ross asked for it.

Q. In the case of the third district of Missouri, what papers are there on file in reference to the appointment of Mr. Glover?

A. The papers show that Mr. Ingham was appointed collector of that district, under a new organization of the Missouri districts, on the 29th of April, 1865. His name was accidentally omitted to be sent to the Senate, and on the 26th of September, Job W. Glover was appointed collector of that district.

Q. By whom was Glover recommended?

A. He was recommended for the place by the Missouri delegation to the Philadelphia Convention, in a communication addressed to the President, without date, but which seems to have been received by him on the 25th of August, 1866. That was the only recommendation.

Q. These papers state that Colonel Glover was previously nominated to that office by you; had Colonel Glover been nominated before?

A. I have no recollection of any previous nomination or appointment.

Q. In the letter of S. I. Glover the writer says that over three months ago his brother, J. W. Glover, was recommended by the people in that part of the State, &c.; have you any knowledge of that recommendation?

A. I do not find it on file; it may have been misplaced.

Q. In the case of the sixth Missouri district, what papers are on file in reference to the appointment of Mr. Black?

A. The only paper I find on file in relation to his appointment is a letter addressed to the Secretary under date of September 4, 1866, by Austin S. King.

Q. What reason did Mr. King offer for the appointment of Mr. Black?

A. In his letter to the Secretary he refers to certain recommendations of Mr. Black which had been forwarded to the President, but which I think have never been sent by the President to my department. He writes that that district is the most important one in the State, with a very heavy conservative population and great wealth; that under the deplorable political condition of the country, the people feel severely the opposition to the administration of President Johnson by the federal officers. He therefore asks the removal of the incumbent and the appointment of General Black. In this connection he does not allude to the qualifications of General Black, but refers to the strong recommendations that have been sent to the President.

Q. In the case of the fifth Michigan district, what papers are on file in support of the application of Seymour Brownell?

A. Mr. Brownell was recommended by a number of persons in a communication under date of August 29, by James B. Lee, a member of the State Executive Committee, under date of September 8, by General Morrow Morrill, by

telegram, under date of October 1, and by a letter from D. E. Harborn, collector of the first district of Michigan, under date of October 16, and by Alfred Russell, by telegram of the same date.

Q. In Executive document No. 67, House of Representatives, present session, I find a list of names of persons appointed officers of the internal revenue, who have been rejected by the Senate in 1866; take as an example the case of Sloanaker, of the second district of Pennsylvania, who was rejected by the Senate July 10, 1866; what reasons, if any, existed for the reappointment of Mr. Sloanaker after he had been rejected by the Senate?

A. I am not aware of the reasons which influenced the President in that action. I think the President was advised that the Senate itself had reconsidered its action once or twice in relation to Sloanaker, and that he thought Sloanaker would make a good officer.

Q. He had been finally rejected by the Senate, however, had he not?

A. Yes, sir; and he was reappointed after his rejection.

Q. Do you know of any special reasons for the reappointment of any of these persons upon the list?

A. As this inquiry was not covered by the communication of the committee requesting me to appear before them, my attention has not been directed to these cases. I have some recollection of the cases of Glover and Crittenden, of the third and fifth districts of Missouri, Langdon of the first Ohio, and Loomis of the first Michigan. I think the appointments were made in these cases because the nominees had been soldiers, and were recommended as particularly meritorious. So far as the others are concerned, I have no recollection now of the reasons that operated upon my mind or the mind of the President (if they were ever communicated to me) for the action which was taken in their behalf.

Q. Did you recommend the reappointment of the persons you have named?

A. I recommended some of these persons myself. The offices were vacant, and I entertained the opinion that it was competent for the President to fill them by appointing the persons who were rejected by the Senate, notwithstanding their rejection.

Q. On this list there are two reappointments as early as the 3d of August, 1866, two or three days after the adjournment of the session. I refer to the cases of Sloanaker of Pennsylvania, and J. W. Stewart of the second Iowa district. By what means were you and the President informed that vacancies existed in these districts?

A. When nominations have been rejected by the Senate, advices of the rejections are sent to the President, and by the President to the Treasury Department. This is the usual course of procedure. The Senate advises the President of non-concurrence, in a communication sent to the Executive, which is in due time forwarded to the Treasury Department.

Q. One or two of these persons were rejected as early as the 26th of June. This was more than a month before the expiration of the session. Do you know why another nomination was not made?

A. I do not know. I have no particular recollection of any of these cases except the ones I have referred to. All the departments were crowded with business, and I presume that neither the President nor the Secretary in these cases could have acted advisedly more speedily than they did. I wish to say in regard to these nominations, which were to be sent by the President, that I had no reason to suppose that the omission was not purely accidental. I believe it to be attributable chiefly to the fact that Mr. Cooper, who had charge of these papers, was away from his office, and the papers of the office were therefore in some confusion.

The above testimony having been submitted to the witness, he added thereto the following:

I desire that the accompanying paper, &c., marked A, should be regarded as part of my testimony. H. McCULLOCH.

A.

The following answer is submitted in addition to the testimony of the Secretary before the Judiciary Committee, in reply to the question of Mr. Boutwell, which reads as follows: "The earliest appointment of any person to either of the offices named in the list of offices of the internal revenue is that of Andrew S. Holliday, of Nebraska, September 17, 1866; were none of these ever discovered until at or about the time of this appointment?"

The Appointment Bureau of the Secretary's office was in process of organization during the last session of Congress. The commissions for officers of customs, mint, assistant treasurers, supervising inspectors of steamboats, and heads of bureaus of Treasury Department, were issued from there during the session, and a complete record was kept of everything pertaining to appointments of the above description, and all applications for the offices kept properly filed. The fact that the nominations of two persons in the customs branch had been accidentally omitted from the Senate, was known at once by the appointment clerk, by reference to his records, and upon reporting the cases to the President, he directed temporary commissions to be immediately given to the officers whose nominations had been omitted, which was done three or four days after the adjournment of Congress.

It became the practice, during the second year of Mr. Chase's administration, of filing all applications for office under the internal revenue with the Commissioner of Internal Revenue, and the commissions were made out there, and all information concerning appointments in that branch of the public service was kept by the Commissioner.

After the adjournment of the last session of Congress, the Secretary, in view of the inconvenience attending this arrangement, and the impossibility of keeping the records correct, directed on the 28th of August, 1866, (copy of order enclosed,) that all records, applications, &c., be transferred to his office and placed under charge of the appointment clerk, who was instructed thereafter to superintend the issuing of nominations and commissions, and the filing of applications, &c. The execution of this order occupied a week or more, and as soon as the transfer was completed, a thorough examination of the records revealed the fact that several persons were conducting offices without proper commissions. These facts were reported to the Secretary as fast as discovered, and action taken by him at the earliest practicable moment thereafter.

The foregoing are the reasons why the customs offices were filled at once by new appointments, and delay occasioned in cases of offices under the internal revenue similarly situated.

TREASURY DEPARTMENT, *August* 28, 1866.

SIR: It has been decided, in view of the inconvenience experienced in this office by the filing of applications for officers under the internal revenue in your Bureau, to transfer all papers relating to appointments of collectors, assessors, and tax commissioners to the appointment room in the office of the Secretary; and you will therefore please turn over all such papers and records to Mr. Creecy, the appointment clerk, at the earliest practicable moment.

You will detail Mr. Goodhue, a clerk in your office, for temporary duty under the direction of Mr. Creecy.

I am, respectfully,

HUGH McCULLOCH,
Secretary of the Treasury.

E. A. ROLLINS, Esq.,
Commissioner of Internal Revenue.

WASHINGTON, *February* 20, 1867.

GEORGE PARNELL sworn and examined.

By Mr. BOUTWELL:

Q. State your name, residence, and occupation.

A. George Parnell; I reside in Washington City; I am at present Deputy Commissioner of Internal Revenue.

Q. Is it within your knowledge that persons were appointed to the office of assessor or collector of internal revenue during the interval between the 38th and 39th Congresses, whose appointments were not submitted to the Senate at the next session?

A. Our records show that I was not in the office at that time.

Q. Have you examined the records to see how many such cases there were?

A. Not fully.

Q. Will you look at Executive Document No. 14, of the Senate, page 4, and see if the names contained in that list were so appointed and not nominated to the Senate?

A. Yes, sir.

Q. Are there any others of the same slip whose names are not there?

A. I think not; I am not certain, however.

Q. Will you state what the practice of your office is in regard to appointments that are made during the recess of Congress?

A. We made out a list of such appointments after the meeting of Congress, and sent it over to the Secretary of the Treasury.

Q. Do you know how it was in December, 1865—whether such a list was made of the appointments?

A. I was not in the office at that time, but I have been told that such a list was made out some time prior to December 20.

Q. What officer had charge of that business at that time?

A. A clerk named Huntington had charge of it, under the deputy commissioner.

Q. When did you come into office?

A. About the 20th of December, I think.

Q. But you had been in the office before that in some capacity?

A. Yes, sir; I was, as revenue agent, and just previous to my appointment as deputy commissioner I acted as chief clerk, although holding my commission as revenue agent.

Q. What was done, if anything, in reference to appointments that had been made and not confirmed by the Senate?

A. I think lists were made out towards the close of the session, showing the disposition that had been made so far as we knew.

Q. What was done with those lists?

A. They were sent to the Secretary's office after the adjournment in July, 1866. A list of vacancies caused by the Senate not confirming the appointees was also made out.

Q. How soon after the adjournment?

A. I do not recollect; probably within a week or thereabouts.

Q. Do you know whether any request was made by the Secretary for any such list?

A. I do not recollect; I presume there was. There was a list of that character made informally, and was requested informally through the appointment clerk. We sent these lists to the Secretary's office, and, of course, could not speak as to their ultimate destination. It was presumed he sent them to the President, and in some cases other persons were substituted so that our records are incomplete.

Q. Are there any recommendations in favor of candidates for appointment in the office of internal revenue now in your office?

A. No, sir.

Q. What has been done with them?

A. They were transferred to the Secretary's office last summer

Q. At what time?

A. I think it was in August.

Q. What was the reason of the transfer?

A. I do not know. They were frequently called for from the Secretary's office, and I presume they were transferred for convenience.

Q. Were any representations made at any time by or through the internal

revenue office to the Secretary of the Treasury concerning these vacancies at or about the time Congress adjourned, except the list you speak of?

A. Not that I know of.

Q. Was the question ever considered, so far as you know, by the Secretary of the Treasury or Commissioner of Internal Revenue,or any officer of the Treasury Department, whether these persons who had been appointed during the interval and not nominated to the Senate and continued in office, were legally in office after the adjournment of the Senate?

A. No, sir. I do not know that there was until quite recently.

Q. Were there many changes made in the internal revenue office, assessors and collectors, between July and November last?

A. Yes, sir; a large number.

Q. So far as you know, what was the effect of these changes upon the administration of the office in the collection of internal revenue?

A. I think it was bad.

Q. So far as you know, were any of the men removed for official misconduct or incapacity?

A. I have no case in my mind now.

Q. What was the character of these men who were removed, for experience, capacity, and fidelity?

A. I should say that it was good; as good, on an average, as those who were not removed.

Q. What has been the effect of the changes upon the business of the internal revenue office? Has it interfered with the management of it?

A. I should say that it made more work in the office.

Q. Do you know anything about its effect upon the revenue?

A. No, sir; not definitely—only by inference.

Q. What is your opinion about it?

A. My opinion is that it was disadvantageous on the whole.

Q. That less revenue has been collected?

A. I think so.

Q. Have you any idea of the extent to which the revenue was diminished?

A. No, sir.

WASHINGTON, *February* 27, 1867.

J. L. W. HUNTINGTON sworn and examined.

By Mr. BOUTWELL:

Q. Where do you reside?

A. I reside at present in Washington city. I am a clerk in the office of internal revenue.

Q. You have charge of the books and papers in the office relating to the appointment of assessors and collectors?

A. I had. There are no applications filed in our office at the present time. They were transferred to the Secretary's office last year, but I have charge of the books and papers relating to the appointment of subordinate officers.

Q. How long have you had charge of these books and papers?

A. I think since the 1st of August, 1865.

Q. Do you know whether at or about the meeting of Congress, in December, 1865, a list was made out which contained the names of persons who had been appointed to office during the recess of Congress?

A. I kept such a list for my own information, and I think I made out such a list at the request of Mr. Rollins.

Q. What was done with that list?

A. I made out a list and took it in to Mr. Rollins, and he desired me to make a copy of it. I think the copy was sent to Mr. Creecy, in the Secretary's office, for the information of the Secretary.

Q. Will you look at executive document No. 14, of the Senate, page 4, and state whether or not the names of assessors and collectors in the table on that page were among those who were in the list to which you have alluded?

A. Yes, sir. I think all of these were on that list, together with others.

Q. Was not a similar list made subsequently, or during the session of Congress that commenced December, 1865?

A. Yes, sir. One list was made just before the adjournment and another just after.

Q. What did the list made just before the adjournment contain?

A. It contained a list of all vacancies and those who had not been confirmed.

Q. Do you know whether the names contained on page 4 of the document referred to, was in that list made just before that adjournment, as not having been confirmed?

A. I do not know whether this was on the list made just before or just after.

Q. What was done with those lists?

A. I do not know. I think they were sent to the Secretary. Mr. Creecy, the appointment clerk in the Secretary's office, sent over and requested that such a list be made out. I made it out and sent it over to the Secretary's office.

Q. How long after the adjournment of Congress was it that the list was made out?

A. I could not tell exactly. It was a short time; probably about ten days.

Q. This last list, as I understand you, contained the names of the collectors and assessors of internal revenue whose nominations had not been confirmed by the Senate?

A. Yes, sir.

Q. And in this last list were the names mentioned on page 4 of Senate document?

A. I think they were on the last list made out. There were also other names on this last list—names of collectors and assessors in Tennessee, and still others besides the Tennessee appointments.

Q. Were the Tennessee appointments made during the recess preceding the session of 1865?

A. Yes, sir. The nominations were made out and sent to the Secretary for the President. They were sent over to the President and were returned. They were, however, nominated to the Senate afterwards.

Q. Were the same persons nominated?

A. I think so, in many cases.

Q. Did you have charge of the papers relating to appointments?

A. They were kept in an adjoining room, but I always had access to them. When the commissioner wanted to see any of them he always called on me for them.

Q. Do you know whether there were any papers from the President relating to any of the districts specified in the table on page 4?

A. Yes, sir. There were numerous papers in the Pennsylvania districts.

Q. Do you remember whether the President's endorsement was upon them?

A. I do not remember.

WASHINGTON, D. C., *February* 27, 1867.

CHARLES EATON CREECY sworn and examined.

By Mr. BOUTWELL:

Q. Where do you reside, and what is your occupation?

A. I reside in Washington, and I am a clerk in the Treasury Department.

Q. Do you have charge of the papers relating to the appointment of assessors and collectors in the internal revenue office?

A. I do.

Q. How long have you had charge of these papers?

A. I have had charge of them since some time in September—probably the latter part of September last.

Q. Had you, previous to that time, the custody of papers relating to appointments to, and applications for, office in the Treasury Department?

A. Yes; the papers relative to all such appointments, of every description except the internal revenue, were in my possession prior to September last.

Q. Were they long in your possession prior to September last?

A. The appointment bureau was in process of organization, and from time to time the papers of various offices were thrown into that bureau. The customs office I had from the year before.

Q. Do you recollect, that on or about the time of the commencement of this session of Congress, in December, 1865, you received a list from the internal revenue office, which contained the names of the persons who had been appointed as assessors and collectors during the interval between the 38th and 39th Congresses?

A. I think there was such a list, but I cannot speak positively, there were so many lists sent to me. We were compelled to call every week for a list of papers of some sort. I recollect such a list was sent over, but I found it to be very incomplete.

Q. Have you this list now?

A. I might find it, but I don't recollect where it is.

Q. For what purpose was the list obtained?

A. In order to send the nominations in to the President.

Q. Were the nominations sent in to the President according to the list?

A. So far as I can recollect every one of them were. Every person on the list had his name sent in to the President.

Q. The first session of the 39th Congress terminated near the last of July, 1866; do you recollect whether any list was obtained from the internal revenue office, of vacancies after this list which you have spoken of?

A. There was such a list furnished at my request. I found there was some mistake, and I requested this list to be furnished, which was done. It was after the adjournment of Congress I asked for this list. I do not recollect any such list before then.

Q. How long after the adjournment of Congress did you obtain this list of which you have last spoken?

A. I do not recollect exactly, but it was probably eight or ten days. Then I requested the Secretary to have the documents transferred from the Internal Revenue Bureau in order that the proper record might be kept in his own office.

Q. What did this list, that was furnished soon after the adjournment of Congress, contain?

A. It contained a list of the names of those persons who were holding on without commissions.

Q. And that list was furnished at your request?

A. Yes.

Q. Were you directed to call for it by the Secretary or any superior officer?

A. No.

Q. What did you do with it?

A. I brought it to the notice of the Secretary, and he directed the appointments to be made in one or two cases.

Q. How soon after receiving the list did you call the attention of the Secretary to it?

A. A day or two after. It was impossible to find out whether the names had been sent to the Senate or not, or acted on. I went to the President's house, and resurrected all the lists and papers, and brought them back, and also got the papers from the internal revenue office, and made a complete examination of them, and then reported, as fast as I could find out, the nominations that had been sent and those which had been rejected or mislaid at the President's house.

Q. How soon did you commence reporting these cases to the Secretary?

A. I cannot tell the precise time, but I reported the day after, the cases of the two Philadelphia men, and temporary commissions were immediately issued to the surveyor and naval officer.

Q. You say these were issued on the day after you obtained the lists?

A. The day after I reported the facts.

Q. Wallace and Myers were in the custom-house?

A. Yes.

Q. Were they reappointed?

A. They were, with temporary commissions.

Q. Did you see the President personally in reference to these matters?

A. I did not, but I saw Colonel Cooper by direction of the Secretary, and called his attention to these cases several times. He said he was called to the House of Representatives, on the admission of Tennessee, and laid all these affairs in his desk, and that he could not get these nominations attended to. I went to his desk after the adjournment of the Senate, and got all the papers pertaining to the matter out of his desk. The Secretary himself discovered the fact that Selfridge was in office before I did.

Q. Examine executive document No. 14, at page 4, and tell me whether the persons' names on the list of internal revenue officers were on this list of which you have spoken, as furnished to you by the internal revenue office?

A. These names I see here were there, and there were others there, also, which had been found to be correct.

Q. All these names you think were in the list?

A. I am pretty sure all these names, and also other names, were in the list; other names which, upon examination, I found could not come under the term "names of officers." I found that in two of these cases, nominations had been sent in and rejected.

Q. Which two were these?

A. Ingham and Gary.

Q. Which district is Ingham in?

A. The third, in Missouri. The name of George C. Garty was submitted for the fifth district of the State of Wisconsin, and was rejected June 30, 1866. In the case of the third district of Missouri, instead of sending in the nomination of Mr. Ingham, the nomination of John A. Glover was sent in, and rejected July 17, 1866. These two names—Ingham and Gary—were reported to Congress as names having been left out in the Senate. I found these rejections in the internal revenue office.

Q. Have you charge of all the papers relating to appointments in the Treasury Department?

A. Yes.

Q. Are there any papers in your custody signed by the President, or endorsed by him, relating to appointments in either of the districts described in the table on page 4, or relating to appointments in these several districts?

A. There is only one I can call to my mind. That is in the case of Flannagan, directed to be appointed in the place of Wallace, who has a temporary commission.

Q. Wallace, the naval officer?

A. Yes.

Q. Was Flannagan appointed?

A. Yes.

Q. When was he appointed?

A. Since the close of last Congress, September 18, 1866.

Q. Is he still holding office?

A. He is. He was nominated and rejected.

Q. Nominated and rejected, and still holding office?

A. Yes. There is the case of Peter McGough, whose name was omitted in 1865, and also in 1866. His nomination is now before the Senate.

By Mr. ROGERS:

Q. Do you know why they were not sent in?

A. They were accidentally omitted.

WASHINGTON, *March* 19, 1867.

Major General O. O. HOWARD, sworn and examined.

By Mr. BOUTWELL:

Q. Have you in your possession a receipt signed by J. E. Davis, dated in January, 1867, purporting to be for rent of lands or plantations?

A. I have not. Such a receipt, if in existence, is in possession of the assistant Commissioner of Mississippi, General Gillem.

Q. Have you any knowledge of any payment by the government to J. E. Davis for rent of lands or buildings?

A. I have a history of the case in the endorsements on original papers, which are now in the possession of the assistant Commissioner of the State of Mississippi. I have in my endorsement books copies of these endorsements.

Q. Will you give a history of the case as it appears from these books?

A. Among the first papers I received was the application of Mr. Davis, accompanied by the following endorsement from the President:

EXECUTIVE OFFICE, *May* 22, 1866.

Respectfully referred to Major General Howard, Commissioner of the Bureau of Refugees, Freedmen, and Abandoned Lands. By what terms is this property held? Why has it not been restored upon the application of the owner?

ANDREW JOHNSON,
President United States.

My answer to that was as follows:

WAR DEPARTMENT,
BUREAU OF REFUGEES, FREEDMEN, AND ABANDONED LANDS,
Washington, D. C., May 23, 1866.

Respectfully returned to the President of the United States. This property, worth a large sum of money, was taken up by the Treasury Department as abandoned, and turned over to this Bureau on its organization. Mr. Davis never received this property because he has refused to make application for pardon, although he admitted he was worth over $20,000, had lived in the South, and was brother to the late President of the so-called confederate States. The property has been held as abandoned, belonging to Mr. J. E. Davis, who should receive a pardon before being entitled to a restoration of his property.

By Mr. ELDRIDGE:

Q. Was there an application accompanying those endorsements?

A. Yes, sir; the application of Mr. Davis for the restoration of his property, and the above endorsements were made on this application.

Q. Have you that application here?

A. No, sir; it is with the assistant Commissioner for Mississippi. All the original papers in this case are in the possession of the assistant Commissioner; but I think the endorsement I will read will make the case clear. The next endorsement that I will read is made by General T. J. Wood, who was then assistant Commissioner of the Bureau for Mississippi, upon an application to him by Mr. Davis:

VICKSBURG, *September* 11, 1866.

Respectfully returned to Mr. Joseph E. Davis, with the information that the following evidence, required by orders, is necessary for the records of this office before restoration can be made: First, evidence of special pardon by the President; second, proof of title. It is further directed that the land under cultivation by loyal refugees or freedmen, and upon which crops are now growing, can only be restored when such crops are secured for the benefit of the cultivators, unless a full and just compensation is made for their labor and its products. It is suggested, under the existing circumstances, that the 1st of January proximo is as early a day as can be selected, taking the interest of all parties into consideration. But if Mr. Davis desires a more speedy restoration, if he will return this paper it will be transmitted to the President of the United States for further orders.

By order of Major General Wood:

A. W. PRESTON
Assistant Adjutant General.

Mr. Davis then returned the papers to General Wood with this endorsement:

VICKSBURG, MISS., *September* 12, 1866.

Respectfully returned to Major General Wood, Commissioner, with an authenticated copy of the President's pardon, and certificates of citizens of undoubted character and standing as to the ownership of the within-named plantation. It is impossible at this time to obtain abstracts of the title, as the records of the land office for this district are unknown, and the original certificates were burned. The land in question was entered by me in the year 1818, at the land office in Washington, Mississippi. No portion of the same has ever been sold or transferred to other parties, as the certificate of the probate court witnesses. As I am quite willing to allow a full and just compensation to the parties now cultivating these plantations, by fully and exactly carrying out the contract now in force between the Bureau and the colored people now cultivating it, I consider that it would be exceedingly unjust as well as unnecessary to postpone turning over the property until the 1st of January proximo, and consequently depriving me of my place of residence as well as materially interfering with arrangements necessary to be made for the next year's operations. I therefore will thank General Wood if he will return these papers to me as soon as possible, with his endorsement, as I desire to have them presented to the President by a friend, and thereby prevent the unavoidable delays incident to the official routine in transmitting papers to the President.

J. E. DAVIS.

This friend of Mr. Davis (I do not remember his name) came to me with the papers. I believe he had called at the Presidential mansion, and, having considerable trouble in getting an interview, he came to me first. I put the following endorsement on them:

WASHINGTON, *September* 26, 1866.

Respectfully forwarded to the President, and attention asked to the endorsement of Major General T. J. Wood. I believe it would be better to date the formal restoration January 1st, proximo, for the reasons given. I shall direct the payment to Mr. Davis of rents due from and after his presentation of pardon to the assistant Commissioner, leaving his claim for back rents an open question.

The endorsement of General Wood, referred to above, was as follows:

VICKSBURG, *September* 13, 1866.

Respectfully returned to Mr. J. E. Davis, with the decision: first, that as the lands in question are now under lease to the 31st of December, proximo, from the government to numerous lessees now in possession, the assistant Commissioner does not feel he has authority to divest the lessees of the protection they have a right to demand from the lessor, (the government) by turning over the responsibility of giving that protection to a third party; and second, the assistant Commissioner does not consider himself authorized to make a decision which would deprive the government of the revenue from the lands in question for the current

year. For these reasons the petition of Mr. Davis is returned, pursuant to his request, that he may lay it before his Excellency the President, for his orders in the premises. It may be observed that although Mr. Davis does not submit the most exact evidence of title, no doubt is entertained of the validity of his claim of ownership.

I endorsed the views of General Wood, and said that it would be better not to return the property until the 1st of January, proximo. The papers were laid before the President, but he declined to take any action in the premises, and said he would leave it to General Howard in accordance with orders already issued. When the papers were returned to me I endorsed them, referring them to the land division, stating that the President having declined to take any action upon them, the property would be retained, and all rents accruing after his pardon, (covering that time only) should be paid to him.

The following is the letter to General Wood on the subject:

WAR DEPARTMENT, BUREAU OF REFUGEES,
FREEDMEN, AND ABANDONED LANDS,
Washington, September 28, 1866.

GENERAL: Major General Howard, Commissioner, &c., directs that possession of his property be given to J. E. Davis, at the expiration of the present lease thereon, he having received a pardon from the President, of date March 28, 1866. The whole amount of rents due, and that have been collected on his property, will be estimated as if paid in equal sums each month, and such a proportion of these rents as accrues after March 28, the date of Mr. Davis's pardon, will be paid to him.

Very respectfully,

S. ELDRIDGE,
Brevet Major and A. A. G.

Major General T. J. WOOD,
Assistant Commissioner, &c., Vicksburg, Mississippi.

By Mr. BOUTWELL:

Q. When was that application made?

A. I think the first one was in May, 1866. There were several applications, not from Mr. Davis, directly, but from his friends. They wished to get the property restored to him without receiving a pardon. Mr. Davis refused at first to make any application for pardon, alleging that he had done nothing. He finally obtained a pardon and the property was restored to him as in all other cases. The same course was pursued in his case as in all others.

By Mr. WILLIAMS:

Q. What was the date of the pardon?

A. The date was March 28, 1866.

Q. Was that the date of the delivery of the pardon to him?

A. I do not know when the delivery was. The President, on the 26th of May, 1866, endorsed on an application to the President for the restoration to Mr. Davis of his property: "By what terms is this property held? Why has it not been restored on the application of the owner?" The papers were sent to Mississippi and came back to me with additional statements. Mr. Davis, in his application to General Wood, forwarded an authenticated copy of the President's pardon. This was on the 12th of September, and it was the first official knowledge we had of the pardon.

Q. I understand you that he refused to accept any pardon in the first instance on the ground that he had committed no crime?

A. Yes, sir. He refused at first to make any application, and his friends made application for him for pardon. I do not know that any was tendered him before he applied, but his friends applied for him, and he refused to concur with them.

Q. That was subsequent to this pardon?

A. Yes, sir.

By Mr. BOUTWELL:

Q. Go on with your statement.

A. Here is another letter to General Wood in answer to one from him:

WAR DEPARTMENT, BUREAU OF REFUGEES,
FREEDMEN, AND ABANDONED LANDS,
Washington, Octotober 8, 1866.

GENERAL: Major General Howard, Commissioner, &c., directs that you retain complete and exclusive control of the J. E. Davis property until the date of the formal restoration, January 1, 1867, collecting all rents, including those which you are to pay to Mr. Davis, and allowing no interference of any kind from Mr. Davis or any agent.

Very respectfully, &c.,

S. ELDRIDGE, *A. A. G.*

Major General T. J. WOOD,
Assistant Commissioner, &c., Vicksburg, Mississippi.

The object of this letter was to protect all persons who had leased property until the end of the year. I will also read another letter to General Wood in the same connection:

WAR DEPARTMENT, BUREAU OF REFUGEES,
FREEDMEN, AND ABANDONED LANDS,
Washington, October 17, 1866.

GENERAL: Major General Howard directs that all expenses of collection of the rents of Mr. Davis's property be deducted from the amount paid to J. E. Davis, in compliance with orders from this office of date of September 28, 1866.

S. ELDRIDGE, *A. A. G.*

Major General T. J. WOOD,
Assitant Commissioner, &c.

By Mr. ELDRIDGE:

Q. What expenses were referred to?

A. The expenses of the collection of rents. What they are exactly, I cannot tell now.

By Mr. BOUTWELL:

Q. Is that the entire record of the case?

A. Yes, sir; as far as appears on my books. My recollection of the case is this: an application first came to me, from some friends of Mr. Davis, for the restoration of his property. The names of the parties I cannot give now. They said that Mr. Davis had done nothing for which he required pardon, and that he refused to join with them in an application for pardon, and they wished me to restore his property to him. They said that he would be very fair in his dealings with the negroes, &c. I declined to do it, as he had not complied with my instructions. Afterwards application was made for his pardon, which he received, and his property was restored to him, as to every other in like situation, in accordance with the conditions contained in my order in Circular No. 15, of the series of 1865.

Q. What part of the order do you refer to?

A. On the face of it, it appears as my own order, approved by the President. Here is the paragraph alluded to:

"Abandoned lands held by this Bureau may be restored to owners pardoned by the President, by assistant commissioners, to whom application for such restoration should be forwarded, so far as practicable, through the superintendents of the districts in which the lands are situated. Each application must be accompanied by—1st. Evidence of special pardon by the President, or a copy of the oath of amnesty prescribed in the President's proclamation of May 19, 1865, when the applicant is not included in any of the classes therein excepted from the benefits of said oath; 2d. Proof of title. Officers of the Bureau through whom the application passes, will endorse thereon such facts as may assist the assistant commissioner in his decision, stating specially the use made by the Bureau of the land."

This order says "may be restored." The question then may arise, "Why did you restore under such circumstances?"—which will be explained by the following order from the President, in the case of B. B. Leake:

EXECUTIVE OFFICE, *August* 16, 1865.

Respectfully returned to the Commissioner of the Bureau of Refugees, Freedmen, and Abandoned Lands. The records of this office show that B. B. Leake was specially pardoned by the President on the 27th ultimo, and was thereby restored to all his rights of property, except as to slaves. Notwithstanding this, it is understood that possession of his property is withheld from him. I have, therefore, to direct that General Fisk, assistant Commissioner at Nashville, be instructed by the Commissioner of the Bureau of Refugees, &c., to relinquish possession of the property of Mr. Leake, held by him as assistant Commissioner, and that the same be immediately restored to said Leake. The same action will be had in all similar cases.

ANDREW JOHNSON,
President of the United States.

In accordance with these instructions, I restored property upon receipt of the pardon.

Q. Was Circular No. 15 prepared by you?

A. It was not fully prepared by me. I have the circular that was prepared by me, and issued as Circular No. 13, understanding that the President approved of it; but he sent for me and said there was something in it he did not like. The circular was returned to the Presidential mansion, where it was re-written completely, and it was issued as Circular No. 15. The difference between circulars No. 13 and No. 15 was in respect to the restoration of property on the receipt of the pardon of the President.

Q. Upon what ground did you put that provision in your original circular, which denied to the former owners the possession of tenements and lands that had been abandoned?

A. I gave the reasons in my first annual report to Congress, and the differences between myself and the Executive in regard to this matter. I will read an extract or two from House Ex. Doc. No. 11, 39th Congress, first session:

"With respect to abandoned lands, it was the evident intention of the Act of March 4 to give the Bureau control, solely for the purpose of assigning, leasing, or selling them to refugees and freedmen. It was impracticable to divide and assign them immediately. A great proportion of the lands was already under lease given by the treasury agents, and good policy, as well as the necessities of the Bureau, for which no appropriation had been made, demanded that all should be made immediately useful, and that none should remain unused and unproductive. In addition to the leases made by the treasury officials, others were made by the Bureau, which did not confine itself in its choice of tenants to the classes for whose relief the Bureau was organized. With respect to the abandoned houses and tenements turned over by the Treasury Department, the Bureau had no choice, except to follow the course which the law had marked out for that department, namely, to take charge of and lease such property for periods not exceeding twelve months. In determining its power over abandoned property, the Bureau has considered, therefore, not only the provisions of the Act of March 3, which gave it existence, but of such other Acts as have given agents of the treasury, and other departments who have transferred property, control over it. These acts are regarded as giving the Bureau every right to abandoned property which an actual owner could have, except, perhaps, the right of sale. It cannot convey a full and perfect title in fee simple, but its rights in every way to control the property, to lease it, and to take the rents and profits, is considered undeniable, so long as these Acts remain law. For all practical purposes, the tenure of the Bureau upon abandoned property has been considered as almost identical with an estate upon condition subsequent, that condition being the restoration of the property, by competent authority, to its former owner."

With reference to the restoration of property, I say: "Shortly after the organization of the Bureau, parties whose property was held by it commenced to apply for restoration of their former rights. The policy first adopted by the Bureau was to return estates to those only who could show constant loyalty, past as well as present—a loyalty which could not be established by the mere production of an oath of allegiance or amnesty—as the Bureau held property by authority of an Act of Congress for certain definite purposes, it was supposed that this tenure must continue to exist until those purposes were accomplished, that property must be surrendered only when it was evident that the control over it was unauthorized and improper."

This course did not meet with the approval of the President, who gave orders that a pardon either by special warrant or the provisions of his amnesty proclamation, entitled the party pardoned to demand and receive immediate restoration

of all his property, except such as had been actually sold under a decree of confiscation. Shortly after this decision was made known, Circular No. 15, dated September 12, 1865, was issued from the Bureau, and embodying the provisions of the Act of Congress establishing it, promulgated for the first time definite rules regarding the restoration of this property to former owners.

Authority to restore was vested in the assistant Commissioners of the Bureau. They were directed to turn over at once all property held as abandoned, upon its appearing to their satisfaction that it did not fall within the terms of the definition laid down in the Act approved July 2, 1864. They were also directed to restore property when application was made for it through the superintendent of the districts in which it was situated, accompanied by proof of claimant's title, and of his pardon either by special warrant or the terms of the proclamation of amnesty of May 29, 1865. It was provided, however, that land cultivated by refugees or freedmen should be retained until the growing crops were gathered, unless the owner made full compensation for labor expended and its products.

Q. At the time Circular No. 13 was laid before the President, did you also lay before him the views you entertained as to the right of the Bureau to hold the lands under the law?

A. Yes, sir; I had an interview with him, and urged the case all I could.

Q. Did you state the facts you have just read?

A. Yes, sir; I said to the President that I wished to obstruct the restoration of this property to former owners every way I could.

Q. Do you know whether any opinion was given by the Attorney General to the President upon this point—upon the differences between the President and yourself?

A. I think there was an opinion given by the Attorney General, but it was with reference to confiscated property, I think, and not abandoned property.

Q. Have you any knowledge of the opinion of the Attorney General respecting abandoned property?

A. No other knowledge than that derived from a conversation I had with him in reference to the property of Mr. Cox, of Georgetown. It was held as abandoned property, though not by the Freedmen's Bureau. It was understood by me to be held by the sanction of the War Department, and used as an orphan asylum by an incorporated association of ladies.

By Mr. ELDRIDGE:

Q. Is that the case about which there was a lawsuit?

A. Yes, sir, that is the case; and in my conversations with Mr. Speed in relation to that, he urged me to make some conditions with Mr. Cox, thinking I held the property and had a right to act upon the same.

By Mr. BOUTWELL:

Q. Had Mr. Cox been pardoned?

A. No, sir; and it was thought by the Attorney General that a pardon should not be issued to him until some conditions should be made between Mr. Cox and myself in relation to this property held by the orphan asylum; so from that I inferred that he was in favor of imposing conditions precedent to pardon. I recommended to the President, formally, the imposing of conditions, and I thought from my conversations with Mr. Speed that he agreed with me. Here is my letter recommending the imposing of conditions previous to the issue of a pardon:

The matter of imposing some conditions in the cases of pardoning those who have lands under cultivation by freedmen, for the benefit of this class of persons, having been presented to me by the Attorney General, and a plan having been suggested by a distinguished officer of the army which I heartily endorse, I deem it best to combine these suggestions in the following proposal, to-wit:

First. That hereafter pardons of the President of the United States extended to those who

have been excepted in his proclamation of May 29, 1865, having more than $20,000 worth of property, be conditioned by a specific stipulation in each individual case, that the land owner agree to set apart and grant title in fee simple to each head of family of his former slaves a homestead varying in extent from five to ten acres, to be secured against alienation during the life time of the grantee. The location, precise extent, and other details to be determined by three referees, two to be chosen by the interested parties, each selecting one, and the two a third.

Second. That other persons, not land owners, be conditioned according to their several circumstances by equivalent or proper stipulations to be determined by a committee of three appointed by the President.

These suggestions came from Mr. Speed and General Meigs, with whom I had a conversation upon the subject, and I embraced them as my recommendation in the premises.

By Mr. WILLIAMS:

Q. Was there a general form of pardon applicable to all cases?

A. I am not able to say. I think they were all substantially the same.

Q. Was there anything in the pardon importing restoration of property?

A. I could not say with regard to that. My attention was never called to the form of pardon with reference to the restoration of property. There was a large amount of property in Virginia that had been libelled and was about to be sold by the marshal of Virginia, when the sale was suspended by the Secretary of War for the purpose of using it for the freedmen.

By Mr. BOUTWELL:

Q. Was there a decree of condemnation?

A. Yes, sir. I maintained that this property, although not actually sold, belonged to the government. When my circular No. 13 was before the President, this was one of the points of difference between us, he insisting that the claimant's right to claim the property did not cease until the property was sold. The matter was referred to the Attorney General, and the word "sold" was inserted in my circular; so that all this property was restored to its former owners.

Q. Who inserted the word "sold?"

A. It was inserted in my circular while it was in the President's possession. We had some discussion about it. He thought it would require an actual sale before the property became the property of the government. He referred the matter to the Attorney General, and when the circular came back to me the word "sold" was inserted.

By Mr. WILLIAMS:

Q. Do you know whether the Attorney General gave any opinion in regard to it?

A. In my interview with the President, I urged as strongly as I could my views on the subject, and laid before him all the information I could collate upon this point. The interview was a very pleasant one, and he laughingly said he would refer the matter to the Attorney General. I went back to my headquarters, and when the circular came back to me the word "sold" was inserted. Whether it was inserted by the Attorney General or not, I could not say.

Q. Have you any knowledge of the sale, by the United States marshal of Louisiana, of the property of Pierre Soulé?

A. I had a telegram on the 29th of August, 1865, from the assistant Commissioner, T. W. Conway, as follows:

The residence of Pierre Soulé is advertised by the United States marshal for sale. We use the house as an orphan asylum for children of freedmen and colored soldiers. Can proceedings be ordered stayed? The property is confiscated by order of the United States court. Can I hold property which is confiscated, and which the Bureau needs? Will a notification of the marshal that we need it be sufficient to enable us to hold it?

My answer is dated September 1, 1865:

Get an officer of the government to bid in the Soulé property for the government, and then make a requisition for it.

This was for the marshal, or an officer of his selection, to bid it in, and then the assistant Commissioner to make a requisition for it.

By Mr. WILLIAMS:

Q. Was this property confiscated or was it a tax sale?

A. It was libelled for confiscation. I have also a letter here from General Baird in relation to this property; it is dated September 2, 1865:

The Soulé property was, by a decree of the court, actually confiscated, but the sale not completed. The judge recalls the decree of condemnation and restores the property. Should we not resist? Answer. A. BAIRD.

My answer to this was as follows, December 4, 1865:

Get the marshal to suspend operations in the Soulé property until the decision of the President can be had. Send full particulars of the case to this office for General Howard's information.

By command of General Howard:

MAX WOODHULL, *A. A. G.*

I have also here a memorandum of the case:

The Pierre Soulé house and lot, valued at $29,000, seized in 1863, libelled and sold, and bought in by the United States government.

There was another piece of property belonging to Pierre Soulé, which was restored by Brigadier General Fullerton, who was then assistant Commissioner for Louisiana.

By Mr. ELDRIDGE:

Q. Was the piece of property you have mentioned as having been withdrawn from sale by the Judge the same as that valued at $29,000.

A. Yes, sir.

Q. Then it had not been sold?

A. It was sold and bought in by the United States government; and General Fullerton, when he went down there, had some arrangement with the marshal about it. At that time the Bureau had no funds to use for such a purpose.

Q. But it seems that a decree of confiscation was made, and subsequently the Judge recalled this decree; now, after that, was there another decree and sale?

A. No, sir.

Q. When was this sale at which the property was bought in, and upon what decree?

A. I am not able to answer that now. I suppose General Baird means that the money was not paid; that the form of the sale was gone through with, but the money not paid. My information in regard to this is rather meagre, and I cannot state anything further without referring to the reports of the assistant Commissioners.

By Mr. WILLIAMS:

Q. What evidence have you that there was an actual sale and purchase?

A. I have none here.

Q. Where did you obtain that memorandum you read?

A. I obtained that from the report of the assistant Commissioner at New Orleans.

IMPEACHMENT INVESTIGATION.

WEDNESDAY, *March* 20, 1867.

Major General O. O. HOWARD recalled and examination continued.

By Mr. BOUTWELL:

Q. Have you any further information than that given by you yesterday in reference to the Soulé estate? If so, please present it.

A. My statements yesterday were very meagre. I find, on examining my books, that I had a little more information with reference to that property of Pierre Soulé. I have drawn off, in writing, a brief statement of all the circumstances concerning it, so far as my records go.

(Witness then read the following statement to the Committee, which was ordered to be made part of his testimony:)

The property of Pierre Soulé was first held by this Bureau as confiscable, and a portion used as an asylum. On the 19th of July, 1865, the property was condemned as forfeited to the United States, by decree of the district court for the eastern district of Louisiana, and ordered to be sold. A bid for the property was made by this Bureau and afterwards withdrawn, with the consent of the United States marshal. On the 30th of October, 1865, Mr. Soulé received a special pardon. On the 20th of November, on motion of Mr. Soulé's attorney, and exhibition of his pardon, the United States district attorney was ordered to show cause why proceedings against the property should not be discontinued and the property returned to Mr. Soulé. The case was heard on the 29th of November, a decree of dismissal of the libel entered, and the property was ordered by the court to be restored to Mr. Soulé. The case was referred to the Attorney General in January, 1866, for an opinion as to whether the final decree of the district court was valid, and for an opinion as to what steps could be taken, by appeal or otherwise, to retain the property for the United States. No answer to this reference was received; and on the 8th of March, 1866, General Baird, assistant Commissioner for Louisiana, was ordered to give actual possession of the property to Mr. Soulé, which was done.

Q. Have you any information as to the value of the property?

A. Twenty-nine thousand dollars was its estimated value.

Q. Was anything paid to Mr. Soulé for the use of the property while the Government retained it?

A. Not to my knowledge. The Freedmen's Bureau had the actual possession of the property for the United States for use, but it was held by the United States marshal.

By Mr. ELDRIDGE:

Q. What had the President to do with that?

A. I do not know that the President had anything to do with it, except indirectly, by his pardoning Mr. Soulé. The United States marshal, I presume, receives his specific instructions through the regular channel.

Q. The President had nothing to do with it, that you know of, except to issue the pardon?

A. Nothing else, to my knowledge.

By Mr. BOUTWELL:

Q. Do you know whether the property had been seized, or any steps taken to get possession of it, on account of the non-payment of taxes?

A. My impression is that it was not seized for non-payment of taxes, but as confiscable property.

By Mr. ELDRIDGE:

Q. Was it the practice to seize property on which taxes were not paid in any other way than by selling it in the ordinary mode?

A. It was not. The telegram of August 29, 1865, which I read yesterday, says: "The property is confiscated by order of the United States Court." That is not the language used when property is sold for taxes. There is one point which needs a little explanation—Mr. Eldridge asked me yesterday in reference to it—about the completion of the sale. The statement which I have just read

says: "A bid for the proper y was made by this Bureau and afterwards withdrawn, with the consent of the marshal." Now, the question is, why was this done? Mr. Conway misunderstood my telegram to him, which instructed that I would like to have the property bid in by an officer of the government of the United States. I did not mean for him to bid it in; but I wanted it bid in, if possible, by a government officer—say the marshal himself—and then to make application for it for the use of the Bureau, as we needed it for an asylum. Mr. Conway, misunderstanding me, bid it in himself before we had the means to pay for it; but as soon as he found that I did not want to pay for it to any other department of the government, and was not able to pay for it, he or his successor went to the marshal and got relieved from the bid. These are the circumstances of the case.

Q. Then was there no other actual sale of the property, except to Mr. Conway?

A. There was no other actual sale of the property, to my knowledge.

Q. And that was withdrawn at his request?

A. That was withdrawn at the assistant Commissioner's request.

By Mr. BOUTWELL:

Q. Do you know anything of the property having been bid for by an officer of the Bureau, named Armstrong, for $23,000?

A. Armstrong was the financial officer of the assistant Commissioner in Louisiana, and he may have made the bid, but the assistant Commissioner was responsible for what Armstrong did.

Q. Do you know whether the money was actually paid to the marshal?

A. That I do not know.

Q. Have you any other information in reference to that estate?

A. I have here the telegrams with reference to it which passed back and forth, containing what is substantially stated in the paper I have read.

[The telegrams and circular No. 15 were put in evidence, and are as follows]:

WAR DEPARTMENT,
OFFICE UNITED STATES MILITARY TELEGRAPH,

The following telegram was received at Washington, 8.50 p. m., August 29, 1865:

NEW ORLEANS, *August* 29, 1865.

Major General HOWARD:

The residence of Pierre Soulé is advertised by the United States marshal for sale—we use the house as an orphan home for children of freedmen and colored soldiers. Can proceedings be ordered stayed? The property is confiscated by order of the United States court. Can I hold property which is confiscated and which the Bureau needs? Will a notification to the marshal that we need it be sufficient to enable us to hold it?

T. W. CONWAY.

Official copy:

F. D. SEWALL,
Acting Assistant Adjutant General.

WAR DEPARTMENT,
BUREAU OF REFUGEES, FREEDMEN, AND ABANDONED LANDS,
Washington, D. C., September 1, 1865.

T. W. CONWAY, *Assistant Commissioner, &c.*:

Get an officer of the government to bid in the Soulé property for the government, and then make a requisition for it.

By order of Major General O. O. Howard:

J. S. FULLERTON,
Assistant Adjutant General.

Official:

F. D. SEWALL,
Acting Assistant Adjutant General.

WAR DEPARTMENT,
OFFICE UNITED STATES MILITARY TELEGRAPH.

The following telegram received at Washington 10 p. m., September 9, 1865:

NEW ORLEANS, *September* 8.

General HOWARD:

Telegram concerning the Soulé property received. Shall I bid in other property similarly situated, which may be offered for sale by the marshal, as you have directed in this case? Now that circular thirteen (13) is cancelled, what will I do in the subject of that circular? Have forwarded other papers in the case of Zacharie, to-day.

THOMAS W. CONWAY.

Official:

F. D. SEWALL,
Acting Assistant Adjutant General.

WAR DEPARTMENT,
BUREAU OF REFUGEES, FREEDMEN, AND ABANDONED LANDS,
Washington September 12, 1866.

T. W. CONWAY, *New Orleans, Louisiana:*

The cases precisely similar to the Soulé property, you may bid in. Circular taking place of No. 13, will be soon promulgated.

O. O. HOWARD,
Major General, Commissioner.

Official:

F. D. SEWALL,
Acting Assistant Adjutant General.

WAR DEPARTMENT,
OFFICE UNITED STATES MILITARY TELEGRAPH.

The following telegram received at Washington 8.15 p. m., September 29, 1865:

NEW ORLEANS, *September* 26, 1865.

Major General O. O. HOWARD:

The Soulé mansion was purchased by my quartermaster yesterday, at the marshal's sale, for twenty-three thousand five hundred dollars. Ten per cent. was demanded on the spot, and paid, and the marshal demands the balance in ten days. On whom shall I make requisition for the property, as directed in your telegram? Will the marshal pay back the amount already advanced?

THOMAS W. CONWAY.

Official:

F. D. SEWALL,
Acting Assistant Adjutant General.

WAR DEPARTMENT,
OFFICE UNITED STATES MILITARY TELEGRAPH.

The following telegram received at Washington, 5.25 p. m., December 3, 1865:

NEW ORLEANS, *December* 2.

Major General HOWARD:

The Soulé property was, by a decree of the court, actually confiscated, but the sale not completed. The Judge recalls the decree of confiscation, and returns the property. Should we not resist this? Answer.

A. BAIRD,
Brevet Major General.

Official:

F. D. SEWALL,
Acting Assistant Adjutant General.

WAR DEPARTMENT,
BUREAU OF REFUGEES, FREEDMEN, AND ABANDONED LANDS,
Washington, December 4, 1865.

Major General A. BAIRD, *Assistant Commissioner, &c.:*

Rent plantations not restored for next year. Get marshal to suspend operations in case of

Soulé property till decision of the President can be had. Send full particulars in the case to this office for General Howard's information.

By order of Major General O. O. Howard:

MAX WOODHULL,
Colonel and Assistant Adjutant General.

Official:

F. D. SEWALL,
Acting Assistant Adjutant General.

Q. Please furnish a copy of No. 13, suppressed, of series 1865.

[Circular No. 13.—Not promulgated.—Rescinded by Circular 15, September 12, 1865.]

WAR DEPARTMENT,
BUREAU OF REFUGEES, FREEDMEN, AND ABANDONED LANDS,
Washington, July 29, 1865.

In order to establish a definite and uniform policy relative to confiscated and abandoned lands, and other confiscated and abandoned property, which are now, or that may hereafter come, under the control of this Bureau by virtue of the Act approved March 3, 1865, establishing the Bureau, and other Acts and sections of Acts, and orders of the President relative to captured, confiscated, and abandoned property, to wit, section 2, Act approved July 2, 1864, and General Orders No. 110, War Department, January 7, 1865, the following rules and regulations are established:

I. All confiscated and abandoned lands, and other confiscated and abandoned property, that are now, or that may hereafter come, under the control of the Bureau of Refugees, Freedmen, and Abandoned Lands, by virtue of said Acts and sections of Acts, and orders of the President, are and shall be set apart for the use of loyal refugees and freedmen, and as much as may be necessary assigned to them, as provided in section 4 of the Act establishing the Bureau, viz: "To every male citizen, whether refugee or freedman, as aforesaid, there shall be assigned not more than forty acres of such land, and the person to whom it was so assigned shall be protected in the use and enjoyment of the land for the term of three years, at an annual rent not exceeding six per centum upon the value of such land as it was appraised by the State authorities in the year 1860 for the purpose of taxation; and in case no such appraisal can be found, then the rental shall be based upon the estimated value of the land in said year, to be ascertained in such manner as the Commissioner may by regulation prescribe. At the end of said term, or any time during said term, the occupants of any parcel so assigned may purchase the land and may receive such title thereto as the United States can convey, upon paying therefor the value of the land as ascertained and fixed for the purpose of determining the annual rent aforesaid."

II. All lands or other property within the several insurrectionary States, viz., Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Kentucky, Tennessee, Missouri, Arkansas, Louisiana, and Texas, to which the United States have or shall have acquired title by confiscation or sale or otherwise during the late rebellion; and all abandoned lands or other abandoned property in those States become so by the construction of section 2 of Act approved July 2, 1864, viz: "Property, real or personal, shall be regarded as abandoned when the lawful owner thereof shall be voluntarily absent therefrom and engaged, either in arms or otherwise, in aiding or encouraging the rebellion," and which remains unsold or otherwise disposed of, are and shall be considered as under the control of the Commissioner of the Bureau of Refugees, Freedmen, and Abandoned Lands, for the purposes hereinbefore set forth, and for the time authorized by the Act establishing the Bureau; and no part or parcel of said confiscated or abandoned property shall be surrendered or restored to the former owner thereof, or other claimants thereto, except such surrender or restoration be authorized by such Commissioner.

III. Whenever any abandoned lands or other abandoned property, that shall have come into the possession of the Bureau, does not fall under the definition of "abandoned," as set forth in section 2 of the Act approved July 2, 1864, it will be formally surrendered by the Commissioner or assistant Commissioner of the Bureau, upon clear proof that the claimant did not abandon the property in the sense defined in said section and Act.

IV. In the surrender or restoration of any property, the requirements of Circular No. 3, current series, from this Bureau, will be carefully observed.

V. Assistant Commissioners will, as rapidly as possible, cause accurate descriptions of all confiscated and abandoned lands, and other confiscated and abandoned property, that are now, or that may hereafter come, under their control, to be made, and, besides keeping a record of such themselves, will forward monthly to the Commissioner of the Bureau copies of such descriptions, in the manner prescribed by Circular No. 10, of July 11, 1865, from this Bureau. They will, with as little delay as possible, select and set apart such confiscated and abandoned lands and property as may be deemed necessary for the immediate use of refugees and freedmen, the specific division of which into lots, and the rental or sale thereof, according to the law establishing the Bureau, will be completed as soon as practicable and reported to the Commissioner. In the selection and setting apart of such lands and property, care will be used to take that about which there is the least doubt as to the proper custody and control of this Bureau.

VI. The pardon of the President will not be understood to extend to the surrender of abandoned or confiscated property, which by law has been "set apart for refugees and freedmen," or "in use for the employment and general welfare of all persons within the lines of the national military occupation within said insurrectionary States formerly held as slaves, who are or shall become free."—(See Act of March 3, 1865, and Act of July 2, 1864, section 1, chap. 225.)

O. O. HOWARD, *Major General,*
Commissioner of Bureau of Refugees, Freedmen, and Abandoned Lands.

Official copy:

F. D. SEWALL,
Acting Assistant Adjutant General.

WITNESS. Circular 15, current series of 1865, states that property is not to be regarded as confiscated until condemned and sold. I had objected to the introduction of the word "sold," and had given all the reasons I could against it. The matter was referred to the Attorney General, and the word "sold" was introduced.

Q. Have you any other knowledge of the opinion given by the Attorney General, except that the word "sold" was introduced into Circular No. 15?

A. No, sir.

Q. When General Fullerton went to New Orleans to take Mr. Conway's place, did he receive instructions from you, or through you, as to his duties?

A. Yes, sir; he received general instructions.

Q. Were they in writing, or verbal?

A. They were the same general instructions given to every other assistant Commissioner. I conversed with him with reference to rentals particularly. He brought to me in writing, one morning, several questions with reference to public property, collection of taxes, collection of rents, &c., and I answered him on each point specifically. He appeared unsatisfied, and took those points to the President. What answer the President gave him I do not know.

Q. Have you a copy of those questions and answers?

A. I have not. He brought them to me in his hand, as something on which his mind was unsettled. I gave him the answer to each question as he presented it, specifically.

Q. Did you write down your answers, or were they oral?

A. They were oral. General Fullerton was then in constant communication with the President, and he was trusted completely by myself.

Q. Can you recall the questions and answers?

A. Not from memory; but all of them have been so definitely settled that I can easily give a transcript of them, substantially, from my records. I will furnish it to the Committee to-morrow.

By Mr. ELDRIDGE:

Q. You mentioned that you directed the payment of the rents to Mr. Davis, less the cost of collecting them; what costs did you refer to? Were not the rents collected by officers having salaries? and how could costs for collecting the rents accrue?

A. Where rents are a part of the crop, derived from taking a share of the crop, that implies the housing, storage, and sale of the crop, which involves expense.

Q. Was that so in the case of Mr. Davis's rents?

A. That I cannot tell. That is a mere presumption on my part. I cannot tell you the circumstances in relation to the costs in that case, without some reference. I will examine the records, and let the Committee know to-morrow. We had no agent at that place.

By Mr. BOUTWELL:

Q. The order to deduct expenses was according to your general practice, and was made without knowing whether any had been incurred on the Davis estate or not?

A. Yes, sir.

Q. Where expenses were deducted from rents, did not the deduction enure to the benefit of the government?

A. Yes, sir; otherwise any expenses that might be incurred in that way would have to be borne by the government. This matter of the payment of rents was not anything agreed upon by any positive stipulation; but, after the pardon by the President, the rents accruing from and after were to be paid to the owner, and that was understood to be the net proceeds. There has been much said with reference to the restoration of property in Louisiana, and complaints were made of General Fullerton. My impression at the time was that General Fullerton obeyed the instructions he received from myself, and from the President. He restored a larger amount of property than I had anticipated. The reports of that restoration will be laid before the Committee in a report called for by the House of Representatives, and to be sent through the Secretary of War.

By Mr. ELDRIDGE:

Q. You state that it *was* your impression that General Fullerton obeyed the instructions of yourself and the President; have you any idea *now* that he violated those instructions?

A. I have no reason to change my views in that respect.

Q. You entertain the same opinion still?

A. Yes, sir. General Fullerton had the same orders precisely that Mr. Conway had. Mr. Conway had not restored this property. General Fullerton was only there a short time, and he restored more property than Mr. Conway did in all his administration, or than General Baird did subsequently. He restored it very rapidly.

By Mr. CHURCHILL:

Q. But it still was within the scope of your instructions?

A. Yes, sir; and in accordance with circular No. 15, which permitted such restoration. It says that abandoned lands held by the bureau *may be* restored to the owners thereof. It seemed to be understood by a good many who have conversed with me that he had overstepped his instructions.

By Mr. BOUTWELL:

Q. Did you visit New Orleans when General Fullerton was there as agent of the Bureau?

A. I did.

Q. Did you make any inquiry or investigation as to what he had done while there?

A. I called together colored people from every part of the city, and some prominent white men, and I inquired in the presence of General Fullerton with reference to the rumors which I had heard. Several of those men arose and made their statements. They said that since the arrival of General Fullerton colored people, very respectable, had been apprehended on the street and put in the calaboose; that he had restored property to virulent rebels, and that the address which he had issued to them was severe upon them and militated against them, and that they believed he was a rebel in disguise. I made a statement to them in reply, telling them that they were mistaken; that he was an officer of the army; that he had been fighting against the rebels for the last four years, and that I believed he had obeyed the instructions received from the President of the United States and from myself. General Fullerton made some statements much to the same effect in that meeting, and the colored people seemed to be satisfied. I met the people in public assembly—both colored and white—at the theatre in New Orleans, and addressed them and had intercourse with the lead-

ing men, and I detected the impression from that intercourse that General Fullerton was unfriendly to the interests of the colored people—an impression which I sought at that time diligently to remove.

Q. Did you have any conversation with General Fullerton on the matter of the restoration of the property, or of the address which he had issued to the colored people?

A. I conversed with him in relation to it, and stated my impression, and wherein I thought it was liable to misinterpretation. I conversed with him in relation to it in the presence of Governor Wells and several other gentlemen. I think the United S ates marshal was present. All of those gentlemen stated they were perfectly delighted with the address, and that it had done a great deal of good.

Q. Did you express any opinion to General Fullerton as to whether his conduct in restoring property met your approval or otherwise?

A. I do not think that I disapproved of it. I was not then aware of the extent of the restoration, and never was until I saw the report. My impression was, from my conversation with him, that he restored a good deal of it in obedience to specific instructions given him by the President. He is so reported to have given out himself in conversation with officers.

Q. Had you any knowledge of such special instructions from the President to restore property?

A. No, sir.

Q. They did not go through your office?

A. No, sir. General Fullerton did receive instructions directly from the President in reference to the tax that was levied in New Orleans for the support of the schools. He told me that he first telegraphed to my office, and that not getting an answer he telegraphed direct to the President, and the President advised him to suspend that tax, and he issued an order suspending the tax on the advice of the President. The order never went through my office. I did not consider it an order affecting me, and the tax was not suspended by me until subsequently, when the President gave me a direct order to suspend it, and it was suspended.

Q. Did General Fullerton represent to you, or in your presence, that he had received orders from the President in reference to the surrender of the property, which orders had not passed through your office?

A. I did not regard them as formal orders, but understood that he was carrying out the instructions which the President had given him privately. The President, in conversation with me prior to my leaving Washington, said very pleasantly that he believed General Fullerton understood this matter fully. That was said when conversing with him about the propriety of sending General Fullerton to New Orleans. He had several conversations with General Fullerton prior to his leaving for New Orleans.

Q. To what did the phrase "this matter," used by the President, refer?

A. All the Freedmen's Bureau operations, as I understood it—the best policy to be pursued. I do not know that the words "this matter" were the words used, but that was the impression.

Q. Had General Fullerton been previously connected with the Bureau?

A. Yes; from its organization, or very soon after its organization.

Q. In what capacity?

A. He was my adjutant general.

Q. Performing service here in Washington, or elsewhere?

A. In Washington, mainly. I sent him on one inspection to two or three southern States.

Q. Previous to his visit to New Orleans?

A. Yes, sir.

The following was subsequently furnished to the Committee by witness:

WASHINGTON, D. C., *March* 4, 1867.

Such I believe to be substantially the questions proposed to me by General Fullerton prior to his leaving for Louisiana, and their answers.

O. O. HOWARD, *Major General.*

Memoranda.

1st. Shall we collect rents yet due for period prior to date of pardon? A. Yes.

2d. Shall we collect rents due for period between date of pardon and date of order restoring the property? A. No.

3d. Shall we restore to owners rents already collected for period between date of pardon and date of order restoring the property? A. Not necessarily, leaving owner's claim an open question.

4th. Can we order the restoration of rents under any conditions whatever, (after the same have been collected,) without the approval of the Commissioner? A. No.

5th. If a former owner of property held to be abandoned, and who has obtained special pardon, is entitled to restoration of rents from date of such pardon, is not the former owner, who does not need a special pardon, entitled to restoration of rents from the date of his amnesty oath, provided his property has not been libelled? A. He is. The same rule applies.

6th. Should not rents be restored from the date of dismissal of libel, or other decree of the federal court, making final disposition of property held to be abandoned? A. They should.

WASHINGTON, D. C., *March* 16, 1867.

General J. S. FULLERTON, of St. Louis, Missouri, sworn and examined.

By the CHAIRMAN:

Q. Were you employed by the government in any capacity during the years 1865 and 1866?

A. Yes, sir; I was in the military service of the government. I was acting as assistant adjutant general of the Bureau of Refugees, Freedmen, and Abandoned Lands, from about the middle of May, 1865, I think, until in October, when it was determined to relieve Mr. Conway, who had been acting as assistant Commissioner of the Bureau for the State of Louisiana. General Baird had been appointed his successor, but he was in the North on leave of absence, and it was impossible for him to go South as early as desired. It was the intention of General Howard to relieve Mr. Conway immediately, and I was sent to Louisiana to take charge of the affairs of the Bureau in that State, and to remain there until General Baird should arrive. I remained there, I think, perhaps four weeks, (the precise time I cannot state,) until General Baird arrived, when I was relieved, and came to the headquarters of the Bureau at Washington.

Q. At what time did you return to Washington?

A. I think it was in December, perhaps the middle of December; I am not certain of the date.

Q. Were you, after that, entrusted with an examination into the conduct of officers connected with the Freedmen's Bureau in the South?

A. That was after I left the Bureau. I had an order to proceed South, and examine into the affairs of the Bureau. I think the order was dated about the 4th or 5th of last April.

Q. By whom was that order given?

A. By the Secretary of War.

Q. What were your instructions in the discharge of your duty under that order?

A. I would rather present a copy of those instructions, which will give them more explicitly than I could verbally.

Q. From whom did you receive your instructions?

A. They were presented to me by Assistant Adjutant General Townsend, and were issued by the Secretary of War.

Q. Did you have any conversation with the President of the United States relative to the duties you were to discharge in the South?

A. I did. I had a conversation with him after I had left the Bureau. I wished to leave the United States service to return to my home in St. Louis. He requested me not to do so. In fact, I had put in my resignation and it had been accepted by the Secretary of War, to take effect at a date after that time, but a special order was issued revoking the acceptance of my resignation, and I was retained in the service. Some two weeks before I started south on the tour referred to, the President spoke to me, and said a great many complaints had been made to him from the South, by residents there, by officers of the government, and others, in relation to the misconduct of certain officers of the Freedmen's Bureau; that he did not know what to believe of these accounts; that he had been very much annoyed by hearing them, and wanted to know the truth respecting them. He requested me to go south on a tour of examination. I begged to be excused. I told him I did not wish to perform such duty at all—that I wished to return home. He told me to think the matter over. Subsequently he spoke to me again on the subject. I again declined. I told him I did not care about going; that, in fact, I did not wish to go, as I had been connected with the Bureau. I knew of certain improper practices upon the part of some of the officers of the Bureau, (some of whom it was impossible to relieve from duty with the Bureau,) but of these I did not inform the President. I preferred, therefore, not to go, because I did not want to report these matters, as I knew I would be obliged to, whenever they should come to my official notice. The President told me that General Steadman would also go with me on this tour. I said nothing more then about it. I received the order I have mentioned from the Secretary of War, and I started immediately afterwards.

Q. Were all the instructions received by you, either from the President or Secretary of War, embraced in the instructions to which you refer?

A. Yes, sir. I spoke to the Secretary of War about it one day, but he was not in a very good humor, and did not feel very much like talking. He told me he would like to see General Steadman before he went away. I do not know whether General Steadman had any conversation with him or not. I do not know whether the President gave him any instructions or had any conversation with him about the matter. The only instructions the President gave me were that he wished me to go south and see whether there were good grounds for the complaints which had been made.

Q. Did you receive any instructions that would guide you in your conduct when you went out as an officer of the Freedmen's Bureau to take charge of the district which had been formerly in charge of Mr. Conway?

A. I received only some written instructions from General Howard, which directed me to proceed to Louisiana and relieve Mr. Conway, and to remain there until General Baird arrived, when I should return to Washington; also instructing me to endeavor to act in harmony with the military commander of the department and with the Governor of the State—Governor Wells. These were the only instructions I received from General Howard. The President spoke about my going there also. At first General Howard himself wished to go and relieve Mr. Conway. I desired very much that he should not do so, as I knew very well what kind of a man Mr. Conway was, and that any person relieving him would be very much abused by him and his friends. This proved to be the fact, as I, as well as General Howard and the Bureau, were abused for it. The President said to me one day that Governor Wells had been writing to him a great many letters about this man Conway, and had complained very much about him; that he was doing a great deal of damage in Louisiana; that he was interfering with matters that did not belong to the Bureau; and the Presi-

dent said that somebody had better go and relieve Mr. Conway. I said nothing further about the matter until after I had received my orders to go there. The President then told me that as I was going down there he hoped I would make things all right and do what was proper. That was about all he said.

Q. Can you give a statement of the property in charge of the Bureau in Louisiana, during your administration there, restored to the claimants?

A. No, sir, I cannot. I would not like to venture to give an estimate without looking at the records. There was a large amount of property, over a million dollars, I think, but I would not like to make a statement about it without referring to the records.

Q. Was any of that property restored to disloyal persons?

A. That I could not say. Certainly some of it had been restored to persons who had been disloyal.

Q. Had you any instructions relative to the restoration of property that had been seized?

A. There were printed instructions from the Bureau, and I was guided entirely by them. Occasionally letters would be received, also, from the Bureau, instructing that certain property be restored.

Q. Do you remember the case of one Zacharie?

A. Yes, sir; I remember some facts in connection with it, but these things have, to a great extent, passed from my mind. I remember that property was restored to the claimant.

Q. Do you remember the circumstances of the case?

A. I do not. I think an order was received from the Bureau directing the restoration of that property; afterwards a letter was received from the Bureau directing that it be not restored at present; and afterwards another letter was sent directing that it be restored; and whether there are any other letters or not, I am not sure. I do not like to testify in reference to these matters unless I can examine the records.

Q. Did you restore any property except in pursuance of the orders received from General Howard?

A. I think not. I could tell by looking at the letters and orders I received. So many things have occupied my attention since that time that it is very difficult to recollect. In several of these cases special orders were issued directing restoration, I remember.

Q. Are these instructions on file?

A. No, sir. The special orders, letters, &c., are not on file here, but are in New Orleans. Of course, of all letters sent from the Freedmen's Bureau copies were retained.

Q. Did you turn over any property to claimants which had been leased to other persons, prior to the expiration of the lease.

A. I think I did; but I believe, in those cases, the rights of the lessees were not to be interfered with.

Q. Was that the case in the Zacharie estate?

A. I do not remember about that at all.

Q. Do you remember whether a subsequent agreement was required, in order to preserve the rights of the lessees?

A. I think that orders were issued for that purpose.

Q. Before you and General Steadman commenced your tour of inspection and examination in the South, did you agree upon any line of policy to be pursued before you left this city?

A. Not at all. In fact, I hardly saw General Steadman before I started. He had been in New York before that. He was telegraphed to several times to come on, and I think we started the next day after he arrived here. The manner in which we began our examinations, and the manner in which we made up our reports, was by taking up and following our written instructions, which

were in several paragraphs. The first paragraph, for instance, called for the number of officers and civilians employed in the Bureau, the amount of salary paid, &c. The next was the amount of rations issued, &c. We would take a copy of our instructions and examine, under each paragraph, each of the Commissioners, assistant Commissioners, and agents. The information called for in the first paragraph, as to the number of officers, amount paid, &c., we would, generally, get from the headquarters of the Bureau in the different States.

Q. Have you stated all that you remember that transpired during the interviews you had with the President in reference to these matters?

A. Yes, sir. The President was remarkably reticent. In reference to going to Louisiana, the only thing he said to me was to do what was right down there.

By Mr. ELDRIDGE:

Q. Was there any personal property included in what was delivered up by you in Louisiana?

A. No, sir; unless there was some furniture in some of the houses.

Q. Do you know whether there was a record kept of all the transactions while Mr. Conway was there?

A. I do not know; I think there was, but the record is somewhat defective. I am under the impression that some property was restored, of which there is no record at all. There was a man in the office when I went there, whom Mr. Conway spoke to me about retaining as chief clerk or property clerk, and who had a great deal to do with the restoration of property. As soon as I took possession of the Bureau—the very second day afterwards, I think—I found that this man had been bribed by several persons to restore their property. I brought the man before me, and he acknowledged that fact I saw Mr. Conway about it, and said I intended to kick the man out immediately. He advised me to keep the man, and said he was a very good man; that he knew all about the persons whose property was held by the Bureau. I discharged the man that day. There were various suspicions about the office, but nothing that I traced to any person except to this chief clerk, who, Mr. Conway told me, had been a "Peter Funk" auctioneer.

Q. Can you give the man's name?

A. His name is Black. He was in the quartermaster's department of the Bureau, and had charge of abandoned property.

Q. Was he an officer of the army?

A. No, sir; a civilian, who had been employed by Mr. Conway.

Q. Do you know his residence?

A. New Orleans. He had been a sort of bogus auctioneer before the war. Mr. Conway told me he knew he was not the right kind of a man; that he had been a "Peter Funk" auctioneer, but that he was a pretty smart fellow, and a valuable man; knew who was loyal and who disloyal; and knew the proper persons to whom property should be restored.

Q. In reference to whom did these suspicions you speak of about the office apply?

A. There were suspicions or rumors that bribes had been taken, but I do not like to say anything about this. I would not like to accuse any person, or mention any names.

Q. Was it in connection with the management of the office before you went there?

A. Yes, sir; but I did not examine into these matters at all. I had too much else to attend to while I was there.

By the CHAIRMAN:

Q. You did, however, examine into one case?

A. Yes, sir. It was so patent that I could not avoid it, and the man con-

fessed that he had accepted bribes, and asked me if I would relieve him without making the matter public.

By Mr. MARSHALL:

Q. Did you report that to the President?

A. I made a report of my administration. I was accused by several persons, and by Mr. Conway particularly, with actions which, if they had been true, would have been very outrageous; which representations were entirely false.

WASHINGTON, D. C., *March* 28, 1867.

General J. S. FULLERTON, having been recalled, made the following statement:

I stated in my former examination that a large amount of property held by the Bureau in Louisiana had been restored under the general orders issued from the Bureau in Washington. When I went to Louisiana I found that Mr. Conway had an attorney in the employment of the Bureau. Cases were submitted to this attorney for examination and report. A great many cases so referred to him, and in which he had recommended restoration, remained not acted on. In compliance with the general instructions received from the Bureau in Washington, I proceeded to act at once upon these cases. The property held by the Bureau at that time was bringing a large rental, though not one per cent. of its actual value. Mr. Conway himself was not in the military service. A majority of the employés about the Bureau were not in the military service, and they were paid out of the proceeds arising from the rents of this property. I think the expenses of headquarters were about $3,000 a month, and part of those proceeds went to pay that. Afterwards, the attorney whom Mr. Conway had employed became unwell, and wished to go North. He went North, and I employed as attorney Mr. Tatum, one of the partners of the firm of Warmouth & Tatum, attorneys at law in New Orleans. Mr. Tatum continued the work of making examinations and reports in cases where application was made for the restoration of abandoned lands held by the Bureau in Louisiana, as the attorney employed by Mr. Conway had done before him. I took his reports, and made such examinations of the cases reported upon as I could, in addition, before acting upon them.

By Mr. BOUTWELL:

Q. What was the name of the attorney employed by Mr. Conway?

A. I do not remember; he was a man who had been employed by Mr. Conway. He was in delicate health; wished to go north; and I accepted his resignation of the office he held, to allow him to do so.

I was informed by General Howard that he had testified in relation to certain orders he had issued for the restoration of property. There was one order issued from the headquarters of the Bureau in Washington by myself, in the form of a letter sent to General Sprague, assistant Commissioner for the States of Missouri and Arkansas. It was sent, I think, during General Howard's absence, and may contain some information on the subject of restoration of property. I present the committee with a copy of that letter, which was promulgated by General Sprague, which is as follows:

[Circular No. 8.]

BUREAU OF REFUGEES, FREEDMEN, AND ABANDONED LANDS,
FOR THE STATES OF MISSOURI AND ARKANSAS,
St. Louis, Mo., August 21, 1865.

The following letter and instructions are published for the information and guidance of all concerned:

WAR DEPARTMENT, BUREAU OF REFUGEES,
FREEDMEN AND ABANDONED LANDS,
Washington, August 18, 1865.

General application for restoration of "abandoned lands" now in the possession of this Bureau, must be made by the applicants to the assistant Commissioners of the same for the States within which such lands are situated. These applications should then be forwarded to the Commissioner of the Bureau, who will direct what final action must be taken in the respective cases. The assistant Commissioners should also forward with such applications, statements as to whether the applicants are and always have been loyal citizens, or whether they have been pardoned by the President. Abandoned lands that have been taken possession of by the Commissioner of this Bureau, are, as it were, held for the time in trust by the government, awaiting the return of the loyal citizen, or in the case of a disloyal owner, awaiting proceedings for confiscation, which may be prevented or stayed by the pardon of the President. Where the lands belong to loyal citizens it will be restored to them upon proof of loyalty, and upon establishing their right of possession.

Where it belongs to those who have been disloyal, it will be returned only after they have been pardoned by the President, for by that act they are cleansed of treason, regenerated, and restored to full rights of citizenship. The lands cannot then be held "awaiting confiscation," for the citizen has been restored in accordance with the terms of pardon, "all rights of property except as to slaves." In all cases of the restoration of such abandoned lands, the provisions of Circular No. 3, from this Bureau, must be observed. The freedmen must not be deprived of the fruits of their industry. Where they have been cultivating such lands, they must remain in possession of the same until the crops now growing thereon have been secured for their benefit, or until full and just compensation be given to them for their labor and expenditures.

Very respectfully, your obedient servant,

J. S. FULLERTON,
Brevet Brigadier General and A. A. G.

1. All applications for the restoration of abandoned lands in the States of Missouri and Arkansas must conform strictly to the instructions contained in the above letter, and must be forwarded to the assistant Commissioner through the office of the local superintendent of this Bureau, on duty in the district where the lands are situated.

2. Each application must accurately describe the property whose restoration is applied for: if real estate, give metes and bounds, number of acres, &c.; and must state for what purpose the property is now being used.

3 The local superintendent will require the statement as to whether the applicant is and has always been a loyal citizen, or whether he has been pardoned by the President, to be attested by proof of the facts set forth in the statement, and he will endorse on each application all that he knows of the applicant and the property applied for that will assist in determining the question of restoration.

4. In addition to the statement as to whether the applicant is and has always been a loyal citizen, or whether he has been pardoned by the President, the local superintendent will require proof of the past and present loyalty and right of possession of the applicant, or of the fact of his having received the pardon of the President.

J. W. SPRAGUE,
Brigadier General, Assistant Commissioner.

Official:

GEO. E. DAYTON,
Acting Assistant Adjutant General.

The policy of the Bureau changed materially, I think, after the meeting of Congress, in relation to the restoration of property. General Howard was, as I said, away when that order was issued, but he said nothing about it when he returned. General Sprague had been writing, asking for instructions on the points covered in the letter, and I took upon myself the responsibility of writing the letter. I think it was in accordance with the policy of the Bureau at the time in reference to the restoration of such property.

Q. Did you confer with the Secretary of War in relation to this letter of August 18, 1865?

A. I think not. Other letters had been written, and orders issued similar in their purport, relative to the restoration of abandoned property. It was not intended that General Sprague should publish the letter as a general order. This matter had been talked over considerably in the Bureau.

Q. Did you have any conversation with the President relative to this letter of August 18, 1865?

A. No, sir.

Q. Was the letter then written by yourself upon your own responsibility?

A. Upon my own responsibility, (for I think General Howard was absent at the time,) understanding at that time that these views were to be carried out by the Bureau. The letter or no part of it was ever revoked.

Q. Look at the document marked "B" and state what it is, and whether you have any knowledge of it?

A. I cannot say that I do know what it is. When I left Louisiana, I had a list of the property restored by me while I was there, made out by the property clerk. I see here some mention of property restored by General Baird. That was after I left; so that this does not appear to be the list made out by me, or by my direction. I know that the list I refer to was altogether different in shape from this. This may contain the list of property restored by me as well as of that restored by Mr. Conway, but it is not the same list made out by my order. This contains property restored after I left New Orleans, down to as late as April, 1866. I left there in November, 1865. I do not remember many of the names here given as of persons to whom I caused property to be restored. Here is mention of a plantation restored to Pierre Soulé by General Fullerton. I think that must be a mistake. I do not remember anything of that kind, though it may be correct. There was some property of his in question before the United States District Court, I think, seized under the confiscation act. Whether that was restored during my term, or afterwards, I do not now remember. I think afterwards the case was before this court and was dismissed. I am quite sure I did not restore this property that the United States marshal had possession of. I cannot speak, however, with certainty in reference to those cases without consulting the records in New Orleans. In looking over this list I find that more property was restored by Mr. Conway than I supposed had been. This list is different, certainly, in some respects from the one I prepared. That not only gave the name of the owner, location, number of acres, reason of seizure, and date of restoration, which this gives, but also the estimated value of the property.

Q. Do you see upon this list property which purports to have been restored by you?

A. Yes; but I do not know whether it contains all that was restored by me. I could not state anything as to the correctness of this paper. I have already mentioned one piece of property given here as having been restored by me, of which I have no recollection, though I cannot say positively it was not restored by me.

I would like to make another statement as to the manner in which the papers of persons making application for the restoration of their property were prepared. In each case the applicant filed his affidavit, and all papers offered by him supporting his application there, in each case, were put in a separate envelope. The attorney for the Bureau, after having examined a particular case, wrote out his opinion and placed it in the same envelope. These papers, containing a full history in each case, are all, I presume, now on file with the assistant Commissioner at New Orleans. There were special difficulties under which I labored in discharging the duties imposed on me while acting as assistant Commissioner of the Bureau at New Orleans. I knew that difficulties would arise, and, in order to prepare for them as far as possible, before leaving Washington I wrote out certain questions which I wished General Howard to answer. He gave me a verbal answer to them, but did not wish to answer in writing. I was not sure of the law in some cases which I knew would arise, and thought I had better take them over to the President. I took the written questions to the Executive mansion, sent them in to the President by one of the private secretaries, and requested answers to them. I waited for two days after the time I had set to leave Washington, and receiving no response, I called personally to see the President. He returned the questions to me without an-

swer, telling me I had better go there and be governed by the law in the case. And I had to use my own judgment in the matter. There were questions as to matters in which I desired to have positive instructions. For instance, a very considerable amount of property had been seized without the authority of any law of Congress whatever, which had been turned over to the Bureau, and by them leased to third parties, and the question arose in such cases whether after restoration the lessee should be allowed to remain during the full term of his lease, or whether the property should be at once restored to the owner, leaving the lessee to look to the government for damages, that is, damages for leasing to them property over which the government had no rightful control. Several cases of that kind arose while I was there, and not liking to act in the matter, definitely, I put them off. There arose other cases that came before me like this: Property was held by the Bureau as abandoned property, which had not been voluntarily abandoned, or in fact abandoned at all, which the owners had been compelled to leave, and then after a certain time the property had been seized as abandoned. There were plantations owned by parties living in the city, left in charge of agents, which had been seized as abandoned because the owner was not living on them. I allowed most of these cases to be continued without decision.

By Mr. ELDRIDGE:

Q. You say that certain property was taken as abandoned after the owners had been put out of it; put out by whom?

A. By provost marshals in some instances. A great deal of property was seized in Louisiana before the Bureau was organized, under the direction of the Treasury Department, which was turned over to the Bureau. The papers on file in New Orleans will show, in each case, how the Bureau came into possession of the property.

Q. Under what circumstances were the owners of this property of which you speak, put out, and the property seized?

A. I suppose the officers acting in the matter wanted the property for some purpose. There were a few cases of that kind reported to me, and affidavits presented that the owners had first been turned out, and afterwards their property seized as abandoned.

Q. What were they turned out for?

A. I do not know.

Q. You know what was the report or understanding, do you not?

A. My statement would be merely hearsay. During the military occupation of New Orleans, as well as other places, a great deal of property was seized for government use, and a great deal by officers for their own use for quarters, &c.; and after having been seized and occupied, much of it was turned over to the Bureau as abandoned.

By Mr. WILLIAMS:

Q. Were these seizures during the war, or afterwards?

A. I went there after the surrender of the rebel armies. I could not tell when the seizures were made without looking over the papers in each case.

By Mr. BOUTWELL:

Q. Have you a copy of the questions which you laid before the President for instructions?

A. I have not. I do not know whether I took it to New Orleans, even.

Q. Was the paper which you laid before the President prepared by you?

A. It was. I merely wished answers to the questions for my own guidance. The orders of the Bureau in reference to the restoration of property were not complete.

Q. Did you have any instructions from the President, either written or oral, at any time other than those you have spoken of?

A. No, sir; I could not get him to say anything. That was the difficulty under which I labored. I could not get instructions from General Howard as definitely as I wished, and I was compelled to act upon my own judgment. The Bureau had been organized but a short time before some confusion in the orders that had been issued existed, and the law in reference to abandoned lands was very indefinite.

By Mr. ELDRIDGE:

Q. Did you tell General Howard you had had frequent interviews with the President on these subjects, before you went there?

A. No, sir; I think not. The General knew I had seen the President. I told him I had. I had several interviews with the President at the time mentioned, for the purpose of requesting him to appoint some of the men who had served in the same army with me to places in the regular army.

By Mr. BOUTWELL:

Q. Did you or not tell General Howard that you had instructions from the President, oral or in writing, and of which General Howard himself had no knowledge except such as you gave him?

A. No, sir; General Howard knew that I took those written questions I have mentioned over to the President.

Q. Did you or not represent to anybody in New Orleans that you had the instructions of the President to surrender this property?

A. No, sir; I have heard of such remarks coming from some newspaper correspondents who were in New Orleans. Some of these men came to me while in the Bureau, and wished to know where my orders came from and what they were. I told them I had orders from Washington. I referred to the orders of the Bureau, without telling them they were such. The only orders or instructions I received from the President in reference to the matter were, to go to New Orleans, do what was right and obey the law—the orders of the Bureau.

Q. Did you have any authority from the President, or from any conversation you had with him, did you infer or assume that you had authority to do anything more or different than is set forth in Circular No. 15?

A. I never considered myself as having any authority to do anything conflicting with, or not in accordance with, the orders from the Bureau, except in one matter. I do not know whether Circular No. 15 was the last circular on that subject from the Bureau or not. I acted solely under instructions from the Bureau, except in reference to the single matter of stopping a tax that had been levied.

Q. What tax was that?

A. It was a tax ordered by General Banks while commanding the department of the Gulf, assessed upon the people for the support of schools for freedmen, but was not collected by him. Some time after the Freedmen's Bureau was organized, it appeared that some money, a good many thousand dollars, had been paid by the quartermaster's department to Mr. Conway for the support of freedmen's schools. The military authorities wished to get this money back. Mr. Conway asked General Howard for permission to collect the tax, which had been ordered some time before by General Banks to be collected, for the purpose of repaying this money to the quartermaster's department. General Howard telegraphed to General Canby on the subject, and it was agreed that the tax might be collected. When I arrived in Louisiana a large amount of money had been collected under this order, but not a cent had been applied to the repayment of this money to the quartermaster's department. It had all been used for the current support of freedmen's schools, payment of teachers,

&c. I telegraphed the whole facts of the case, and also stated that many people had not the money to pay the tax, and were about to be arrested, because they could not, and received a reply from the President to this effect, that in the impoverished condition of the people, the further collection of the tax had better be suspended, not stopped, and I issued an order suspending any further proceedings in the matter. These were the only instructions I ever received from the President direct.

Q. Can you furnish the Committee with a copy of the instructions under which you acted while in New Orleans?

A. I presume I can get them from General Howard. This circular, No. 15, is one of them. I am aware that there was an impression more or less current in New Orleans, that I had received explicit and definite instructions from the President in reference to my action. I never contradicted anything. I allowed persons to think of me and my actions just as they pleased. Mr. Conway, my predecessor, had gathered around him a clique of men who paid much more attention to political matters than to the affairs of the Bureau. I knew that to relieve Mr. Conway was to bring down the abuse of this whole clique upon his successor. I was the victim. I paid no attention to them. I had no political or personal ends to carry out, or ambition to gratify, and I simply attended to the affairs of the Bureau, carrying out the general instructions from General Howard, under which I was acting, and doing what I could, and what I thought best for the benefit of the freedmen. I refused to have any participation in any political meetings, or to meddle with political affairs, or any affairs outside of the Bureau. The consequence was that I met with very much opposition. These persons took every opportunity to misrepresent me in everything I did. For instance, I issued an apprentice order. It was almost literally a transcript of General Howard's order, and of the apprentice law of one of the northern States. By a general order of the Commissioner of the Bureau I was obliged to act in the apprentice cases. No freedmen were apprenticed under it, but I was accused by reason of this of selling freedmen into slavery. At the time of the election, when Judge Warmouth announced himself a candidate to represent the people of the Territory of Louisiana in Congress, a great many freedmen voted for him. Two colored men were arrested by the police for creating a disturbance when voting. They were taken to the mayor, who sent them to my office. They were brought there when I was very busy, and the case was not presented to me. But one of my officers put them in prison; and then some of the men in my office went on the street, and said I had imprisoned colored men for voting. I knew nothing about the case whatever, until two days afterwards, when a committee came to me asking why these men were imprisoned. Everything that this clique could do was done to break me down and get me away from there. I was also accused by some members of it of accepting dinners from rebels. This was not true. I did receive an invitation to accept a dinner from citizens, some of whom were as loyal as any in New Orleans, but I refused to accept it. I wrote them a note declining. There was nothing which I did that was not known in Louisiana. There were men on my track who watched everything done by me, and who circulated the stories that were set afloat, for the purpose of breaking me down, and to get Conway back. General Howard was in New Orleans two or three days before I left. I showed him all of my orders, and informed him of all that I had done. He called a meeting of the colored people at my office, for the purpose of having a talk with them, at which he told them that he approved everything I had done, and told them that Mr. Conway had been removed for spending too much money, that he had not been sufficiently economical in his expenditures. Some newspapers published a statement telegraphed from Washington that I had been relieved from duty with the Bureau in Louisiana on account of my transactions in that State. Of course I paid no attention to any publication of reports in

the newspapers. I did, however, communicate with the Bureau in Washington on the subject, and received, while on my way to Washington from New Orleans, the following telegraphic despatch in reply:

WASHINGTON, D. C., *November* 24, 1865.

To Brigadier General J. S. FULLERTON, *Chillicothe, Ohio:*

No despatch was ever sent from or authorized by the Bureau, that your action in Louisiana had been disapproved, and that General Baird had been sent out to supersede you. Your appointment, when made, was merely temporary till General Baird should be able to go to New Orleans.

By order of Major General O. O. Howard:

MAX. WOODHULL,
Colonel and Acting Assistant Quartermaster.

I merely state these facts in order to let the Committee know what many of these stories, which have been in circulation, are worth.

By Mr. ELDRIDGE:

Q. Did General Howard at any time find fault with you for having restored these lands too rapidly?

A. No, sir. There are certain matters I could state that would satisfy the Committee on that point, but as they involve the disclosure of private conversations between officers of the Bureau and myself, I do not care to do it.

Q. Did he at any time express to you the opinion that you had in any way gone beyond your orders in reference to the restoration of property?

A. No, sir. So far from that, after I returned from Louisiana, I wrote out my report of all transactions under my direction from the time I went to Louisiana until I left there, and submitted it to General Howard and to Colonel Eaton, who was then his assistant at the headquarters of the Bureau. They approved of it, except as to certain expressions relating to some officers in and who had been in the Bureau in Louisiana, which they feared might create unpleasant feelings on their part. These corrections were made, and the report as presented met with their entire approval.

Q. Were you in the habit, while in New Orleans, of associating almost exclusively with the class of men there styled as rebels?

A. If you include in that class Governor Wells, Dr. Tom Cottman, United States Marshal Bullitt, and General Sheridan, I was, for I associated with them more than with any other four men in Louisiana. I spent a part of every day with General Sheridan, in his private house. I had known the General previously when he commanded a division in the corps of which I was assistant adjutant general; had a very great admiration for him, and was glad to keep company with him.

By Mr. BOUTWELL:

Q. Dr. Cottman formerly voted for the ordinance of secession, did he not?

A. I have been informed, since I left New Orleans, that he did. I did not know before that he had done so. He is very well known in Washington, I believe. He is considered very radical now, and was a strong Unionist when I was in New Orleans.

Q. Look at the paper marked "memorandum," attached to General Howard's testimony, and state whether the questions and answers contained in that paper correspond in form and substance to the questions submitted to General Howard and to the President by yourself?

A. I remember the first three questions; the others I do not. There were questions, also asked by me, which are not here. The answers I do not remember. If they were presented to the Committee by General Howard, I take it for granted they were given. I do not deny anything that General Howard states positively as true. I desire it to be distinctly understood that the answers given to persons in New Orleans, as to whose orders I was acting under,

were given as they were, so as to avoid the constant running to me on the part of these men who seemed so anxious to give me instructions in my duties, and direct me how to carry out the orders of the Bureau.

Q. Did you give these people distinctly to understand that you were acting under special instructions?

A. I did not care what they understood. I merely said I was acting under instructions from Washington. The only orders I had were issued from Washington, from General Howard's office.

Q. Did you not encourage the idea that these people had—that you were acting under special instructions from the President?

A. I think not. My idea was to be very reticent. A correspondent of a New York paper asked me in Willard's hotel, a day or two ago, whether I told him, while in New Orleans, that I had some such instructions from the President. I made no reply, but turned the conversation. As I was under examination by this Committee, and did not know what questions might or might not be asked me while here, and knowing that certain parties circulated the report that I had special instructions from the President, I did not think it necessary to say anything in the matter until I had an opportunity to do so officially. I recollect that a lawyer in New Orleans, by the name of Lee, called to see the President in Washington in relation to the restoration of certain property in Louisiana, and the President told him he would have to return to Louisiana and see the assistant Commissioner there, and he gave him a letter of introduction to me. It was known in New Orleans that he brought a letter from the President to myself, and that fact was made use of to prove that I was acting under the special instructions of the President.

Q. Was Lee's property restored to him?

A. The matter was referred to the attorney, and I do not remember what was the result. I am not sure whether the property was his or belonged to some person for whom he was acting as attorney.

Q. Did you not proceed, while you were in Louisiana, upon the idea of restoring this property to those who had been pardoned as rapidly as possible?

A. Of course, as fast as cases came up, when the orders of the Bureau required it, I restored it. My object was to dispose of the business coming before me, of every description, promptly, and to have a clear table. As I remarked, a large number of applications which had been reported on by Mr. Conway's attorney, remained unacted on when I relieved him. I acted upon these cases as rapidly as I could after the necessary examinations, in order to clear them off my desk.

By Mr. ELDRIDGE:

Q. You mean, then, simply to say that you endeavored to discharge the duties imposed on you promptly?

A. Yes, sir; nothing more.

By Mr. BOUTWELL:

Q. You considered it your duty to restore property to claimants who had received the President's pardon, as rapidly as possible?

A. I considered it my duty to act promptly, under the orders of the Bureau, upon such cases as were presented to me; no more so in property cases than in any other that came before me.

(The following order, called for in the previous examination of the witness, was by him laid before the Committee):

WAR DEPARTMENT, ADJUTANT GENERAL'S OFFICE,
Washington, April 7, 1866.

Ordered.—I. That Major General James B. Steadman and Brevet Brigadier General Joseph S. Fullerton, United States volunteers, be, and they are hereby, directed to make an inspection and report upon the operations of the Freedmen's Bureau in the following mili-

tary departments: Virginia, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Florida, Louisiana, Arkansas, and Texas.

In making said inspection, they will direct attention especially to the following points:

1. To the number of officers and persons employed by or attached to the Bureau in each department, whether civil or military, their rank and pay, and what duties they perform.

2. The number, age, and sex of the persons receiving aid from the said Bureau, and its mode of administration; the number of rations and other supplies issued each month since the 1st of December, and of what the rations and supplies consisted.

3. The necessity for the relief so furnished, and how long and to what extent it will continue.

4. To what extent the operations of the Bureau have been aided or opposed by the white people in each department.

5. What retrenchment or reform in the mode of administration and in the operations can properly be made, and the facts and reasons therefor.

6 The effect of the operations of the Bureau on the freedmen in respect to their habits and disposition to labor and support themselves.

7. The condition of the freedmen's settlements on the sea islands and seacoasts under General Sherman's order, and any other points that may arise in the course of inspection that will contribute to the efficiency of the Bureau or its operations, and any information that may be useful to the service.

II. Military officers on duty in the respective departments, and all officers, agents, and employés of the Freedmen's Bureau are directed to furnish such information and assistance as may be necessary to a full and fair inspection and report upon the operations of said Bureau.

III. The inspectors are authorized to employ such clerical assistance as may be necessary for this duty. Commanding officers will provide quarters, and officers of the quartermaster and subsistence departments will furnish transportation and subsistence when required.

IV. Special reports and recommendations will be made from time to time, as the inspection progresses.

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant General.

Official:

E. D. TOWNSEND,
Assistant Adjutant General.

WASHINGTON, *Monday, March* 25, 1867.

General RUFUS SAXTON, sworn and examined.

By Mr. BOUTWELL:

Q. Are you connected with the army; and, if so, in what capacity?

A. I am a captain in the quartermaster's department, and am brevet brigadier general in the army.

Q. During the years 1865–'6 were you in the military service?

A. Yes; I was brevet major general of volunteers and assistant Commissioner of the Freedmen's Bureau, in the States of South Carolina, Georgia, and Florida.

Q. During the time you were acting as assistant Commissioner, did you take or have possession of abandoned lands within your district?

A. Yes, sir.

Q. To what extent?

A. I seized, under General Sherman's special field order No. 15, the sea islands in South Carolina. Under the law of Congress establishing the Freedmen's Bureau, and under the orders of the Commissioner of that Bureau, I seized all the abandoned lands which I could during the time I was operating, amounting, as estimated, to about 450,000 acres. I continued thus till October 2, 1865, when I received a telegram from the Commissioner of the Bureau directing me to seize no more abandoned lands. In accordance with the decision of the Attorney General authorizing it, and the order from the Commissioner, I made a requisition on the Treasury Department for all the abandoned property in its possession, for the use of the freedmen. The assistant treasurer, Mr.

Callicot, turned over to me nearly the entire city of Charleston. Under circular No. 15, from the Commissioner of the Bureau, the property was restored to its former owners—first, all who came under the amnesty proclamation of the President were considered as entitled to have their property restored; and, second, all those who received special pardons from the President.

Q. Do the 450,000 acres of which you speak include the sea islands?

A. No, sir, not altogether. They include a portion of the sea islands; but a greater proportion was on the main land. I had just got my forces in operation, seizing the land at a pretty rapid rate, when I was stopped by that order from the Bureau. I should very soon have had a much larger amount.

Q. Was any estimate made by you of the value of the property seized?

A. No, sir; but it was very great.

Q. Have you any opinion as to its value?

A. No, sir; but it must have amounted to a good many millions.

Q. What was the value of the sea islands at the time the war opened, 1860–'1?

A. I should think they were valued at some twenty dollars an acre.

Q. How many acres in the sea islands were there?

A. I do not think I can make an estimate. I colonized some forty thousand negroes, and each head of a family was to receive forty acres of land.

(Witness here produced General Sherman's field order No. 15, and his own order under it, which were made part of the record, and are as follows:)

[Circular No. 4.]

HEADQUARTERS, BEAUFORT, S. C., *April* 22, 1865.

It having been reported to me that unauthorized persons are now settling on lands which have been reserved and set apart for the freedmen, the following is published for the information of all concerned:

[Special Field Orders, No. 15.]

HEADQUARTERS MILITARY DIVISION OF THE MISSISSIPPI,
In the Field, Savannah, Ga., January 16, 1865.

I. The islands from Charleston south, the abandoned rice fields along the rivers for thirty miles back from the sea, and the country bordering the St. John's river, Florida, are reserved and set apart for the settlement of the negroes now made free by the acts of war and the proclamation of the President of the United States.

II. At Beaufort, Hilton Head, Savannah, Fernandina, St. Augustine, and Jacksonville, the blacks may remain in their chosen or accustomed vocations; but on the islands and in the settlements hereafter to be established, no white person whatever, unless military officers and soldiers detailed for duty, will be permitted to reside; and the sole and exclusive management of affairs will be left to the freed people themselves, subject only to the United States military authority and the acts of Congress. By the laws of war and orders of the President of the United States, the negro is *free*, and must be dealt with as such. He cannot be subjected to conscription or forced military service, save by the written orders of the highest military authority of the department. Under such regulations as the President or Congress may prescribe, domestic servants, blacksmiths, carpenters, and other mechanics will be free to select their own work and residence; but the young and able-bodied negroes must be encouraged to enlist as soldiers in the service of the United States, to contribute their share toward maintaining their own freedom, and securing their rights as citizens of the United States. Negroes so enlisted will be organized into companies, battalions, and regiments, under the orders of the United States military authorities, and will be paid, fed, and clothed according to law. The bounties paid on enlistment may, with the consent of the recruit, go to assist his family and settlement in procuring agricultural implements, seeds, tools, boats, clothing, and other articles necessary for their livelihood.

III. Whenever three respectable negroes, heads of families, shall desire to settle on land, and shall have selected for that purpose an island, or a locality clearly defined, within the limits above designated, the inspector of settlements and plantations will himself, or by such subordinate officer as he may appoint, give them a license to settle such island or district, and afford them such assistance as he can, to enable them to establish a peaceable agricultural settlement. The three parties named will subdivide the land, under the supervision of the inspector, among themselves, and such others as may choose to settle near them, so that each family shall have a plot of not more than forty (40) acres of tillable ground; and when it borders on some water channel, with not more than eight hundred feet front, in the possession of which land the military authorities will afford them protection

until such time as they can protect themselves, or until Congress shall regulate their title. The quartermaster may, on the requisition of the inspector of settlements and plantations, place at the disposal of the inspector one or more of the captured steamers, to ply between the settlements and one or more of the commercial points heretofore named in orders, to afford the settlers the opportunity to supply their necessary wants, and to sell the products of their land and labor.

IV. Whenever a negro has enlisted in the military service of the United States, he may locate his family in any one of the settlements at pleasure, and acquire a homestead and all other rights and privileges of a settler, as though present in person. In like manner negroes may settle their families and engage on board the gunboats, or in fishing, or in the navigation of the inland waters, without losing any claim to land or other advantages derived from this system. But no one, unless an actual settler as above defined, or unless absent on government service, will be entitled to claim any right to land or property in any settlement, by virtue of these orders.

V. In order to carry out this system of settlement, a general officer will be detailed as inspector of settlements and plantations, whose duty it shall be to visit the settlements, to regulate their police and general management, and who will furnish personally to each head of a family, subject to the approval of the President of the United States, a possessory title in writing, giving as near as possible a description of boundaries, and who shall adjust all claims or conflicts that may arise under the same, subject to the like approval, treating such titles altogether as possessory. The same general officer will also be charged with the enlistment and organization of the negro recruits, and protecting their interests while so absent from their settlements, and will be governed by the rules and regulations prescribed by the War Department for such purpose.

VI. Brigadier General R. Saxton is hereby appointed inspector of settlements and plantations, and will at once enter on the performance of his duties. No change is intended or desired in the settlement on Beaufort island, nor will any rights to property heretofore acquired be affected thereby.

By order of Major General W. T. Sherman:

L. M. DAYTON,
Major and Assistant Adjutant General.

Having been detailed by the proper authority, and being held responsible for the enforcement of this order, I hereby warn all persons against violating any of its provisions, as all such will be held to the strictest accountability for trespass; their effects will be seized for the benefit of the freedmen, and themselves sent out of the department, or otherwise punished by sentence of a military commission. All superintendents of plantations, islands, &c., and all officers or other persons on duty in connection with the freedmen, are required to bring to the immediate notice of the inspector of settlements any violation of the provisions of this order.

Superintendents of islands and plantations will cause copies of this circular to be posted up in conspicuous positions, and take every opportunity to inform those concerned of its existence.

Thirty days will be allowed for the proper circulation of its contents, and all who fail to vacate premises which are occupied by them, contrary to General Sherman's order, No. 15, will be at once arrested. Should it be necessary to employ military force to carry out the provisions of this circular, application will at once be made to me for such force.

Official:

R. SAXTON, *Brt. Maj. Gen.,*
Inspector of Settlements and Plantations.

WITNESS. On applications for the restoration of the sea island lands, under Circular No. 15, I put the following endorsement on nearly every application:

Endorsement on application of Hon. William Aiken, for the restoration of his property in South Carolina.

HEADQUARTERS ASSISTANT COMMISSIONER, SOUTH CAROLINA,
Charleston, S. C., October 9, 1865.

Respectfully forwarded to Major General O. O. Howard, United States Army, Commissioner Bureau of Refugees, Freedmen, and Abandoned Lands, for his action.

In accordance with the requirements of special field order No. 15, Headquarters military division of Mississippi, dated January 16, 1865, I took possession of all the sea islands and abandoned rice fields along the rivers for thirty miles back from the sea, for the purpose of colonizing the freedmen thereon in tracts of forty acres. The freedmen were promised the protection of the government in their possessions. This order was issued under a great military necessity, with the approval of the War Department. More than forty thousand destitute freedmen have been provided with homes under its promises. Appointed ex-officers to

carry it out. I should break faith with the freedmen now by recommending the restoration of these lands. In my view this order of General Sherman is as binding as a statute.

R. SAXTON,
Brevet Major General and Assistant Commissioner.

Official copy:

WILLIAM FOWLER,
Acting Assistant Adjutant General.

Q. What was the value of the lands seized on the main land?

A. I should think about the same value—twenty dollars an acre. It would have been very difficult to have purchased them of their former owners. They were held very high, and I doubt whether they could have been purchased at that price; but I should think that was a fair valuation.

Q. Can you state, more definitely than you have done, what proportion of the city of Charleston was in your hands as assistant Commissioner?

A. I should judge two-thirds of it, and possibly more.

Q. Can you state how many pieces of property were surrendered by you?

A. I have here four hundred and fifty orders for restoration of property to owners in the city of Charleston, each order covering from one to twenty-five dwellings; and eighty-five orders for the restoration of plantations, of one or more plantations. These dockets do not cover all the property I had. I was relieved about that time from my duties as assistant Commissioner, and my successor restored probably more than I did. I was notified by one or two leading rebels that the sea island property was to be given up, and that I had better give it up quietly or it would be worse for me.

Q. Who were those rebels?

A. One of them was William Whaley; I do not recollect the others. Whaley told me that the President had told him this property would be given up.

Q. When was this conversation with Whaley?

A. Shortly before I was relieved, which was the 15th of January, 1866. This was some time in December, 1865.

Q. What gave rise to that conversation?

A. I had delivered none of the sea island property, and had refused to give it without a special order in each case.

Q. Your conversation with Whaley related to that?

A. Yes.

Q. Did you deliver the property under circular No. 15, or had you any other order from the Bureau or the President?

A. I delivered it under circular No. 15, and under the additional order from General Howard saying that that circular should be carried out.

[Witness produces the additional order referred to, dated Washington, October 11, 1865, which is as follows:]

WAR DEPARTMENT,
BUREAU OF REFUGEES, FREEDMEN, AND ABANDONED LANDS,
Washington, October 11, 1865.

GENERAL: I am directed by Major General Howard to acknowledge the receipt of your telegram of the 10th instant, and, in answer, to inform you that if the owner of the property therein referred to is entitled to it under circular No. 15, current series, from this Bureau, it must be restored to him.

If it becomes necessary to hire buildings for office and quarters, you are authorized to do so, paying a moderate rent for the same out of the funds of the Bureau in your possession.

Very respectfully, your obedient servant,

MAX. WOODHULL,
Assistant Adjutant General.

Brevet Major General R. SAXTON,
Assistant Commissioner, &c., Charleston, S. C.

The above order is hereby modified as follows:

If buildings to be restored under circular No. 15, current series, from this Bureau, are occupied by the officials of this Bureau, or by the military authorities, the titles to the same will be restored as in other cases, but with the provision that possession be retained by said

officials so long as the War Department authorizes the retention of buildings under military necessity, and a moderate rent be paid out of the funds of the Bureau for the buildings so occupied by its officials.

O. O. HOWARD,
Major General and Commissioner.

WITNESS: The orders under which seizures of abandoned lands were made were dated from the Commissioner of the Freedmen's Bureau, June 20, 1865, June 26, July 27, August 9, (in which attention is specially called to the law authorizing the seizure of abandoned lands,) and August 19, (with circular No. 13.) This was sent to me by General Howard for my guidance, and was in operation about a month, when it was countermanded by, as General Howard informed me, the direction of the President, and circular 15 substituted for it. Circular No. 15 was the one that restored all the property which came under the amnesty proclamation and the special pardons of the President.

Q. Did you receive any other orders from the Bureau, or from the President, in reference to the restoration of lands?

A. I received from the Bureau this order of August 16, 1865. It was on this order that the restoration of the land was made.

(The order was put in evidence, and is as follows:)

WAR DEPARTMENT,
BUREAU OF REFUGEES, FREEDMEN, AND ABANDONED LANDS,
Washington, August 16, 1865.

GENERAL: In accordance with the following endorsement and order of the President, you will immediately restore the property of Mr. B. B. Leake to him without further orders.

[Endorsement.]

EXECUTIVE OFFICE, *August* 16, 1865.

Respectfully returned to the Commissioner of the Bureau of Freedmen, Refugees, &c. The records of this office show that B. B. Leake was specially pardoned by the President on the 27th ultimo, and was thereby restored to all rights of property, except as to slaves.

Notwithstanding this, it is understood that the possession of his property is withheld from him. I have, therefore, to direct that General Fisk, assistant Commissioner at Nashville, Tennessee, be instructed by the Commissioner of Bureau of Freedmen, &c., to relinquish possession of the property of Mr. Leake, held by him as assistant Commissioner, &c., and that the same be immediately restored to the said Leake.

The same action will be had in all similar cases.

ANDREW JOHNSON,
President of the United States.

By order of Major General O. O. Howard, Commissioner, &c.:
SAMUEL L. TAGGART,
Assistant Adjutant General.

Brigadier General C. B. FISK,
Assistant Commissioner, Nashville, Tennessee.

Q. Did you have possesion of any lands that had been seized under the confiscation act?

A. No, sir.

Q. Do you know anything of any such seizures?

A. No, sir; all the property I had was seized because it was abandoned, or was turned over to me by the agents of the Treasury Department.

Q. What proportion of the lands on the main land of South Carolina was surrendered by you before you were relieved from duty there?

A. I cannot say; but I should think the greater part of it. I did not consider that circular No. 15 applied to the sea island lands, and I refused to surrender them without a special order in each case.

Q. Do you know of any rebels in South Carolina who made application for pardon, and who were not pardoned by the President?

A. No, sir; I do not.

Q. Were any persons pardoned who had been prominent in the rebellion?

A. Yes, sir; a large number of them.

Q. Can you name any of them?

A. Governor Aiken, who was a blockade runner, and who profited very largely by blockade running during the war, was pardoned; also William Whaley, who was a prominent rebel. I cannot recollect names, but I know there were a great many prominent men pardoned.

Q. Do you know anything of Trenholm, secretary of the rebel treasury?

A. He was not pardoned while I was there.

Q. Do you know anything of his operations in blockade running during the war?

A. I have understood that he was engaged in blockade running.

Q. Was he reputed to be wealthy?

A. He was reported to be very wealthy. I heard his property estimated at between five and fifteen millions.

Q. Was he a large claimant of lands?

A. He had a large amount of property in Charleston. The firm of Frazer & Co. are the wealthiest men in Charleston. I restored all their property under the order which I received.

Q. Did you have any special orders in their case?

A. I had special directions to restore their property.

Q. From whom were those directions?

A. I do not recollect, but I will endeavor to ascertain.

Q. Was Trenholm, the secretary of the rebel treasury, a member of that firm?

A. I have understood so.

Q. Was any portion of the sea island lands restored while you were assistant Commissioner?

A. Not by me.

Q. Have you any knowledge that restoration was made since?

A. I have understood that it was because I stood in the way of restoration of those lands that I was removed. I refused, without positive orders in each case, to restore any of them; and I did not, while I was assistant Commissioner, restore any of them. I saw a copy of the letter written by Wm. H. Trescott to the President, endorsed by Governor Orr, stating that it was impossible for him to do anything so long as General Saxton had control of affairs in the department, and urging my immediate removal; and I understood that I was removed on the strength of that letter. I certainly was removed within a month of the letter being sent to Washington. I have understood that a greater part of the freedmen who were colonized under that order of General Sherman's were turned out of their houses and lost their lands. I was more particular about giving up those sea island lands, from the fact that I had been ordered to pledge them to the freedmen, and I had done so. I had promised to them, on the faith of the government, that they should be retained in possession, and I was unwilling, under any circumstances, to give up the lands.

Q. By what authority did you make that pledge to them?

A. On the authority of the Secretary of War, and of General Sherman's order. I was positively ordered by the Secretary of War, in a conversation which I had with him on the steamer coming from Savannah to Beaufort, to carry out the order of General Sherman. I remonstrated with him about being made to enforce that order, because former promises which I had made to the freedmen with reference to the occupancy of land had been broken, and I feared that in the enforcement of that order they would be disappointed again. I begged the Secretary of War, therefore, to relieve me from the duty of carrying it out. He ordered me, with great emphasis, to enforce it to its fullest extent, and I promised him that I would do so. His exact words were, "General, I order you to do this thing, and you must carry out this order."

By Mr. LAWRENCE:

Q. State whether the Secretary of War endeavored to have the order carried out.

A. I believe the Secretary did everything in his power to maintain me in the position which I took, and to enforce that order.

Q. State whether the order of General Sherman was ever revoked.

A. It was never formally revoked, but it was practically so; it was disregarded.

Q. Did President Lincoln ever issue any order on the subject of the seizure of lands?

A. He did, on December 31, 1863.

Witness produces a copy of President Lincoln's order, as follows:

TREASURY DEPARTMENT, *December* 30, 1863.

GENTLEMEN: By direction of the President I transmit the following instructions, which you will observe in disposing of lands struck off to the United States. You will consider them as applying to all lands in your district which are now, or may be hereafter, owned by the United States, except such as are or may be set apart for military, naval, school, or revenue purposes, and the plantations on St. Helena Island, known as "Land's End" and the "Ben Chaplin Place," and the city of Beaufort, on Port Royal Island.

All previous instructions, or parts thereof, which conflict with those now given, are hereby repealed.

Yours respectfully,

S. P. CHASE.

TO UNITED STATES DIRECT TAX COMMISSIONERS.

ADDITIONAL INSTRUCTIONS TO THE DIRECT TAX COMMISSIONERS FOR THE DISTRICT OF SOUTH CAROLINA, IN RELATION TO THE DISPOSITION OF LANDS.

1. You will allow any loyal person of twenty-one years of age or upwards, who has at any time since the occupation by the national forces resided for six months, or now resides upon or is engaged in cultivating any lands in your district owned by the United States, to enter the same for pre-emption to the extent of one or, at the option of the pre-emptor, two tracts of twenty acres each, paying therefor one dollar and twenty-five cents per acre. You will give preference in all cases to heads of families, and to married women whose husbands are engaged in the service of the United States or are necessarily absent.

2. You will permit each soldier, sailor, or marine, actually engaged in the service of the United States, or any who have been or hereafter shall be honorably discharged, to pre-empt and purchase, in person or by authorized agent, at the rate of one dollar and twenty-five cents per acre, one tract of twenty acres of land if single, and if married two tracts of twenty acres each, in addition to the amount a head of family, or married woman in the absence of her husband, is allowed to pre-empt and purchase under the general privilege to loyal persons.

3. Each pre-emptor, on filing his claim and receiving his certificate of pre-emption, must pay in United States notes two-fifths of the price, and the residue on receiving a deed for the parcels of land pre-empted, and a failure to make complete payment on receipt of the deed will forfeit all rights under the pre-emption, as well as all partial payments for the land.

4. When persons authorized to purchase by pre-emption desire to enter upon and cultivate lands not yet surveyed, they may do so, but they will be required to conform in their selections as near as possible to the probable lines of the surveys, and to take and occupy them subject to correction of title and occupation by actual surveys when made.

5. In making surveys, such reservation for paths and roadways will be made as will allow easy and convenient access to the several subdivisions entered for sale and occupancy by pre-emption or otherwise.

Approved December 31, 1863.

A. LINCOLN.

He also submitted general orders No. 1, June 20; No. 2, June 26; No. 3, June 26; No. 4, July 27; No. 5, August 9; No. 9, August 19; No. 15, September 28—all relating to the seizure and restoration of lands, with passages marked, which are appended to his testimony:

[General Orders No. 4.]

HEADQUARTERS ASSISTANT COMMISSIONER,
BUREAU REFUGEES, FREEDMEN, AND ABANDONED LANDS,
SOUTH CAROLINA, GEORGIA, AND FLORIDA,
Beaufort, South Carolina, July 27, 1865.

The following circular from Headquarter's Freedmen's Bureau is republished for the information of all assistant and sub-Commissioners in the States of South Carolina, Georgia, and Florida:

WAR DEPARTMENT,
BUREAU FREEDMEN, REFUGEES, AND ABANDONED LANDS,
Washington, D. C., July 11, 1865.

[Circular No. 10.]

I. The following mentioned reports will be forwarded to this Bureau by the assistant Commissioners of the same, as hereinafter mentioned:

1st. Monthly report of refugees and freedmen, whether they are self-supporting or not; who are in colonies, camps, depots, or hospitals, and on government farms, or other lands under control of the assistant Commissioners. These reports will contain statements of the number of persons in each colony, camp, depot, hospital, or on each farm; the number and value of rations that have been furnished to agents, employés, refugees, and freedmen; and of the amount and value of clothing that has been furnished, if any, and whether the same has been obtained by donation or purchase; also, of the number of refugees and freedmen who may not be in colonies, camps, depots, hospitals, or on farms, to whom rations and clothing may have been issued; and the number and value of such rations; and the amount and value of such clothing so issued; and whether such clothing was obtained by donation or purchase. The statistics of colonies, camps, &c., will be entered on separate lines in these reports. Blank forms for the same will be furnished from this Bureau.

The first of these reports that the assistant Commissioners make, must cover the period from the time when they first entered upon their duties until the first of the month following the receipt of this circular.

2d. *Land Reports.*—There will be furnished, as soon as practicable, reports of all lands in the possession or under the control of the assistant Commissioners, or their agents, that are held for the use or benefit of loyal refugees or freedmen, if such reports have not already been made. They will contain statements as to whether such lands have been abandoned or confiscated; a brief or general description of each separate piece or tract, with its situation, and the names of the former owner or possessor of the same. After such reports have been forwarded, monthly reports of changes will be made, containing brief descriptions of any lands gained during the past month, with statements as to how the same were acquired, the situation and names of former owners. These reports will also account for all lands that have been lost since the last reports were made, with statements as to how the same were lost or given up. In columns of remarks will be stated the number of refugees or freedmen on each farm or tract of land, how they are employed, and whether they are self-supporting.

3d. *School Reports.*—Reports will be forwarded, as soon as practicable, of the number of schools, scholars, and teachers, at present under the general direction of the assistant Commissioners of this Bureau, in their respective districts, and afterwards monthly reports of changes in the same will be made.

4th. Rosters of all officers and civilians on duty with, or employed by assistant Commissioners, as sub-assistant Commissioners, staff officers, or agents, giving the names of such persons, and rank, if they are officers of the army; also, stating the duty performed by each, by what order officers were assigned to such duty, the rate of salary allowed civilians, and how the fund for paying such salaries has been raised. This roster will be forwarded as soon as possible, and afterwards monthly reports of changes of officers and agents will be made. All monthly reports called for in this circular will be made and forwarded on the first of each month. All other reports heretofore called for by the Commissioners of this Bureau will be made as usual.

II. Assistant Commissioners will forward to this Bureau copies of all circulars and orders that they have issued. They will also, hereafter, at the time of issuing such, forward copies of the same.

O. O. HOWARD, *Major General, Commissioner.*

Official:

SAMUEL L. TAGGART,
Captain and Assistant Adjutant General.

The provisions of the above circular will be strictly complied with in these States by all persons on duty in the Freedmen's Bureau, and the reports called for will be forwarded to these headquarters as soon as possible; and after the first report they will be sent as near as may be at the end of each month.

By order of R. Saxton, Brevet Major General, Assistant Commissioner:

STUART M. TAYLOR, *A. A. General.*

[General Orders, No. 5.]

HEADQUARTERS ASSISTANT COMMISSIONER,
BUREAU OF REFUGEES, FREEDMEN, AND ABANDONED LANDS,
SOUTH CAROLINA, GEORGIA, AND FLORIDA,
Beaufort, S. C., August 9, 1865.

The following circular from Bureau of Refugees, Freedmen, and Abandoned Lands, is hereby published for the guidance of all assistant and sub-Commissioners, and all others whom it may concern, in the States of South Carolina, Georgia, and Florida:

[Circular No. 11.]

WAR DEPARTMENT,
BUREAU OF REFUGEES, FREEDMEN, AND ABANDONED LANDS,
Washington, D. C., July, 1865.

Instructions to Assistant Commissioners and other officers.

Each assistant Commissioner will be careful in the establishment of sub-districts to have the office of his agent at some point easy of access for the people of the sub-district.

He will have at least one agent, either a citizen, military officer, or enlisted man, in each sub-district. This agent must be thoroughly instructed in his duties. He will be furnished with the proper blanks for contracts, and will institute methods adequate to meet the wants of his district, in accordance with the rules of this Bureau. No fixed rates of wages will be prescribed for a district, but in order to regulate fair wages in given individual cases, the agent should have in mind minimum rates for his own guidance. By careful inquiries as to the hire of an able-bodied man, when the pay went to the master, he will have an approximate test of the value of labor. He must, of course, consider the entire change of circumstances, and be sure that the laborer has due protection against avarice and extortion. Wages had better be secured by a lien on the crops or land. Employers are desired to enter into written agreements with the employes, setting forth the stated wages, or securing an interest in the crop or land, or both. All such agreements will be approved by the nearest agent, and a duplicate filed in his office. In case there should be no agent within reach, the nearest postmaster will forward the duplicate of contracts direct to the assistant Commissioner for the State.

Attention is especially called to section four of the law establishing the Bureau with regard to setting apart land to every male citizen, whether refugee or freedman, &c., and the same arrangement is recommended when it can be effected between private parties. Already many farmers have rented land to freedmen and refugees. This course is a recognition of the priciple in the law.

In order to enforce the fulfillment of contracts on both contracting parties, the Commissioner of the Bureau lays down no general rule. The assistant Commissioner must use the privileges and authority he already has. Provost courts, military commissions, and local courts, when the freedmen and refugees have equal rights with other people, are open to his use. In the great majority of cases, his own arbitrament, or that of his agent, or the settlement by referees will be sufficient.

No assistant Commissioner or agent is authorized to tolerate compulsory unpaid labor, except for the legal punishment of crime. Suffering may result to some extent: but suffering is preferred to slavery, and is, to some degree, the necessary consequence of events.

In all actions the officer should never forget that no substitute for slavery, like apprenticeship, without proper consent, or peonage, *i. e.*, either holding the people by debt, or confining them without consent to the land, by any system, will be tolerated.

The assistant Commissioner will designate one or more of his agents to act as the general superintendent of schools (one for each State) for refugees and freedmen. This officer will work as much as possible in conjunction with State officers who may have school matters in charge. If a general system can be adopted for a State, it is well: but if not, he will take cognizance of all that is being done to educate refugees and freedmen, secure proper protection to schools and teachers, promote method and efficiency, correspond with the benevolent agencies which are supplying his field, and aid the assistant Commissioner in making his required reports.

Surgeon C. W. Horner, chief medical officer of the Bureau, will have general supervision of all medical matters connected with refugees and freedmen.

The assistant Commissioners will instruct their medical officers, as they have instructed other officers, to make the medical department self-supporting as far as possible.

All public addresses, of a character calculated to create discontent, are reprehensible; but the assistant Commissioner and his agents must explain, by constant recapitulation, the principles, laws, and regulations of this Bureau to all parties concerned. It is recommended to the assistant Commissioners to draw up in writing a careful summary, to be publicly and privately read by agents throughout their respective districts.

O. O. HOWARD, *Major General, Commissioner.*

By order of Brevet Major General R. Saxton:

STUART M. TAYLOR,
Assistant Adjutant General.

[General Orders No. 9.]

HEADQUARTERS ASSISTANT COMMISSIONER,
BUREAU REFUGEES, FREEDMEN, AND ABANDONED LANDS,
SOUTH CAROLINA, GEORGIA, AND FLORIDA,
Beaufort, South Carolina, August 19, 1865.

The following circular from the War Department is hereby republished for the information and guidance of all concerned:

[Circular No. 13.]

WAR DEPARTMENT,
BUREAU REFUGEES, FREEDMEN, AND ABANDONED LANDS,
Washington, D. C., July 28, 1865.

In order to establish a definite and uniform policy relative to confiscated and abandoned lands, and other confiscated and abandoned property, which are now, or that may hereafter come, under the control of this Bureau by virtue of the Act approved March 3, 1865, establishing the Bureau, and other Acts and sections of Acts, and orders of the President relative to captured, confiscated, and abandoned property, to wit, section 2, Act approved July 2, 1864, and General Orders No. 110, War Department, June 7, 1865, the following rules and regulations are established:

I. All confiscated and abandoned lands, and other confiscated and abandoned property, that now are, or that may hereafter come, under the control of the Bureau of Refugees, Freedmen, and Abandoned Lands, by virtue of said Acts and sections of Acts, and orders of the President, are and shall be set apart for the use of loyal refugees and freedmen, and so much as may be necessary assigned to them, as provided in section 4 of the Act establishing the Bureau, viz: "To every male citizen, whether refugee or freedman, as aforesaid, there shall be assigned not more than forty acres of such land, and the person to whom it was so assigned shall be protected in the use and enjoyment of the land for the term of three years, at an annual rent not exceeding six per centum upon the value of such land as it was appraised by the State authorities in the year 1860 for the purpose of taxation; and in case no such appraisal can be found, then the rental shall be based upon the estimated value of the land in said year, to be ascertained in such manner as the Commissioner may by regulation prescribe. At the end of said term, or any time during said term, the occupants of any parcel so assigned may purchase the land and may receive such title thereto as the United States can convey, upon paying therefor the value of the land as ascertained and fixed for the purpose of determining the annual rent aforesaid."

II. All lands or other property within the several insurrectionary States, viz., Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Kentucky, Tennessee, Missouri, Arkansas, Louisiana, and Texas, to which the United States have or shall have acquired title by confiscation or sale or otherwise during the late rebellion; and all abandoned lands or other abandoned property in those States, become so by the construction of section 2 of Act approved July 2, 1864, viz: "Property, real or personal, shall be regarded as abandoned when the lawful owner thereof shall be voluntarily absent therefrom and engaged, either in arms or otherwise, in aiding or encouraging the rebellion," and which remains unsold or otherwise disposed of, are and shall be considered as under the control of the Commissioner of the Bureau of Refugees, Freedmen, and Abandoned Lands, for the purposes hereinbefore set forth, and for the time authorized by the Act establishing the Bureau; and no part or parcel of said confiscated or abandoned property shall be surrendered or restored to the former owners thereof, or other claimants thereto, except such surrender or restoration be authorized by said Commissioner.

III. Whenever any abandoned lands or other abandoned property, that shall have come into the possession of the Bureau, does not fall under the definition of "abandoned," as set forth in section 2 of the Act approved July 2, 1864, it will be formally surrendered by the Commissioner or assistant Commissioner of the Bureau, upon clear proof that the claimant did not abandon the property in the sense defined in said section and Act.

IV. In the surrender or restoration of any property, the requirements of Circular No. 3, current series, from this Bureau, will be carefully observed.

V. Assistant Commissioners will, as rapidly as possible, cause accurate descriptions of all confiscated and abandoned property that are now, or that may hereafter come under their control, to be made, and besides keeping a record of such themselves, will forward monthly to the Commissioner of the Bureau copies of such descriptions, in the manner prescribed by Circular No. 10, of July 11, 1865, from this Bureau.

They will, with as little delay as possible, select and set apart such confiscated and abandoned lands and property as may be deemed necessary for the immediate use of refugees and freedmen, the specific division of which into lots, and the rental or sale thereof, according to the law establishing the Bureau, will be completed as soon as practicable and reported to the Commissioner. In the selection and setting apart of such lands and property, care will be used to take that about which there is the least doubt as to the proper custody and control of this Bureau.

VI. The pardon of the President will not be understood to extend to the surrender of abandoned or confiscated property which by law has been "set apart for refugees and freedmen," or in use "for the employment and general welfare of all persons within the lines of national military occupation within said insurrectionary States, formerly held as slaves, who

are or shall become free." [See Act of March 3, 1865, and act of July 2, 1864, Sess. I., Chap. 225.]

O. O. HOWARD, *Major General,*
Commissioner Bureau of Refugees, Freedmen, and Abandoned Lands.

By order of Brevet Major General R. Saxton:

STUART M. TAYLOR,
Assistant Adjutant General.

Official:

Assistant Adjutant General.

[General Orders No. 1.]

HEADQUARTERS ASSISTANT COMMISSIONER
BUREAU OF REFUGEES, FREEDMEN, AND ABANDONED LANDS,
SOUTH CAROLINA, GEORGIA AND FLORIDA.
Beaufort S. C., June 20, 1865.

I. The following circular from headquarters Bureau of Freedmen, Refugees, and Abandoned Lands, is republished for the information of all whom it may concern:

[Circular No. 3.]

WAR DEPARTMENT,
BUREAU OF REFUGEES, FREEDMEN, AND ABANDONED LANDS,
Washington, D. C., May 22, 1865.

Whereas, a large amount of land in the State of Virginia, and in other States that have been in insurrection, has been abandoned by disloyal owners, and is now being cultivated by freedmen: and, whereas, the owners of such lands are attempting to obtain possession of them, and thus deprive the freedmen of the fruits of their industry: it is ordered that all abandoned lands in said States now under cultivation by the freedmen be retained in their possession, and the crops now growing shall be secured for their benefit, unless full and just compensation be made for their labor and its products, and for expenditures.

The above order will not be so construed as to relieve disloyal persons from the consequences of their disloyalty, and the application for the restoration of their lands by this class of persons will, in no case, be entertained by any military authority.

O. O. HOWARD, *Major General,*
Commissioner Bureau of Refugees, Freedmen and Abandoned Lands.

WAR DEPARTMENT,
ADJUTANT GENERAL'S OFFICE,
Washington, May 22, 1865.

All military authorities will sustain the Commissioner of the Bureau of Refugees, Freedmen, and abandoned Lands, and aid him in the execution of the above order.

By direction of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant General.

II. The provisions of the above circular will be strictly enforced throughout the States of South Carolina, Georgia, and Florida. Complaints have been made at these headquarters that, in many instances, former owners of plantations and slaves—who are now allowed to remain on their lands upon condition that they announce to their former slaves that they are free, and make with them fair and equitable agreements, whereby full and just compensation shall be made for their labor and its products—are, in defiance of this order, still forcing their former slaves to work for them, and continue to hold them in slavery, even to the extent of shooting them down, if they dare to assert their freedom, and fail utterly to admit or announce to them in any way that they are free. Such acts are disloyal to the government, and in plain violation of its policy.

It is hereby ordered, that all persons employing the freedmen in agricultural and mechanical pursuits within the States of South Carolina, Georgia, and Florida, who fail to announce to those in their employ the fact that they are free, and fail to recognize them as free men, and to make suitable agreements with them, whereby a just and equitable compensation will be secured to them for their labor, will be held as disloyal to the United States government, and

their property will be subject to seizure and division among the freedmen, in accordance with the provisions of Sec. 4 of an "Act to establish a Bureau for the relief of freedmen and refugees, approved March 3, 1865."

III. As the harvest time is near, and the freedmen have been regarded as free by the United States government since January, 1863, and as a measure of necessity to prevent them from becoming paupers on its bounty, the freedmen must be paid for their labor on all lands, not abandoned, since the commencement of the preparation of the ground for seed, up to the harvest time of this year; and unless full compensation is made, to the satisfaction of this Bureau, the freedmen will be entitled to, and will receive, one-half of the crop raised.

IV. Any person who shall whip, or otherwise maltreat any freedman because he asserts that freedom, or for other cause, will be held guilty before the law, and punished for assault and battery; and any one who shall take the life of any freedman for like cause, he will be held guilty of murder.

V. No person will be permitted to drive the aged, infirm, and helpless from their present places of abode. They must be allowed to remain where they are until such time as the government shall make proper provisions for their support.

VI. The assistant Commissioners in the States of South Carolina, Georgia, and Florida are required to enforce this order to the extent of their power, and to report to these headquarters all violations of it. The aid of every friend of justice and fair dealing between man and man is also requested to bring to the notice of the Freedmen's Bureau any failure to comply with its provisions.

When the rules of exact justice shall be observed in the relations between all—employer and employed—and each shall regard the other's rights, then will be practically demonstrated so clearly that none can doubt, the advantages of the free labor system.

By order of Brevet Major General R. Saxton, Assistant Commissioner.

STUART M. TAYLOR, *A. A. General.*

[General Orders, No. 2.]

HEADQUARTERS ASSISTANT COMMISSIONER,
BUREAU REFUGEES, FREEDMEN, AND ABANDONED LANDS,
SOUTH CAROLINA, GEORGIA, AND FLORIDA,
Beaufort, South Carolina, June 26, 1865.

The following circular from headquarters of Freedmen's Bureau is republished for the information of all general and assistant superintendents, and others interested, in the States of South Carolina, Georgia, and Florida:

[Circular No. 2.]

WAR DEPARTMENT,
BUREAU REFUGEES, FREEDMEN, AND ABANDONED LANDS,
Washington, D. C., May 19, 1865.

By appointment of the President, I assume charge of the Bureau of Refugees, Freedmen, and Abandoned Lands.

I. Commissioners will be at once appointed for the insurrectionary States. To them will be entrusted the supervision of abandoned lands, and the control of all subjects relating to refugees and freedmen in their respective districts. All agents in the field, however appointed, are requested to report to them the condition of their work. Refugees and freedmen, not already provided for, will inform them of their wants. All applications for relief will be referred to them or their agents by post and district commanders.

II. But it is not the intention of government that this Bureau shall supersede the various benevolent organizations in the work of administering relief. This must still be afforded by the benevolence of the people through their voluntary societies, no governmental appropriations having been made for this purpose. The various Commissioners will look to the associations laboring in their respective districts to provide, as heretofore, for the wants of these destitute people. I invite, therefore, the continuance and co-operation of such societies. I trust they will still be generously supported by the people, and I request them to send me their names, lists of their principal officers, and a brief statement of their present work.

III. The demands for labor are sufficient to afford employment to nearly, if not quite, all the able bodied refugees and freedmen. It will be the object of all Commissioners to introduce practical systems of compensated labor; and to this end they will endeavor to remove the prejudices of their late masters unwilling to employ their former servants; to correct the false impressions sometimes entertained by the freedmen, that they can live without labor, and to overcome that false pride which renders some of the refugees more willing to be supported in idleness than to support themselves. While a generous provision should be made for the aged, infirm, and sick, the able bodied should be encouraged and, if necessary, compelled to labor for their support.

IV. The educational and moral condition of these people will not be forgotten. The utmost facility will be afforded to benevolent and religious organizations and State authorities in the maintenance of good schools, (for refugees and freedmen,) until a system of free schools can be supported by the reorganized local governments. Meanwhile, whenever schools are broken up by any authorized agent of the government, it is requested that the fact and attendant circumstances be reported to the Bureau.

Let me repeat, that in all this work it is not my purpose to supersede the benevolent agencies already engaged in it, but to systematize and facilitate them.

O. O. HOWARD, *Major General,*
Commissioner Bureau Refugees, Freedmen, and Abandoned Lands.

Official:

SAMUEL L. TAGGART,
Captain and Assistant Adjutant General.

The provisions of the above circular will be carried out by all assistant Commissioners and superintendents in these States, and the co-operation of all benevolent and religious societies, and also of individuals, is invited to aid the operations of the Freedmen's Bureau.

By order of R. Saxton, Brevet Major General, Assistant Commissioner:

STUART M. TAYLOR,
Assistant Adjutant General.

[General Orders No. 3.]

HEADQUARTERS ASSISTANT COMMISSIONER,
BUREAU REFUGEES, FREEDMEN, AND ABANDONED LANDS,
SOUTH CAROLINA, GEORGIA, AND FLORIDA,
Beaufort, South Carolina, June 26, 1865.

The following rules and regulations, issued from Headquarters Freedmen's Bureau, are republished for the guidance of all officers of the army and agents employed in the freedmen's department, in the States of South Carolina, Georgia, and Florida:

[Circular No. 5.]

WAR DEPARTMENT,
BUREAU REFUGEES, FREEDMEN, AND ABANDONED LANDS,
Washington, D. C., May 30, 1865.

Rules and Regulations for Assistant Commissioners.

I. The headquarters of the assistant Commissioners will, for the present, be established as follows, viz:

For Virginia, at Richmond; for North Carolina, at Raleigh; for South Carolina and Georgia, at Beaufort, S. C.; for Alabama, at Montgomery; for Kentucky and Tennessee, at Nashville; for Missouri and Arkansas, at St. Louis, Mo.; for Mississippi, at Vicksburg; for Louisiana, at New Orleans; for Florida, at Jacksonville.

II. Assistant Commissioners not already at their posts, will make all haste to establish their headquarters, acquaint themselves with their fields, and to do all in their power to quicken and direct the industry of refugees and freedmen, that they and their communities may do all that can be done for the season already so far advanced, to prevent starvation and suffering, and promote good order and prosperity. Their attention is invited to circular No. 2, from this Bureau, indicative of the objects to be attained.

III. Relief establishments will be discontinued as speedily as the cessation of hostilities and the return of industrial pursuits will permit. Great discrimination will be observed in administering relief, so as to include none that are not absolutely necessitous and destitute.

IV. Every effort will be made to render the people self-supporting. Government supplies will only be temporarily issued, to enable destitute persons speedily to support themselves, and exact accounts must be kept with each individual, or community, and held as a lien upon their crops. The ration for the destitute will be that already provided in general orders No. 30, War Department, series 1864. The Commissioners are especially to remember that their duties are to enforce, with reference to these classes, the laws of the United States.

V. Loyal refugees, who have been driven from their homes, will, on their return, be protected from abuse, and the calamities of their situation relieved as far as possible. If destitute, they will be aided with transportation and food, when deemed expedient, while in transitu, returning to their former homes.

VI. Simple good faith, for which we hope on all hands from those concerned in the passing away of slavery, will especially relieve the assistant Commissioners in the discharge of their duties towards the freedmen, as well as promote the general welfare. The assistant Commissioners will, everywhere, declare and protect their freedom, as set forth in the proclamation of the President and the laws of Congress.

VII. In all places where there is an interruption of civil law, or in which local courts, by

reason of old codes, in violation of the freedom guaranteed by the proclamation of the President and the laws of Congress, disregard the negro's right to justice before the laws, in not allowing him to give testimony—the control of all subjects relating to refugees and freedmen being committed to this Bureau—the assistant Commissioners will adjudicate, either themselves or through officers of their appointment, all difficulties arising between negroes themselves, or between negroes and whites or Indians, except those in military service, so far as recognizable by military authority, and not taken cognizance of by the other tribunals, civil or military, of the United States.

VIII. Negroes must be free to choose their own employers, and be paid for their labor. Agreements should be free, *bona fide* acts, approved by proper officers, and their inviolability enforced on both parties. The old system of overseers, tending to compulsory, unpaid labor, and acts of cruelty and oppression, is prohibited. The unity of families and all the rights of the family relation will be carefully guarded. In places where the local statutes make no provisions for the marriage of persons of color, the assistant Commissioners are authorized to designate officers, who shall keep a record of marriages which may be solemnized by any ordained minister of the Gospel, who shall make a return of the same, with such items as may be required for registration, at places designated by the assistant Commissioner. Registrations already made by the United States will be carefully preserved.

IX. Assistant Commissioners will instruct their receiving and disbursing officers to make requisitions upon all officers, civil or military, in charge of funds, abandoned lands, &c., within their respective territories, to turn over the same, in accordance with the orders of the President. They will direct their medical inspectors to ascertain the facts and necessities connected with the medical treatment and sanitary condition of refugees and freedmen. They will instruct their superintendents of education to collect the facts in reference to the progress of this work, and aid it with as few changes as possible to the close of the present season. During the school vacations of the hot months, special attention will be given to the provision of the next year.

X. Assistant Commissioners will aid refugees and freedmen in securing titles to land according to law. This may be done for them as individuals, or by encouraging joint companies.

XI. This Bureau being in the War Department, all rules and regulations governing officers under accountability for property, apply as set forth in the Revised Regulations of the Army. All other persons in the service of the Bureau are also subject to military jurisdiction.

XII. Assistant Commissioners will require regular and complete reports from their subordinates, and will themselves report quarterly, as directed by law, and correspond frequently with this Bureau, directing to the Commissioner in person.

O. O. HOWARD, *Major General*,
Commissioner Bureau Refugees, Freedmen, and Abandoned Lands.

Official:

SAMUEL L. TAGGART,
Captain and Assistant Adjutant General.

By order of

R. SAXTON,
Brevet Major General, Assistant Commissioner.

[General Orders No. 15.]

HEADQUARTERS ASSISTANT COMMISSIONER,
BUREAU REFUGEES, FREEDMEN, AND ABANDONED LANDS,
SOUTH CAROLINA AND GEORGIA,
Charleston, S. C., September 28, 1865.

The following circular from the War Department, Bureau of Refugees, Freedmen, and Abandoned Lands, is hereby republished for the information of all concerned. It will be substituted in place of circular No. 13, of July 28, 1865, from the Bureau, as promulgated in general orders No. 9, current series, from these headquarters.

[Circular No. 15.]

WAR DEPARTMENT,
BUREAU REFUGEES, FREEDMEN AND ABANDONED LANDS,
Washington, D. C., September 12, 1865.

I. Circular No. 13, of July 28, 1865, from this Bureau, and all portions of circulars from this Bureau conflicting with the provisions of this circular, are hereby rescinded.

II. This Bureau has charge of such "tracts of land within the insurrectionary States as shall have been abandoned, or to which the United States shall have acquired title by confiscation, or sale, or otherwise," and no such lands now in its possession shall be surrendered to any claimant except as hereinafter provided.

III. Abandoned lands are defined in section 2, of the act of Congress approved July 2, 1864, as lands, "the lawful owner whereof shall be voluntarily absent therefrom, and engaged either in arms or otherwise in aiding or encouraging the rebellion."

IV. Land will not be regarded as confiscated until it has been condemned and sold by decree of the United States Court for the district in which the property may be found, and the title thereto thus vested in the United States.

V. Upon its appearing satisfactorily to any assistant Commissioner that any property under his control is not abandoned as above defined, and that the United States has acquired no title to it by confiscation, sale, or otherwise, he will formally surrender it to the authorized claimant or claimants, promptly reporting his action to the Commissioner.

VI. Assistant Commissioners will prepare accurate descriptions of all confiscated and abandoned lands under their control, keeping a record thereof themselves, and forwarding monthly to the Commissioner, copies of these descriptions in the manner prescribed in circular No. 10, of July 11, 1865, from this Bureau.

They will set apart so much of said lands as is necessary for the immediate use of loyal refugees and freedmen, being careful to select for this purpose those lands which most clearly fall under the control of this Bureau, which selection must be submitted to the Commissioner for his approval.

The specific division of lands so set apart into lots, and the rental or sale thereof, according to section 4 of the law establishing the Bureau, will be completed as soon as practicable, and reported to the Commissioner.

VII. Abandoned lands held by this Bureau may be restored to owners pardoned by the President, by the assistant Commissioners, to whom applications for such restoration should be forwarded, so far as practicable, through the superintendents of the districts in which the lands are situated.

Each application must be accompanied by:

1st. Evidence of special pardon by the President, or a copy of the oath of amnesty prescribed in the President's proclamation of May 29, 1865, when the applicant is not included in any of the classes therein excepted from the benefits of said oath.

2d. Proof of title.

Officers of the Bureau, through whom the application passes, will endorse thereon such facts as may assist the assistant Commissioner in his decision, stating especially the use made by the Bureau of the land.

VIII. No land under cultivation by loyal refugees or freedmen, will be restored under this circular, until the crops now growing shall be secured for the benefit of the cultivators, unless full and just compensation be made for their labor and its products, and for their expenditures.

O. O. HOWARD,
Major General, Commissioner.

Approved:

ANDREW JOHNSON,
President of the United States.

Official:

F. D. SEWALL,
Acting Assistant Adjutant General.

Satisfactory proof will be required of the correctness of all statements on which applications for restoration of property are grounded. To facilitate the action of the assistant Commissioners, the proof of titles should be clearly set forth. The provisions of this circular will be strictly enforced throughout the States of South Carolina and Georgia.

By order of Brevet Major General R. Saxton, Assistant Commissioner.

O. D. KINSMAN,
Assistant Adjutant General.

WAR DEPARTMENT,
BUREAU OF REFUGEES, FREEDMEN, AND ABANDONED LANDS,
Washington, March 12, 1867.

SIR: I have the honor to transmit a report containing all the information which can be derived from the records of the land division of this Bureau, in answer to a resolution of the House of Representatives, dated February 21, 1867. The report gives the names of all persons in the State of Louisiana whose property is, or has been, in the possession of this Bureau, a description of the property and its character, *i. e.*, whether abandoned, confiscated, or confiscable.

Against such property as has been restored is noted the date of restoration, and by whose order the restoration is made. The date of seizure is given whenever it can be ascertained from the records of this division. Almost the entire amount of property was taken by Treasury agents prior to the organization of the Bureau. The exact date when it was turned

over by them to this Bureau can be ascertained, but the date of original seizure can be accurately obtained in but very few instances. The *assessed* value of the plantations which are and have been in possession of the Bureau is not known. It became necessary to restore many of them before even the number of acres they contained could be learned. The *estimated* value of all property of this character which has been controlled by the Bureau is a little more than two million dollars.

I also give a statement from the records of the finance officer of this Bureau, showing the amount of money received from the rental and sale of abandoned and confiscated property in the State of Louisiana.

Very respectfully, your obedient servant,

O. O. HOWARD,
Major General, Commissioner.

Hon. E. M. STANTON,
Secretary of War.

P. S.—In the land reports received from Louisiana, a number of pieces of property were marked, "Restored by order of the President of the United States." Upon investigation it appeared that this statement did not refer to a direct order from the President, but to the fact that the owner of the property had received a special pardon, and restoration was necessary in compliance with instructions from the President in case of B. B. Leake, of Tennessee, dated August 16th, 1865, and in circular 15, series 1865.

O. O. HOWARD,
Major General, Commissioner.

Copy of endorsement on case of B. B. Leake, of Tennessee.

EXECUTIVE OFFICE, *August* 16, 1865.

Respectfully returned to the Commissioner of Bureau Refugees, &c.

The records of this office show that B. B. Leake was specially pardoned by the President on the 27th ultimo, and was thereby restored to all his rights of property, except as to slaves. Notwithstanding this, it is understood that the possession of his property is withheld from him. I have, therefore, to direct that General Fisk, assistant Commissioner at Nashville, Tennessee, be instructed by the Commissioner of Bureau of Freedmen, &c., to relinquish possession of the property of Mr. Leake, held by him as assistant Commissioner, and that the same be immediately restored to the said Leake. The same action will be had in all similar cases.

ANDREW JOHNSON,
President of the United States.

Official copy:

WM. FOWLER, *A. A. G.*

STATEMENT

OF

PROPERTY RESTORED.

Property restored.

Name and status of reputed owner.	Date of seizure.	Monthly rent.	Assessment value of property.	Description of property.	How held—abandoned or confiscable.	Am't of personal property.	Remarks.
William H. Foster	1863	$35	$7,500 00	House and lots.	Abandoned		Restored by General Baird, June 5, 1866.
W. L. Lanier	1863	$35	600 00	Vacant lot	do		
Aug. C. Reichard	1863	Q. M. Dep't	12,000 00	House and lot	Confiscable	$1,200 00	
Thomas Allen Clark	1863	Vacant	500 00	Vacant	Abandoned		
Do	1863	do	300 00	do	do		
Do	1863	do	300 00	do	do		
Do	1863	do	2,000 00	do	do		
J. J. Michel	1863	$5	2,000 00	House and lot	do		Restored by order of General Fullerton, 1865.
Do	1863	Vacant	4,500 00	Vacant	do		Do. do.
Shepherd Brown	1863	$8	6,000 00	Shanty and lot	do		Restored by order of General J. S. Fullerton, assistant commissioner of Bureau Refugees, Freedmen, and Abandoned Lands. Pardoned Nov. 16, 1866. Restored by Gen. Baird(?)
Do	1863	Charity	8,000 00	House and lot	do		Do. do.
Do	1863	Vacant	5,000 00	Vacant	do		Do. do.
Do	1863	Q. M. Dep't	40,800 00	House and lot	do	5,000 00	Do. do.
Do	1863	Vacant	20,000 00	Batture	do		Do. do.
Do	1863	do	7,500 00	Vacant	do		Do. do.
Do	1863	do	8,000 00	do	do		Do. do.
Do	1863	do	6,400 00	do	do		Do. do.
Do	1863	do	6,400 00	do	do		Do. do.
Wilhemus Bogart	1863	$5	700 00	House and lot	Registered		Restored by General Baird, April 19, 1866.
Do	1863	Vacant	3,000 00	Vacant	Enemy		
Cora A. Slocumb	1863	Q. M. Dep't	16,000 00	House and lot	Abandoned		Restored by order of the President on September 30, 1865. Special pardon.*
Do	1863	do	35,000 00	do	do	5,000 00	Do. do.
Do	1863	do	15,000 00	do	do		Do. do.
Do	1863	do	20,000 00	do	do		Do. do.
Do	1863	do	110,000 00	do	do		Do. do.
Do	1863	do	16,000 00	do	do		Do. do.
F. M. Fisk	1863	$25	8,500 00	do	do		
Do	1863	Q. M. Dep't	5,000 00	do	do		Restored by General Baird, December 11, 1865.
P. S. Wiltz	1863	Vacant	1,000 00	Vacant	do		Restored by order of General J. S. Fullerton, assistant Commissioner of Bureau Refugees, Freedmen, and Abandoned Lands, November 8, 1865.
Do	1863	do	1,000 00	do	do		Do. do.
Do	1863	do	1,500 00	do	do		Do. do.
Do	1863	do	1,000 00	do	do		Do. do.
Do	1863	do	1,500 00	do	do		Do. do.
Do	1863	do	2,500 00	do	do		Do. do.
Do	1863	Charity	6,000 00	do	do		Do. do.

Do	1863	Vacant	2,500 00	....do	....do		Do. do.
Do	1863	....do	500 00	....do	....do		Do. do.
Do	1863	....do	300 00	....do	....do		Do. do.
Do	1863	....do	1,000 00	....do	....do		Do. do.
Do	1863	....do	1,000 00	....do	....do		Do. do.
Do	1863	....do	1,000 00	....do	....do		Do. do.
Do	1863	....do	1,500 00	....do	....do		Do. do.
Do	1863	....do	500 00	....do	....do		Do. do.
Do	1863	....do	1,000 00	....do	....do		Do. do.
Do	1863	....do	1,000 00	....do	....do		Do. do.
Do	1863	....do	5,000 00	....do	....do		Do. do.
Do	1863	....do	7,000 00	... do	....do		Do. do.
Do	1863	....do	1,000 00	....do	....do		Do. do.
Do	1863	....do	2,000 00	....do	....do		Do. do.
Do	1863	....do	1,800 00	....do	....do		Do. do.
Do	1863	....do	2,000 00	....do	....do		Do. do.
Estate of Mrs. Widon N. Cox	1863	....do	4,000 00	....do	....do		Restored September 30, 1865, by order of the President of the United States. Special pardon.
Do	1863	....do	2,000 00	House and lot	....do		Do. do.
Do	1863	....do	2,000 00	Shanty and lot	....do		Do. do.
Do	1863	....do	20,000 00	House and lot	....do		Do. do.
Do	1863	....do	6,000 00	....do	....do		Do. do.
Wilson C. Bibb	1863	Q. M. Dep't	13,000 00	....do	....do	2,500 00	By order of General Fullerton, October 25, 1865.
Ida A. Slocumb	1863	....do	10,000 00	Garden	....do		Restored September 30, 1865, by order of the President of the United States. Special pardon.
Do	1863	Burnt; vacant	17,000 00	House and lots	....do		Do. do.
Do	1863	....do	20,000 00	....do	....do		Do. do.
Do	1863	$200	25,000 00	....do	....do		Do. do.
Do	1863	$200	25,000 00	....do	....do		Do. do.
Do	1862	$200	16,000 00	....do	....do		Do. do.
Caroline Saddler	1863	Charity	1,400 00	....do	....do		Restored by General Fullerton, November 10, 1865.
M. B. Brady	1863	....do	12,000 00	House and lot	....do	4,000 00	
H. F. Wade	1863	$35	6,000 00	....do	Confiscable		Condemned by the United States court.
Dr. John Booth	1863	Vacant	3,500 00	Vacant	Reg'd enemy		
Uriah Saddler	1863	....do	50 00	....do	Abandoned		
Mrs. G. W. Pritchard	1863	$25	6,000 00	House and lot	Reg'd enemy		Restored October 31, 1865, by order of Gen. Howard. Special pardon, October 3, 1865.
R. H. Short	1863	Q. M. Dep't	32,000 00	....do	Abandoned	5,000 00	Restored by order of the President of the United States. Special pardon, September 12, 1865.
Lloyd R. Coleman	1863	....do	7,500 00	....do	....do	600 00	By order of General Fullerton, October 21, 1865.
E. H. Fairchild	1863	....do	12,000 00	....do	....do	1,500 00	Restored by order of assistant Commissioner of Bureau Refugees, Freedmen, and Abandoned Lands, T. W. Conway, October 4, 1865.
Fitz W. Lousdale	1863	....do	15,000 00	....do	....do	1,500 00	Restored by order of assistant Commissioner of Bureau Refugees, Freedmen, and Abandoned Lands, T. W. Conway, October 13, 1865.
William Barrett	1863	$10	10,000 00	....do	....do		Restored by General Fullerton, October 28, 1865.
John W. Gaie	1863	Q. M. Dep't	3,500 00	Vacant	....do		Restored by General Fullerton, October 24, 1865.
Do	1863	....do	8,500 00	....do	....do		Do. do.
Do	1863	....do	3,500 00	House and lot	....do	3,000 00	Do. do.

* So reported by assistant Commissioner of Louisiana, explained by President's order in case of B. B. Lenke, of Tennessee, dated August 16, 1865, and in accordance with circular 15, 1865. Same explanation wherever "by order of the President" occurs. (See accompanying letter of advice, postcript.)

Property restored—Continued.

Name and status of reputed owner.	Date of seizure.	Monthly rent.	Assessment value of property.	Description of property.	How held—abandoned, or confiscable.	Am't of personal property.	Remarks.
Horell, Gayle & Co	1863	Vacant	$5,000 00	Vacant	Abandoned		Restored by General Fullerton, October 31, 1865.
Do	1863	do	3,750 00	do	do		
R. T. Black and wife	1863	$45	1,300 00	House and lot	do		Restored by order of assistant Commissioner T. W. Conway, Bureau of Freedmen, October 30, 1865.
George Connelly	1863	$45	1,300 00	do	Reg'd enemy	$1,500 00	Restored by General Baird, February 24, 1866.
Leonce Barthe	1863	Q. M. Dep't	20,000 00	do	Abandoned		Libelled, condemned, and sold by United States marshal.
Do	1863	Vacant	12,000 00	Batture	do		Restored by order of General J. S. Fullerton.
Do	1863	do	3,000 00	Vacant	do		Do. do.
Do	1863	do	2,500 00	do	do		Do. do.
Do	1863	do	3,000 00	In course of erection.	do		Do. do.
Do	1863	do	1,200 00	Vacant	do		Do. do.
Benjamin S. Story	1863	$75	12,000 00	House and lot	do		Restored by order of General J. S. Fullerton. Pardoned November 4, 1865.
Do	1863	$175	36,000 00	do	do		Do. do.
Do	1863	$50	22,000 00	do	do		Do. do.
Do	1863	$100	14,000 00	do	do		Do. do.
Daniel E. Twiggs	1863	Q. M. Dep't	35,500 00	do	Confiscable		
M. O. H. Norton	1863	$125	25,000 00	do	Abandoned		Restored by General Baird, July 5, 1866.
Bernard Avequo	1863	Q. M. Dep't	33,000 00	do	do		Restored by General Baird, August 15, 1866.
Do	1863	$75	13,000 00	do	do		
Do	1863	Charity	6,000 00	do	do		
Augusta Urquhart	1863	do	8,000 00	do	do		Restored by order of the President of the United States. Special pardon, September 12, 1865.
Do	1863	do	12,000 00	do	do		Do. do.
Do	1863	do	15,000 00	do	do		Do. do.
Do	1863	do	25,000 00	do	do		Do. do.
Do	1863	$10	18,000 00	do	do		Do. do.
Do	1863	Q. M. Dep't	15,000 00	do	do		Do. do.
Do	1863	do	12,500 00	do	do		Do. do.
R. D. Urquhart	1863	do	12,000 00	do	do		Restored by order of General Fullerton, October 25, 1865.
Do	1863	$60	20,000 00	do	do		Do. do.
Do	1863	Q. M. Dep't	7,000 00	do	do		Do. do.
Do	1863	do	5,000 00	do	do		Do. do.
R. J. Rauney	1863	Vacant	35,000 00	Vacant	do		Restored by order of General Fullerton, November 8, 1865.
Do	1863	do	2,000 00	do	do		Do. do.
Do	1863	do	4,000 00	House and lot	do		Do. do.
Do	1863	do	2,000 00	Vacant	do		Do. do.
Do	1863	do	2,500 00	do	do		Do. do.
Do	1863	do	1,800 00	do	do		Do. do.

Do	1863	....do	700 00	....do	....do		Do.	do.
Do	1863	$7	2,000 00	1 house and lot	....do		Do.	do.
Do	1863	Vacant	1,600 00	Vacant	....do		Do.	do.
Do	1863	$6	2,400 00	House and lot	....do		Do.	do.
Do	1863	Vacant	300 00	Vacant	....do		Do.	do.
Do	1863	....do	600 00	....do	....do		Restored by order of General J. S. Fullerton, assistant Commissioner Bureau of Refugees, Freedmen, and Abandoned Lands, November 8, 1865.	
Do	1863	....do	1,800 00	....do	....do		Do.	do.
Do	1863	$2	4,000 00	Shanty and lot	....do		Do.	do.
Do	1863	....do	10,500 00	Shed and lots	....do		Do.	do.
Do	1863	Vacant	3,000 00	Vacant	....do		Do.	do.
Dr. W. M. Mercer	1863	Q. M. Dep't	85,000 00	Cotton press	....do		Restored by special pardon of the President of the United States.	
Do	1863	$20	10,000 00	House and lot	....do		Do.	do.
Do	1863	Charity	2,000 00	....do	....do		Do.	do.
Do	1863	....do	6,000 00	....do	....do		Do.	do.
Do	1863	....do	1,200 00	....do	....do		Do.	do.
Do	1863	$12	2,000 00	....do	....do		Do.	do.
Do	1863	Vacant	18,500 00	Vacant	....do		Do.	do.
Do	1863	....do	5,000 00	....do	....do		Do.	do.
Do	1863	Charity	18,000 00	House and lot	....do		Do.	do.
Do	1863	Q. M. Dep't	30,000 00	....do	....do		Do.	do.
Do	1863	B. F. and P. M	50,000 00	....do	....do		Do.	do.
Do	1863	Navy	50,000 00	....do	....do	3,000 00	Do.	do.
Do	1863	Vacant	1,000 00	Vacant	....do		Do.	do.
Do	1863	....do	9,000 00	....do	....do		Do.	do.
John A. Stevenson	1863	$60	10,500 00	House and lot	Reg'd enemy		Restored by General Baird, March 24, 1866.	
Do	1863	$225	30,000 00	....do	....do			
George W. Campbell	1863	Q. M. Dep't	45,000 00	....do	Abandoned	2,500 00	Restored by order of the President, September 30, 1865. Special pardon.	
Do	1863	Vacant	1,800 00	Vacant	....do		Do.	do.
Do	1863	....do	250 00	....do	....do		Do.	do.
Do	1863	....do	200 00	....do	....do		Do.	do.
Do	1863	....do	300 00	....do	....do		Do.	do.
Do	1863	....do	500 00	....do	....do		Do.	do.
Do	1863	....do	2,000 00	½ interest on lots	....do		Do.	do.
Henry Guider	1863	Q. M. Dep't	2,500 00	House and lot	....do		Restored by order of General Howard, October 13, 1865.	
A. L. Abbott	1863	$30	6,000 00	....do	....do		Restored by order of assistant Commissioner T. W. Conway, Bureau of Freedmen, October 9, 1865.	
William A. Violett	1863	Q. M. Dep't	12,000 00	House and lots	....do	1,500 00	Restored by order of the President, October 17, 1865. Special pardon.	
S. L. and E. L. Ledy	1863	....do	20,000 00	House and lot	....do		Restored by order of the President, October 12, 1865.	
J. B. Bailey	1863	$30	8,000 00	....do	....do		Restored by order of General Fullerton, November 8, 1865.	
A. W. Bosworth	1863	Q. M. Dep't	16,000 00	House and lots	Confiscable	2,000 00	Condemned by the United States court.	
Lucien Adams	1863	....do	2,500 00	....do	Abandoned		Restored by order of General Fullerton, October 27, 1865.	
S. Jamison	1863	Charity	4,500 00	House and lot	....do		Restored by order of assistant Commissioner Bureau of Freedmen, T. W. Conway October 14, 1865.	
Do	1863	Q. M. Dep't	30,000 00	....do	....do			
Do	1863	$45	15,000 00	....do	....do			
J. E. McClure	1863	Vacant	1,200 00	Vacant	Reg'd enemy			
George Greger	1863	$25	6,000 00	House and lot	Abandoned		Restored by General Baird, April 4, 1866.	
James D. Dameron	1863	Vacant	1,000 00	Vacant	....do		Restored by General J. S. Fullerton. Pardoned Nov. 8, 1865.	

Property restored—Continued.

Name and status of reputed owner.	Date of seizure.	Monthly rent.	Assessment value of property.	Description of property.	How held—abandoned or confiscable.	Am't of personal property.	Remarks.
James D. Dameron	1863	Vacant	$3,000 00	Vacant	Abandoned		Restored by General J. S. Fullerton. Pardoned Nov. 8, 1865.
Do	1863	Q. M. Dep't	1,500 00	House and lot	do	$1,500 00	Do. do.
Samuel W. Rawlins	1863	$150	18,000 00	do	Reg'd enemy		Restored by order of assistant Commissioner T. W. Conway, Bureau of Freedmen.
George Dole	1863	$150	2,500 00	do	Abandoned		Restored by General Fullerton, November 8, 1865.
C. H. Slocumb	1863	$150	60,000 00	do	Confiscable		Special pardon, September 12, 1865.
Do	1863	$150	50,000 00	do	do		
Do	1863	$150	35,000 00	do	do		
John Pemberton	1863	Charity	4,000 00	do	Abandoned		Restored by order of assistant Commissioner T. W. Conway, Bureau of Freedmen, October 10, 1865.
Do	1863	Vacant	1,400 00	Vacant	do		Do. do.
Do	1863	$10	3,000 00	House and lot	do		Do. do.
Do	1863	$10	3,500 00	do	do		Do. do.
Do	1863	$10	2,000 00	Vacant	do		Do. do.
Do	1863	Vacant	600 00	do	do		Do. do.
Do	1863	$5	3,000 00	do	do		Do. do.
Do	1863	$5	8,000 00	House and lot	do	2,500 00	Do. do.
Do	1863	Vacant	2,500 00	Vacant	do		Do. do.
Do	1863	do	3,500 00	House and lot	do		Do. do.
Do	1863	do	2,500 00	Vacant	do		Do. do.
Do	1863	do	25 00	do	do		Do. do.
Do	1863	$8	3,000 00	do	do		Do. do.
Do	1863	$5	2,500 00	do	do		Do. do.
Do	1863	$5	1,800 00	do	do		Do. do.
Do	1863	$5	500 00	do	do		Do. do.
Do	1863	Charity	500 00	House and lot	do		Do. do.
William J. Varon	1863	$20	4,000 00	do	do		
Do	1863	Vacant	2,000 00	Vacant	do		
Thomas H. Dryden	1863	do	2,400 00	House and lot	Confiscable	500 00	Libelled, condemned, and sold.
A. P. Cleavland	1863	Vacant	3,000 00	Vacant	Abandoned		Restored by order of General Fullerton.
Do	1863	do	11,000 00	House and lot	do	3,000 00	
Jaochim Bermudes	1863	$8	18,000 00	do	do		Restored by order of General Fullerton, November 6, 1865.
G. C. Bogart	1863	Vacant	32,000 00	Vacant	do		
Do	1863	do	800 00	do	do		
John Slidell	1863	do	60 00	do	Confiscable		
Do	1863	do	120 00	do	do		
Do	1863	do	120 00	do	do		
Do	1863	do	60 00	do	do		
Do	1863	do	240 00	do	do		
Do	1863	do	2,100 00	do	do		

Do	1863	....do	2,400 00	....do	....do		
Do	1863	....do	1,500 00	....do	....do		
Do	1863	....do	600 00	....do	....do		
Do	1863	....do	480 00	....do	....do		
Do	1863	....do	480 00	....do	....do		
Do	1863	....do	240 00	....do	....do		
Do	1863	....do	3,000 00	....do	....do		
Do	1863	....do	420 00	....do	....do		
Do	1863	....do	120 00	....do	....do		
Do	1863	....do	60 00	....do	....do		
Do	1863	....do	120 00	....do	....do		
Joseph W. Carroll	1863		16,000 00	Large shop and lot.	Abandoned		Restored by order of T. W. Conway, assistant Commissioner Bureau of Freedmen, September 19, 1865.
Do	1863	$75	23,000 00	House and lot	....do		Do. do.
Do	1863	$4	5,000 00	....do	....do		Do. do.
John M. Back	1863	$4	4,000 00	....do	....do		Restored by order of General J. S. Fullerton, Oct. 28, 1865.
Do	1863	$4	4,300 00	....do	....do		Do. do.
Do	1863	Vacant	100 00	Vacant	....do		Do. do.
Do	1863	....do	100 00	....do	....do		Do. do.
Do	1863	....do	1,500 00	....do	....do		Do. do.
Do	1863	....do	150 00	....do	....do		Do. do.
J. B. Shawsou	1863	....do	7,600 00	House and lot	....do		Restored by order of General J. S. Fullerton, Oct. 31, 1865.
Do	1863	Vacant	2,500 00	Vacant	....do		Do. do.
Do	1863	....do	3,000 00	....do	....do		Do. do.
Do	1863	....do	600 00	....do	....do		Do. do.
Do	1863	....do	600 00	....do	....do		Do. do.
Do	1863	....do	3,000 00	Stable and lots	....do		Do. do.
W. M. Perkins	1863	Q. M. Dep't	12,000 00	House and lot	....do		Special pardon, January 6, 1866.
Do	1863	$5	1,500 00	....do	....do	1,500 00	
William E. Leverich	1863	Q. M. Dep't	12,000 00	....do	....do	2,000 00	Restored by order of General J. S. Fullerton, assistant Commissioner of Bureau of Refugees, Freedmen, and Abandoned Lands, October 28, 1865.
Do	1863		11,000 00	....do	....do		Do. do.
Do	1863	$75	12,000 00	....do	....do		Do. do.
Do	1863	Vacant	16,000 00	Vacant	....do		Do. do.
Do	1863	....do	7,500 00	....do	....do		Do. do.
Do	1863	....do	11,000 00	....do	....do		Do. do.
Do	1863	....do	1,200 00	....do	....do		Do. do.
Do	1863	....do	5,000 00	....do	....do		Do. do.
P. A. Rost	1863	School-house	1,300 00	House and lot	Confiscable		Restored by General Baird, February 2, 1866.
J. W. Zacharie	1863	....do	160,000 00	Houses and lots	Abandoned		Restored by order of General J. S. Fullerton, Nov. 11, 1865.
Do	1863	....do	1,600 00	House and lot	....do		Do. do.
Do	1863	Vacant	450 00	Vacant	....do		Do. do.
Do	1863	....do	2,000 00	....do	....do		Do. do.
Do	1863	Treasury Dep't	25,000 00	Houses and lots	....do		Do. do.
Do	1863	Vacant	7,000 00	Vacant	....do		Do. do.
Do	1863	....do	15,000 00	House and lot	....do	2,000 00	Do. do.
Do	1863	Vacant	800 00	Vacant	....do		Restored by order of General J. S. Fullerton, November 11, 1865.
Owen S. Donella	1863	$10	3,000 00	House and lot	....do		Rented by order of General J. S. Fullerton, October 31, 1865.
Adam Giffen	1863	Q. M. Dep't	10,000 00	....do	....do	1,500 00	Restored by order of General Howard, September 18, 1865.
Do	1863	....do	2,000 00	Vacant	....do		Do. do.

Property restored—Continued.

Name and status of reputed owner.	Date of seizure.	Monthly report.	Assessment value of property.	Description of property.	How held—abandoned, or confiscable.	Am't of personal property.	Remarks.
W. H. Crafts	1863	Q. M. Dep't	$5,000 00	House and lot	Abandoned	$2,000 00	Restored by order of T. W. Conway, assistant Commissioner Bureau of Freedmen, October 3, 1865.
Joseph Hoy	1863	do	8,000 00	do	do		Restored by General Baird, March 19, 1866.
Do	1863	Vacant	1,000 00	Stable and lot	do		
Do	1863	do	1,200 00	House and lot	do		
N. R. Jennings	1863	$15	2,000 00	do	do		Restored by General Baird, November 30, 1865.
Do	1863	Charity	2,500 00	do	do		
Do	1863	$40	12,000 00	do	do		
Do	1863	$5	3,000 00	Shanty and lot	do		
Do	1863	Q. M. Dep't	18,000 00	House and lot	do		
Do	1863	$34	3,500 00	do	do		
Do	1863	$10	2,000 00	do	do		
Do	1863	$7	3,000 00	do	do		
Do	1863	Vacant	1,500 00	Vacant	do		
Do	1863	$25	5,000 00	House and lot	do		
Thomas Brown Lee	1863	Charity	9,000 00	do	do		Restored by order of General Howard, October 6, 1865.
Do	1863	do	3,500 00	do	do		Do. do.
Do	1863	Vacant	2,500 00	Vacant	do		Do. do.
Do	1863	Q. M. Dep't	17,000 00	House and lot	do	1,500 00	Do. do.
Do	1863	$5	2,000 00	do	do		Do. do.
Do	1863	School	8,500 00	do	do		Do. do.
Do	1863	$60	25,000 00	do	do		Do. do.
Do	1863	$60	6,000 00	do	do		Do. do.
Do	1863	Vacant	4,000 00	Vacant	do		Do. do.
Do	1863	do	500 00	do	do		Do. do.
Do	1863	Charity	6,000 00	House and lot	do		Do. do.
Do	1863	$35	12,000 00	do	do		Do. do.
Do	1863	Charity	20,000 00	do	do		Do. do.
Do	1863	Vacant	1,600 00	Vacant	do		Do. do.
Do	1863	do	800 00	do	do		Do. do.
Do	1863	do	500 00	do	do		Do. do.
Do	1863	do	1,500 00	do	do		Do. do.
Do	1863	do	3,000 00	House and lot	do		Do. do.
Do	1863	$22	17,600 00	Vacant arpents	do		Do. do.
Do	1863	Charity	2,000 00	House and lot	do		Do. do.
Do	1863	do	4,000 00	do	do		Do. do.
Do	1863	$40	8,000 00	do	do		Do. do.
Henry St. Paul	1863	Vacant	600 00	Vacant	Confiscable		Libelled.
Do	1863	do	4,000 00	do	do		
Do	1863	do	200 00	do	do		

Do	1863	....do	300 00	....do	....do		
Henry St. Paul	1863	....do	200 00	....do	....do		Libelled.
Do	1863	....do	4,500 00	....do	....do		
J. G. Parham	1863	$35	3,000 00	House and lot	....do		Libelled.
Do	1863	$40	2,500 00	....do	....do		Restored by order Gen. J. S. Fullerton. Pardoned Oct. 21, 1865.
Do	1863	$40	3,000 00	....do	....do		
Edward Bermudez	1863	$20	5,500 00	....do	Abandoned		Restored by order of Gen. J. S. Fullerton, October 27, 1865.
Do	1863	Charity	2,500 00	....do	....do		Do. do.
Do	1863	....do	4,500 00	....do	....do		Do. do.
Do	1863	$20	700 00	Vacant	....do		Do. do.
Pierre Soulé	1863	School	28,000 00	House and lot	Confiscable		Libelled, condemned, and sold. Bought by U. S. government.
Do	1863	Vacant	200 00	Vacant	....do		Do. do.
Do	1863	....do	200 00	....do	....do		Do. do.
Do	1863	....do	200 00	....do	....do		Do. do.
Do	1863	....do	100 00	....do	....do		Plantation restored by Gen. Fullerton, October 31, 1865.
Do	1863	....do	100 00	....do	....do		
Do	1863	....do	100 00	....do	....do		Furniture restored by Gen. Baird, February 22, 1866.
Do	1863	....do	100 00	....do	....do		
Geo. W. and Uriah Sadder	1863	Charity	600 00	House and lot	Abandoned		Restored by order of Gen. J. S. Fullerton, Nov. 11, 1865.
Do	1863	Vacant	100 00	Vacant	....do		Do. do.
Do	1863	....do	300 00	....do	....do		Do. do.
Do	1863	....do	100 00	....do	....do		Do. do.
Do	1863	....do	50 00	....do	....do		Do. do.
Geo. W. Race	1863	Q. M. Dep't	17,000 00	House and lot	....do	1,000 00	Restored by order Gen. J. S. Fullerton. Pardoned Nov. 9, 1865.
Do	1863	....do	3,000 00	....do	....do		Do. do.
Do	1863	Vacant	1,600 00	Vacant	....do		Do. do.
Michael Foltz	1863	Charity	2,600 00	House and lot	....do		Restored by T. W. Conway, October 20, 1865.
W. B. Lindsey	1863	....do	4,000 00	....do	....do		Restored by Gen. Fullerton, November 1865.
D. C. Labatt	1863	Vacant	1,200 00	Vacant	....do		
Justin Vairin	1863	$40	9,000 00	House and lot	....do		Restored by Gen. Fullerton, October 25, 1865.
T. C. Twitchell	1863	Q. M. Dep't	17,000 00	....do	....do		Restored by Gen. Fullerton. Pardoned November 8, 1865.
Do	1863	....do	1,000 00	Stables and lot	....do		Do. do.
Do	1863	$60	17,000 00	House and lot	....do		Do. do.
Do	1863	$20	6,500 00	....do	....do		Do. do.
Mark Davis	1863	$30	5,000 00	....do	Virginia rebel		Restored by order of General Howard, October 13, 1865.
Do	1863	$250	30,000 00	....do	....do		Do. do.
Do	1663	$150	50,000 00	....do	....do		Do. do.
A. W. Merriman	1863	$150	3,500 00	....do	Confiscable		Libelled, condemned, and sold. Restored to Mr. Judson, by order of T. W. Conway.
E. W. Wales	1863	Q. M. Dep't	9,000 00	....do	Abandoned	1,500 00	Returned by order ass't Comm'r T. W. Conway, Oct. 12, 1865.
J. P. Harrison	1863	....do	25,000 00	....do	....do	7,500 00	By order of Gen. J. S. Fullerton. Pardoned October 23, 1865.
Do	1863	$275	28,000 00	....do	....do		Do. do.
D. P. Logan	1863	$275	18,000 00	....do	....do	2,000 00	Restored by Gen. Baird, February 8, 1866.
Maurice Grivot	1863	$18	2,350 00	....do	Confiscable		Libelled. Restored by Gen. Baird, November 24, 1865.
William E. Strange	1863	Charity	5,000 00	....do	Abandoned		By order of Gen. Fullerton, October 31, 1865.
John W. Cannon	1863	Q. M. Dep't	15,000 00	....do	....do		Special pardon, November 17, 1865.
F. D. Conrad	1863	$30	25,000 00	....do	....do		Do. do.
Thomas M. Simmons	1863	Q. M. Dep't	14,000 00	....do	....do		Restored by Gen. Fullerton, November 13, 1865.
William G. Mullen	1863	....do	3,000 00	....do	....do		
Charles M. Conrad	1863	$15	8,000 00	....do	Confiscable		Restored by Gen. Fullerton, November 3, 1864.
T. J. Semmes	1863	Q. M. Dep't	18,000 00	....do	....do		Libelled, condemned, and sold.
William E. Stark	1863	$10	20,000 00	....do	Abandoned		Restored by order ass't Comm'r T. W. Conway.

Property restored—Continued.

Name and status of reputed owner.	Date of seizure.	Monthly rent.	Assessment value of property.	Description of property.	How held—abandoned or confiscable.	Am't of personal property.	Remarks.
William H. Holmes	1863	$10	$2,500 00	House and lot	Confiscable		Libelled, condemned, and sold.
Do	1863	$10	13,500 00	do	do		Do. do.
Do	1863	$10	500 00	Vacant	do		Do. do.
Michael Buckley	1863	Vacant	1,500 00	do	Abandoned		
T. C. & R. Holmes	1863	do	6,000 00	House and lot	do	$1,000 00	Restored by order of Gen. Fullerton, October 24, 1865.
R. C. Hutchinson	1863	Q. M. Dep't	10,900 00	do	do	1,000 00	Restored by order of Gen. Fullerton, October 20, 1865.
H. W. Connor, jr	1863	School	20,000 00	do	do		Do. do.
J. J. Burnett	1863	Vacant	600 00	Vacant	do		Restored by order of T. W. Conway, assistant Comm'r Bureau Freedmen, October 9, 1865.
Do	1863	do	1,500 00	do	do		Do. do.
Do	1863	do	1,200 00	do	do		Do. do.
Do	1863	do	1,200 00	do	do		Do. do.
Do	1863	Charity	4,000 00	House and lot	do		Do. do.
Do	1863	Vacant	900 00	Vacant	do		Do. do.
John G. Cocks	1863	$7	2,000 00	House and lot	do		Restored by order of Gen. J. S. Fullerton, November 13, 1865.
Do	1863	Charity	9,000 00	do	do		Do. do.
Do	1863	do	10,000 00	do	do		Do. do.
Do	1863	do	12,000 00	do	do		Do. do.
Do	1863	do	10,000 00	do	do		Do. do.
Do	1863	$20	1,500 00	do	do		Do. do.
Do	1863	Q. M. Dep't	14,000 00	do	do		Do. do.
R. G. Latting	1865	do	7,500 00	do	do	200 00	Restored by General Fullerton, November 8, 1865.
A. J. Rugely	1865	do	18,000 00	do	do	3,100 00	Restored by General Fullerton, October 23, 1865.
John C. Pooley	1865	Vacant	1,500 00	Vacant	do		Restored by order of T. W. Conway, assistant Commissioner Bureau of Freedmen, October 11, 1865.
Do	1865	do	13,000 00	House and lot	do	1,000 00	
James H. Low	1865	Q. M. Dep't	15,000 00	do	do		Restored by General Fullerton.
Joshua Peebles	1865	$15	10,000 00	do	do		Restored by General Fullerton, October 24, 1865.
Do	1865	$25	900 00	do	do		Do. do.
Charles T. Nash	1865	Q. M. Dep't	4,500 00	do	do	650 00	Restored by order of T. W. Conway, assistant Commissioner Bureau of Freedmen, September 30, 1865.
E. H. Pomeroy	1865	Vacant	1,400 00	Vacant	do		
Do	1865	Charity	1,200 00	House and lot	do		
Do	1865	$20	3,500 00	do	do		
R. M. Davis	1865	Q. M. Dep't	7,000 00	do	do		Restored by General Sheridan, December 19, 1866.
Do	1865	Vacant	700 00	Vacant	do		
Do	1865	do	400 00	do	do		
J. B. Robinson	1865	do	1,000 00	do	do		Restored by General Baird, November 13, 1865.
Do	1865	do	600 00	Shanty and lot	do		Do. do.
J. B. Wilkinson	1865	$10	5,000 00	House and lot	do		Restored by General Mower, December 1, 1866.

C. N. Noonan	1865	Refugee home	10,000 00	....do	....do		Restored by General Baird, March 5, 1866.
Do	1865	Vacant	5,000 00	Vacant	....do		
C. N. Pasture	1865	Q. M. Dep't	85,000 00	Cotton press	....do		
Alfred Hennan	1865	$125	24,000 00	House and lot	....do		Restored by General Fullerton, October 31, 1865.
James McLoskey	1865	$125	6,000 00	....do	....do		Libelled.
R. W. Estlin	1863	Q. M. Dep't	13,000 00	....do	....do		Restored by General Fullerton, October 30, 1865.
Aug. Block	1863	....do	9,000 00	....do	....do	1,000 00	Restored by assistant Commissioner T. W. Conway, October 3, 1865.
C. H. Noble	1863	Vacant	1,000 00	Vacant	....do		Rented by order of General Fullerton, October 24, 1865.
Do	1863	$25	6,000 00	House and lot	....do		Do. do.
Fred. N. Thayre	1863	$25	2,500 00	....do	....do	500 00	Libelled.
Samuel Jamison	1863	Vacant	2,000 00	Vacant	....do		Restored by order of assistant Commissioner Bureau of Freedmen, October 14, 1864.
Do	1863	Charity	3,500 00	Shanty and lot	....do		Do. do.
Do	1863	$50	7,000 00	House and lot	....do		Do. do.
Do	1863	Q. M. Dep't	11,000 00	....do	....do		Do. do.
Do	1863	....do	10,000 00	....do	....do		Do. do.
Do	1863	....do	16,000 00	....do	....do		Do. do.
Do	1863	....do	5,000 00	....do	....do		Do. do.
Do	1863	$75	15,000 00	....do	....do		Do. do.
Do	1863	Freedm's Bureau	35,000 00	....do	....do		Do. do.
Mathew Adis	1863	$7	2,500 00	....do	....do		Special pardon, January 11, 1866.
M. J. Bufac and wife	1863	$7	12,000 00	....do	....do		Restored by General Fullerton, October 27, 1865.
Do	1863	$15	4,000 00	....do	....do		Do. do.
Archibald Glenn	1863	Q. M. Dep't	14,000 00	....do	....do	1,500 00	Restored by order of T. W. Conway, assistant Commissioner, October 11, 1865.
Armond Pitot, jr	1863	Charity	4,500 00	....do	....do		Restored by order of General Fullerton, October 28, 1865.
Edward A. Fisk	1863	....do	5,500 00	....do	....do		Restored by General Baird, February 21, 1866.
Do	1863	Vacant	4,000 00	Vacant	....do		
Do	1863	....do	3,600 00	....do	....do		
Do	1863	$10	1,200 00	Planing mill and lot.	....do		
Do	1863	$10	10,000 00	House and lot	....do		
Jacob U. Payne	1863	Q. M. Dep't	20,000 00	....do	....do	5,000 00	Restored by General Fullerton, October 31, 1865.
George Dermeyer	1863	$30	7,500 00	....do	....do		Rented by order of General Fullerton, October 31, 1865.
Do	1863	$35	7,000 00	....do	....do		Do. do.
Do	1863	Charity	2,000 00	....do	....do		Do. do.
J. B. Toulmé	1864	$35	9,000 00	....do	....do		Do. do.
Do	1864	$25	8,000 00	Large shed and lot.	....do		Do. do.
Mrs. John Freret	1863	$35	10,000 00	House and lot	....do		Restored by order of General Fullerton, October 27, 1865.
John C. Goodrich	1863	Q. M. Dep't	13,000 00	....do	....do		Restored by order of General Fullerton, October 25, 1865.
E. Malus	1864	$14	1,600 00	....do	....do		Restored by order of General Fullerton, October 28, 1865.
J. D. Lambert	1863	$10	1,600 00	....do	....do		Do. do.
Celestine Regues	1864	$10	4,500 00	....do	....do		Restored by order of T. W. Conway, assistant Commissioner, &c., October 12, 1865.
J. M. Grisham	1863	$20	4,000 00	....do	....do		Restored by General Fullerton, November 1, 1865.
J. G. and H. L. Goodrich	1863	$20	7,500 00	....do	....do		Restored by General Fullerton, October 25, 1865.
Mrs. A. D. Buell	1863	$5	3,500 00	....do	....do		Restored by General Baird, December 14, 1865.
Patrick Gleason	1863	Vacant	10,000 00	Vacant	....do		
Do	1863	....do	6,000 00	Cotton pickery	....do		
F. Delesdemier	1863	Charity	8,000 00	House and lot	....do		Restored by General Fullerton, October 24, 1865.

Property restored—Continued.

Name and status of reputed owner.	Date of seizure.	Monthly rent.	Assessment value of property.	Description of property.	How held—abandoned or confiscable.	Am't of personal property.	Remarks.
John Thornhill	1863	Q. M. Dep't	$20,000 00	House and lot	Abandoned		Restored by General Baird, June 15, 1866.
Do	1863	Charity	3,500 00	do	do		
Do	1863	do	8,000 00	do	do	$2,500 00	Restored by order of T. W. Conway, assistant Commissioner, October 5, 1865.
R. G. Taylor	1863	$35	4,000 00	do	do		
Dr. A. Heusley	1863	$40	10,000 00	do	do		
Alfred S. Cowand	1863	Charity	2,500 00	do	do		Restored by General Fullerton, November 1, 1865.
Oscar Robin	1863	do	1,000 00	Shanty and lot	do		Restored by General Baird, November 28, 1865.
B. J. Musgrove	1863	Vacant	400 00	Vacant	do		Restored by General Fullerton, November 10, 1865.
Do	1863	$20	1,600 00	House and lot	do		
J. Magioni	1863	$20	2,500 00	do	do		Restored by General Fullerton, October 28, 1865.
Do	1863	$12	1,200 00	do	do		Do. do.
Do	1863	Vacant	Not valued	Vacant	do		Do. do.
Mrs. Garcia, *née* Fortier	1863	$35	8,500 00	House and lot	do		Restored by General Fullerton, October 24, 1865.
Miss M. A. Rogers	1863	$35	10,000 00	do	Reg. enemy		Restored by General Fullerton, October 28, 1865.
Eug. Lasère	1863	$100	10,000 00	do	Abandoned		Restored by General Fullerton, October 21, 1865.
M. Hernandez	1863	$100	1,000 00	do	do		Restored by General Fullerton, October 18, 1865.
William Francis	1863	$15	5,000 00	do	do		Restored by General Fullerton.
H. L. Goodrich	1863	Q. M. Dep't	12,000 00	do	do	2,500 00	
A. G. Blanchard	1863	$60	12,000 00	do	do		Restored by General Fullerton, October 31, 1865.
John F. Spearing	1863	$60	5,000 00	do	Confiscable		Libelled, condemned, and sold.
Do	1863	$60	4,500 00	do	do		Do.
Do	1863	$60	12,000 00	do	do		Do.
C. F. Carruthers	1863	Q. M. Dep't	9,000 00	do	Abandoned	3,578 00	Restored by General Fullerton, October 28, 1865.
James Davis	1863	do	5,000 00	do	do	800 00	Restored by General Fullerton, November 4, 1865.
John L. Lambert	1863	do	1,300 00	do	do		Restored by General Fullerton, October 31, 1865.
Jules Bermudez	1864	Vacant	300 00	Vacant	do		Restored by General Fullerton, November 6, 1865.
Do	1864	do	50 00	do	do		Do. do.
Do	1864	do	200 00	do	do		Do. do.
Do	1864	do	150 00	do	do		Do. do.
Do	1864	do	300 00	do	do		Do. do.
Do	1864	do	400 00	do	do		Do. do.
Do	1864	do	200 00	do	do		Do. do.
Do	1864	do	200 00	do	do		Do. do.
Do	1864	do	200 00	do	do		Do. do.
Do	1864	do	200 00	do	do		Do. do.
Do	1864	do	200 00	do	do		Do. do.
Do	1864	do	200 00	do	do		Do. do.
Do	1864	do	300 00	do	do		Do. do.

Do	1864	....do	500 00	....do	....do		Do. do.
Do	1864	....do	200 00	....do	....do		Do. do.
Do	1864	....do	400 00	....do	....do		Do. do.
Robert Seaton	1863	$15	4,500 00	House and lot	....do		Restored by order of T. W. Conway, assistant commissioner Bureau of Freedmen, September 29, 1865.
Do	1863	Q. M. Dep't	9,000 00	....do	....do		Do. do.
Do	1863	....do	14,000 00	....do	....do		Do. do.
John W. Rayne	1863	$10	8,500 00	....do	....do	55 00	Restored by order of General Fullerton, October 21, 1865.
J. E. Caldwell	1863	$45	10,000 00	....do	....do		By order of General Fullerton, October 31, 1865.
L. Rousseau	1863	School	7,000 00	....do	....do		Libelled, condemned, and restored by General Baird, August 14, 1866.
C. E. Forstall	1863	Charity	4,500 00	....do	....do		
Do	1863	Vacant	600 00	Vacant	....do		
Do	1863	....do	300 00	....do	....do		
Do	1863	....do	1,500 00	....do	....do		
O. S. Rosseau	1863	Charity	4,000 00	House and lot	....do		By order of General Fullerton, October 28, 1865.
Thompson Greenfield	1863	Q. M. Dep't	25,000 00	....do	....do		
Do	1863	....do	50,000 00	½ of Pebein press	....do		
M. M. Simpson	1863	....do	5,000 00	House and lot	....do	10,000 00	Restored by order of Gen. J. S. Fullerton, October 20, 1865.
Do	1863	....do	6,000 00	....do	....do		Do. do.
Wm. H. Paxton	1864	....do	2,000 00	....do	....do	529 00	By order of General J. S. Fullerton, November 1, 1865.
Edward Aleix	1864	....do	5,500 00	....do	....do		Restored by order of T. W. Conway, assistant commissioner Bureau of Freedmen, October 4, 1865.
Johanna R. Warren	1864	Charity	1,200 00	....do	....do		By order of General Fullerton, October 31, 1865.
Simon Wyman	1864	....do	2,000 00	....do	....do		By order of General Fullerton, October 27, 1865.
James Marshall	1864	$10	1,800 00	....do	....do		By order of General Fullerton, October 31, 1865.
Do	1864	Vacant	500 00	Vacant	....do		Do. do.
Do	1864	....do	200 00	....do	....do		Do. do.
J. F. Barthemy	1864	Charity	1,000 00	House and lot	....do		Do. do.
Do	1864	Vacant	400 00	Vacant	....do		Do. do.
W. B. Whitehead	1864	$15	10,000 00	....do	Virginia rebel		Restored by General Baird, December 28, 1865.
Thomas C. Bowman	1864	$10	6,000 00	....do	Abandoned		Restored by order of T. W. Conway, assistant commissioner Bureau of Freedmen, October 5, 1865.
E. C. Delery	1864	$20	2,750 00	House and lot	....do		By order of General Fullerton, October 27, 1865.
Henry Thornhill	1863	$75	10,000 00	....do	....do		By order of General Fullerton, October 26, 1865.
Cora A. Slocumb	1863	$75	15,500 00	....do	....do		Restored by order of General Howard, September 12, 1865.
Do	1863	$75	18,000 00	....do	....do		Do. do.
Do	1863	$75	14,000 00	....do	....do		Do. do.
Thomas McKnight	1863	$75	15,000 00	....do	Confiscable		Libelled.
Do	1863	Refugee	2,500 00	Vacant	....do		Restored by General Fullerton, November 1, 1865.
Do	1863	....do	5,000 00	....do	....do		Pardoned.
S. H. Davis	1863	$25	7,000 00	House and lots	Abandoned		Restored by General Baird, November 28, 1865.
Do	1863	Charity	5,500 00	....do	....do		Do. do.
Do	1863	Vacant	18,000 00	Vacant	....do		Do. do.
Do	1863	....do	14,000 00	....do	....do		Do. do.
Do	1863	....do	2,300 00	....do	....do		Do. do.
Do	1863	....do	2,000 00	....do	....do		Do. do.
Do	1863	Charity	8,000 00	House and lots	....do		Do. do.
Do	1863	Vacant	2,500 00	Vacant	....do		Do. do.
W. L. Pitts	1863	$5	700 00	House and lots	....do		Restored by General Baird, May 29, 1866.
Charles Ritchie	1864	Charity	2,000 00	....do	....do		
A. H. May	1863	$50	9,000 00	House and lot	....do		By order of General Fullerton, October 31, 1865.

Property restored—Continued.

Name and status of reputed owner.	Date of seizure.	Monthly rent.	Assessment value of property.	Description of property.	How held—abandoned, or confiscable.	Am't of personal property.	Remarks.
A. Flash	1864	Q. M. Dep't	$10,000 00	House and lot	Abandoned	$1,500 00	By order of General Fullerton, October 27, 1865.
John Slidell	1863	$10	2,500 00	do	do		
Thomas D. Miller	1863	$40	12,000 00	do	do		By order of General Fullerton, October 20, 1865.
Campbell & Rickerby	1863	$150	20,000 00	Soap factory	do	1,000 00	By order of General Baird, December 11, 1865.
Dr. Jos. Bensadon	1863	School	8,000 00	House and lot	do	1,000 00	
J. D. Blaume	1863	$15	4,000 00	do	do		By order of General Fullerton, October 31, 1865.
George Dermeyer	1863	Charity	2,500 00	do	do		Do. do.
Mary L. Vaughn	1863	$5	1,500 00	do	do		By order of General Fullerton, November 1, 1865.
Dr. Austin	1863	$5	4,500 00	do	do	1,198 00	
Delphine Vinett	1863	$20	2,000 00	do	do		By order of General Fullerton, November 4, 1865.
Do	1863	$20	2,500 00	do	do		Do. do.
Do	1863	Charity	600 00	do	do		Do. do.
Louis C. Amy	1863	Vacant	2,500 00	Vacant	do		Restored by General Baird, November 17, 1865.
Do	1863	do	1,400 00	do	do		Do. do.
Do	1863	do	500 00	do	do		Do. do.
Do	1863	Charity	600 00	House and lot	do		Do. do.
Henry Garidell	1863	Vacant	1,000 00	Vacant	do		By order of General Fullerton.
Do	1863	Charity	4,500 00	House and lot	do		Do. do.
John S. Ludlow	1863	do	5,000 00	do	do	300 00	By order of General Fullerton, October 26, 1865.
J. P. Shortridge	1863	Q. M. Dep't	18,000 00	Union cot. press	do		
J. M. McCandish	1863	do	6,500 00	House and lot	do	1,500 00	Restored by order of T. W. Conway, assistant commissioner Bureau of Freedmen, September 30, 1865.
John D. Cobb	1863	do	1,500 00	do	do		Restored by order of General Fullerton.
William C. Black	1863	do	9,000 00	do	do	1,000 00	Restored by order of General Howard, October 17, 1865.
Thaddeus D. Van Horn	1863	Charity	2,500 00	do	do		By General Fullerton, October 24, 1864.
William Young	1863	$9	2,500 00	do	do		By order of General Fullerton, November 7, 1865.
Calvin Tate	1863	Charity		do	do		By order of General Fullerton, October 30, 1865.
J. E. Mortimer	1864	Swamp		Vacant lot	do		By order of General Fullerton, October 27, 1865.
Mrs. S. S. Simms	1863	Charity	4,000 00	House and lot	do		Do. do.
Felix Walker	1863	Q. M. Dep't	10,000 00	do	do	1,400 00	Restored by order of General Howard, October 11, 1865.
Estate of Mrs. Maxwell	1863	do	2,200 00	do	do		
M. J. Zunts	1863	do	14,000 00	do	do	1,500 00	By order of General Fullerton, October 31, 1865.
W. L. Campbell	1863	do	15,000 00	do	do		By order of General Fullerton, October 25, 1865.
James F. Belknap	1865	$10	6,000 00	do	do		By order of General Fullerton, October 27, 1865.
John W. Polk	1865	$50	11,500 00	do	do		Do. do.
John Bradford	1865	$20	2,000 00	do	do		Restored by order of General Howard, October 27, 1865.
Do	1865	Vacant	50 00	Vacant	do		Do. do.
Lucien Adams	1863	do	3,000 00	House and lot	Rebel in prison		By order of General Fullerton, October 27, 1865.
Do	1863	do	1,000 00	Vacant	do		Do. do.
Newland and C. Holmes		$65	7,000 00	House and lot	Confiscable		Libelled; restored by order of General Fullerton, Oct. 24, 1865.

Do		$100	6,000 00	....do	....do		Do.
Louis Lay	1863	$100	500 00	....do	Abandoned		
Do	1863	$100	4,500 00	Cotton picking	....do		
Do	1863	Vacant	600 00	Vacant	....do		
Do	1863	....do	500 00	....do	....do		
Do	1863	....do	750 00	....do	....do		
Do	1863	....do	6,000 00	Cotton picking	....do		
Do	1863	....do	500 00	Vacant	....do		
Do	1863	....do	3,750 00	....do	....do		
R. Y. Patterson	1865	Charity	1,000 00	House and lot	....do		Restored by General Baird, January 13, 1866.
John Koffsky	1865	$6	1,500 00	....do	....do		Restored by General Baird, July 3, 1866
Andrew Coste	1863	$25	4,500 00	....do	....do		By order of General Fullerton, November 13, 1665.
C. F. Hatcher	1863	$25	10,500 00	House and lots	....do		
R. B. Sumner	1863	$25	25,000 00	Bellville Iron Works.	....do		
A. D. Kelley	1863	$40	8,500 00	House and lot	....do		By order of General Fullerton, October 27, 1865.
Do	1863	Q. M. Dep't	17,000 00	....do	....do	3,000 00	Do. do.
Do	1863	... do	30,000 00	....do	....do		Do. do.
C. B. Singleton	1863	Vacant	1,000 00	Vacant	....do		Do. do.
Do	1863	....do	1,000 00	....do	....do		Do. do.
Do	1863	....do	600 00	....do	....do		Do. do.
Do	1863	....do	600 00	....do	....do		Do. do.
Do	1863	....do	300 00	....do	....do		Do. do.
Do	1863	....do	600 00	....do	....do		Do. do.
Do	1863	....do	1,300 00	....do	....do		Do. do.
Do	1863	....do	1,600 00	....do	....do		Do. do.
Do	1863	... do	1,800 00	Shanty and lot	....do		Do. do.
Do	1863	Freedm's wareh'e.	14,000 00	House and lot	....do		Do. do.
Do	1863	$35	7,000 00	....do	....do		Do. do.
Thos. and Sam'l Henderson	1864	$35	10,000 00	....do	....do		Restored by order of General Howard, October 17, 1865.
Widow R. E. Morell	1863	Q. M. Dep't	26,000 00	....do	Virginia rebel		By order of General Fullerton.
Do	1863	$75	10,000 00	....do	....do		Do.
C. H. Slocumb	1863	$75	13,000 00	....do	Confiscable		Restored by order of General Howard, September 12, 1865.
Rebel powder house	1864	$75		Building	Rebel		Turned over to city by order of General Canby.
J. A. DeBlanc	1864	Charity	2,000 00	House and lot	Abandoned		By order of General Fullerton, October 27, 1865.
J. Lowbard	1864	....do	4,500 00	....do	Virginia rebel		
E. H. Murrell	1863	....do	9,000 00	....do	....do		By order of General Fullerton, October 28, 1865.
Do	1863	....do	12,000 00	....do	....do		Do. do.
Do	1863	....do	10,000 00	....do	....do		Do. do.
Do	1863	Vacant	3,000 00	Vacant	....do		Do. do.
Onslow G. Morrell	1863	....do	3,000 00	House and lot	....do		By order of General Fullerton, October 31, 1865.
Do	1863	$135	16,000 00	....do	....do		Do. do.
Do	1863	$75	10,000 00	....do	....do		Do. do.
George M. Murrell	1863	$200	18,000 00	....do	....do		By order of General Fullerton, October 28, 1865.
Do	1863	$150	15,000 00	....do	....do		Do. do.
General De Terrier	1863	Vacant	400 00	Vacant	Abandoned		
Do	1863	....do	300 00	....do	....do		
Do	1863	....do	400 00	....do	....do		
E. Jones McCall	1863	....do	15,000 00	House and lot	....do		Restored by order of General Howard, October 19, 1865.
T. S. McGill	1863	Charity	9,000 00	....do	....do		By order of General Fullerton, October 28, 1865.
John H. Payton	1863	$18	4,800 00	....do	....do		By order of General Baird, March 24, 1866.
Do	1863	$50	5,000 00	....do	....do		Do. do.

Property restored—Continued.

Name and status of reputed owner.	Date of seizure.	Monthly rent.	Assessment value of property.	Description of property.	How held—abandoned or confiscable.	Am't of personal property.	Remarks.
Norman Story	1863	$75	$8,000 00	House and lot	Confiscable		By order of General Fullerton. Pardoned October 23, 1865.
Do	1863	$150	18,000 00	do	do		Do. do.
Do	1863	$125	8,000 00	do	do		Do. do.
Do	1863	$200	35,000 00	do	do		Do. do.
Do	1863	$50	13,000 00	do	do		Do. do.
William R. Stuart	1863	Q. M. Dep't	4,500 00	do	Abandoned	$1,500 00	Do. do.
Hugh Wm. Montgomery	1863	$150	45,000 00	do	do		By order of General Fullerton. Pardoned November 4, 1865.
Greenleaf Andrews	1863	$150	1,500 00	do	do		Do. do.
Do	1863	$150	4,000 00	do	do		Do. do.
Thomas Murray	1863	Vacant	500 00	Vacant	do		
Miss Celestine Eustis	1863	$15	3,250 00	House and lot	do		By order of General Baird, May 8, 1866.
Louis Lay	1863	Charity	4,000 00	do	do		
Do	1863	do	5,000 00	do	do		
Arch. T. Bennett	1864	$15	5,000 00	do	do		By order of General Fullerton, October 24, 1865.
Widow George Eustis	1864	$75	8,000 00	do	do		Do. do.
Do	1864	School	8,000 00	do	do		Do. do.
Do	1864	Charity	2,000 00	do	do		Do. do.
Charles Gallagher	1864	Orphan asylum	12,000 00	do	do	1,500 00	By order of General Fullerton, October 31, 1865.
H. A. Lessasier	1863	Charity	5,000 00	do	do		By order of General Fullerton, October 21, 1865.
Do	1863		4,500 00	do	do		Do. do.
William O. Freret	1864	Q. M. Dep't	5,000 00	do	do		By order of General Fullerton, November 1, 1865.
Do	1864	$50	10,000 00	do	do		Do. do.
Estate of Miss Sophia Ruisson	1865	Charity	6,000 00	do	do		By order of General Fullerton, October 26, 1865.
Benjamin F. Simms	1864	do	7,000 00	do	do		By order of General Fullerton, October 31, 1865.
Benjamin S. Story	1863	$75	8,000 00	do	Confiscable		By order of General Fullerton. (See page —.)
Samuel M. Todd	1863	Vacant	200 00	Vacant	Abandoned		
A. D. Deriocust	1863	$3	800 00	Shanty and lots	do		Restored by order of T. W. Conway, asst. com'r, Oct. 11, 1865.
Do	1863	Vacant	100 00	Vacant	do		Do. do.
Do	1863	do	1,500 00	House and lot	do		Restored by order of T. W. Conway, October 11, 1865.
Do	1863	do	800 00	do	do		Do. do.
P. N. Wood	1863	do	1,000 00	Vacant	do		
Do	1863	do	700 00	do	do		
Do	1863	do	300 00	do	do		
Do	1863	do	150 00	do	do		
Do	1863	do	2,000 00	do	do		
Do	1863	do	1,600 00	do	do		
Do	1863	do	1,200 00	do	do		
Do	1863	do	800 00	do	do		
Do	1863	do	800 00	do	do		
Do	1863	do	500 00	do	do		
Do	1863	do	1,000 00	do	do		
Do	1863	do	1,000 00	do	do		
Do	1863	do	2,500 00	do	do		

Property restored—Continued.

Owner.	Date of seizure.	Estimated value.	Description.	How held.	When restored.	By whom restored.
Bruin, Joseph		$15,000 00	House and lots	Abandoned	Jan. 4, 1867	Brevet Maj. Gen. J. A. Mower, ass't Commis'r.
Deacon, M		3,000 00	House and lot	do	Sept. 16, 1865	Chaplain T. W. Conway, assistant Commis'r.
Campbell, George W		52,550 00	Houses and lots	do	Sept. 20, 1865	Special pardon.
Kennedy, W. E		15 000 00	House and lot	do	Sept. 26, 1865	Chaplain T. W. Conway, assistant Commis'r.
Nash, Charles T		5,150 00	do	do	Sept. 30, 1865	Do.
Parker, J. P., heirs of			Plantation	do	Aug. —, 1866	Maj. Gen. O. O. Howard, Commissioner.
Key, Helen C			do	do	Sept. 15, 1866	Brevet Maj. Gen. A. Baird, assistant commis'r.
Huriot, P. J			do	do	Sept. 26, 1866	Maj. Gen. P. H. Sheridan, assistant commis'r.
Hensley, A. C		10,000 00	House and lots	do	Sept. 25, 1866	Do.
Robb, Isabella		5,400 00	do	do	May 4, 1866	Brevet Maj. Gen. A. Baird, assistant Commis'r.
Sparrow, Edward			Plantations	do	May 23, 1866	Do.
Seaver, J. W		105,000 00	Cotton-mills	do	May 31, 1866	Do.
Thibodaux, B. G., heirs of			House and lots	do	Oct. 19, 1866	Do.
Savage, Elizabeth			Plantation	do	April 24 1866	Do.
Wetzel, William		12,000 00	House and lot	do	June 28, 1866	Do.
Wood, John		2,250 00	do	do	Nov. 29, 1865	Do.
Lockwood, W. F			do	do	Nov. 30, 1865	Do.
Bailey, Walter		10,500 00	do	do	Dec. 1, 1865	Do.
Bond, Howard B			Plantation	do	Dec. 2, 1865	Do.
Hatch, F. H			do	do	Dec. 14, 1865	Do.
Collins, H. F			do	do	do	Do.
Stevenson, A. M			House and lot	do	Dec. 20, 1865	Do.
McCutcheon, J. S			Plantation	do	Dec. 21, 1865	Do.
Benbury, G. A		2,000 00	Lots	do	Dec. 27, 1865	Do.
Fellows, J. Q. A		10,000 00	House and lots	do	do	Do.
Hewitt, James	Oct. 1, 1863		Plantation	do	Dec. 29, 1865	Do.
Gresward, Mrs. Wm		6,000 00	House and lot	do	Dec. 30, 1865	Do.
Roberts, H. and G	Feb. —, 1864		Plantation	do	Nov. 14, 1865	Do.
Doyal, H. R	Oct. 1, 1863		House and lot	do	Oct. 31, 1865	Brevet Brig. Gen. J. S. Fullerton, ass't Comm'r.
Conrad, F. S			Sugar-house, &c	do	Nov. 3, 1865	Do.
Mayronne, D. and O				do	Nov. 4, 1865	Do.
Thom, Alexander				do	Nov. 8, 1865	Do.
Quitman, Henry			House and lot	do	Nov. 15, 1865	Do.
Stewart, Mary M			do	do	Nov. 14, 1865	Do.
Wafford, J. V	Oct. 1, 1863		Buildings	do	Nov. 29, 1865	Brevet Maj. Gen. A. Baird, assistant Commis'r.
Bowland, E			Plantation	do	Oct. 23, 1865	Brevet Brig. Gen. J. S. Fullerton, ass't Comm'r.
Ellis, O. B. and Mary L			Plantations	do	Oct. 30, 1865	Major Gen. O. O. Howard, Commissioner.
Ney, L. E	Feb. 10, 1865		Plantation	do	Jan. 12, 1866	Brevet Maj. Gen. A. Baird, assistant Commis'r.
Tucker & Bro., George W			do	do	Jan. 13, 1866	Do.
Halsmith, W		3,000 00	House and lot	do	April 19, 1866	Do.
Robertson, J. P		1,600 00	Lots	do	Feb. 2, 1866	Do.
Kirk, W. A. L		2,400 00	House and lots	do	Feb. 10, 1866	Do.
Scragge, Daniel E			House and lot	do	Feb. 24, 1866	Do.
Greene, John		1,800 00	Square	do	Feb. 28, 1866	Do.
Tricon, Mademolselle L			Plantation	do	Feb. 3, 1866	Do.

Property restored—Continued.

Owner.	Date of seizure.	Estimated value.	Description.	How held.	When restored.	By whom restored.
Humphries, G. W			Plantation	Abandoned	July 2, 1866	Brevet Maj. Gen. A. Baird, assistant Commis'r.
Boney, G. L			do	do	July 7, 1866	Do.
Fanve, Mary B. and Ad			Furniture	do	do	Do.
Pomeroy, Sallie B		$1,400 00	Lots	do	July 10, 1866	Do.
Pomeroy, Amanda B		1,200 00	House and lot	do	do	Do.
Ford, Cornelia A		3,500 00	Houses and lots	do	do	Do.
Kirk, William		2,400 00	House and lot	do	July 27, 1866	Do.
Keller, Joseph			Plantation	do	Feb. 26, 1866	Do.
Seaborn, Alexander			do	do	do	Do.
Philbrick, S. W., heirs of			House and lots	do	March 2, 1866	Do.
Winston, A. S		6,200 00	Lots	do	March 3, 1866	Do.
Bartlett, William A		5,400 00	Squares	do	March 9, 1866	Do.
Michel, Mrs. E. L		6,500 00	Houses and lots	do	March 27, 1866	Do.
Sweet, George O			House and lot	do	March 28, 1866	Do.
Puckwood, Mrs. M. A. C		75,000 00	Houses, cotton-press, &c.	do	March 29, 1866	Do.
Plebisland, A		17,000 00	Houses and lots	do	Nov. 1, 1865	Brevet Brig. Gen. J. S. Fullerton, ass't Comm'r.
Strong, jr., Henry		600 00	House and lot	do	Nov. 2, 1865	Do.
Tucker, G. W			Plantation	do	Jan. 12, 1866	Brevet Maj. Gen. A. Baird, assistant Commis'r.
Desfossee, L			House and lot	do	Jan. 29, 1866	Do.
Bush, L., (colonel C. S. A.)	Nov. 22, 1864	4,000 00	Plantation	do		
Thibodeaux, B. G		3,000 00	Hotel and lot	do		
Gary & Co., P. H		10,000 00	Iron foundry	do		
Foley, A. M		2,000 00	Saw-mill	do		
Downe, Amos			Pilot-house and lots		Nov. 1, 1865	Brevet Maj. Gen. J. S. Fullerton, ass't Comm'r.
Ludwizen, John H			House and lot		do	Do.
Warren, Gilmore & Co			do		do	Do.
Bailey, Thomas B		8,600 00	do	Abandoned	do	Do.
Morgan, Sarah			do		do	Do.
Summers, E. H		5,000 00	do	Abandoned	Nov. 4, 1865	Do.
Tilano, John			do		do	Do.
Barnes, Sarah L			House, lot, and furniture		Nov. 7, 1865	Do.
Nugent, R			Brickyard and lots		Nov. 8, 1865	Special pardon.
Johnson, George L			Plantation		Nov. 10, 1865	Brevet Brig. Gen. J. S. Fullerton, ass't Comm'r.
Harris, Micajah		2,800 00	House and lot	Abandoned	Nov. 11, 1865	Do.
Fortier, Polycarpe		15,000 00	Houses and lots	Registered enemy	do	Do.
Avery, Daniel D			House, lot, and furniture		do	Do.
Livaudais, J. E		2,500 00	House and lot	Abandoned	do	Do.
Wilkin, C		3,300 00	do	do	Nov. 13, 1865	Do.
McGinnisey, M. M			do		Nov. 18, 1865	Do.
Skipwith, J. H			do	Registered enemy	Nov. 20, 1865	Brevet Maj. Gen. A. Baird, assistant Commis'r.
Magruder, W. H			do		Sept. 29, 1865	Brevet Brig. Gen. J. S. Fullerton, ass't Comm'r.
Reynolds, Mrs. M. E		5,000 00	House and lots	Abandoned	Oct. 6, 1865	Chaplain T. W. Conway, assistant commis'r.
Judson, M		3,500 00	House and lot	Confiscable	Oct. 12, 1865	Do.
Cobb, H. M		15,000 00	House and lots	Abandoned	Oct. 17, 1865	Do.
Guillotte, J. E		2,800 00	House, stables, and lots	do	Oct. 23, 1865	Brevet Brig. Gen. J. S. Fullerton, ass't Comm'r

Payne, George E			Plantation	do	Oct. 24, 1865	Maj. Gen. O. O. Howard, Commissioner.
Burnett, L. C. H		5,000 00	House, lot, and furniture	do	do	Brevet Brig. Gen. J. S. Fullerton, ass't comm'r.
Lane, L. N		122,200 00	House, factory, and lots	do	do	Do.
Jurey, L. C			House and lot	do	Oct. 25, 1865	Do.
Voisier, A. D		3,800 00	Houses and lots	do	Oct. 26, 1865	Do.
Spahr, Charles		2,500 00	do	do	Oct. 27, 1865	Do.
Tunnard, W. F			Brick building and houses	do	do	Do.
Burthe, Victor		9,000 00	House and lots	do	do	Do.
Conner, W. B		20,000 00	do	do	do	Do.
Garidel, Joe		4,500 00	do	do	Oct. 28, 1865	Do.
McGill, Adele		9,000 00	House and lot	do	do	Do.
Hill, J. D			Personal effects	do	do	Do.
Buffington, Thomas J			Buildings	do	Oct. 30, 1865	Do.
Bell, A. W			do	do	do	Do.
Sims, Jane N		4,000 00	Houses and lots	do	do	Do.
Simms, Thomas		6,200 00	House and lot	do	Oct. 31, 1865	Do.
Wolfe, M. B		7,000 00	do	do	do	Do.
Fagot, J. A		3,450 00	Vacant lots	do	do	Do.
Harris, H. B		2,800 00	House and lot	do	do	Do.
Maxwell, Thomas L		1,320 00	House and lots	do	do	Do.
Clayton, Mrs. R. E		36,000 00	Warehouses and lots	Confiscable	do	Maj. Gen. O. O. Howard, Commissioner.
Blanchard, M. L. H		12,000 00	do	Abandoned	do	Brevet Brig. Gen. J. S. Fullerton, ass't comm'r.
Howell, Gayle & Co		9,000 00	Vacant lots	do	do	Do.
Brooks, E. L			House and lot	do	do	Do.

Plantations.

Owner.	Parish.	No. of acres.	Date of seizure.	Reasons for seizure.	Remarks.
J. Aristide Landry	Ascension	100	August 12, 1864	Confiscable	Restored by General Baird, December 5, 1865.
J. R. Bisland	Terre Bonne		October 1, 1863	do	Restored by General Baird, November 30, 1865.
C. G. McHatton and J. M. Williams	East Baton Rouge	1,000	February 19, 1864	Abandoned	Restored by General Baird, February 17, 1866. Restored by General Baird, December 19, 1865.
J. B. Robinson	Terre Bonne, G. C.	800	October 1, 1863	do	Restored by General Baird, November 13, 1865.
T. & T. Ellis	do	2,000	do	do	
Richard G. Ellis	do	1,800	September 1, 1863	do	
Do	Orleans	20	November 8, 1864	do	
Trasimond Landry	Ascension	1,000	October 1, 1863	do	Restored by General Baird, December 6, 1865.
John C. Potts	Terre Bonne	600	August 18, 1863	do	Restored by General Fullerton, November 13, 1865.
J. L. Manning	Ascension	1,250	October 1, 1863	do	Restored by General Baird, March 14, 1866.
Miles Taylor	Assumption	150	do	do	
Edward Pugh	do	1,000	do	do	Restored by General Baird, December 21, 1865.
James H. Walford	St. Mary's	2,500	do	do	
John Tarleton	do	1,500	do	do	Restored by General Baird, December 11, 1865.
Trasimond Landry	Ascension	2,000	do	do	Restored by General Baird, December 6, 1865.
L. A. Bringer	do	900	do	do	
Richard Pugh	Lafourche	500	do	do	Do. do.
Ezra Davis	St. Charles	2,080	do	do	Restored by T. W. Conway, October 14, 1865.
Henry Collins	Terre Bonne	400	do	do	Restored by General Baird, December 14, 1865.
R. Sauve	St. Charles	1,400	do	do	Restored by General Fullerton, October 31, 1865.
J. B. Robinson	Terre Bonne, P. C.		November 23, 1864	do	Restored by General Baird, November 13, 1865.
Olympus Young	St. Mary's	1,600	October 1, 1863	do	Restored by General Baird, March 30, 1866.
Louis Bush and Jouchim Greene and F. W. Gatewood and R. R. Bunon	Terre Bonne	1,000	November 22, 1864	Confiscable	Restored by General Baird, March 16, 1866.
	do		November 24, 1864	do	Restored by General Baird, March 2, 1866.
James Heinth	Ascension	1,500	October 1, 1863	Abandoned	
Trasmond Landry and N. Melancon	do	300	do	do	Restored by General Baird, December 6, 1865.
Trasmond Landry	do	2,900	do	do	Do. do.
Jonathan Davis	Jefferson	500	November 24, 1864	do	Restored by General Mower, December 6, 1865.
W. B. Whitehead	St. John Baptist	3,000	November 17, 1863	do	Restored by General Baird, December 28, 1865.
J. H. Quitman	Terre Bonne	2,000	October 1, 1863	do	Restored by General Fullerton, November 15, 1865.
Louis Ranson	St. Charles	410	December 1, 1864	do	Restored by General Fullerton, October 25, 1865.
P. A. Borland	Plaquemine	1,000	October 1, 1864	do	Restored by General Fullerton, October 23, 1865.
Duncan S. Cage	Terre Bonne	1,944	do	do	Restored by General Fullerton, December 6, 1865.
—— Hyam	Jefferson		January 1, 1864	do	Restored by General Mower, January 25, 1867.
Do	St. Charles	80	do	do	
Duncan F. Kenner	Ascension	1,100	October 1, 1863	do	Restored by General Baird, January 29, 1866.
Do	do	2,500	do	do	Do. do.
Thomas B. Lee	Orleans	300	do	do	Special pardon. October 6, 1865.
—— Roberts	Assumption	1,000	February 1, 1864	do	
John Tarleton	St. Mary's	800	October 1, 1863	do	Restored by General Baird, December 11, 1865.
R. S. Downs	Iberville	1,200	February 1, 1864	do	

Webb & Broaddus	St. Charles	1,836	October 1, 1863	....do	
Albert Glage	Terre Bonne	800	.....do	.....do	
R. C. Martin	Assumption	1,080	.....do	.....do	Restored by General Baird, November 15, 1865.
Alfred H. Hopkins	Terre Bonne	1,500	.....do	.....do	Restored by General Baird, April 30, 1866.
George Lester	....do	600	February 20, 1864	.....do	Restored by General Fullerton, November 14, 1865.
A. D. Dornicourt	Orleans		October 1, 1863	.....do	Restored by T. W. Conway, October 11, 1865.
John Williams	Lafourche		.....do	.....do	Restored by General Baird, November 15, 1865.
James S. Miller }	Terre Bonne		November 25, 1864	.....do	Restored by General Baird, November 16, 1865.
R. R. Bamon }					
P. A. Rost	St. Charles	1,523	December 4, 1864	.....do	Special pardon, January 11, 1866. Restored by General Mower, December 27, 1866.
L. L. Johnson	Lafourche	3,000	October 1, 1863	.....do	Restored by General Fullerton, November 10, 1865.
Albert G. Cage	Terre Bonne	3,000	.....do	.....do	Special pardon, November 10, 1865.
Duncan S. Cage	....do	3,000	.....do	.....do	Restored by General Fullerton, December 6, 1865.
Richard Taylor	St. Charles	1,460	Sold by order of U. States dist. court		Do. do.
L. E. Hey	Terre Bonne	500	February 19, 1865	.....do	
W. B. Whitehead	St. Charles	1,360	October —, 1863	.....do	Restored by General Baird, December 28, 1865.
McMannus & Griffin	Plaquemines		October 1, 1863	.....do	
Charles G. Payne	St. Charles		.....do	.....do	Restored by General Howard, October 24, 1865.
Henry Doyal	Ascension		.....do	.....do	
Robert Tucker	Lafourche		.....do	.....do	
Thomas Vick	....do		.....do	.....do	Special pardon, January 15, 1866.
Tucker Bros.	....do		.....do	.....do	Restored by General Baird, November —, 1865.
N. Bell and Anatole Lolinde	....do		March 9, 1865	.....do	
John Burns	St. Mary's		March 26, 1864	.....do	
Thomas B. Lee	Plaquemines		March 30, 1864	.....do	Special pardon, October 6, 1865.
T. H. Hatch	Jefferson		March 10, 1864	.....do	
Do	East Baton Rouge		October 1, 1865	.....do	
Hippolite Viola	Terre Bonne		April 22, 1864	.....do	Restored by General Fullerton, November 14, 1865.
D. R. Fox	Plaquemines		January —, 1864	.....do	Restored by General Fullerton, November 11, 1865.
Joseph Bond and R. R. Bamon	Terre Bonne		November 26, 1864	.....do	
Joseph Lalanne	....do		May 5, 1865	.....do	Restored by General Baird, November 29, 1865.
Dr. Casson	Carroll	1,000	From asst. Com'r of Miss., Jan. 17, 1866	.....do	
Henry Goodrich	....do	300	.....do	.....do	
Mrs. Keys	....do	500	.....do	.....do	
General Sparrow	....do	700	.....do	.....do	
Do	....do	800	.....do	.....do	
Mrs. E. Savage	....do	500	.....do	.....do	
Mrs. Robert Williams	....do	700	.....do	.....do	
Mrs. Bass	Madison	250	.....do	.....do	
Do	....do	200	.....do	.....do	
Mr. Birney	....do	800	.....do	.....do	
Unknown	....do	400	.....do	.....do	
Ellen Dale	....do	100	.....do	.....do	
Mrs. Fleetwood	....do	80	.....do	.....do	
Mr. Humphrey	....do	500	.....do	.....do	
Kate Montgomery	....do	1,000	.....do	.....do	Owner on premises; no formal restoration recorded.
Mr. Neely	....do	1,000	.....do	.....do	Do. do.
Mr. Peck	....do	1,400	.....do	.....do	
Do	....do	200	.....do	.....do	

Plantations—Continued.

Owner.	Parish.	No. of acres.	Date of seizure.	Reasons for seizure.	Remarks.
Joseph R. Parker	Madison	1,300	From asst. com'r of Miss., Jan. 17, 1866.	Abandoned	
C. Temple	do	200	do	do	
Unknown	do	1,000	do	do	
Do	do	300	do	do	
Do	do	600	do	do	
Do	do		do	do	
B. Sevier	Tensas	120	do	do	
S. Gordon	do	150	do	do	
Dr. A. Bowie	do	300	do	do	Owner on premises; no formal restoration recorded.
Do	do	400	do	do	Do. do.
Unknown	Concordia	900	do	do	

Statement of moneys received on account of rents and sales of abandoned and confiscated property in the State of Louisiana, from June, 1865, to January, 1867, inclusive.

Received by Thomas W. Conway, proceeds from sales of abandoned lands and property sold for payment of laborers in Louisiana, June, 1865	$29,186 43
Received by Thomas W. Conway, proceeds from sales of abandoned lands and property sold for payment of colored soldiers, in June, 1865	13,498 11
Received from sales of wood, (Rost Home Colony)	77 00
Received from special agent, Treasury Department, rents, August, 1865	11,812 85
Received by Wm. Armstrong, for rents, August, 1865	1,669 00
Received by Wm. Armstrong, for rent of confiscated property, September, 1865	7,214 35
Received by Wm. Armstrong, for rent in October, 1865	667 08
Received by Wm. Armstrong, for lumber, (sold at Rost Home Colony)	241 85
Received by Wm Armstrong, for rents at New Orleans, October, 1865	5,264 00
Received by Wm. Armstrong, for rents in November, 1865	2,273 50
Received by Wm. Armstrong, from sales of wood, November, 1865	949 71
Received by Wm. Armstrong, from sales of cotton, November, 1865	11,082 62
Received by Wm. Armstrong, from rents in December, 1865	2,343 65
Received by Wm. Armstrong, from sales of corn and hay in December, 1865	2,706 50
Received by Wm. Armstrong, from sales of cotton in December, 1865	5,469 63
Received by Wm. Armstrong, from sales of lumber in December, 1865	800 00
Received by Wm. Armstrong, from rents in January, 1866	5,487 05
Received by Wm. Armstrong, from sales of lumber, January, 1866	302 60
Received by Wm. Armstrong, from rents in February, 1866	8,551 20
Received by Wm. Armstrong, from sales of cotton in February, 1866	5,649 81
Received by Wm. Armstrong, from rents in March, 1866	11,402 45
Received by Wm. Armstrong, from rents in April, 1866	5,008 00
Received by Wm. Armstrong, from rents in May, 1866	3,321 70
Received by Wm. Armstrong, from rents in June, 1866	983 00
Received by Wm. Armstrong, for rents of lands and buildings, July, 1866	3,377 73
Received by Wm. Armstrong, from sales of stock and farming implements	2,594 50
Received by Wm. Armstrong, for rents, abandoned property, New Orleans, August, 1866	445 00
Received by Wm. Armstrong, for rents, lands and buildings, September, 1866	616 50
Received by Wm. Armstrong, for rents, lands and buildings, October, 1866	175 00
Received by Wm. Armstrong, for rents, lands and buildings, November, 1866	132 00
Received by Wm. Armstrong, for rents, lands and buildings, December, 1866	118 00
Received by Wm. Armstrong, for rents, lands and buildings, January, 1867	2,013 49
	145,434 31

The above amount ($145,434 31) has been expended and accounted for to the government.

O. O. HOWARD,
Major General, Commissioner.

WAR DEPARTMENT, *Bureau of Freedmen, Refugees, and Abandoned Lands, Office Chief D. O., Washington, March* 12, 1867.

WASHINGTON, D. C., *March* 1, 1867.

DANIEL R. GOODLOE sworn and examined.

By the CHAIRMAN:

Q. Do you hold any official position under the government of the United States?

A. Yes, sir; I am United States marshal for the district of North Carolina.

Q. Have you had any correspondence with the United States district attorney for North Carolina in relation to proceedings against abandoned and confiscable property in the State of North Carolina.

A. Yes, sir. We travelled together around the circuit in November, 1865, and again in April, 1866, and on both occasions we talked about that kind of property—abandoned property—belonging to the rebel confederacy, and Mr. Starbuck, the district attorney, was very anxious to have it confiscated. I felt an interest in it myself, as we both had fees contingent upon it. I think

he said there were parties looking up property, and I believe he said he was cognizant of the fact that there was a railroad in the State built by the confederacy. I felt quite solicitous about it, although I did not want the confiscation of private property, as I felt for their families in such cases. Mr. Starbuck wanted some instructions from Washington before instituting any proceedings, and he requested me to call when I went to Washington at the Attorney General's office. I did so, and wrote to him.

Q. What railroad was alluded to?

A. The road from Danville to Greensboro'. I cannot say now whether I saw Mr. Speed, or his chief clerk, the first time. I saw him afterwards on the same subject. I wrote to Mr. Starbuck, as I was told at the Attorney General's office that that matter had been placed in the hands of the Treasury Department, and it would be better to let it alone.

Q. Did you make an inquiry at the Treasury Department?

A. I do not think I did, as that was putting it out of our sphere entirely.

Q. What reason, if any, was given by the Attorney General for turning this property over to the Treasury Department?

A. I do not think any was given.

Q. Do you know what disposition was made of that road by the government?

A. I do not know, except from hearsay.

Q. When were you appointed United States marshal for North Carolina?

A. I was appointed in September, 1865, but was not sworn in till the 5th of October, 1865.

Q. Did you proceed to North Carolina immediately after your appointment?

A. Yes, sir.

Q. How long did you remain there?

A. I was backward and forward continually when I first went there. I remained about a month and then returned to Washington, and I alternated between North Carolina and Washington. I was in Washington most of the time.

Q. What seemed to be the tone of the public sentiment of the people of the State towards the government of the United States at the time you were there performing the duties of your office?

A. When I first went there I think the actual feeling was better than it is now.

Q. What was the feeling at that time?

A. It was a feeling of subjugation; they felt they were conquered.

Q. Did they seem, generally speaking, to "accept the situation," as it is commonly termed?

A. Yes, sir, I think so. The convention was in session when I went there, and I had an opportunity of seeing many of the leading men of the State.

Q. Have you noticed any change in the feeling of the people towards the government of the United States?

A. There is a good deal of irritation and complaint among the people towards the course of Congress. They all protest that they are willing to submit to the government. Then I have heard some sentiments, on the other hand, a little defiant.

Q. Is the sentiment of the people improved as respects loyalty towards the government of the United States, or otherwise?

A. I do not think it is. I am inclined to think they have been a little more outspoken for the last twelve months than they were before.

Q. What is the cause of that change?

A. I think it was the split between the President and Congress. I think they were encouraged by the speeches of the President more particularly. Their idea was that through the President they could be able to resist the policy of Congress.

Q. About what time did this change in the sentiment of the people occur?

A. I noticed it when I went back in the spring. I left there in December and returned again in April.

Q. You were not there about the time of the President's celebrated 22d of February speech and his vetoes of the Civil Rights and Freedmen's Bureau bills?

A. No, sir; I was here. I went back there shortly afterwards. I remember at the town of Washington, North Carolina, when I was there in April, 1866, a rumor was prevalent that the President was going to bring 70,000 or 75,000 men to Washington city, and was going to displace Congress and do as he pleased. It was manifest to me that they wanted to believe it, and I took occasion to speak very emphatically about it, saying that they were doing great injustice to the President, but that if he dared to disperse Congress it would cost him his office and his head. The statement was made by intelligent men, and the report was circulated on the authority of a very intelligent lawyer, who had been to Washington city and had just returned.

WASHINGTON, D. C., *February* 26, 1867.

D. H. STARBUCK, sworn and examined.

By the CHAIRMAN:

Q. Where do you reside?

A. Salem, Forsythe county, North Carolina.

Q. Did you hold an official position under the government of the United States?

A. I am United States district attorney for North Carolina.

Q. Do you know of any railways which were constructed by the confederate government, so-called, during the progress of the war, in the State of North Carolina?

A. I do. At least it is my impression they were constructed by the confederate government.

Q. State what road, and between what points it runs.

A. Between Greensboro', North Carolina, and Danville, Virginia.

Q. What is the length of the road?

A. To the best of my recollection it is forty-four miles. In regard to its being constructed by the confederate government—I do not mean to say that the confederate government was the contractor. It is my impression that it was built with the funds of the confederate government directly appropriated for that purpose, or loaned to the company. I made inquiries upon that subject of different persons, citizens of Greensboro', soon after I was appointed district attorney, for the purpose of satisfying myself that the road was built with the funds of the confederate government, intending, with the sanction of the authorities, to take proceedings to have it condemned for the benefit of the government. I inquired as to the stockholders, and had the names of individual stockholders given me. I do not now remember their names. I understood that individuals, however, owned only a small portion of the stock. It was necessary that a certain number of individuals should be stockholders, for the purpose of having directors chosen. I was afterwards informed that the Richmond and Danville Railroad Company was the principal stockholder in it. The confederate government, however, as I have said, furnished the funds to build it.* It was a connection of the Richmond and Danville line with the North Carolina railroad.

NOTE.—I have, since my answer above, examined the statutes of the rebel congress at Richmond, and find an act appropriating one million of dollars to be used in constructing this railroad.

Q. Can you state what the object of the construction of that road was?

A. I can, for I had the best opportunities of knowing. I was in the convention of 1861, which passed the ordinance of secession; not at its organization, but before it closed. One of the delegates of my county resigned and I was elected to fill the vacancy in December, I think. I was elected over the secession candidate, who was a preacher, and who ran against me. I was in the convention when the charter to construct that link between Greensboro' and Danville was granted. There had been a great effort to construct that route before; but it had always been defeated by the opposition of the Wilmington road, and other eastern influences. When the question came up before the convention, it never would have passed but for the argument that it was a military necessity for the purpose of affording means of transporting troops and munitions of war to and from Virginia. I am not sure but something of that sort is contained in the charter.

Q. Was the convention which granted this charter called for any other purpose than to cause the State of North Carolina to secede from the Union, so far as they could effect that object?

A. It could not have been done, I presume, if it had not been for that purpose. There were, however, many other measures necessarily incident to that, which the convention took cognizance of. There was a good deal of legislation done.

Q. By what party in North Carolina was that State convention called?

A. The secession party.

Q. Was this charter granted at the instance of the parties in the convention who favored the secession of the State?

A. Chiefly; though men who opposed secession voted for it. The local influences in that section were of course in favor of the construction of the road. I said this convention was called for the purpose of passing an ordinance of secession. The people of North Carolina had voted down a convention proposed for that purpose by some 30,000 majority. Then in two or three months afterwards the legislature, directly in the teeth of this verdict of the people, called another convention, without submitting it to the people, and made provision for the election of delegates.

Q. Did that convention provide any other means for aiding the military operations of the southern States, or the State of North Carolina, than the passage of this charter?

A. Yes, sir. It made provision for the furnishing of troops, and for contributing North Carolina's quota of troops. There was a call, I think in February, by the Jeff. Davis government at Richmond, for troops, and North Carolina's quota was designated, and the convention in session at that time, made provision for furnishing these troops. There was a draft in that State before the convention finally adjourned.

Q. Did the secession party in this convention regard or treat the construction of the Danville and Greensboro' railroad as a military measure?

A. Certainly, as a military necessity. That was the term used in the debate. I do not now remember, certainly, but I think perhaps it was used in the charter.

Q. Can you state the corporate name of the company to which this charter was granted?

A. I believe it is the Piedmont Railroad Company. I may be mistaken.

Q. Were the corporators named in the charter, members of the secession party?

A. I do not know that they were confined to that. I do not think they were, because through that section of country, people were very anxious for the road. They had been struggling for years in the legislature to get it, but never could succeed. The strongest secession locality in North Carolina was on the sea-

board, and that region of country had always been hostile to this road, because by making this connecting link, it would give an opportunity for a portion of the products of western North Carolina to go directly through to Virginia. While there was no such link everything passed through Wilmington and the seaboard towns. It was the secession influence that gave us the passage of this ordinance.

Q. This Piedmont company is distinct, is it not, from the Richmond and Danville company?

A. Certainly it is. I can state, further, that my purpose in making these inquiries was to take proceedings under the act of July, 1861, which declares that all property used in aid of the rebellion shall be subject to seizure and condemnation by the government. Hence I inquired to ascertain whether the road was built by the confederate government as a stockholder, and to the best of my judgment, the Danville and Richmond Railroad Company were ascertained to be the principal stockholders, but were furnished with means by the confederate government. Furthermore, I am informed by a gentleman, in whose knowledge and truthfulness I have every reason to confide, that officers and men were detailed from the confederate army to assist in the construction of it.

Q. Did you commence proceedings for its condemnation?

A. I did not.

Q. Why did you not do so?

A. The reason I commenced no proceedings was, perhaps, in consequence of a communication I received from Mr. Goodloe, United States marshal of North Carolina. I wrote to him to make inquiries in regard to the subject; and I understood him that it was not the desire of the authorities that proceedings should be taken; that there was some arrangement between the stockholders with regard to the road, and they did not wish interference with it. I do not remember that I have retained any communication upon that subject. I think I have not. This was soon after I was appointed, when I was inexperienced in the business. It is my impression that Mr. Goodloe said it was not the desire of the Secretary of the Treasury—at least, that the authorities here at Washington did not wish any proceedings at that time taken in regard to it. I think he said he had talked with some of the authorities here, and that there was some arrangement going on between the authorities at Washington and the company; and that they did not desire any proceedings of that kind.

Q. Is the road in operation now?

A. Yes, sir.

Q. By whom is it operated?

A. By the Richmond and Danville Railroad Company, as I understand. Their cars run through from Richmond to Greensboro', North Carolina. It is a separate charter, however, although they own nearly all the stock.

Q. Do you know anything about the orders turning that road over to the Richmond and Danville company?

A. I do not. I made some inquiries in regard to it of Governor Morehead. I understood from him that the matter was arranged, and the road turned over to them

Q. What is the probable value of that road?

A. There were forty-four miles of road. The construction cost, I suppose, would be about $20,000 a mile. I presume it would not sell for that. At that rate the amount would be $880,000. It is the great connecting link in the upper line of railways between the North and the South.

Q. Was the road supplied with rolling stock?

A. They had rolling stock on it during its occupancy by the confederacy, which was supplied, I presume, as the road was built, with the means of the confederate government. It is my impression, though I may be mistaken in it,

that laborers were detailed also to work on this road from a draft of slaves which was made in the South to aid in the construction of breastworks and all that sort of thing. This draft was at the instance of the confederate government, though made directly by the State authorities.

Q. Are you acquainted with the members of the Richmond and Danville Railroad Company?

A. No, sir.

Q. Are you acquainted with any of the directors and officers?

A. No, sir, I am not. I remember making inquiry of Robert P. Dick, who was formerly United States district attorney of North Carolina, who, I believe, gave me a portion of the information I have received.

Q. Did you receive from the government at Washington any instructions relative to your duties as United States district attorney with regard to the property belonging to the confederate government in the State of North Carolina?

A. I received, soon after my appointment, printed instructions from the Attorney General's office at Washington, calling the attention of district attorneys to their duties in enforcing the provisions of these different acts. I think the act of July, 1862, is specified in the order; and probably the act of August 6, 1861, is specified. At any rate, it was a circular such as had been addressed during the war to district attorneys. I was appointed in August, 1865. In October, 1865, I was in Washington, and met Mr. Speed, the Attorney General. I remember his remarking to me, in substance, that he was glad to see me in regard to some instructions, (referring to these instructions,) and remarked that it was not the desire of the government that I should take proceedings, unless in a case where the parties were contumacious, as he expressed it. The remark was made, I do not recollect whether by him or by myself, that these were instructions that properly he could not commit to writing.

Q. Did you commence proceedings for the condemnation of any property?

A. No, sir; that prevented me from doing so. After Mr. Speed resigned, I had some correspondence in regard to taking proceedings under the act of August 6, 1861, confiscating other property. I had in view certain real estate that had been used by parties in aid of the rebellion, for the purpose of establishing commissary and quartermaster's establishments, gun-factories, and that sort of thing. I received instructions that it was not desired by the government that I should take any proceedings for the present. Then a few weeks ago there was some information filed with me from Wilmington, for the purpose of having condemned a certain wharf and warehouse and other property that had been constructed for the purpose of aiding in running the blockade, and aiding the rebellion; but, on account of instructions I had previously received, I enclosed this information to Mr. Edward Jordan. There were certain instructions to the district attorneys that they should not take proceedings in instituting suits in behalf of the government without consulting the Solicitor of the Treasury, as the matter seemed to be under his supervision. Information was filed against the property of one George Davis, for the purpose of having certain real estate of his in the town of Wilmington confiscated, under the Act of July, 1862. This was more than three or four weeks ago. I enclosed the information to the Attorney General, and received instructions from him to take no proceedings in the case without further directions.

Q. Had Davis been pardoned?

A. I was under the impression that he had been, until this information was filed.

Q. Had it not been for the instructions you received from Washington, would you, as United States district attorney for the district of North Carolina, have proceeded against property within your district, under the Act of August 6, 1861, and the other acts relative to confiscation?

A. I certainly should have felt it my duty to have done so, in obedience to the laws.

Q. Then you have not discharged that duty because of the instructions received from Washington?

A. Yes, sir, on account of instructions I received, considering myself under the control of the Attorney General in regard to the matter, and also under the control of the Solicitor of the Treasury, in accordance with instructions I had received.

Q. Have you knowledge of property in North Carolina subject to condemnation under the acts of Congress?

A. There is property there, I doubt not, liable to confiscation, although this legal question has been raised. When I wrote to the Solicitor of the Treasury in regard to this matter, Mr. Jordan was then absent. This was last summer. His assistant answered me in this way: That this Act of August, 1861, was by many considered a war measure, and that there were doubts whether it applied to property which should be seized after the termination of hostilities and condemned, as it was subject to seizure and condemnation during the war. It was a long letter, and not satisfactory to my mind at all.

Q. Can you furnish the Committee with copies of the instructions and correspondence which you have received from the officers of the government here?

A. I can of the two letters from the present Attorney General—one in regard to property and seizure generally, and one in regard to this Davis' property. *(See letters annexed.)*

ATTORNEY GENERAL'S OFFICE,
Washington, November 24, 1866.

SIR: Your letter of August 6th last, to the Solicitor of the Treasury, has just been referred by him to this office.

1. In so far as real property conveyed to the so-called Confederate States is concerned, that is disposed of by the Freedmen's Bureau Act of 1866, which authorizes such property to be held and disposed of for the benefit of the freedmen.

2. No proceedings are desired to be instituted *for the present* under the act of August 6, 1861, against real property used for rebel purposes, but not under seizure at the date of pacification.

Very respectfully, your obedient servant,

J. HUBLEY ASHTON,
Assistant Attorney General.

D. H. STARBUCK, esq.,
United States Attorney, North Carolina.

ATTORNEY GENERAL'S OFFICE,
Washington, February 18, 1867.

SIR: The Attorney General directs me to acknowledge the receipt of your letter of the 13th instant, enclosing an information filed against certain real estate of George Davis, late Attorney General of the so-called Confederate States; and to say that you are hereby instructed not to commence proceedings in the case mentioned, without further advice from this office.

Very respectfully, your obedient servant,

M. T. PLEASANTS, *Chief Clerk.*

D. H. STARBUCK, esq.,
United States District Attorney, Salem, North Carolina.

Q. Were you in North Carolina at the time of the final surrender of the rebel army?

A. I was during the whole war, and at the time of the surrender.

Q. What was the disposition of the people of the State at that time relative to a quiet submission to the authority of the United States?

A. At that time they were very submissive.

Q. Has there been any change in that disposition since that time?

A. There has been a very great change in newspapers, and in the sentiments of many persons. If they entertained any spirit of hostility towards the government at that time, they did not breathe it, but now they are outspoken.

Q. What has produced that change?

A. I am very decidedly of the opinion that if they had not been pardoned, or if there had not been such general exercise of the pardoning power, the sentiment in North Carolina would have been much more loyal at the present time than it is. At that time, I must confess, I was deceived myself. I believed that the people were honest and sincere in their professions of loyalty. I told the President so in an interview I had with him in August. He was inquiring as to the condition of things in North Carolina, and I remarked that a majority of the people had always been opposed to secession—were at the beginning of the war, and I was satisfied from what I had seen and heard that they were opposed to secession during the war; that the vast majority of the people were gratified at the result of the war; that a large majority of those who had been in favor of it, not only accepted the situation in good faith, but that many of them were gratified with the result. I remember using the expression that three-fourths of our people were satisfied with and accepted the situation in good faith; that three-quarters of them were satisfied, or rejoiced at the result. He then said we need have no apprehension in regard to North Carolina, if three-fourths were loyal in their sentiments to the Union. I believed then that they were capable of appreciating the magnanimity that was exercised towards them. I had been a Union man myself, and was disposed to be magnanimous and gracious towards them. I feel satisfied now that a large number of them were entirely incapable of appreciating anything of that sort—that since the fear of punishment and confiscation of property have passed away, a bad effect has been produced.

Q. What effect did the attitude of the President, as evidenced by his speech on the 22d of February, 1866, his veto of the Freedmen's Bureau bill, and his veto of the Civil Rights bill, seem to have on the people of North Carolina?

A. I do not know that I am able to answer that question. The disloyal men were very much gratified, there is no doubt, but as to the effect of it, I think relieving them from fear of punishment and confiscation had more to do with the present condition of sentiment than anything else. If that had been held over them as security for their good behavior, I think it would have had a good effect.

Q. What has been the tendency of public feeling in the State of North Carolina since the dates to which I have called your attention?

A. There has been a gradually increasing spirit of disaffection towards the government, and an outspoken feeling of disloyalty. The rebel newspapers of North Carolina, at the close of the war, had not a word to say against the government of the United States. Through the whole State you would not see a single utterance against the government; and in that way they deceived the Union men. When our convention was called in October, 1865 by Mr. Holden, provisional Governor, we passed an ordinance declaring the old ordinance of secession to have been null and void from its beginning, and an ordinance abolishing slavery, and an ordinance declaring the war debt null and void. We then adjourned to meet again in May, 1866. I could see a marked difference in many members of the convention who belonged to the secession party during the time in which the convention took a recess, from October, 1865, until May, 1866, when the convention again met.

Q. What was the cause of that change of sentiment among members of the convention?

A. I think the same cause spoken of—a too liberal exercise of the pardoning power. In other words the fear of the penalties of confiscation and punishment seemed to have passed away from them; and that, I believe, was on account of the exercise of the pardoning power.

Q. Did the position assumed by the President during the first session of the 39th Congress have any effect in developing this spirit of hostility towards the

authority of the United States among the members of the convention and the people of North Carolina?

A. I think it must have had that effect. I am well satisfied it did.

Q. Has not the want of due respect towards the authority of the government of the United States been increasing among the people of that State since the date to which I last referred?

A. I think it has been gradually on the increase from that cause, commencing prior to that time. Commencing, I should say, from the beginning of the exercise of the pardoning power.

Q. Are the people of North Carolina as willing now to comply with such terms as the Congress of the United States may exact of them, as conditions precedent to a restoration to its former relations, as they were prior to the exercise of the pardoning power of which you speak, and the course pursued by the President, as indicated by him during the last session and up to the present time?

A. They are by no means as ready to accept the action of Congress as they were soon after the close of the war.

Q. Do you know of any efforts of the President, or persons acting for him, to prevent the ratification of the constitutional amendment submitted to the States by the 39th Congress, by the legislature of North Carolina?

A. No, sir; I do not. I discovered that the division between the two great arms of the government—the executive and legislative—which had been united during the war, and by hard blows had suppressed the rebellion, had encouraged the out-cropping of disloyalty, when this division began to be noticeable and marked. I have heard of expressions being used that it would create a division in the North, and that in a case of difficulty they would have friends there.

Q. With which department of the government did the disloyal element among the people of the North take sides?

A. They did not take sides with Congress. Of course they approved of the course of the President. Between the two, they took sides with the President all the time.

Q. You say you have heard persons speak of possible difficulty in the future?

A. It has come to my ears as district attorney. I have frequently heard of remarks of that kind being made by disloyal persons. They would, of course, hardly utter such sentiments in my presence.

Q. State what you have heard relative to a possible difficulty in the future?

A. I could not say that any such remark was general; but I did hear of remarks of that kind being made by disloyal persons—that in case of difficulty hereafter they would have friends in the North, and that there would be a division of the power that had crushed the rebellion.

Q. Was that in connection with this difficulty, or difference between the President and Congress?

A. I do not know that I am able to state any connection whatever. There are many people of disloyal sentiments, who, in speaking of the suppression of the rebellion, would sometimes launch out in invectives against the government.

Q. What proportion of the people of North Carolina may be regarded as entertaining disloyal sentiments?

A. I have never thought there was a majority of them. There is in certain localities. I think a majority of the white population in North Carolina are true and loyal to the Union, and desire to support and maintain the government.

Q. What would you say in answer to that question, confining it to the eastern part of the State?

A. In the eastern part of the State a majority of the people would, I think, prefer the re-establishment of the confederacy, if they believed the confederate government could succeed.

Q. Is it not your opinion that a majority of the white population of the eastern part of the State are disloyal?

A. I do not think a majority of them have that loyalty to the Union they ought to have.

Q. Do you think a majority of the whites in that section of the State would prefer the establishment of the confederacy?

A. If they believed it could be done with security, a majority of the people of eastern North Carolina would, I think. The majority of them certainly do not entertain proper loyal sentiments to the Union.

Q. Can the laws of the United States be fairly and impartially administered in the State of North Carolina?

A. I think they can; on all questions, at least, which we have had in the federal courts. We are careful in selecting our jurors. We instruct the clerks, in drawing the names of jurors, not to draw them indiscriminately.

Q. What is the tendency of the jurors in such counties as you now speak of, since the exercise of the pardoning power of which you speak, and the course of the President towards Congress during its last session?

A. I do not know in regard to jurors. We had no trial of these cases until the spring term of last year. I can say for the judges, and for the people generally of North Carolina, that they have been in the habit of paying great regard to the law, and that the judiciary have always been careful to warn their jurors against being carried off by feeling or prejudice. Our judges, in their charges to the jury, have charged them to make no difference between negroes and white persons; and, I think that, without an exception, they have acted conscientiously in the discharge of their duties. We have laws upon our statute books providing the punishment of whipping for larceny, and the judges believing in administering the laws of the State as they found them, prescribe that punishment in certain cases; but as often upon white men as upon negroes. In getting jurors for the United States courts, we endeavor to select loyal counties, and get the names of loyal men as far as we can. In that way I think the laws can be enforced.

Q. How would it be if the jurors were drawn from the people at large?

A. I can get a jury in North Carolina who would hang Jeff. Davis.

Q. How, if they were taken from the citizens of North Carolina who had been engaged in the rebellion?

A. That is a hard question to answer.

Q. Suppose in the selection of jurors, you should not confine your officers to a certain class of the population, but should select your jurors from the body of the people?

A. In some counties in selecting a jury indiscriminately there might be difficulty in executing some of the laws, but I do not believe that would apply to all the counties; but that course is not pursued in the United States courts. We require jurors to be drawn from particular counties, and we are careful to select, as far as possible, loyal counties. If we were to take them from people indiscriminately, the interest of the government might not be promoted, but proceeding as we do we find no difficulty. Any loyal man has a very fair chance of having justice done him in the United States courts.

Q. How is it with regard to the administration of justice in the courts of the State?

A. We have some excellent judges. Our superior judges, who were appointed by the loyal convention of 1865, are of the best material. I do not think there is a judge on the bench in North Carolina who would not endeavor to administer the laws of the State fairly.

Q. Does a man who is known to be loyal to the government of the United States stand as well in the courts of North Carolina as a man who participated in the rebellion?

A. In some counties they do not; in other counties they do. In the county I live in, a jury drawn from the people at large would convict a secessionist as quick as they would a Union man. In some other portions of North Carolina grand juries are said to be very prompt in presenting offences committed by Union men where offences committed by rebels are passed over.

Q. Has that tendency of jurors, in the counties you speak of, increased or diminished since the exercise of the pardoning power referred to, and the attitude assumed by the President towards Congress in the last session?

A. I do not know in regard to jurors. We had no trial of these cases until the spring term of last year. There were some instances in which soldiers from the army were indicted in some of the western counties of North Carolina. The Attorney General requested me to go to the county of Madison, some two hundred miles west of where I live, to attend to some of these cases, and have them removed to the United States court, under the act of Congress providing for such removal. I was obliged to be in Newbern, to attend to my duties there, and I wrote to a Union lawyer there to attend to the matter for me. He wrote me in reply that he did not attend that court, but I understood that in consequence of the action of the authorities in reference to it the cases have been discontinued, and a *nolle prosequi* entered. I can say this in reference to the judges of the State courts of North Carolina. The people of that State pay great regard to law. The judges on the bench have always been careful to warn juries not to allow themselves to be carried away by their feelings. They have charged the juries to make no difference between the white and colored people, and I can say that they are endeavoring honestly and conscientiously to discharge their duties. We have a law upon our statute books which provides the punishment of whipping in cases of larceny, and our judges have believed in administering the laws as they exist, but they apply this punishment to whites as well as negroes.

WASHINGTON, D. C., *Thursday, February 7, 1867.*

JOHN H. JAMES, of Nashville, Tenn., farmer, sworn and examined.

By Mr. ASHLEY, of Ohio:

Q. State to the committee whether you had charge of the Northwestern railroad.

A. No, sir; I had no charge of it. It was in charge of Captain Ruger, the quartermaster. He is dead. I was quartermaster for Mr. Johnson while he was acting governor of Tennessee; but I had no connection with the road, except so far as transportation was concerned. My orders for transportation over the road were good; but the construction of the road was under Captain Ruger, the quartermaster.

Q. Was that road built to Kingston Springs under the direction of the quartermaster?

A. Yes sir; it was built by the government.

Q. Then you had only charge of the transportation after the road was built?

A. Yes, and while it was building; the same as any quartermaster has charge in furnishing transportation for troops or government stores—nothing but that.

By the CHAIRMAN:

Q. Where did you reside prior to your entering the service as quartermaster?

A. In Chattanooga, Tenn.

Q. Were you interested in any of those Tennessee railroads?

A. No, sir; I never was interested in railroad stock to the value of a hundred

dollars. The Northwestern railroad was built through the agency of Mr. Johnson, the President. It appeared to be a favorite scheme of his, as you may call it, and it was of great benefit in supplying the army. The government took possession of it in accordance with his recommendation, and built it from about Kingston Springs to Johnsonville, about sixty miles. The government must have built not far from seventy miles of that road. The government cut and graded the road, and put iron on it, and stocked it. I have seen the bills for the iron. In fact, I believe I did have control of transporting the iron through the city of Nashville for the road.

By Mr. ASHLEY:

Q. Can you give the committee any idea of the cost of the road?

A. No, sir, I cannot.

Q. Do you know where the iron was bought?

A. It came from Pittsburg to Nashville. It was brought there on towboats.

Q. Who has possession of the road now?

A. The Nashville and Chattanooga Railroad Company. Mr. Burns is president of both roads, of the Northwestern road, and the Nashville and Chattanooga road. Colonel Ennis, of the 10th Michigan engineers, is superintendent of the road. He was the engineer who had charge of the construction; and Mr. Yates, of the same regiment, was the assistant superintendent, and is the assistant superintendent of both roads now.

Q. When was the road turned over by the government to the company?

A. I cannot tell exactly; but I do not think it was more than two months after Mr. Johnson took his seat as President.

Q. Do you know what the arrangement was between the company and the government?

A. The company was to buy the rolling stock and to pay for it in instalments. I do not think the company paid anything for the track, but just bought the rolling stock. Captain Hammond had charge at the time it was turned over.

Q. Were the iron and other materials that were used in the construction of the road carried on your account as quartermaster?

A. No, sir; they were on Major Crilly's, and before him on Colonel Crane's.

Q. Was the road bed as well as the stock of the road turned over to the company.

A. Yes, sir.

Q. Do you know what the arrangement was about the track?

A. I think there was no account taken of that at all, but that the company just took it.

Q. All the work was done and all the materials were furnished by the government?

A. Yes, sir.

Q. What do you suppose was the cost of the grading and the construction of the road, exclusive of the rolling stock?

A. There was not less than $2,000,000 spent by the government for the building of the road. I am estimating it at about $20,000 a mile; but it cost more than that. There are some very deep cuts in it.

Q. What would it have cost the company to have constructed these seventy miles of road?

A. I think $2,000,000 would have done it; that is, before the war prices.

Q. Would it not have cost the company more than the government to have done it, taking into consideration the fact that the company would have been compelled to employ laborers, whereas the government used soldiers in its construction?

A. Yes, sir; I suppose it would. It would have cost the company more to build at that time on account of labor being high.

Q. You think the actual cost to the government is about $2,000,000?

A. About $2,000,000.

Q. This work was undertaken by the government at the suggestion of Mr. Johnson while he was acting military Governor of Tennessee?

A. Yes, sir; it was.

Q. So that he was conversant with the work from its commencement to its completion?

A. It was built at his suggestion. He was considered to be, and in fact told me himself he was, the father of the road.

Q. Do you know how the drafts were paid which were issued in connection with the road, whether through the quartermaster's department or the War Department proper?

A. The money was drawn through the quartermaster's department, and the hands were paid by Captain Ruger, who was acting quartermaster. General Donaldson was chief quartermaster of the department. The iron was bought and vouchers given by Captain Ruger. The rolling stock was to be paid for in instalments. I do not know the amount. I think Mr. Burns told me that the rolling stock for the Nashville and Chattanooga road was about $1,500,000—more than the roads could ever pay. That does not include the Northwestern road.

Q. What was the amount of the stock transferred to the company on the Northwestern road?

A. That I do not know.

Q. Have you any idea of it?

A. Very little. It may be that it was not transferred in the name of that road. Both roads belong to the same company, and they use the stock on both roads.

Q. Had the construction of this Northwestern road been contemplated before the commencement of the war?

A. Yes, sir.

Q. Had a company been chartered for the purpose by the Tennessee legislature?

A. It had, and a few miles of the road were built.

Q. Do the same persons control the company now who controlled it before the commencement of the war?

A. The road belongs to the same stockholders.

Q. Were the parties controlling this road engaged in the rebellion against the government of the United States?

A. Yes, sir; I suppose three-fourths or more of them were engaged in it.

Q. What proportion of the stock was owned by those who were engaged in the rebellion?

A. I do not know; the biggest part of it though.

Q. In what manner were they engaged in the rebellion?

A. They held positions of different kinds in the rebel service, both in the military and civil service.

Q. Did this company receive any bonus from the State of Tennessee for the construction of the road?

A. I think a bill passed the Legislature about two months ago allowing them a loan. I do not recollect how much, but I think about $10,000 a mile. The State issued bonds and delivered them to the company. I saw some of them.

By the CHAIRMAN:

Q. That was for the construction of a road which had been built and paid for

by the government and turned over to the company, without any return from he company for it?

A. The representations made were that the roads were in debt and not paying expenses, and they had to borrow this money from the State to keep them up.

By Mr. ASHLEY:

Q. Is it not a fact that when the charter was granted the State pledged its credit to the company?

A. The State does that always. There is not a road built in Tennessee to which the State has not given $10,000 a mile. This that I speak of is a special loan of $10,000 a mile in addition to the other which was paid when the road was built. The Nashville and Chattanooga road was built ten or fifteen years ago. As to the Northwestern railroad that was paid some time ago. The company got that money twelve months ago.

By the CHAIRMAN:

Q. The result of that is that the road, being built by the government, the company got it for nothing and $10,000 a mile from the State, and then an additional loan of the credit of the State to the amount of $10,000 a mile, under a recent act of the Legislature?

A. Yes. It may not be as much as $10,000 a mile; but it is a considerable amount of money.

Q. Was there any reservation on the part of the government when this road was turned over to the company of the amount which the company was to receive from the State for the construction of the road?

A. I do not think there was any understanding about it at all.

Q. Have you ever seen the order turning over the road to the company?

A. Yes, sir; I have read the order.

Q. Do you recollect its contents?

A. I do not.

Q. Do you know where the order can be found?

A. I have at home a copy of every order issued on military railroads, including this order.

Q. Can you supply those orders to the Committee?

A. Yes, sir; I can send a copy.

Q. By whom were those orders signed?

A. By General Thomas. The original order, directing the road to be turned over to the company, was signed by President Johnson.

A. To whom was that order directed?

A. To General Thomas. I think it came direct to General Thomas; but it may have come through the War Department.

Q. Have you a copy of the agreement between the government and the company transferring the stock of the road?

A. No, sir; I have seen it.

Q. Do you know where the agreement can be had?

A. It is in the hands of Mr. Michael Burns, the president of the Nashville and Chattanooga railroad. He resides at Nashville.

Q. Were there any other railroads constructed by the government in Tennessee?

A. I do not know of any but that one. The Edgefield and Kentucky railroad, which was built before the war, was destroyed in one of Morgan's raids, and the government rebuilt it.

WASHINGTON, D. C., *February* 28, 1867.

MICHAEL BURNS, sworn and examined.

By Mr. BOUTWELL:

Q. Where do you reside?

A. Nashville, Tennessee.

Q. Are you connected with any railroads in Tennessee? If so, what roads, and in what capacity?

A. I am president of the Nashville, Chattanooga, and Northwestern railroad.

Q. You have testified before the special committee of the House concerning the transfer of railways in the South by the government to the stockholders?

A. Yes, sir.

Q. In that testimony you have given, I believe, some account of your agency in the payment of two notes of acceptance, or drafts, for President Johnson?

A. Yes, sir.

Q. Do you know anything of the origin of these liabilities?

A. Not of my own knowledge; only from hearsay.

Q. Do you know of any person who has that knowledge?

A. I think Senator Fowler has. He was auditor or comptroller of the State of Tennessee at that time.

Q. What was the amount of these liabilities?

A. I think the original liabilities were $20,000 each, on two banks, with interest accrued.

Q. Were they notes or drafts?

A. I think they were drafts.

Q. What date did they bear?

A. I do not recollect. I think they were given in 1863 or '64. I do not know exactly.

Q. When did you first know of the existence of these liabilities upon the part of the President?

A. I was a director of the Union Bank at one time, when Governor Johnson applied to the bank for some money. I think the allegation was that these banks had helped the rebels, and should do something for the Union soldiers, for the lunatic asylum, which was then out of funds. He wanted a very large amount. I think, to the best of my recollection, he proposed to get $200,000 from each bank. I had heard that he had orders to assess them to that amount. After a good deal of conversation with the president of the banks, I think $20,000 each was agreed to be given him, and for that amount these drafts were given.

Q. Do you mean to be understood as saying that this was a false loan levied upon the banks against their will?

A. I think so. I do not think they liked very well to pay the money.

Q. How was it with the Union Bank, with which you were connected?

A. When we found that the draft was drawn on the United States, there was no objection. Our money was then at a discount, and we were perfectly willing to take a draft on Washington.

Q. In what sort of currency did they pay the draft?

A. I presume in their own paper. They had nothing else at the time that I know of.

Q. What rate of discount did the notes of these banks bear to Government funds, or greenbacks, at that time?

A. I think twenty, or twenty-five per cent, perhaps. I do not recollect precisely how much.

Q. The draft, I understand, was drawn by Mr. Johnson, he being then Governor of Tennessee, upon the United States Treasury?

A. Yes, sir; upon the United States Treasury, and, I think, in favor of Mr

Fowler. I am not sure. I think this was in 1863, if I am not mistaken. It was pretty soon after Mr. Johnson went there as Governor. I do not think more than a month or two. There may have been other drafts drawn, for anything I know. These were the only ones I know anything about.

Q. Did you make any effort to collect that draft at any time?

A. I think not.

Q. Why not? Was it a sight draft?

A. I think not.

Q. How much time?

A. I do not remember. I know it was not a sight draft.

Q. When was the first effort made by the Union Bank to collect this draft?

A. I think they sent on Mr. White here, some four, five, or six months ago, for that purpose.

Q. There was no effort made during Mr. Lincoln's life?

A. I do not know that there was.

Q. Why not?

A. I do not know. Soon after the draft was drawn I ceased to be a director of that bank, and became director of a national bank.

Q. Was there any arrangement made by which it was to be collected of the United States?

A. I do not know. Mr. John Kirkman was president of the bank.

Q. Was the draft ever protested?

A. I presume so. That is the usual custom with banks.

Q. Why did not the bank collect it of the Government?

A. The State had not been received into the Union. The bank went into liquidation, and made an assignment. There was an assignee appointed to wind up the affairs of the bank. This was among other claims referred to him—among the assets and liabilities.

Q. Did this draft go into the hands of the assignee?

A. I think so.

Q. You do not know whether it was ever presented to the Treasurer of the United States for payment?

A. I do not.

Q. It has been finally paid by Mr. Johnson?

A. It has been finally paid at a discount.

Q. Do you know whether he ever received the money from the United States?

A. I do not. I have been led to believe he did not; but, of course, I have no data to go by. We had supposed he would probably lose the whole amount. He signed it individually and became the last endorser. They were about bringing a suit on it. The cashier told me they were going to bring suit on him.

Q. How long since he told you that?

A. Within the last month.

Q. Did you come here to Washington soon after the cashier told you that?

A. This is the first time I have been here since he told me. I think I was in Washington in November last.

Q. Did you see the President in November?

A. Yes, sir.

Q. Did you have any conversation with him in regard to these liquidations?

A. Yes, sir; I spoke to him about them. He said he would like to have them arranged. He also said that they did not get much value from them; that he paid it out to some troops, and got a good deal of cursing because it was paid in depreciated currency. He did not want to have any trouble made about it; he would rather pay it. Some time afterwards I telegraphed to him to see what arrangement he would make.

Q. In one of his despatches he talked about paying them with twenty per cent. Tennessee bonds, did he not?

A. Yes, sir.

Q. Did your railroads receive any bonds in aid of their construction?

A. The Nashville and Northwestern received a great many in aid of its construction. The Chattanooga road was completed before the State improvement law was passed. They issued some company bonds, which the State endorsed, to build some bridges, and for other purposes.

Q. When were the last ones received by that road?

A. Some seven or eight years ago.

Q. When were the last bonds received by the Nashville and Chattanooga and Northwestern road?

A. I received some little during this year.

Q. Did you not receive some in 1866?

A. Yes, sir.

Q. How many, in all?

A. I think I have received nine hundred and some odd thousand dollars since the close of the war.

Q. On what grounds did you receive them?

A. To finish the road. The State had advanced $1,455,000, and I represented to Governor Brownlow that this would all be lost, and that it would be better to advance a little more and get the road finished, and that it would probably be able to pay interest. I spoke to some members of the Legislature also, and they took my view of the case and authorized more bonds to be issued.

Q. You were allowed under the general law ten thousand dollars a mile, were you not?

A. That was the general law. We got sixteen thousand dollars per mile.

Q. What is the length of the road built by the government during the war?

A. Probably five hundred miles, or thereabouts.

Q. Did not the government build the Northwestern road for a long distance?

A. No, sir. It did not, in my opinion, exceed five miles; that is, the grading was done, and we had iron at both ends of the road and enough cross-ties, or nearly so, for the entire road. The United States came there and took it away, and just put it wherever they had need for it. Subsequently they relaid the track, but with iron of a lighter quality—at least some of it.

Q. Did they build any portion of the other road?

A. No, sir; that was in running order, as far as I know.

Q. Do you mean to say that the United States built only four or five miles?

A. About five miles; and none of the Chattanooga road, which was completed before the war. There were some bridges destroyed on that road.

Q. Do you know of a Mr. James who was connected with one of the roads?

A. Quartermaster? yes, sir, I know him.

Q. Have you not spoken, in your testimony before the railway committee, of the United States having built about forty-three miles of that road.

A. I did. It was laying the iron according to the estimate of the engineer. They had 115,100 cubic yards of excavation, and then they laid the iron on about forty-three and one-half miles.

Q. Who furnished that iron?

A. The United States. They took our iron, and replaced it with this iron. I do not know where they got it; probably some of theirs was repaired. Five miles would cover the whole distance of grading done by them, to the best of my knowledge.

Q. How much did the Northwestern road lack of being completed before the war?

A. It lacked about one-half.

Q. What is the whole length of the road?

A. When we made a survey, the engineer estimated it at 172¼ miles. The distance has been shortened to 169 miles. One end of the road started on the

Mississippi river at Hickman, and was built for a distance of about 55 miles. Commencing at the other end, at Nashville, about 25 or 30 miles had been completed; and then at an intermediate point about six miles of the road was built, leaving an intervening gap of about 43½ miles to the Tennessee river, which was all graded except about five miles. The United States completed the road, and laid the track 43½ miles, making the connection between Nashville and the Tennessee river. From the other end of the road, at Hickman, they took the iron and carried it off. I do not know where.

Q. Do you know how much the government expended in the construction of that road?

A. I do not; I am told, however, a very large amount.

A. And you have received, since the war, over $900,000 in Tennessee bonds, to aid you in completing the road?

A. Yes, sir; I think about $975,000.

Q. Have you those bonds on hand?

A. No, sir; we have used them.

Q. Do your books show how all of them were disposed of?

A. Yes, sir.

Q. What amount did you receive for them?

A. I generally hypothecated them at the National Bank of the Republic in New York. I would deposit $100,000 in bonds, and probably receive $40,000 or $50,000; and then the bank would sell them at the market price. I usually deposited them there as security for money loaned. I recollect I disposed of three hundred bonds for iron, which was the largest amount I ever deposited there at one time. I paid some of them also to the contractors—the gentlemen from St. Louis—contractors for finishing the road. They were to receive in payment so many State bonds, so many mortgage bonds, and so much money; and I paid them out as the engineer's estimates came in.

Q. Your books show the names of the persons who received the bonds?

A. They show what we have done with the bonds, and the amounts received for them. We sold them for the market price at the time.

Q. Where are the books of this company?

A. They are at Nashville.

Q. Did you ever have any conversation with the President in regard to the transfer of this road, or either of these roads, to the stockholders?

A. Yes, sir; I spoke to him about it several times while he was military Governor. I also spoke to General Grant and to General Thomas about it.

Q. Have you spoken with the President about it since he became President of the United States?

A. Yes, sir.

Q. When?

A. After his inauguration, I think in May. I was here in May.

Q. What did you say to him then with regard to the transfer of these roads?

A. I tried to impress on him the saving it would be to the government to turn them over to us.

Q. How long did you remain when you were here in May?

A. About two weeks, or more.

Q. Did you see the Secretary of War in regard to the transfer?

A. Yes, sir.

Q. Did you have any interview with the President when the Secretary of War was present?

A. No, sir; I had only one interview with the Secretary of War. That was during the lifetime of Mr. Lincoln.

Q. You did not see the Secretary of War, after Mr. Johnson became President?

A. No, sir, not to speak to him.

Q. What did Mr. Johnson say to you about the transfer?

A. I do not recollect exactly what he said. He said it should be done sometime.

Q. Did he hesitate about it, or did he come to that conclusion at once?

A. He would not conclude until he could see General Thomas, then in command of our department.

Q. Did you have more than one interview with him in 1865?

A. Yes, sir, several.

Q. Did you converse each time upon this subject?

A. No, sir.

Q. How many times upon this subject?

A. I do not remember; I think not over twice.

Q. Did the President manifest any disposition to have the roads transferred to them?

A. He wanted to consult General Thomas.

Q. When did you next see the President?

A. Some time in the latter part of that year.

Q. Was General Thomas in this city when you were here in May?

A. He was here. I cannot be accurate as to the month. I think it was in April or May.

Q. Do you know whether the President saw General Thomas?

A. We both met in the President's office. General Thomas came to the conclusion that it was not right, at that time, to turn over the roads.

Q. What did the President then say?

A. His only remark that I recollect was, that there were a great many poor people among the stockholders who needed it; and that it ought to be turned over as soon as possible.

Q. Did General Thomas say when that ought to be done?

A. I think he said within six months, or a year.

Q. What reasons did General Thomas give?

A. That a great many government supplies were on the line of road; that peace had not been declared, or something of that sort.

Q. Do you say you saw the President again some time in the latter part of that year? Was it after the roads had been turned over, or before?

A. I think before. I think it was when I went North with my family, and may have been somewhere about September.

Q. At what time did you return to Tennessee with your family?

A. I think the roads were turned over some time in September, and that I returned some time in September.

Q. Did you have a conversation with him in reference to the transfer of the roads at that visit?

A. I think so.

Q. What was the result of that interview with the President?

A. I do not remember. It was not important enough to fix it in my memory.

Q. You urged upon him the importance of turning the roads over?

A. Yes, sir. I always kept at that.

Q. What did he say in reference to that?

A. I do not remember what he said upon that question. He was always, I believe, in favor of getting that burden off the government. He thought it was a serious burden of expense to carry on these roads, and that he had better let the companies have them.

Q. Did you disclose to him what the roads cost, or had earned in former times?

A. I do not know that I did. I always impressed upon him that it was costing the government a very large amount, and proposed to carry the troops and all supplies myself if the road was turned over to the company.

Q. He was acquainted with the roads, was he not, and knew the cost of them?

A. I presume so.

Q. He knew what the government had done in repairing them?

A. I suppose so.

Q. What has been the net income of these roads since they were turned over?

A. The first nine months and a half the net income was something over $412,000.

Q. And they have now been in your possession nearly eighteen months? Have your accounts been made up to the 1st of January last?

A. They have. I think the net income was something like $524,000.

Q. That is, after paying the running expenses, necessary repairs, &c.?

A. Yes; what we term net profits. A great deal of that, however, we got no money for—though, of course, it amounted to the same thing—for carrying troops, mails, &c.

Q. You say you talked with Mr. Johnson about transferring these roads in Tennessee to the government. What was the nature of the conversation between you and him at that time?

A. It was only a general conversation. I always impressed upon him my belief that it was for the interest of the government to turn them over.

Q. What was his view of the matter then?

A. His view then was, to hold on until the war was over, if he had any view at all.

Q. When did you employ Judge Patterson as your agent?

A. Early in 1865.

Q. For what purpose did you employ him?

A. To see what he could do about getting the roads turned over.

Q. The roads had been turned over in 1865, had they not?

A. I think so. I recollect now that Senator Patterson was employed before they were turned over.

Q. What did you expect him to do?

A. I did not know what he could do. We were all in confusion out there. I thought, perhaps, he might aid us in getting some settlement of the matter.

Q. You stated that you saw the President in April or May, in Washington, and that he represented himself in favor of turning the roads over; and that you saw him some time in the fall of that year, and that he was then of the same opinion. What, then, did you expect that Judge Patterson could do?

A. Judge Patterson was employed by me in 1865, before the roads were turned over. The President was then in favor of holding on until the close of the war.

Q. Did you employ Judge Patterson before the war ceased?

A. I think so.

Q. Was that after the inauguration of Mr. Johnson?

A. No; I think previous. I think it was before he was a candidate, though I may be mistaken. I am not very sure it was in 1865 that I employed him, but think so.

Q. Then it was the spring Mr. Johnson was inaugurated?

A. Yes. It was about March or April, 1865.

Q. Was not your arrangement with Mr. Patterson made after you were here in April or May, 1865?

A. Previous to that. If I recollect, we had a little quarrel on the subject at Willard's during that visit. He came on from Nashville here with me.

Q. Had he been here before that?

A. I think not. I had employed him before then.

Q. How long before you left Nashville had you made arrangements with him?

A. Some two or three months.

Q. Why had he not been on before to attend to it?

A. The principal business he had been engaged in for me was, to see General Thomas, and ascertain what he could do with him to fix up matters, or arrange them. I did not know what could be done. The stockholders were clamorous that I should do something.

Q. Did not you make a special bargain with him for $2,500 to do what he could do?

A. I paid him $2,500, and I think I paid him what I promised.

Q. Did you agree to pay him $2,500 for what he could do with General Thomas in this matter?

A. With General Thomas, with the quartermaster, and with the military authorities.

Q. He came on to Washington?

A. I think there was no understanding that he was to come to Washington.

Q. Was this arrangement made before or after Mr. Johnson was inaugurated?

A. It was before. The payment was after.

Q. What sort of trouble had you with him at Willard's, in the spring of 1865?

A. Something about this claim. He swore that he would have nothing at all to do with it further; that he would wash his hands of it. His father-in-law was then President, and he desired not to have anything further to do with it; he got quite angry.

Q. In your testimony before the special committee on railroads, you stated that on a certain occasion you offered Mr. Johnson one-half of your salary in case you were made president of the road, if a certain thing could be done, and you gave as a reason that Mr. Johnson was a poor man. What reason had you to suppose that?

A. I had learned that he was a poor man; that he had been driven from his home, and everything had been destroyed. He declined the offer with considerable anger and feeling, and, as I thought, unnecessarily.

Q. How does it happen that Mr. Johnson employed you to negotiate for the payment of these two drafts, obtained when he was Governor of Tennessee?

A. I was one night at his office, and he mentioned the subject to me. He said he wanted to settle the matter, and that he would probably telegraph to me about it in a few days to Tennessee.

Q. You were here at about what time when you had this conversation at his office?

A. I think it was in November. This is an almost direct route from Nashville to New York, where I have frequent business.

Q. When you had this conversation with Mr. Johnson about the payment of the two drafts, did you also have a conversation about the railways at that time?

A. Not that I remember. I had ceased talking to him about railways.

Q. Did you have any conversation with him about railways when you were in Washington, in November last?

A. I think not.

Q. Did you have any conversation with him about the payment for the rolling stock?

A. I do not remember that I did. I regarded the whole matter as out of his hands some time before.

Q. You had agreed to pay for the rolling stock at a certain time?

A. Yes, sir; the bonds show that.

Q. When did these bonds become due?

A. I think they were payable in monthly instalments.

Q. Did you not at the same time have a conversation with Mr. Johnson about postponing the payment of them?

A. I found Mr. McClellan coming on, and I sent word by him that it was impossible to make the payments, that I was carrying the mails, carrying the troops, and carrying supplies, and that I could not make payment on the bonds for the rolling stock.

Q. Why could you not make these payments, if it was true that your net profits had exceeded $500,000?

A. I had paid some floating debts, and made payments to the United States in cash and transportation.

Q. Had you also paid the interest on your bonds that had accrued in the two or three years during the war?

A. Yes, sir. I think that was the stipulation in the order, that I was not to pay any dividends until I had paid the bonds and the interest.

Q. Did you understand this order as directing you to pay the over-due interest on the bonds before you paid the government for its rolling stock, which they gave up to you?

A. I did not so understand it. I discovered that the government was very largely in our debt.

Q. How did you discover that?

A. I got an account rendered in accordance with that order.

Q. Did it show that the government was indebted to you?

A. Yes, sir; $3,134,004.

Q. Did not they also show a large account for construction?

A. They did not render any account to me.

Q. When you say you ascertained they were three millions in debt to you, you mean to say that that was the amount on your side, and not that there was a much larger amount ascertained against you on the part of the government?

A. I do not know that.

Q. Have you not good reason for believing that to be the fact?

A. I believe the contrary.

Q. Did not they claim that you owed the government a great deal more than the government owed you?

A. I never had a claim presented.

Q. Do you not know that that was the statement made up?

A. General Meigs always made that claim when I talked to him.

Q. Then did it not follow that you were liable to pay the government for the rolling stock you received?

A. I was to pay it in carrying troops, supplies, mails, and money. The government had the use of our road from 1862, until it was turned over in 1865. There was a gentleman detailed to make out the account, and I got his statement of the amount due us, $3,134,004, and I knew the condition of the road when the government got control of it, and if there was extravagance in the quartermaster's department, while the government had it in charge, I do not think I should be charged with it.

Q. Did you not, when you were here in November last, have a conversation with the President in regard to the rolling stock?

A. I do not remember any such conversation that I had with him.

Q. When were you last here before November?

A. In June.

Q. Did you have a conversation with him then on the subject?

A. I recollect one conversation in which I proposed to turn over all the rolling stock ever received from the government back again, sooner than be harrassed as I was. It was then in better condition than when we received it.

Q. What did he say in reply?

A. He did not make any reply one way or the other, that I remember. He is not a very talkative man.

Q. You did finally obtain an extension of your bonds?

A. We did.

Q. How did you obtain that?

A. Mr. McClellan came on here. I sent word to him that we could not pay the instalments due, and that we wanted an extension of the bonds.

Q. Who is Mr. McClellan?

A. A citizen of Nashville.

Q. What was his position during the rebellion?

A. He was a loyal man.

Q. He never went into the rebellion?

A. No, sir; he was a thoroughly loyal man.

Q. Did you incur any expense in obtaining that extension?

A. No, sir.

Q. Did you pay Mr. McClellan anything?

A. Nothing at all. He was coming on here on business of his own. He is an assessor of internal revenue, and he came on here in regard to matters connected with the department.

Q. Is he a stockholder in either of these roads?

A. No, sir.

Q. Is Mr. Johnson a stockholder?

A. No, sir.

Q. Is Mr. Patterson?

A. Yes, sir; in the Chattanooga road.

Q. How long has he been a stockholder?

A. I think since the early part of 1866.

Q. Is any other member of Mr. Johnson's family a stockholder in either of the roads?

A. I do not think there is.

Q. Of whom did Mr. Patterson obtain his stock?

A. I think of Governor Brown, of Georgia.

Q. Did you pay both of these notes or drafts to the two banks in Tennessee, you have mentioned?

A. The drafts were paid here.

Q. Mr. Johnson's name was not mentioned in the drafts?

A. Yes, sir; I drew drafts on Mr. Johnson payable at the First National Bank, in Washington.

Q. Mr. Johnson's name was not mentioned in the drafts?

A. Yes. The original draft was enclosed in a letter to Jay Cooke & Co.'s bank—the First National Bank. Then the draft I drew, I think, was sent to the bank for collection. If the draft I drew was paid, the original draft enclosed in a letter was to be handed Mr. Johnson. If it was not, it was to be returned to Nashville.

Q. Was Mr. Johnson's name mentioned in the draft you drew?

A. Yes, sir; I drew on Mr. Johnson, payable at the First National Bank.

Q. In your testimony before the railway committee, you say that Mr. McPherson, in stating the account of the road upon the basis of the order, credited the road something over $2,000,000, and debited it with a very much larger sum. How do you know they debited you with a very much larger sum?

A. That portion of testimony, I think, you have mistaken. Mr. McPherson did not give any debit account at all. There was a statement of General Meigs against the road of four million and some odd dollars, but rendered me by neither.

Q. Then, on the account as made up in the department, there was $300,000, or more, claimed against you, in addition to the sum due by you for rolling stock?

A. Yes, sir; that was the claim they made, but I dispute that whole item. I had information of the condition of the road when they got it.

Q. If you had neglected to pay the accumulated interest on the bonds, would there have been any difficulty in your paying for the rolling stock according to the terms of the bond given by the road when you received the rolling stock?

A. I presumed they could have done it. I was not inclined to do it from the fact that I believed there was a debt owing to us.

Q. You did not go north when you made these drafts for the payment of these claims against Mr. Johnson?

A. No, sir.

Q. Do you know anything as to how the money was to be raised to meet the drafts you drew?

A. No, sir.

Q. Mr. Johnson speaks of twenty State bonds. Do you know how he obtained those bonds?

A. No, sir.

Q. Were they bonds issued to your road by the State of Tennessee?

A. They were not. At least he did not get them from me, nor from any one else on my account, or for the company.

Q. When did you first become acquainted with Mr. Johnson?

A. About 1854.

Q. You were a sympathizer with the rebellion, were you not?

A. I sympathized with it as the State went out; but I staid at home.

Q. You did nothing for the Union cause?

A. No; but I did nothing against it.

Q. Did you keep up your acquaintance with Mr. Johnson during the war after he returned to Tennessee?

A. Yes, sir.

Q. Were you intimate with him after that time?

A. Yes, sir; I was frequently with him.

Q. On what business?

A. A little of everything; and sometimes I called on him without any business.

Q. What business had you during the two or three years of the war?

A. My business house went on. I spent two summers in Connecticut.

Q. You had no particular business?

A. Not further than stated. Sometimes I would go and ask for some fellow's pardon who was in the penitentiary, or something of that sort.

Q. He knew what your political sentiments were?

A. Perfectly well. He was entirely satisfied with my good faith. He never asked me to take an oath, and I could get a pass from him or from any of the military authorities to go anywhere.

Q. He knew your sympathies were with the rebellion?

A. Yes, sir, I suppose so; but he knew I would not do anything to injure him or the United States.

Q. You were engaged in the manufacture of harness and leather work at that time, were you not?

A. No, sir. I was engaged in the saddlery business. I did not manufacture myself, but sold to others.

Q. How long were you engaged in that?

A. I had goods in the store during the war—after the rebellion broke out, and several years previous.

Q. For what did you sell them—for use by the rebels?

A. Very likely. I sold them to whoever wanted to purchase, but took no contracts from the rebels.

Q. Did you have any communication with the people on the other side of the line after our army took possession of Nashville?

A. I observed my faith as well as I knew how.

Q. Your road had a lot of cotton South during the rebellion?

A. Yes, sir.
Q. That you got out?
A. Yes, sir.
Q. How did you obtain permit to get it out?
A. General Thomas gave it to me.
Q. Who solicited General Thomas?
A. Myself. I first got the order from the department at Washington—such as the President was issuing to various parties.
Q. Were you acquainted with Secretary Stanton?
A. I had a few lines from Mr. Lincoln to him.
Q. Had you known Mr. Lincoln previously?
A. Yes, sir. I had a letter of introduction from Governor Johnson to him.
Q. When was that?
A. I have the letter before me, dated August 3, 1864, which the Committee can examine if they desire.
Q. You saw the Secretary of War upon the endorsement of Mr. Lincoln on this letter?
A. I did.
Q. Did you have any conversation with him then in regard to bringing out the cotton the road owned?
A. No, sir. My business was to get the roads turned over to the companies.
Q. Did you succeed at all?
A. No, sir.
Q. What was the difficulty?
A. He remarked that it was not in his department; that it was in the quartermaster's department.
Q. Did you go to the quartermaster's department?
A. Yes, sir.
Q. With what success?
A. None.
Q. Did you do anything then about the cotton on that visit to Washington?
A. No, sir.
Q. When did you obtain an order to bring out the cotton?
A. In May, after Mr. Johnson became President.
Q. From whom did you obtain that order?
A. I got an order from the President—such as they were in the habit of issuing then.
Q. Was it printed?
A. It was printed or photographed. It did not do me any good, anyhow.
Q. When did you get the order upon which you got the cotton?
A. In 1865 or 1866, from General Thomas.
Q. Did he receive any order from the President in regard to it?
A. I showed him the document I had from the President.
Q. Was it signed by the President?
A. I think not; I cannot say positively.
Q. How many bales of cotton did you bring out?
A. To the best of my knowledge it was 1,254 bales.
Q. That cotton was purchased with the proceeds of that rolling stock carried off by some of the officers of your road to the Southern country during the war, was it not?
A. That is what I believe.
Q. Did you obtain the rolling stock they carried off?
A. A portion of it.
Q. How much did this cotton yield you?
A. For five hundred bales I obtained about one hundred and eighty thousand

dollars, in Boston. The remainder I shipped to Liverpool. I do not remember what it brought.

Q. What was about the entire amount received?

A. About two hundred and twenty-five thousand dollars, net proceeds.

Q. What was done with that money?

A. What we obtained in Boston was deposited in a bank in New York, to pay interest. That obtained from Liverpool I deposited in the Bank of the Republic, also in New York, to pay coupons due there.

Q. You say in your testimony that the roads in 1865 had become a burden to the government, and that they were about abandoning them? to what road do you refer?

A. To the Northwestern road.

Q. What reason had you for supposing that?

A. There was an order issued, I think as early as July, to abandon it, but the military superintendent would not do it; and they did not do it until the 1st of September.

Q. Does the State of Tennessee owe for any other bonds except those issued to railroads, and if so, is there any difference in the market price of them?

A. There were some five per cent. bonds issued, I think.

Q. Were they issued in behalf of railroads?

A. No; they are what are called "Capitol Bonds," and were for building the State Capitol, as I suppose.

Q. Do you know which bonds the President proposed to sell?

A. I do not. I presume they were the issues of before the war, and probably in behalf of railroads there.

Q. All of the nine hundred thousand dollar bonds you received from the State of Tennessee have been disposed of, and you have received the money for them?

A. Yes, sir; except that I gave some for iron and some to contractors.

Q. Who else have received these bonds, except that which you have paid for iron and to contractors?

A. I paid a portion to the Union Bank, for the old debt the company owed.

Q. Have you disposed of them to anybody else?

A. No, sir; not that I recollect.

Q. Have you any on hand at present?

A. I sent 178 to New York. These are the last I had. There are some more coming to me yet.

Q. Then those you have stated make up the whole amount?

A. Yes, sir; the whole, to my knowledge. They were all appropriated to the use they were intended for—that is, the building of the road, and the payment of its debts.

Q. Within the last two years has your road paid out any money for any purposes except for the repairs of the road, running expenses, and interest on its bonds?

A. It paid some for the old debts.

Q. Debts contracted when?

A. Previous to the war.

Q. Have you paid out any money for assistance and advice, except as you have stated?

A. Nothing, directly, or indirectly, to my knowledge. I recollect when young Meigs was here, once, that he assisted me, and I gave him a trifle.

Q. You drew on the President at two different times?

A. Yes, sir; one draft for fifteen thousand dollars, and one for fourteen thousand six hundred dollars.

Q. But you, in reality, paid one of these banks $16,250 (?) and drew on the

President for fifteen thousand dollars; that left you out of pocket $1,250. On what ground did you do that?

A. I telegraphed him that I could arrange it for that amount, but I found I could not do it. I got angry, and paid it myself. I never mentioned it to Mr. Johnson, and should not have done so if it had not been brought out on my examination before the railroad committee.

Q. In your testimony before the railway committee, you state that when Mr. Johnson became President he endeavored to lessen the expenses of the government, and found that these roads cost a vast amount of money. How did you learn that?

A. Through one of our quartermasters.

Q. Did you not learn it from Mr. Johnson himself?

A. No, sir; that fact was well known to me.

[Copy of letter referred to in the foregoing testimony.]

STATE OF TENNESSEE, EXECUTIVE DEPARTMENT.
Nashville, Tennessee, January 24, 1864.

DEAR SIR: I have the pleasure of commending to your consideration my old friend, Michael Burns, of the city of Nashville.

Mr. Burns is a gentleman of high standing in the city, and rare business qualifications. He is the president of the Nashville and Chattanooga, and the Northwestern railroads, and by his energy, skill and capital, has contributed largely to the successful progress of the latter road, which, as you are advised, is now in running order to the Tennessee river. The government owes him much for his hearty co-operation with the Secretary of War, and others, in constructing this great military and commercial enterprise, by which we soon can be relieved from the exacting extortions of the Louisville and Nashville road, and all the troops and munitions of war can be transported over a much shorter, cheaper and more secure, and at all seasons, certain line, to this point.

Mr. Burns visits Washington on important business, which he will lay before you, and any assistance or kindness you may be pleased to give him will be heartily appreciated and conferred upon an esteemed friend and worthy gentleman.

I have the honor to be, with great regard, your obedient servant,

ANDREW JOHNSON.

ABRAHAM LINCOLN,
President of the United States.

[Endorsed.]

Hon. Secretary of War, please see and hear the bearer, Mr. Burns.

A. LINCOLN.

August 3, 1864.

WASHINGTON, D. C., *March* 1, 1867.

Hon. J. S. FOWLER, United States Senator, sworn and examined.

By Mr. BOUTWELL:

Q. Have you any knowledge of two notes or drafts made by Andrew Johnson, while provisional Governor of Tennessee, which were discounted at banks in that State?

A. Yes, sir; I know there were two notes of twenty thousand dollars each, sometime in the latter part of the summer of 1862. I could not give the precise date of the notes, but I remember it was after General Buell fell back to Louisville. We commenced early in the spring of 1862 to raise a regiment in the city of Nashville, and did raise a number of troops, and the regiment was partly filled up when General Buell fell back. The men were poor, and their families were on our hands, and had to be supported. We made distributions out of the funds collected from the State government to the wives of these soldiers. When General Buell fell back, no paymaster could come through, and these families were still in distress. The money of the State banks there was then about twenty per cent. discount. The soldiers said they were willing to take the money of the Union and Planters' banks, and would be very glad to receive it.

I urged Mr. Johnson, at the time, to borrow the money, and we borrowed it from the banks. I recollect that I was on both of the notes myself. We were to pay six per cent., the legal rate of interest, and the notes were to be paid in the funds of the Planters' and Union banks. Over thirty-three thousand dollars of this was expended in paying off the regiment for one or two months' service, and also battery A, of Tennessee. This money was refunded by the government of the United States.

Q. Refunded to whom?

A. The draft was given to Governor Johnson for between thirty-three and thirty-four thousand dollars, and the remainder of the funds received from the banks, over six thousand dollars, I had expended in support of the Lunatic Asylum. That amount I subsequently refunded, making up the forty thousand dollars received by Governor Johnson. The thirty-three thousand dollars was drawn from the United States depository at Louisville, after having been refunded by the United States, and I took it from there, with the other six or seven thousand dollars, and deposited it in the United States depository at Cincinnati, and took certificates for the amount for Governor Johnson.

Q. When was that?

A. The precise date of that I cannot give you. It was more than a year afterwards.

Q. Was it eighteen months afterwards?

A. I could not say. It was between a year and eighteen months, perhaps more. I know I took out four certificates, of ten thousand dollars each, which were given to me. Then of course he was to meet those notes. I was very much pressed afterwards to pay the notes, and annoyed in reference to them. I presented the matter to Governor Johnson after he became acting President of the United States, and what was done in regard to it I do not know personally. All I know is what I have heard through Mr. Burns.

Q. What did Mr. Johnson say to you when you called his attention to the fact that the notes were unsettled?

A. The last time I called his attention to it he remarked: "Let them call on me and I will attend to it," or words to that effect.

Q. How long ago was that?

A. It was in the summer of 1865, either in June or September. I apprehend it was in September.

Q. Did you speak to him about the matter at any other time?

A. Yes, sir; I had spoken to him before that, at precisely what time I do not know.

Q. Was that the last time you spoke to him?

A. Yes, sir; I determined at that time to have nothing further to do with the matter. The parties in Nashville sent some letters here to me, which I sent to him. These banks were put into the hands of receivers, having made an assignment. A Mr. Allen was the receiver, and he gave my letters to the President. I know he was receiver of the Union Bank, and I think he was of the Planters', but I cannot speak certainly as to that.

Q. Do you know whether or not Michael Burns had any connection with this business in any way.

A. I know nothing of that, except what he has told me since he came here a few days ago.

Q. As I understand you, you delivered to Mr. Johnson those certificates, and deposited that ten thousand dollars each with the United States assistant Treasurer at Cincinnati?

A. Yes, sir; my recollection is that I did that on my way to Memphis. I recollect very well that the Secretary of State went with me, and saw me take the certificates at Cincinnati. I sent the certificates to President Johnson from Nashville by Judge Milligan.

Q. Did you hold any office in Tennessee at the time this loan was obtained?

A. I was comptroller.

Q. Was this loan from the Planters' and Union Banks in any sense a forced loan?

A. No, sir; not at all. They were not anxious to loan the money, but when we represented the case to them, that it was for the families of these men who were suffering, and pressed upon them the necessity of our having the money, they gave it to us.

Q. Were you acquainted with Michael Burns before the war?

A. O, yes, sir.

Q. Do you know anything of his standing during the war, in reference to the rebellion?

A. Nothing, only what I have heard.

Q. What was his reputation as to loyalty?

A. He was regarded as a disloyal man during the war.

Q. That was his common reputation in Nashville, Tennessee?

A. Yes, sir; and he stands with that class of men, or is inclined that way. I will mention one fact in regard to him. There was a battery in the confederate army called after him—the Burns battery. Whether he contributed to that I do not know, but I suppose he must have done so. These things were done there for the purpose of inducing wealthy citizens to contribute for their equipments.

Q. Was he a wealthy man?

A. He is a wealthy man. He is a very enterprising man. He belongs to the working class of society. He came to Nashville a very poor man.

Q. Is he a foreigner by birth?

A. Yes, sir; an Irishman.

Q. Has he been naturalized?

A. Yes, sir, many years ago. He was an intimate friend of President Johnson. The President has always expressed a warm friendship for him. As soon as the federal army arrived, Mr. Burns showed them a great deal of friendship, as he did to everybody connected with the federal army. I am satisfied, from what I knew of him before, that it was not his wish that the State should go into the rebellion; but when that was done, he decided to give his aid in that direction?

Q. How has it been since the war? Has he had the confidence of the rebels of Tennessee in Nashville?

A. Yes, sir; I am satisfied he has had it; at the same time I think there is nothing in his character or conduct, or in sentiment, calculated to produce rebellion. They know that he would harmonize with them generally if the State should go into rebellion, or if the South should go into rebellion, for, as a matter of course, his property and everything would go in that direction. They do not look upon him as an active rebel. I believe his judgment is with the government of the United States and with the Union people, and that it is only his interest that leads him to associate with the other class. He gave his sympathy to all our public affairs. Indeed, I enjoyed his confidence very largely. He was very liberal in giving donations in support of poor people, always visited the officers of the State government, and gave his countenance to them; at the same time he never took any active part in those measures which tended to produce a restoration of the State.

Q. Are you acquainted with the line of the Nashville and Northwestern road?

A. Yes, sir.

Q. When our forces got possession of that country, was that road completed?

A. There was about twenty-eight miles of it completed; that is, the track was laid for about that distance.

Q. How much remained?

A. About fifty-six miles. The great portion of that remaining was graded, but there were some few excavations and fills to make; a portion of the work had been done, but of course it had been destroyed, and had to be done over again.

Q. Was that finished at the expense of the government, during the military occupation of the country?

A. Yes, sir; entirely so.

Q. Under whose direction was it done?

A. My understanding was that it was done under the direction of Governor Johnson, by order of the Secretary of War.

Q. Governor Johnson had a knowledge of the road, and of the expenditure of the government incurred on the road?

A. Yes, sir; a full knowledge, for it all came under his observation, as I understood.

Q. What is the value of that road as a line of communication, as far as profit is concerned?

A. At the present time, I am informed by Mr. Burns that it is not profitable.

Q. You have no personal knowledge outside of what you got from Mr. Burns?

A. No, sir. The road is only finished to the Tennessee river. Mr. Burns is now at work finishing the part between the Tennessee river and the extension from the Mississippi river.

WASHINGTON, D. C., *March* 13, 1867.

WILLIAM S. HUNTINGTON sworn and examined.

By Mr. BOUTWELL:

Q. What is your occupation?

A. I am cashier of the First National Bank, of Washington.

Q. Do you, or have you at any time kept an account with President Johnson?

A. I have, and do now.

Q. When did it commence?

A. About the time he was made President.

Q. Do you know of two drafts paid by Mr. Johnson, drawn by Michael Burns, of Tennessee?

A. I do not.

Q. Do you know whether or not any such drafts were presented at your bank for payment?

A. Not to my knowledge.

Q. Through whose hands at your bank would such drafts, if presented for payment, pass?

A. Through the hands of the collection clerk, Mr. Pratt.

Q. Have you, through your bank, made any collection of coupons for Mr. Johnson?

A. Yes; once in a while.

Q. Of what bonds?

A. Railroad and Tennessee State bonds.

Q. What railroad bonds?

A. The Louisville and Nashville, I think. Colonel Morrow would bring them in, and we would give him the money on them.

Q. To about what amount, at any one time?

A. I do not recollect. I did not pay much attention to them—not very large amounts. I think at one time the interest had not been paid for a long time, and the amount was larger—probably $3,000 had accumulated, in part on State bonds and in part on railroad bonds.

Q. When was that payment made?

A. Probably a year ago.

Q. Will your books show the amount?

A. Probably they will; I am not certain.

Please examine your books as to that fact, and also as to the payment of the drafts mentioned.

A. I will do so.

WASHINGTON, D. C., *Tuesday, March* 26, 1867.

WILLIAM S. HUNTINGTON recalled and examination continued.

By Mr. BOUTWELL:

Q. Have you any information in reference to the check or drafts on Mr. Johnson, of which inquiry was made when you were last before the Committee?

A. I find that on the 25th of January last a draft of Michael Burns on Andrew Johnson came into our bank, was accepted by him, and by his order charged to his account. It was for $15,000.

Q. Do your accounts show the payment of any other draft on Mr. Johnson, about the same time?

A. No, sir; I did not notice any other.

Q. Have you made an examination?

A. I asked the head book-keeper this morning to look over the books from the first of January last up to this time. He found the $15,000 draft, but no other.

Q. Have you any account of the purchase of coupons by your bank, from Mr. Johnson?

A. We have these entries: January 20, 1866, $167 07; July 25, $541 50; February 8, 1867, $1,081 50.

Q. Did you see the bonds from which they were detached?

A. No, sir.

Q. Do you know what bonds they were from?

A. My impression is—though I am not certain of it—that they were Tennessee State and railroad bonds.

Q. Were the coupons that were purchased in February last all payable at the same time?

A. I have no record of that.

Q. You do not know whether they were all then recently due, or whether some of them were due six months or more?

A. I do not.

Q. Were the coupons that were purchased in February from the same bonds as those that were purchased before?

A. I have no knowledge as to that.

Q. Was Michael Burns' draft charged to Andrew Johnson?

A. Yes, sir; it was charged to his account. It was accepted by him and made payable at our bank here.

Q. Have you any knowledge of the transaction with which the draft was connected?

A. I know nothing about it.

Q. Will you furnish the Committee with a statement of Mr. Johnson's account for January and February, 1867, in detail?

A. I think I ought not to do so. At the same time, I think there is nothing in it that the Committee would desire to know.

WASHINGTON, D. C., *March* 28, 1867.

W. S. HUNTINGTON recalled and examined.

By Mr. BOUTWELL:

The Committee have decided to insist on an answer to the question propounded when you were last before them.

A. I have here and lay before the Committee the account of President Johnson with the First National Bank of Washington, commencing January 1, 1867, until the present time. I do not want the Committee to misunderstand my refusal to give a transcript of the account when I was before them the other day. I had never been called on before to disclose the account of any of the customers of the bank.

Q. Will you furnish a transcript of the account of President Johnson with your bank from the time it commenced until the present time?

A. I will have it made out when I return to the bank.

Q. Have you any knowledge of any other draft on President Johnson being paid at your bank, than the one referred to in this account, under date of January 25?

A. Some time previous a draft was sent to us for collection, for something over $15,000, which Mr. Johnson declined to pay, stating that the amount was too large; that he had settled a similar claim for $15,000, and that this one ought to be settled for that amount.

Q. When was the draft drawn which Mr. Johnson refused to pay?

A. I could not tell without looking at our books. I think afterwards a new draft was made, which Mr. Johnson authorized us to pay.

Q. Do you remember by whom the draft which was not paid was drawn?

A. By one of the Tennessee banks; I do not remember the name.

The paper presented in evidence by witness is as follows:

Andrew Johnson in account with the First National Bank of Washington, D. C.

	Dr.			Cr.	
Jan. 11.	To 1 Check	$700 77	Jan. 1.	By Balance	$67,554 82
Jan. 15.	To Draft	15,000 00	Jan. 22.	By Cash	1,850 84
Feb. 13.	To 1 Check	1,806 01	Jan. 24.	By Cash	1,850 83
Mar. 27.	To 1 Check	1,601 21	Feb. 4.	By Cash	370 60
	Balance	57,302 27	Feb. 8.	By Cash, R. R. Coups.	1,081 00
			Feb. 23.	By Cash	1,850 83
			Mar. 26.	By Cash	1,850 83
		76,410 26			76,410 26
				By Balance	57,302 27

WASHINGTON, D. C., *March* 30, 1867.

W. S. HUNTINGTON recalled and examined.

By Mr. BOUTWELL:

Q. Please produce the statement of Mr. Johnson's account, called for when you were last before the Committee.

A. I lay it before the Committee. It commences June 27, 1865, and continues down to the present time.

Q. What balance now appears to his credit?

A. $57,302 27.

Q. Does this transcript presented by you contain a true statement of all the transactions between President Johnson and your bank?

A. It does, to the best of my knowledge.

Q. It is a true transcript from your books?

A It is.

Q. What was the largest deposit made as shown by the account, and when was it made?

A. The largest deposit was $64,947, and was made December 15, 1866.

Q. If you have any personal knowledge of that deposit, please state what it was.

A. It was the proceeds of a lot of United States bonds which had been lying on special deposit in the bank for a long time. I suggested to him one day that he had better sell them, as the price was pretty good. He did so, and I placed the amount of proceeds to his credit.

Q. Were there any other stocks or bonds except United States bonds sold at that time?

A. No, sir.

Q. How long had the bonds been with you on special deposit?

A. I cannot tell; a long time. $50,000 United States seven-thirties had been on deposit, I think, for over a year. $10,000 additional, I think, were purchased January 22, 1866.

Q. Did you, as cashier of the bank, purchase the whole of these bonds when they were purchased?

A. Yes, sir.

Q. From what source was the money derived from which the purchases were made?

A. When he first opened an account he had certificates of deposit, I think, of the assistant Treasurer in Cincinnati for $50,000, which had been for some time on interest, and which he desired to have invested in the way I thought best. I invested an even amount of, I think, $50,000 in seven-thirties, and placed the balance to his credit on the books of the bank.

Q. You made an entry of the proceeds of the certificates of deposit on your books?

A. No, sir; only the balance placed to his credit was entered on the books. Seven-thirties were below par at that time, and the $50,000 purchased for him, I think, cost about $48,000.

Q. On the 17th of May, 1866, there is an entry to his credit of $4,534 70; have you any knowledge of that entry other than is here shown?

A. No.

Q. Do the books of the bank show the nature of the transaction?

A. No; they only show so many checks for such an amount, and so much cash received.

Q. Under date of November 5, 1866, I find, "draft, M. Burns, $14,600;" have you any knowledge of that transaction?

A. It came to us for collection from the Union Bank of Tennessee, drawn on the President at sight, and he ordered us to pay it.

Q. Under date of January 25, 1867, I find a similar entry of $15,000; can you explain that?

A. It was a draft drawn by the same party through the same bank in Tennessee. Under instructions from the President we paid it, and charged it to his account.

(The following is the paper produced, in accordance with the requirement of the Committee, by the witness:)

Andrew Johnson in account with the First National Bank of Washington, D. C.

Dr.			Cr.		
1865.			1865.		
June 29, to	1 check	$100 00	June 27, by	cash	$1,981 66
July 20,	1 do	688 43	Aug. 17,	do	3,963 34
Aug. 5,	1 do	893 20	Aug. 19,	do	100 00
Aug. 9,	1 do	159 00	Sept. 8,	do	1,981 66
Oct. 12,	1 do	656 00	Sept. 29,	do	2,170 59
Oct. 20,	1 do	1,950 00	Oct. 21,	do	1,981 67
Oct. 21,	1 do	2,188 28	Nov. 24,	do	1,981 66
Nov. 24,	1 do	712 73	1866.		
Dec. 6,	1 do	1,000 00	Jan. 4,	do	1,981 67
Dec. 11,	1 do	520 00	Jan. 15,	do	1,825 00
1866.			Jan. 20,	do	1,981 67
Jan. 10,	1 do	552 76	Jan. 20,	do	167 07
Jan. 22,	$10,000 7-30's at 98⅞	9,901 50	Feb. 17,	do	1,981 66
Jan. 26,	1 check	200 00	Mar. 19,	do	1,981 67
Feb. 5,	1 do	449 08	April 21,	do	1,981 67
Feb. 6,	1 do	214 00	May 17,	do	5,534 70
Mar 14,	1 do	577 04	May 18,	do	1,981 66
Mar. 31,	1 do	745 00	June 19,	do	1,981 67
April 5,	1 do	400 60	July 14,	do	2,190 00
April 10,	1 do	300 00	July 17,	do	404 53
April 11,	1 do	996 53	July 23,	do	1,981 67
May 16,	1 do	548 33	July 25,	do	551 50
May 30,	1 do	500 00	Aug. 21,	do	1,981 66
June 5,	1 do	278 50	Sept. 18,	do	1,801 42
June 12,	1 do	587 56	Oct. 25,	do	1,850 83
June 30,	1 do	500 00	Nov. 27,	do	1,850 83
July 14,	1 do	768 37	Dec. 15,	do	64,947 00
Aug. 13,	1 do	563 46	Dec. 22,	do	1,850 84
Sept, 18,	1 do	892 18	1867.		
Oct. 8;	1 do	577 78	Jan. 24,	do	1,850 83
Nov. 5,	1 draft, M. Burns	14,600 00	Feb. 4,	do	370 60
Nov. 13,	1 do do	566 02	Feb. 8,	do	1,081 50
Nov. 15,	1 do do	1,000 00	Feb. 23,	do	1,850 83
Nov. 27,	1 do do	500 00	Mar. 26,	do	1,858 84
Dec. 7,	1 do do	567 89			
1867.					
Jan. 11,	1 do do	700 77			
Feb. 13,	1 do do	1,806 01			
Feb. 27,	1 do do	1,601 21			
Jan. 25,	1 do do	15,000 00			
	Balance	57,302 27			
		121,972 60			121,972 90
			Mar. 28, by balance		57,302 27

By Mr. ELDRIDGE:

Q. Does President Johnson know of your producing this account here?

A. Yes, sir.

Q. How did he know about it?

A. I was in the other evening to see him upon some business, and mentioned that I had been requested to produce his bank account. He asked what for. I told him I was sure I did not know, but that I supposed I would be compelled to produce it, as I would that of any other customer under like circumstances.

Q. You objected to producing it when first asked by the Committee, did you?

A. Yes, sir. Not for any special reason; simply upon the general principle

of never imparting any information to outsiders in regard to the business of our customers.

Q. The President did not make any objections to its production?

A. None whatever. He smiled, and said he had no earthly objection to have any of his transactions looked into; that he had done nothing clandestinely, and desired me to show them any thing I had relating to his transactions.

Q. The objection you made to producing the account was before you had had this conversation with the President?

A. It was based upon general principles alone. I had not seen him until after I had made out the account to bring before the Committee.

Q. These certificates of deposit on the government depositary in Cincinnati had been on interest for how long before you received them?

A. For more than a year; I do not remember the exact time.

Q. What was their face amount, less interest?

A. Fifty thousand dollars, I think, or between forty and fifty thousand dollars. The original transaction does not appear on our books in any way.

WASHINGTON, D. C., *February* 11, 1867.

Hon. E. M. STANTON sworn and examined.

By the CHAIRMAN:

Q. Have you in your possession any orders issued in relation to the transfer of railways within the State of Tennessee to the companies now operating them?

A. Yes, sir.

Q. Will you produce such orders before the Committee?

A. I will. Shortly after the surrender of the rebel armies, the attention of the War Department was directed to the proper disposition to be made of the railroads and railroad stock throughout the rebel States which came into our possession, either by capture or construction. It was the subject of a good deal of consultation and conference between the Secretary of War and the Quartermaster General. It was the opinion of the Secretary of War that it was wholly impracticable for the government to operate these railroads under any system, and that it would tend greatly to the advantage of the country to take such disposition as would allow them, as speedily as possible, to become what they were designed—channels of commerce and trade between the States; and that any terms on which that could be done would be advantageous. This was especially the case in regard to the western and southwestern railroads, where it was said there were large amounts of cotton that would be available to remove North, in exchange for supplies to go South, of which it was said they were greatly in want. The first case, I think, in which the matter came up for practical action, was in reference to the Orange and Alexandria railroad. In the case of this road an arrangement was made by which it was turned over to the company, the details of which I am not now able to state. An officer in the quartermaster's department is engaged in getting the papers together, and they will be furnished. The attention of the department, some time prior to the 27th of June, was called to the railroads in Tennessee by a correspondence between the Quartermaster General and General Donaldson, chief quartermaster of the department of the Cumberland, copies of which I hereby present. I have the originals here, which the Committee may examine if they desire. On the 7th of July the Quartermaster General submitted to the Secretary of War a report upon the subject, relating to a communication from M. Burns, president of the Nashville and Northwestern railroad, which is annexed with the other papers. These views of the Quartermaster General were concurred in by the

Secretary of War generally, and so endorsed on the report on the 11th of July, 1865. At the time of my approval of the report, I did not advert to the observations which had been made by the Quartermaster General in the close of his report, in regard to the act of Congress of the 31st of January, 1862. My construction of the law differs from that which seemed to be entertained by the Quartermaster General in regard to that subject. I have not regarded that act as having anything to do with roads in Tennessee, or in any of the other States where they were captured by our armies, or were enemy's property acquired by military occupation.

Q. Were any railroads in the State of Tennessee taken possession of under the act of January, 1862?

A. None that I am aware of, except the Nashville and Northwestern railroad. The United States came into possession of the railroads in Tennessee and in the southwestern States by force of arms and capture.

Q. By whom was the Nashville and Northwestern railroad constructed?

A. I do not know.

Q. State any other orders by the War Department in relation to the railroads in Tennessee.

A After the approval of the report of the Quartermaster-General of July 7, 1865, above mentioned, an order appears to have issued from the Quartermaster General to General McCallum, the general superintendent of railroads, directing him to make a transfer of the Nashville and Northwestern railroad, and a letter of instructions, written by the Quartermaster General, on the 20th of July, to the same effect, which papers are annexed. Subsequently, to wit, on the 8th of August, 1865, a general order was issued from the War Department to Major General Thomas, commanding the military division of the Tennessee, specifying the terms and conditions on which the government would surrender control over the railroads in Tennessee, and their continuation in the adjoining States, a copy of which is annexed. And afterwards, on the 14th of October, that order was extended to all the railroads within the division of the Tennessee, which comprehended the States of Kentucky, Tennessee, Georgia, Alabama, and Mississippi. I am not certain whether it comprehended Florida or not.

Q. Were all the roads in Tennessee delivered over to their respective companies in pursuance of the general orders to which you have just referred?

A. That I cannot say; the reports of General Thomas will show as to that. The matters coming under my immediate attention were only when some principle came up to be settled, the details under which never came to my eye.

Q. Do you know whether any special order was issued directing the surrender of the Nashville and Northwestern road to the company now operating it?

A. I know of no special order, except the one I have before specified, of July 20, which was superseded by the general order of August 8.

Q. Would the records of the War Department disclose all orders that may have been issued in relation to the transfer of roads in the State of Tennessee?

A. The records of the quartermaster's department ought to show, if they were returned from the headquarters of General Thomas. The whole subject, by order of August 8, was put under the general direction of Major General Thomas, and by him, I think, was placed in charge of a quartermaster who was assigned to that particular duty. It would be his duty to report to the Quartermaster General at Washington, and to send copies of all orders issued there; and the orders issued here ought to have been directed either to General Thomas or to the quartermaster in charge of railroads at Nashville.

Q. In case of the construction of a railroad by the government, the government furnishing the material and the labor, what has been the custom of the department in surrendering such roads to companies claiming them?

A. In all instances, I think, such roads have been surrendered in the same manner as if they had been originally constructed by the companies. That

subject was talked of, and was the subject of a good deal of conference between myself and the Quartermaster General. My own view was that the great object, on the part of the government, was to get these roads operated; and that to go into an inquiry as to the cost of construction would be impracticable, either as to the actual cost of construction or as to any certain rule of compensation, because many of them were constructed at a much larger expense than companies would construct them. They were constructed under the pressure of war, and for temporary purposes. The object of arriving at the actual cash or money value or equivalent for the roads was not only impracticable, but really of but very little practical interest in comparison with the great end of having the channels of commerce in the rebel States opened and carried on, with a view of getting out their produce, furnishing supplies, and getting commerce into its regular channels. In my own view that appeared to be the most certain and most speedy system of reconstruction we could adopt, and that it would tend more to establish harmony than any other thing that could be done by the government. In view of all this, and after the most deliberate consideration we could give to it, it was the opinion of the Quartermaster General and myself—certainly my own—that it would be impracticable to make any distinction; and, so far as I know, no distinction was made in any part of the country in reference to roads built by the government and roads that had been constructed by companies before the war commenced.

Q. Suppose the government, at its own expense, had constructed seventy miles of railroad in one of the rebel States, and that, at the close of the war, a company should apply to the executive department of the government for a transfer of the road so constructed, to it; by what authority or provision of law would the executive department be authorized to transfer the road so constructed to the company making the application?

A. I do not know of any act of Congress that directly, or in terms, would authorize any such transfer; but regarding the construction of the road in time of war, simply as a means or instrument of carrying on war, when the war was over, I would conceive it to be strictly proper and within the scope of the powers of the general commanding, or especially of the President of the United States, as the commander-in-chief of the army, to render that instrument as available for peace purposes as possible. And inasmuch as the road would be entirely useless unless it was operated, and it would be for the benefit and interest of the public to have it operated as speedily as possible, I should think it would be in the exercise of a wise discretion, and exercising proper authority, to turn over that road to any company or individual who would operate it; for, in that way, he would be applying the war material to the only available use to which it could be applied.

Q. Would you regard it as a proper use of that power for the President of the United States to turn over to a railway company rolling stock, locomotives, and cars of various descriptions, which had been purchased or constructed by the government, without exacting compensation therefor from the company?

A. I would regard the rolling stock as coming, to a certain extent, within the same principle. If the thing was done in good faith, with a view of keeping open important channels of trade and commerce, and the government had on hand a surplus of stock which it did not desire to use for its own purposes, I would think it properly within the scope and power of the President to authorize the transfer to be made. A disposition of surplus war material, not available for any other purpose, could in this way be rendered more available to the public, for public use and public benefit, than in any other mode.

Q. I ask you whether the transfers of railways and rolling stock in Tennessee have been made in pursuance of the laws passed by Congress?

A. That being a question in reference to law, and the construction of law, I

think this Committee are the proper judges to determine the question, and not me as a witness.

Q. Has compensation been exacted of any of these companies, for roads transferred to them, or any part of the property including rolling stock, which has been transferred?

A. In regard to the railroads I don't know that any compensation has ever been exacted or required for any transfers in Tennessee or elsewhere. The rolling stock, I think, was appraised, and in all cases either payment or bond required, so far as I am advised. What payments have been made upon them, I am unable to state. The Quartermaster General will be able to show.

Q. Has any of this property spoken of been disposed of by public sale in Tennessee?

A. I am unable to state from my own knowledge. The reports of the officers of the quartermaster's department and of General Thomas will show.

Q. In all cases, as far as your knowledge extends, where companies claiming ownership of lines of railway in the State of Tennessee, have applied for rolling stock for use upon their respective roads, has not the stock so applied for been turned over to them without being exposed to sale?

A. With those details I am unacquainted. I do not know whether they have been or not. My impression is that instructions were given not to allow any company to purchase under that order more stock than was wanted to operate their own road. This was for the purpose of preventing one or more roads from combining to monopolize the stock and levy contributions from other roads. I know that was a point on which I had a good deal of anxiety, and that precautions were made use of to prevent it. I do not know that the instructions limited the amount of stock they might purchase, except to prevent them from purchasing more than was necessary for operating their own road.

WASHINGTON, D. C., *March* 2, 1867.

Hon. EDWIN M. STANTON recalled and examined.

By the CHAIRMAN:

Q. Since your former examination, have you made an investigation of the official records of your office relative to the construction and transfer of certain railroads belonging to the government? and if so, state fully the result of such investigation.

A. At the time of my former appearance before the Committee I had not made any examination of the records of the department, having no knowledge of the subject upon which I would be required to testify. I spoke from the impressions then on my mind in regard to the events that had transpired during and subsequent to the war, in relation to the railroads. I have since made an examination of the records and correspondence, and furnish herewith a detailed statement of the facts in relation to the general disposition of the railroads after the termination of hostilities, and also of the facts particularly relating to the Nashville and Northwestern railroad, which I request to be taken as part of my testimony in the case. Official copies of the papers are also herewith furnished. I also submit a report made since that time, to wit: on the 27th of February, 1867, by the acting Quartermaster General, in respect to the Nashville and Northwestern railroad.

Q. State any further facts you may deem proper in relation to the subject of this inquiry.

A. No other facts occur to me; but I desire to correct an error in my former testimony in regard to the Nashville and Northwestern railroad. In answer to

the sixth interrogatory, I stated that I knew of no special order in relation to the Nashville and Northwestern railroad, except that of July 30, superseded by that of August 8. On examination, it appears that there was a special order issued by the President, and also by the War Department, in respect to that road, which orders are mentioned in the statement now submitted, and copies thereof furnished among the official copies submitted. I desire also to qualify my answer to interrogatory number ten, in this respect; that while I am of opinion that the temporary use of rolling stock might be permitted for the purpose of opening, and keeping open, channels of commerce closed by the act of war, yet as such stock had a market value and was not attached to the freehold, and the title was absolutely vested in the United States either by construction, purchase, or capture, such property ought to be held for its value for the benefit of the public treasury, and such sale would not be attended with any of the questions and difficulties belonging to the sale or disposal of the railroad track and fixtures, and for these, among other reasons, a difference was made in the disposal of the rolling stock and of the railroads. I desire it also further to be noted relative to the term "transfer," as frequently used in the questions and answers of my former testimony before this committee; that in my use of that term, in respect to railroads, I wish to be understood as speaking only of the relinquishment of military possession or control over the railroads as specified in the order of August 8, and not as speaking of the transfer of the title, which I do not conceive the military had the power to make in respect to the railroads, for reasons I have already mentioned. No transfer of title was at any time made, so far as I know, or could be made, but only possession turned over. When the military use was no longer required, the railroads were turned over to the original owners, or their representatives, with permission to use them. These railroads, their plant track and fixtures, were real property, of which the military authorities had only the possessory right and use, but the rolling stock and equipments, and iron not laid down, were personal property, which, by capture, or purchase, or construction, belonged to the United States. Sale could be made and was made of the personal property at its value estimated by the proper officers. That which constituted real estate, to wit: the railroad track, fixtures, &c., the military authorities might abandon altogether, or relinquish control and turn over the possession to those who would make a beneficial use of it, by working the road. Being in the nature of real estate, no title of the government or of other persons could be divested and conveyed by military authority, but only the control relinquished and the use permitted during the existence of military authority in the department where the roads were situated. The action of the War Department on these subjects was as follows:

During the continuance of the war the following named railroads, which had been operated by the quartermaster's department, were abandoned: In 1862, the Franklin road in Pennsylvania; in 1863, the Western Maryland in Maryland, the Hanover branch and the Gettysburg in Pennsylvania; and in 1864, the McMinnville and Manchester in Tennessee, Mt. Pleasant branch in Tennessee, the Richmond, Fredericksburg and Potomac, and the Richmond and York river in Virginia, the Macon and Western in Georgia, and the Mississippi Central in Mississippi.

After the close of the war, on May 6, 1865, Governor Pierpoint, of Virginia, addressed a letter to the Secretary of War suggesting that government should put the railroads in Virginia in running order. To this the Secretary of War replied on the 9th of the same month, enclosing, and expressing concurrence in, a report upon the latter by General Grant, to the effect that while repairs to railroads in the States which had been in rebellion should be made only where it might be necessary to keep up communications for the supply of garrisons in the interior, yet facilities should be allowed to loyal stockholders of southern

roads to repair and run their roads at the earliest day, subject to restrictions to prevent disloyal stockholders from receiving any of the profits.

On May 19, 1865, the Quartermaster General submitted to the Secretary of War the case of the Orange and Alexandria railroad, for the possession of which applications were made by Governor Pierpoint on behalf of gentlemen designated by the board of public works, and by John C. Barbour, president of the company for many years, on behalf, as he claimed, of the stockholders; and in this report the Quartermaster General also recommended the following principles to govern the general disposition of southern railroads:

I.—PLAN OF THE QUARTERMASTER GENERAL.

1st. Every railroad in charge of the quartermaster's department to be turned over, as soon as no longer required, to the applicants seeming to have the best claim to it, and being able to operate it the most efficiently for the transportation of stores and troops.

2d. No charge to be made against the railroad for expense of material or operation.

3d. All material for permanent way used in the repair and construction of the road, and all damaged material of this class left along its route, to be considered part of the railroad given up with it.

4th. No payment or credit to be given the road for occupation or use during the military necessity which compelled the United States to take possession of it; the return of the road with repairs being a full equivalent for its use.

5th. All moveable property and rolling stock belonging to the United States, to be sold at auction, after ample notice, to the highest bidder.

6th. All rolling stock and material which belonged to the road before the war or before possession by United States forces, to be given up to the proper agents of the road as soon as no longer required.

7th. When there are State boards of public works able and willing to take roads, the roads to be given up to such boards, leaving to the State authorities and judicial tribunals the determination of rival claims.

8th. Railroads not operated by the quartermaster's department not to be interfered with unless under military necessity; but to be left with present possessors, subject only to removal of every official and operative who had not taken the oath of allegiance.

9th. The 8th condition not being enforced, a receiver accountable for receipts to the board of directors to be appointed.

10th. In Virginia no obstacle to be interposed to possession by the board of public works of all the roads not in use by the United States military forces; and those thus used to be turned over to the board when no longer required. In States holding bonds of the roads, but not having boards of public works, roads to be turned over to the State authorities, or to receiver appointed by the Treasury Department at the instance of the War Department, to take possession of them as abandoned property.

A general plan was not at this time formally adopted; but under orders of General Halleck, commanding the department of Virginia, control was relinquished over the Richmond and Petersburg railroads, and its Clover Hill branch, the Richmond and Danville railroad, Norfolk and Petersburg railroad, and the Seaboard and Roanoke railroad. And on June 22, an order was issued from the War Department, for the transfer of the Orange and Alexandria railroad to the representatives of the board of public works for Virginia, also for the lease, at regular rates, of locomotives and cars not required by government; and upon the recommendation of the Quartermaster General, an order for the transfer of the Alexandria, Loudon and Hampshire railroad to the board of public works, was issued on July 7.

On June 27, 1865, M. Burns, president of the Nashville and Northwestern

Railroad Company, addressed a communication to General Donaldson, chief quartermaster of the division of the Tennessee, asking that the road known by the above name should be turned over to his company, and suggesting the following terms: The road with all its appurtenances, such as water-tanks, depot-stations, tools necessary for keeping the road in repair, rolling stock to operate the road, &c., to be turned over to the company; the property to be receipted for by the company, to be held subject to the military authority, and to be taken at a valuation when a general settlement should be made with the government; the property to be kept in good order, and the company to carry out the wishes of the military authorities.

General Donaldson forwarded this to the Quartermaster General, remarking that Major General Thomas desired to have the road transferred, as it was no longer required for military purposes.

On July 7, the Quartermaster General submitted the application and General Donaldson's report to the Secretary of War, with an unfavorable recommendation as to the acceptance of Mr. Burns's application, and with a reiteration of the principles set forth in his report of May 19, upon which he thought the roads should be turned over to their owners. It was objected that rolling stock and machinery should not be sold except at auction to the highest bidder, after due public notice, nor hired except at the rates heretofore adopted in case of hire of rolling stock between the United States and other railroads. And as to taking the rolling stock and material at a valuation upon a "final settlement," it was stated that the quartermaster's department was not competent to make such final settlement; that under the laws of January 31, 1862, damages could not be ascertained nor allowed except upon the report of three commissioners to be appointed by the President, by and with the advice and consent of the Senate, and whose report should be submitted to Congress. This report of the Quartermaster General was approved by the Secretary of War on July 11, 1865.

Approval was on July 21, given to the Quartermaster General's recommendation for the transfer of the Southside railroad to the company, and on July 28, to that for the transfer of the Washington, Georgetown, and Alexandria railroad, to its company, both upon the plan of May 19. The Atlantic and North Carolina, Wilmington and Weldon, and New Orleans, Jackson and Great Northern railroads were also turned over under the provisions of the same plan.

On July 17, the Quartermaster General submitted an estimate of funds required by disbursing officers for railroads at Nashville, showing that the roads had been costing $1,300,000 monthly, during that year, and recommended their restoration to the companies as soon as possible, upon the basis of his plan of May 19. This recommendation was approved by the Secretary of War on July 21, and the Quartermaster General was directed to turn over the roads immediately. This plan as approved by the Secretary of War was not strictly followed in all its details. It provided for the lease of rolling stock and material to the companies at regular rates, or for their sale at public auction to the highest bidder. But in July, on the recommendation of the Quartermaster General, a six months credit sale of material of the value of $65,000, to the Richmond and Fredericksburg Railroad Company, was authorized, because of its inability to make a cash payment, and a bond was required from the company. On August 1, for the same reason, a credit sale for the same period, and of material valued at $70,000, was made to the Virginia Central Railroad Company.

II.—THE EXECUTIVE ORDER OF AUGUST 8, FOR THE RELINQUISHMENT OF GOVERNMENT CONTROL OVER ROADS IN TENNESSEE.

On the 8th of August, 1865, an executive order was made by the President, which the Secretary of War communicated to Major General Thomas, for the relinquishment to their owners of government control over all railroads in Tennessee, and their continuations in the adjoining States, which having been, or

then being, in military charge and occupancy, were no longer needed for military purposes, upon the following principles:

1st. Every company to reorganize and elect a board of directors whose loyalty should be established to General Thomas' satisfaction.

2d. A complete inventory of rolling stock, tools, and other material and property on each road to be made out in triplicate.

3d. Separate inventories of rolling stock and other property originally belonging to each road, and that furnished by and belonging to the government.

4th. Bonds satisfactory to the government for payment, within twelve months from transfer or such other reasonable time as should be agreed upon, of a fair valuation of government property turned over upon an adequate appraisement—the United States reserving government dues for carrying mails and other service by each company until payment of obligations by the companies, and the balance of unliquidated indebtedness remaining at the maturity of the debt to be paid by the companies in money.

5th. Tabular statements to be made of all expenditures by the government for repairs to each road, with full statements of receipts from private freights, passage, and other sources, and of the number of persons and amount of freight transported, and the distance in each case. All of said reports or tabular statements to be made in triplicate, one each for the Secretary of War, the military headquarters of the department, and the railroad company.

6th. All railroads in Tennessee to be required to pay arrearages of interest due on bonds issued by that State, prior to the date of its pretended secession, to aid in construction of the roads, before declaration or payment of dividends to stockholders.

7. Buildings erected for government purposes on the line of railroads, and not valuable or useful for business of the companies, not to be a charge against the companies, and charge not to be made for rebuilding houses, bridges, or other structures which were destroyed by the federal army.

8th. Authority given General Thomas to give to quartermasters within his division any orders necessary for the carrying out of this plan.

Proceeding under this executive order, Major General Thomas, on the 1st of September, 1865, submitted to the Secretary of War a copy of an agreement and bond to be executed by the companies, making the directors jointly and individually liable with the company. General Thomas deeming this form the best because the companies being already mortgaged could not execute a bond in favor of the United States which would have precedence over those already given, and the directors were unwilling to give their personal bonds, but proposed to have the title to the property remain with the United States, and to execute a deed of trust to that effect.

III.—EXECUTIVE ORDER OF OCTOBER 14, 1865, EXTENDING THE PRIVILEGES OF THE ORDER OF AUGUST 8, TO ALL ROADS WITHIN GENERAL THOMAS' COMMAND.

After consideration of this report of General Thomas, and of the reports forwarded by him concerning the expenditure necessary for operating other military railroads than those included in the executive order of August 8, and after conference between the Quartermaster General and the Secretary of War, the Quartermaster General, on October 14, 1865, submitted a form of bond, based upon those already given in cases of credit to eastern roads, and a draft of an order to General Thomas extending the benefits of the order of August 8 to all the roads within his command, and also authorizing him to direct the sale to any such railroads of rolling stock then within his command, not needed for the United States for actual use, upon the following conditions, if preferred to the order of August 8, and to the individual security thereunder required by General Thomas: The property to be distributed according to the actual needs of

the road, and none sold in excess of the requirements of a road; bonds of the form prepared by the Quartermaster General to be required, binding companies to payment of full appraised value of the property purchased in equal monthly instalments at the rate of 7 3-10 per cent. per annum, within two years, credit being given at the established rates allowed northern railroads, on the first of each month, for service rendered the United States during the preceding month; full reports of sales to be made to the War Department; the serviceable railroad iron at Chattanooga to be excepted and sold only for cash, at the price fixed by the War Department.

This report having been submitted to and approved by the President, a corresponding order to General Thomas was issued by the Secretary of War; and under these two orders the roads within General Thomas' command were turned over to the companies.

IV.—EXTENSION OF THE PRIVILEGE OF EXECUTIVE ORDERS TO OTHER COMMANDS.

Upon the recommendation of the Quartermaster General, the privileges of executive orders were extended to the following roads, not within General Thomas' division: the Orange and Alexandria; Alexandria, Loudon, and Hampshire; Wilmington and Weldon; Atlantic and North Carolina; the New Orleans, Jackson, and Great Northern, and the Memphis and Little Rock.

V.—EXTENSION OF TIME FOR PAYMENT OF INDEBTEDNESS.

The first extensions of time for the payment of indebtedness to the government were given by order of Major General Thomas on the 29th of March, 1866; when upon representations of the inability of the East Tennessee and Virginia, and the East Tennessee and Georgia railroad companies to commence regular monthly payments, and in consideration of the same inability, and a disposition to meet its liabilities to the government on the part of the Mississippi and Tennessee, he directed extension to be granted to these three companies. By direction of General Thomas extensions were also allowed: on April 5 to the McMinnville and Manchester railroad company, upon representation that such extension would be the best arrangement for payment that the company could make; on April 10 to the New Orleans and Ohio, upon the application of the company; on April 12 to the Nashville and Northwestern, upon the application of the company; on April 17 to the Nashville and Chattanooga, because the money which should have been applied to liquidation of indebtedness to the government had been paid out; on April 26 to the Mobile and Great Northern, and the Mississippi, Gainesville, and Tuscaloosa, on the application of the companies, and the recommendation of the quartermaster charged with the management of the affairs of military railroads and the collection of indebtedness; on May 7 to the Mississippi Central, and the Nashville and Decatur line, upon the solicitation and representations of the companies.

Extensions were granted by order of the Secretary of War: on May 11 to the Memphis, Clarksville, and Louisville railroad, upon the recommendation of Major General Thomas and the Quartermaster General, based upon the representation of the embarrassment of the stockholders, and the outlay required for repairs to the road; on July 20 to the Alabama and Tennessee river railroad, on the recommendation of Major General Thomas and the Quartermaster General, based on the inability of the company to pay, and the defeat of the purpose of the transfer which would result from attempt at enforcement of immediate payment; on August 3 to the Alabama and Florida, on the recommendation of Major General Thomas and the Quartermaster General; on August 28 to the Atlantic and Western, on the application of the Governor of Georgia, and to obtain further security by enactment of the Georgia legislature for the payment of the indebtedness; on November 21 to the Nashville and Decatur line, on the

recommendation of Major General Thomas, based upon the disposition of the company to act in good faith, the greater security for payment, the advantage to the government in having the road resume operation, and the disadvantage of selling the property at public sale; on December 5 to the Selma and Meridian, on the recommendation of Major General Thomas and the Quartermaster General; on December 6 to the Mobile and Ohio, on the recommendation of Major General Thomas and the Quartermaster General.

By direction of the President extensions were given: on April 22, 1866, to the Nashville and Chattanooga railroad company, upon representations made as to the need of the company for delay, until a settlement should be made with the government or the road be put in successful operation; on July 20 to the Edgefield and Kentucky, on the recommendation of the quartermaster in charge of military railroads in the division of the Tennessee, and of Major General Thomas.

To roads not within Major General Thomas' command extensions were granted by order of the Secretary of War, upon the recommendation of the Quartermaster General: to the Petersburg railroad company on January 10, 1866; to the Virginia Central railroad company on February 6; to the Orange and Alexandria on April 21; the Wilmington and Weldon, May 21; the Petersburg railroad, June 29; the Memphis and Little Rock on July 19, upon the urgent representation of General Reynolds and General Sherman, as well as the recommendation of the Quartermaster General; the Alexandria, Loudon, and Hampshire October 3, and to the Petersburg on January 9, 1867.

Applications for extension have been submitted, and pending their consideration proceedings against the companies suspended, in the cases of the East Tennessee and Georgia, East Tennessee and Virginia, and the Memphis and Charleston railroads, in each of which cases the department awaits a report from Major General Thomas.

The Nashville and Northwestern railroad remained as it had been at the beginning of the war, with only twenty-five miles completed—from Nashville to Kingston Springs—until October, 1863. On the 22d of that month the Secretary of War ordered that the construction of the road from Nashville to the Tennessee river, for military purposes, should be placed in charge of Governor Johnson; that supplies should be furnished by the quartermaster's and subsistence departments; that military protection should be afforded, and that on being completed, the road should be turned over to the general manager of military railways, as a military road, and be used like other railroads in the possession of the government. On the 17th of February, 1864, Colonel McCallum, general manager of military railroads, was assigned to the supervision of the construction of the road. In May, 1864, it was complete to the Tennessee river, an addition of 50¾ miles, at a total cost for material and labor of $1,469,733 20. The names of the officers charged with its construction are furnished by the accompanying copy of a report of the Quartermaster General. During the progress of its construction, on the 2d of April, the Secretary of War notified General Sherman (who complained, with special reference to another road, viz., the one between Nashville and Chattanooga, of the interference of private freights with the transportation of army supplies,) that under the provisions of an act of Congress he was authorized by the President to take military possession of railroads within his command, to the exclusion of all other business, when in his opinion the necessities of the service required such exclusive use. Not until August 5, however, did General Sherman report that the time had come for exclusive military use of the Nashville and Northwestern railroad, of which, as the General stated, Governor Johnson retained the management, for some reason, under former orders from the Secretary of War. Upon receipt of this report, General Sherman and Governor Johnson were both informed by the Secretary that exclusive military possession of the road would be authorized by the President,

under the provisions of the act of Congress; and an order (which, however, did not cite or advert to an act of Congress,) was issued, directing exclusive military possession and control until further orders, and the revocation of all conflicting orders.

In the meanwhile, in June, 1864, by letter and subsequently in person, Mr. Burns applied, in behalf of the stockholders, for possession of both the Nashville and Chattanooga and the Nashville and Northwestern railroads, and a settlement of accounts; and, on August 15, the War Department notified him of the unfavorable consideration of his request. In June, 1865, after the close of the war, Mr. Burns applied to General Donaldson, chief quartermaster of the division of the Tennessee, for possession of the road, and rolling stock to operate it, to be held subject to military use, and to be paid for at a valuation upon final settlement with the government. In forwarding this, General Donaldson said that Major General Thomas desired that the road should be transferred. The Quartermaster General submitted the case to the Secretary of War, recommending refusal of Mr. Burns' proposition—stating that final settlement could be made only in the manner prescribed by act of Congress, and setting forth again the plan previously presented by him, upon which all military railroads should as speedily as possible be relinquished, and which contemplated the surrender of the permanent way of roads to boards of public works or companies, the lease at the regular rates of rolling stock, &c., and, when the latter should be finally disposed of, the sale of the same at public auction to the highest bidder. The views of the Quartermaster General were approved by the Secretary, and notification duly sent to the chief quartermaster at Nashville. The same views were, later in the month, again approved by the Secretary, when an estimate of the cost of operating the roads was submitted, and directions for the transfer of all roads in Tennessee, upon the Quartermaster General's plan were given. On August 8, 1865, an executive order was issued to General Thomas, prescribing regulations upon which the roads should be surrendered, and rolling stock sold upon a credit to be given upon individual security. And under this plan the Nashville and Northwestern railroad was, on September 1, 1865, turned over to the company. But in making the transfers and requiring bonds, General Thomas found difficulty in obtaining individual security, and he so reported, and submitted a draft of a bond suggested by this difficulty. Upon consultation between the Secretary of War and the Quartermaster General, the latter, on October 14, submitted another order to General Thomas, and a form of bond, based upon that already required in cases of credit sale in the East, of which the companies who preferred them to the plan of August 8, were to be allowed to avail themselves. Having received the approval of the President, this second order was sent to General Thomas. On the 30th of November, 1865, the Nashville and Northwestern railroad company executed a bond for $529,201 45, the value of the rolling stock sold to it by General Thomas, under his authority. In April, 1866,—having meanwhile made further purchases of over $5,000, but having made no payment of monthly instalments under the bond, the sum then due being, with accrued interest, $109,239,—the company was called upon for payment. But not being able to pay, an extension was asked for and was given by General Thomas, under which, payment of instalments was to commence on the expiration of one year from the date of the company's bond, which was dated November 30, 1865, and was to continue thereafter monthly, in accordance with the bond; the interest accruing monthly was to be paid on the last day of each month, if possible; and transportation accounts were to be applied to the indebtedness of the company. A bond for the additional purchases (above adverted to) made in April, 1866, and aggregating to $5,079 55, was sent in April to the superintendent for execution. But, alleging various pretexts, and evincing no disposition to meet the obligations of the company, the officers of the road failed to

execute the bond. Major Hamill then, in order to force the giving of the bond threatened to take possession of the road. At the instance of Senator Fowler, who submitted a telegram from Mr. Burns, representing that the seizure of the road at that time would be "a dead loss to the State [of Tennessee] and to the United States," the Secretary of War, on the 19th of January, 1867, directed Major Hamill to suspend action against the company, and to report the state of its account and the reasons for taking possession. On the 20th of the same month Major Hamill reported the reasons above stated, together with the fact that his course had had the desired effect, inasmuch as the officers of the road intimated their willingness to execute a bond and forward it the next day, the 21st of January. Major Hamill also reported the arrears of instalments and interest due and unpaid as $329,888 29; the total indebtedness, $539,185 16; the credits given for transportation services (no cash payments having been made by the company) $26,704 74.

QUARTERMASTER GENERAL'S OFFICE,
Washington, D. C., May 19, 1865.

SIR: I have the honor to enclose certain papers relative to the Orange and Alexandria railroad.

The Governor of Virginia, Hon. F. H. Pierpoint, asks that the road be placed in the possession of certain gentlemen appointed by the board of public works to receive it. His letter is addressed to the Secretary of War.

Mr. John C. Barbour, president of the Orange and Alexandria railroad for many years, encloses to Major General Augur, commanding the Department of Washington, an order from General Ord, placing him in charge of that part of the railroad in the Deparment of Virginia not in use by the military authorities. He asks authority to take possession of the property of the company in the city of Alexandria. He states that he has complied with the regulations, i. e. taken the amnesty oath, and that he has held no military office under the rebel government while governing the road during the last four years of rebellion. He claims to represent the stockholders. I have been advised that there are stockholders—loyal men of the North—whose property was seized four years ago, and who have not been allowed any voice in the control of the affairs of the road, or in the election of the president or directors. I doubt whether taking the amnesty oath reëstablishes any person elected by disloyal votes as the legal or equitable president of a railroad from which all loyal men have been excluded during the past four years.

The State of Virginia has a board of public works, charged with the general supervision of railroads and other public works of the State. I am advised that the State holds an interest of three-fifths in all the railroads and canals and turnpikes. Mr. John C. Barbour, however, informs me that the Orange and Alexandria railroad is an exception to this rule; that it is the property almost entirely, if not entirely, of private parties. Others deny this.

The question of the disposition of the railroads in the States lately in rebellion is a large one; and, after reflection, I have the honor to advise that the following principles be established to govern the quartermaster's department, and of the military authorities in disposing of all of them:

1st. The United States will, as soon as it can dispense with the military occupation and control of any road of which the quartermaster's department is now in charge, turn it over to the parties asking to receive it who may appear to have the best claim, and be able to operate it in such manner as to secure the speedy movement of all military stores and troops; the Quartermaster General, upon the advice of the military commander of the department, to determine when this can be done, subject to the approval of the Secretary of War.

2d. No charge to be made against the railroad for expense of material or expense of operation.

3d. All materials for permanent way used in the repair and construction of the road, and all damaged material of this class which may be left along its route, having been thrown there during the operations of destruction or repair, to be considered as part of the road and given up with it.

4th. No payment or credit to be given to the railroad for its occupation or use by the United States during the continuance of the military necessity which compelled the United States to take possession of it by capture from the public enemy. The recovery of the road from the public enemy, and its return to loyal owners, and the vast expenditure of defence and repair are a full equivalent and more than an equivalent for its use.

5th. All moveable property, including rolling stock of all kinds, the property of the United States, to be sold at auction, after full public notice, to the highest bidder.

6th. All rolling stock and material, the property before the war of railroads and captured by the forces of the United States, to be placed at the disposal of the roads which originally owned it, and to be given up to these roads as soon as it can be spared and they appear by proper agents authorized to receive it.

7th. When a State has a board of public works, able and willing to take charge of its railroads, the railroads in the possession of the quartermaster's department to be given up to this board of public works, leaving it to the State authorities and to the judicial tribunals to regulate all questions of property between said boards, agents, or stockholders.

8th. Roads not being operated by the United States quartermaster's department not to be interfered with unless under military necessity. Such roads to be left in possession of such persons as may now have possession, subject only to the removal of every agent, director, president, superintendent, or operative who has not taken the oath of allegiance to the United States, which rule should be rigidly enforced.

9th. When the superintendents in actual possession decline to take such oath, some competent person to be appointed as receiver of the railroad, who shall administer the affairs of the road and account for its receipts to the board of directors who may be formally recognized as the legal and loyal board of managers. This receiver to be appointed, as in the case of other abandoned property, by the Treasury Department.

10th. I recommend that the Governor of Virginia be informed that the War Department will interpose no obstacles to the board of public works of the State taking possession of all the railroads in the State not in use and occupation of the military forces of the United States by the quartermaster's department, and that as soon as the military occupation of any of the roads can be safely dispensed with, the road will be transferred to the charge of the board of public works.

In some of the States the State is a large bondholder on the roads, and though there may be in such States no board of public works, it is probable that the State authorities will be willing to receive and take charge of the roads; if not, a receiver should be appointed by the Treasury Department, upon application of the War Department, to take charge of them as abandoned property.

I have the honor to be, very respectfully,

M. C. MEIGS,
Brevet Major General, Quartermaster General.

Hon. E. M. STANTON, *Secretary of War.*

[Telegram.]

NASHVILLE, TENNESSEE, *May* 22, 1865.

Hon. EDWIN M. STANTON, *Secretary of War:*

The president and directors of the East Tennessee and Virginia Railroad Company have asked that the railroad and all the rolling stock, &c., belonging to the company, now under the control of the United States, be restored to them. Am I authorized to restore their property and road?

GEO. H. THOMAS, *Major General.*

WAR DEPARTMENT, *June* 22, 1865.

Philip Quigley and Andrew Jamison, agents of the board of public works of Virginia, request to be allowed to run the Orange and Alexandria railroad.

Referred to Brigadier General McCallum, with directions to turn over the Orange and Alexandria railroad to these parties, to be repaired and run as they propose, on his being satisfied that they have authority from the board of public works of Virginia.

General McCallum is also authorized to lease to the road any locomotives and cars that may be spared without inconvenience to the public service, and transportation required by the government upon the road, to be performed by the parties now put in charge of it at regular rates.

By order of the Secretary of War:

C. A. DANA,
Assistant Secretary of War.

OFFICE OF THE RICHMOND, FREDERICKSBURG, AND POTOMAC RAILROAD COMPANY, *Richmond, Va., Jan.* 9, 1865.

SIR: I am informed that the railroad bureau of the War Department has on hand at Alexandria, City Point, and perhaps other places within this military division, a large quantity of railroad materials, such as rails, cross-ties, bridge timbers, &c. All these articles are now

much needed by this company for the speedy restoration and reopening of this the shortest route between Washington and Richmond and the Atlantic States; and as there is much difficulty in procuring them elsewhere so early as they could be obtained from the government, by whom, since the termination of the war, they will be no longer needed, but must be sold probably at a loss, I would respectfully propose to purchase of the government what this company needs of these materials, at such prices as the residue shall bring at auction, or as may be agreed on by competent and impartial valuers, to be paid for either in mail or other transportation for the government, or in such other mode as may be in accordance with law and the regulations of the department, and may consist with the *present* crippled condition of this company.

The details of any such arrangement may be communicated to the superintendent of this company, who will present this, Mr. S. Ruth.

Very respectfully, your obedient servant,

P. V. DANIEL,
For President . Co.

Hon. EDWIN M. STANTON,
Secretary of War.

[Endorsements on foregoing application.]

Referred for report to General McCallum.

E. M. STANTON,
Secretary of War.

WASHINGTON, *June* 13, 1865.

SIR: I would recommend that the United States military railroad quartermaster in charge of property be directed to sell to the Fredericksburg and Potomac Railroad Company the materials required to repair that road, and at such rates as will protect the government against loss.

Respectfully, your obedient servant,

D. C. McCALLUM,
Brevet Brigadier General.

Hon. EDWIN M. STANTON,
Secretary of War.

JUNE, 28, 1865.

Referred to the Quartermaster General, with authority to make sale of such of the railroad materials, within mentioned, as are not needed by the government, upon such terms as may be just and reasonable, bearing in view the advantage to the public service of speedy restoration of railroad communication.

EDWIN M. STANTON,
Secretary of War.

QUARTERMASTER GENERAL'S OFFICE,
Washington, D. C., June 29, 1865.

SIR: In the case of the application of the Richmond, Fredericksburg, and Potomac railroad, (the railroad between Richmond and Aquia Creek,) referred to the Quartermaster General, with authority to make sale of such railroad material, the property of the quartermaster's department, as is not needed by the United States government, and is needed for the repair and reconstruction of said railroad, upon such terms as may be just and reasonable, bearing in mind the advantage to the public service of speedy restoration of railroad communication, I have the honor to recommend that there be delivered to the Richmond, Fredericksburg, and Potomac Railroad Company, from the stores in possession of the quartermaster's department at City Point and Alexandria, the iron chairs, spikes, cross-ties, and bridge timber necessary to relay such railroad, the prices of the iron chairs and spikes to be the same as they now bring in New York, viz: For iron, per ton, $80; chairs, per pound, 6 cents; spikes, per pound, 6 cents; cross-ties, each, 50 cents; bridge timber, per M feet, B. M., $37 50. The company to give their obligations to pay for the material sold them within six months, being allowed a credit upon the same for all service of transporting troops and military supplies under the orders of the military authorities, at the rates allowed for such service to northern railroads.

I am, very respectfully, your obedient servant,

M. C. MEIGS,
Brevet Major General, Quartermaster General.

Hon. EDWIN M. STANTON,
Secretary of War.

A true copy:

F. J. CRILLY,
Brevet Colonel U. S. A.

[Endorsement on foregoing report.]

WAR DEPARTMENT, *June* 29, 1865.

This measure is approved. The obligation of the company to be given in form satisfactory to the War Department, and with the condition that the War Department shall, if it is not paid punctually on maturity, be authorized to place an agent in charge of the railroad, who shall collect its revenues and apply them to the payment to the United States of the sums which may be due for the materials delivered to the railroad under this arrangement.

EDWIN M. STANTON, *Secretary of War.*

WAR DEPARTMENT, *July* 7, 1865.

The Quartermaster General recommends that the Alexandria, Loudon, and Hampshire Railroad be turned over to the board of public works of Virginia as soon as they can take charge of it.

The recommendation of the Quartermaster General is approved, and the Alexandria, Loudon, and Hampshire Railroad will be turned over to the board of public works of the State of Virginia.

No claims upon this road, nor any rights of property which the United States have acquired therein during the course of the war, will be compromised, nor will any questions respecting the same be considered as affected by thus turning over the road.

By order of the Secretary of War:

C. A. DANA, *Assistant Secretary of War.*

NASHVILLE, TENN., *June* 27, 1865.

GENERAL: I have the honor to submit to your consideration the following proposition on behalf of the Nashville and Northwestern Railroad Company, of which I am the president. In pursuance of an interview with his Excellency the President of the United States, and the commanding general, General G. H. Thomas, who told me the government was willing to turn over to the Nashville and Northwestern Railroad Company their road, with all the appurtenances belonging thereto, such as water tanks, depot stations, and wharf property at Johnsonville, with wood, and steam saws, and tools necessary for keeping the road in repair, together with rolling stock, such as engines and cars, as are necessary to operate the road with; such property to be receipted for by the company, and held subject to the order of the military authority, and to be taken at a valuation when a general settlement is made with the government. The company pledging themselves to use all diligence and care to protect and keep such property in good order, and the company pledge themselves to do everything in their power to faithfully carry out the wishes of the military authority in all things connected with the road.

I would respectfully state, on behalf of the company, that I think the following amount of stock will be needed to successfully operate the road and keep it in good running order, say: Six (6) first class locomotives, and two (2) second class, in all eight; four (4) first class passenger cars, one hundred (100) box and freight cars, fifty (50) flat cars, four (4) baggage cars, eleven (11) hand cars, truck and frames for freight cars, fifteen (15) sets of trucks for passenger cars, three sets complete.

And would further respectfully request the use of the machine shops at the Chattanooga road, to repair our rolling stock and keep it in order, or the use of tools to carry out the repairs. All of which is respectfully submitted to your just consideration.

I have the honor to remain, General, your obedient servant,

M. BURNS,
President Nashville and Northwestern Railroad Company.

Brigadier General J. L. DONALDSON,
Chief Quartermaster, Department of the Cumberland.

HEADQUARTERS MILITARY DIVISION OF THE TENNESSEE,
CHIEF QUARTERMASTER'S OFFICE,
Nashville, Tenn., June 29, 1865.

GENERAL: The President of the Nashville and Northwestern railroad, Mr. M. Burns, has applied to have turned over to the company, at a valuation, the road, rolling stock, material, wood, water tanks, &c., as you will see by the enclosed letter. Major General Thomas has directed me to refer the matter to you, with the remark that he desires the road, &c., transferred, as it is no longer needed for military purposes.

The same remark is applicable to the Edgefield and Kentucky road, from Nashville to Clarksville, and it also might be transferred to its owners.

With respect, your obedient servant,

J. L. DONALDSON,
Brevet Brigadier General U. S. Army,
Chief Quartermaster Military Division of the Tennessee.

Brevet Brigadier General M. C. MEIGS,
Quartermaster General U. S. Army, Washington, D. C.

QUARTERMASTER GENERAL'S OFFICE,
Washington, D. C., July 7, 1865.

SIR: I have the honor to submit copies of a report from Brevet Brigadier General J. L. Donaldson, chief quartermaster military division of the Tennessee, with communication from M. Burns, esq., president of the Nashville and Northwestern railroad, asking that that railroad, with all appurtenances thereto, such as water tanks, depot stations, and wharf property at Johnsonville, with wood, and steam saws, and tools necessary for keeping the road in repair, be turned over to the company. He also asks that rolling stock, such as engines and cars sufficient to operate the road successfully, say, eight locomotives, four first class passenger cars, one hundred box and freight cars, fifty flat cars, four baggage cars, eleven hand cars, truck and frames for freight cars, fifteen sets of trucks for passenger cars, three sets complete, be placed in the possession of this road; the property to be receipted for by the company, and held subject to the order of the military authority, and to be taken at a valuation when a general settlement is made with the government: the company pledging themselves to use all diligence and care to protect and keep such property in good order.

I cannot recommend that this proposition be acceded to. I am of the opinion that this and most other railroads should be resigned to their owners at the earliest possible day. For the conditions upon which they shall be delivered up, I respectfully refer to my report of 19th May, 1865, of which, for ready reference, a copy is enclosed.

I cannot recommend that any rolling stock or machinery, the property of the United States, be placed in the hands of this or any other railroad company, except upon the terms of sale at auction to the highest bidder, after due public notice. Should the road be destitute of rolling stock, a portion might be hired to it at the rates heretofore adopted in cases of hire of rolling stock between the United States and other railroads; the stock to be returned whenever called for by the United States, which should effect the sale at auction of all this property as soon as practicable

Mr. Burns asks that the company take the machinery and rolling stock at a valuation to be allowed in final settlement between the United States and this railroad.

This department is not competent to make any such final settlement, and should insist upon prompt payments for what it hires or sells to the company. The law of January 31, 1862, prescribes a special mode of ascertaining the damages or compensation to be allowed to any railroad taken possession of by the United States. It requires the appointment of three commissioners for the purpose, to be appointed by the President, by and with the advice and consent of the Senate, whose award shall not be paid by the Executive department, but shall be submitted to Congress for its action before payment.

I am, sir, very respectfully, your obedient servant,

M. C. MEIGS,
Brevet Major General, Quartermaster General.

Hon. E. M. STANTON, *Secretary of War.*

QUARTERMASTER GENERAL'S OFFICE,
Washington, D. C., May 19, 1865.

* * * * * *

The question of the disposition of the railroads in the States lately in rebellion is a large one, and after reflection I have the honor to advise that the following principles be established to govern the action of the quartermaster's department, and of the military authorities in disposing of all of them:

1st. The United States will, as soon as it can dispense with the military occupation and control of any road of which the quartermaster's department is now in charge, turn it over to the parties asking to receive it who may appear to have the best claim, and be able to operate it in such a manner as to secure the speedy movement of all military stores and troops. The Quartermaster General upon the advice of the military commander of the department to determine when this can be done, subject to the approval of the Secretary of War.

2d. No charge to be made against the railroad for expense of material or expense of operation.

3d. All materials for permanent way used in the repairs and construction of the road, and all damaged materials of this class which may be left along its route, having been thrown there during the operation of destruction or repair, to be considered as parts of the road and given up with it.

4th. No payment or credit to be given to the railroad for its occupation or use by the United States, during the continuance of the military necessity which compelled the United States to take possession of it by capture from the public enemy. The recovery of the road from the public enemy and its return to loyal owners, with the vast expenditure of defence and repair, are a full equivalent for its use.

5th. All moveable property, including rolling stock of all kinds, the property of the United States, to be sold at auction, after full public notice, to the highest bidder.

6th. All rolling stock and material, the property before the war of railroads, and captured by the forces of the United States, to be placed at the disposal of the roads which originally owned it, and to be given up to these roads as soon as it can be spared, and they appear by proper agents authorized to receive it.

7th. When a State has a board of public works able and willing to take charge of a railroad, the railroads in possession of the quartermaster's department to be given up to the board of public works, leaving it to the State authorities and to the judicial tribunals to regulate all questions of property between railroads, agents or stockholders.

8th. Roads not being operated by the United States quartermaster's department not to be interfered with unless under military necessity. Such roads to be left in possession of such persons as may now have possession, subject only to the removal of every agent, director, president, superintendent, or operative who has not taken the oath of allegiance to the United States, which rule should be rigidly enforced.

9th. When the superintendents in actual possession decline to take such oath, some competent person to be appointed as receiver of the railroad, who shall administer the affairs of the road and account for its receipts to the board of directors who may be formally recognized as the legal and loyal board of managers. This receiver to be appointed, as in the case of other abandoned property, by the Treasury Department.

10th. I recommend that the Governor of the State of Virginia be informed that the War Department will interpose no obstacles to the board of public works of that State taking possession of all the railroads in the State not in use and occupation of the military forces of the United States by the quartermaster's department, and that as soon as the military occupation of any of the roads can be safely dispensed with, the road will be transferred to the charge of the board of public works.

In some of the States the State is a large bondholder in the road, and though there may be in such States no board of public works, it is probable that the State authorities will be willing to receive and take charge of the roads. If not, receivers should be appointed by the Treasury Department to take charge of them as abandoned property.

I have the honor to be, very respectfully,

M. C. MEIGS,
Brevet Major General, Quartermaster General.

Hon. E. M. STANTON, *Secretary of War.*

A true extract:

ALEXANDER BLISS,
Lieutenant Colonel, Quartermaster's Department.

NOTE.—In the 10th proposition, 5th line, the word "safely" is omitted in this copy, before the words "dispensed with."

QUARTERMASTER GENERAL'S OFFICE,
Washington, July 20, 1865.

GENERAL: Your letter of June 29th, enclosing application of the president of the Nashville and Northwestern railroad to have the road turned over to the company, and stating that it was no longer required for military purposes, was duly received and referred to the War Department.

The Quartermaster General is of opinion that this and most other railroads should be relinquished to their owners at the earliest possible day on certain conditions; but that no rolling stock, the property of the United States should be placed in the hands of this or any other railroad company, except upon terms of sale at auction to the highest bidder, after due public notice, though in case of roads destitute of rolling stock, a portion might be hired to them at the rates heretofore adopted in such cases of hire between the United States and other railroads; the stock to be returned whenever called for by the United States, which should effect the sale at auction of such property as soon as practicable.

These views are concurred in by the Secretary of War, and directions have been given to the general manager of military railroads to transfer this road in accordance therewith.

By order of the quartermaster general:

Very respectfully, your obedient servant,
ALEXANDER BLISS,
Lieutenant Colonel, acting in charge Fourth Division.

Brevet Major General J. L. DONALDSON,
Chief Quartermaster, Military Division of the Tennessee, Nashville, Tennessee.

QUARTERMASTER GENERAL'S OFFICE,
Washington, D. C., July 17, 1865.

SIR: I submit herewith an estimate for funds required by the disbursing officer for railroads at Nashville, Tennessee.

The remittances to Nashville on account of railroads in the southwest, in 1865, are as follows, viz:

In March, on the November, 1864 estimate	$1,805,500 00
In March, on the December, 1864 estimate	1,000,000 00
On May 2, on the January, 1865 estimate	1,400,000 00
On May 2, on the February, 1865 estimate	1,400,000 00
On May 30, on the April, 1865 estimate	1,400,000 00

The estimate for March was held back by General McCallum, it being supposed that the sums required on the previous estimates, and on that for April, would be sufficient to pay off all his indebtedness to the 30th of June, owing to expected reductions in the establishment.

General McCallum reports (on the 3d instant) that one million of dollars will be sufficient on the estimate for March, to enable Captain Crilly to pay off his indebtedness.

It will be perceived from the foregoing statement that these railroads have been costing, during the present year, upwards of $1,300,000 monthly; and the expenditures are still going on.

These expenditures were necessary during the war, but it appears to me that the government should be relieved from this heavy expenditure by the restoration of the railroads to the companies: and I recommend that this be done as soon as it is possible to make arrangements for the transfer, on the basis of my report of 19th of May last.

The appropriation for transportation of the army is exhausted, and there is no money in the Treasury for army transportation against which requisitions can be drawn.

Very respectfully, your obedient servant,

M. C. MEIGS,
Brevet Major General, U. S. A., Quartermaster General.

Hon. E. M. STANTON,
Secretary of War.

MILITARY DIVISION OF THE MISSISSIPPI,
QUARTERMASTER'S OFFICE, U. S. MILITARY RAILROADS,
Nashville, Tenn., March —, 1865.

Estimate of funds required for the service of the Quartermaster's Department of the United States Military Railroads, Military Division of the Mississippi, at Nashville, for the month of March, 1865:

1. For fuel, probable amount:

15,000 cords of wood, at $3 50 per cord, purchased under contract along the line of the railroad, and delivered on the side track	$52,500 00	
5,000 bushels of coal, at 25 cents per bushel	12,500 00	
		$65,000 00

2. Material for building, probable amount:

Lumber for building and repairing machine and other shops, sheds, quarters, warehouses, depot buildings, and for supply of construction corps	70,000 00

3. Hire of employés, viz., probable amount:

1,200	bridge builders, at	$3 00	$108,000 00
600	machinists at	3 75	67,500 00
300	do. helpers, at	2 00	18,000 00
1,650	carpenters, at	3 00	99,000 00
500	car repairers, at	3 00	45,000 00
160	blacksmiths, at	3 50	16,800 00
150	do helpers at	2 00	9,600 00
90	masons, at	3 00	8,100 00
90	car greasers, at	2 00	5,400 00
90	moulders, at	3 00	8,100 00
170	watchmen, at	2 25	11,475 00
550	laborers, at	2 00	33,000 00
20	millwrights, at	4 00	2,400 00
40	boiler makers, at	4 00	4,800 00
50	pattern do. at	4 00	6,000 00
320	engineers, at	4 50	43,700 00

350 firemen,	at 2 25	23,625 00	
250 wipers,	at 1 75	13,125 00	
160 conductors,	at 4 00	19,200 00	
450 brakemen,	at 2 00	27,000 00	
20 yard masters,	at 100 00 per month	2,000 00	
90 do hands,	at 85 00 do	7,650 00	
4,000 laborers,	at 1 50 per day	180,000 00	
Clerks and agents, R. R. dep't		16,000 00	
			765,975 00
4. Army transportation:			
Payment to Louisville and Nashville railroad for transportation of employés and stores		100,000 00	
5. For purchasing materials for repairs, probable amount		399,025 00	
6. Incidental expenses, probable amount		100,000 00	
			599,025 00
Total amount required in currency for the month of March, 1865			1,500,000 00
Amount due on estimates for October, November, and December, 1864, and January and February, 1865			5,452,250 00
			6,952,250 00

I certify that the foregoing estimate of funds for the military railroads, military division of the Mississippi, for the month of March, 1865, is correct, and the sum named will be required.

F. J. CRILLY,
Capt. and A. Q. M., U. S. A., Acting Chief Quartermaster,
U. S. Military Railroads, Military Division of the Mississippi.

Total amount due March 1, 1865		$6,952,250 00
Received March 15	$250,000 00	
Received March 26	100,000 00	
		1,250,000 00
Amount due April 1, 1865		5,702,250 00

OFFICE CHIEF QUARTERMASTER, DEPARTMENT OF CUMBERLAND,
Nashville, Tennessee, April 4, 1865.

I certify that I have examined the foregoing estimate of funds, and that the amount called for, $1,500,000, is not, in my opinion, more than is actually required for the proper running of the roads.

J. L. DONALDSON,
Brevet Brig. Gen. and Chief Quartermaster, Department of Cumberland.

Approved. Requisition for funds to be made in favor of Captain F. J. Crilly, assistant quartermaster.

D. C. McCALLUM,
Brevet Brig. Gen., &c., &c.
Per W. H. WHITON, *in charge.*

April 11, 1865.

Estimate for Captain F. J. Crilly, chief quartermaster of military railroads, Nashville, Tennessee, for $1,500,000 for March, not yet sent; $1,000,000 if sent will be sufficient.

D. C. McCALLUM.
Per WHITON.

July 3, 1865.

QUARTERMASTER GENERAL'S OFFICE,
Washington, July 27, 1865.

Respectfully referred to Brigadier General D. C. McCallum, general manager military railroads, together with a copy of the report of the Quartermaster General of May 19, 1865.

General McCallum will at once transfer all the railroads in the military division of the Mississippi, which are controlled at Nashville, in accordance with the recommendation of the Quartermaster General, as approved and directed by the Secretary of War.

General McCallum will please report what railroads will remain in the possession of the military authorities when this transfer shall have been accomplished.

By order of the Quartermaster General:

ALEXANDER BLISS,
Lieutenant Colonel, acting in charge Fourth Division.

A true copy:

ALEXANDER BLISS,
Brevet Colonel, Assistant Quartermaster, U. S. A.

QUARTERMASTER GENERAL'S OFFICE,
Washington, D. C., July 7, 1865.

SIR: I have the honor to submit a bond of the Richmond, Fredericksburg and Potomac railroad company to the United States, in the sum of fifty thousand ($50,000) dollars, to secure the payment within six months of the value of certain railroad materials, which they ask may be sold to them by the United States, for the purpose of reopening their road.

The sale was authorized by the Secretary of War on the 29th of June, 1865, conditioned that the company should give their obligation in a form to be approved by the War Department.

The bond is respectfully submitted for the consideration of the Secretary of War. If approved, the property will be delivered to the railroad company.

Respectfully, your obedient servant,

M. C. MEIGS,
Brevet Major General, Quartermaster General.

Hon. EDWIN M. STANTON,
Secretary of War, Washington, D. C.

A true copy:

F. J. CRILLY,
Brevet Colonel U. S. A.

Richmond, Fredericksburg and Potomac railroad company. Bond $50,000 to the United States.

Approved, if the penalty of the bond is double the value of the property turned over or to be turned over.

E. M. STANTON,
Secretary of War.

July 16, 1865.

A true copy:

F. J. CRILLY,
Brevet Colonel and Assistant Quartermaster U. S. A.

WAR DEPARTMENT, *July* 21, 1865.

The Quartermaster General reports on the application of the Southside railroad company for possession of their road, and recommends that the railroad between Burkeville and City Point be turned over to the company upon the terms specified in the Quartermaster General's report of May 19, provided that such portions of the track and side tracks near City Point needed for the storage and preservation of the rolling stock, engines and other property of the United States shall be reserved until the sale of the rolling stock can be effected. Provided, also, that the buildings, wharves and docks erected by the United States shall remain the property of the United States, and subject to sale at auction, as recommended June 27.

The recommendation of the Quartermaster General is approved.

By order of the Secretary of War.

THOMAS T. ECKERT,
Acting Assistant Secretary of War.

WAR DEPARTMENT, *July* 28, 1865.

The Quartermaster General recommends that the Washington, Alexandria and Georgetown railroad be turned over to the company upon the terms of his report of the 19th of May, the government reserving the right to pass free all persons in the employ of the United States military railroad to and from Alexandria to Washington until the government business is closed.

The recommendation of the Quartermaster General is approved.

By order of the Secretary of war:

THOMAS T. ECKERT,
Acting Assistant Secretary of War.

WAR DEPARTMENT,
Washington City, August 8, 1865.

GENERAL: It having been determined by the government to relinquish control over all railroads in the State of Tennessee, and their continuations in adjoining States, that have been in charge of and are now occupied by the United States military authorities, and no longer needed for military purposes, you are hereby authorized and directed to turn over the same to the respective owners thereof, at as early a date as practicable, causing, in all cases of transfer, as aforesaid, the following regulations to be observed and carried out:

1st. Each and every company will be required to reorganize and elect a board of directors, whose loyalty shall be established to your satisfaction.

2d. You will cause to be made out in triplicate, by such person or persons as you may indicate, a complete inventory of the rolling stock, tools and other materials and property on each road.

3d. Separate inventories will be in the same manner made of the rolling stock and other property originally belonging to each of said roads, and that furnished by and belonging to the government.

4th. Each company will be required to give bonds satisfactory to the government that they will in twelve months from the date of transfer, as aforesaid, or such other reasonable time as may be agreed upon, pay a fair valuation for the government property turned over to said companies—the same being first appraised by competent and disinterested parties, at a fair valuation; the United States reserving all government dues for conveying mails and other service performed by each company until such obligations are paid; and if, at the maturity of said debt, the amount of government dues retained, as aforesaid, does not liquidate the same, the balance is to be paid by the company in money.

5th. Tabular statements will be made of all expenditures by the government for repairing said road, with a full statement of receipts from private freight, passage, and other sources; also a full statement of all transportation performed on government account, giving the number of persons transported, and amount of freight, and the distance carried in each case; all of said reports or tabular statements to be made in triplicate, one each for the Secretary of War, the military headquarters of the department, and the railroad company.

6th. All railroads in Tennessee will be required to pay all arrearages of interest due on the bonds issued by that State, prior to the date of its pretended secession from the Union, to aid in the construction of said roads, before any dividends are declared or paid to the stockholders thereof.

7th. Buildings erected for government purposes on the line of railroads, and not valuable or useful for the business of said companies, should not form a legitimate charge against such companies, nor should they be charged for rebuilding houses, bridges, or other structures which were destroyed by the federal army.

8th. You are authorized to give any orders to quartermasters within your division which you may deem necessary to carry into execution this order.

By order of the President:

EDWIN M. STANTON, *Secretary of War.*

Major General GEORGE H. THOMAS,
Commanding Military Division of Tennessee, Nashville, Tennessee.

[Telegram.]

NASHVILLE, TENNESSEE, *August* 16, 1865.

Hon. EDWIN M. STANTON, *Secretary of War:*

I propose to convene a board of appraisers of government military railroad property ordered in your letter of instructions of the 8th instant, to consist of Brevet Major General B. Towers, United States volunteers; Colonel Yates, first Michigan engineers and mechanics; Colonel W. E. Merrill, first United States volunteer engineers; W. J. Stephens, general superintendent military railroads, &c.; and L. H. Eckaltz, chief engineer United States military railroads; and Brevet Major G. C. Kellogg, assistant adjutant general, recorder, if you approve the detail.

GEORGE H. THOMAS, *Major General.*

[Telegram.]

NASHVILLE, TENNESSEE, *August* 17, 1865.

Hon. EDWIN M. STANTON, *Secretary of War:*

Since my telegram of yesterday I have learned of the following gentlemen, perfectly competent and entirely disinterested in the military railroads, whom I propose to substitute for W. J. Stephens and L. H. Eckaltz, namely: Albert Fink, Louisville; Walter McQueen, superintendent Schenectady Locomotive Works; I. Farnsworth, Madison, Indiana. Am I authorized to invite them to act on the board of appraisal?

GEORGE H. THOMAS, *Major General.*

HEADQUARTERS MILITARY DIVISION OF THE TENNESSEE,
Nashville, Tennessee, September 1, 1865.

SIR: I have the honor to transmit a copy of agreement and bond, to be executed by the different railroad companies in this military district desiring to purchase rolling stock, &c., from the United States, under your letter of instructions of August 8. The bond is intended to make the directors jointly and individually liable with the company.

After due consideration, I believe this to be the only kind of bond which will secure the payment of the amount due at the specified time, for the reason that all the companies are mortgaged now, and it would be impossible for them to execute any bond as a company in favor of the United States that would have precedence over those already given. The president and directors are strongly opposed to giving their personal bonds, but propose that the title to the property remain with the United States until payment is made, and to execute a deed of trust to that effect. A large amount of the property turned over to them will be soon expended, and even the rolling stock is liable to accidents common to railroads, and might at any time be entirely destroyed by fire or collision. I respectfully request that I may receive instructions as to what form of bond will be considered satisfactory to the government.

I am, sir, very respectfully, your obedient servant,

GEORGE H. THOMAS,
Major General United States Army, Commanding.

Hon. E. M. STANTON,
Secretary of War, Washington, D. C.

Form of agreement and bond submitted September 1, 1865, *for approval of Hon. Edwin M. Stanton, Secretary of War.*

Articles of agreement entered into this ——— day of ———, eighteen hundred and sixty-five, between ——— ———, an officer in the service of the United States of America, on the first part, for and on the part of the United States, and by the direction of the President of the said United States, through the honorable Edwin M. Stanton, Secretary of War, in a letter of instructions to Major General G. H. Thomas, United States army, dated Washington, D. C., the eighth day of August, eighteen hundred and sixty-five, and which is as follows, viz:

"WAR DEPARTMENT,
"*Washington City, August* 8, 1865.

"GENERAL: It having been determined by the government to relinquish control over all railroads in the State of Tennessee, and continuations in adjoining States, that have been in charge of, and are now occupied by, the United States military authorities, and no longer needed for military purposes, you are hereby authorized and directed to turn over the same to the respective owners thereof, at as early a day as practicable, causing in all cases of transfer as aforesaid the following regulations to be observed and carried out:

"1. Each and every company will be required to reorganize and elect a board of directors, whose loyalty shall be established to your satisfaction.

"2. You will cause to be made out, in triplicate, by such person or persons as you may indicate, a complete inventory of the rolling stock, tools, and other materials and property on each road.

"3. Separate inventories will be in the same manner made of the rolling stock and other property originally belonging to each of said roads and that furnished by and belonging to the government.

"4. Each company will be required to give bonds satisfactory to the government that they will, in twelve months from the date of transfer as aforesaid, or such other reasonable time as may be agreed upon, pay a fair valuation for the government property turned over to said companies, the same being first appraised by competent and disinterested parties, at a fair valuation, the United States reserving all government dues for carrying mails, and other service performed by each company, until said obligations are paid; and if, at the maturity of said debt, the amount of government dues retained as aforesaid does not liquidate the same, the balance is to be paid by the company in money.

"5. Tabular statements will be made of all expenditures by the government for repairing each road, with a full statement of receipts from private freights, passage, and other sources; also a full statement of all transportation performed on government account, giving the number of persons transported, and amount of freight, and the distance carried in each case, all of said reports or tabular statements to be made in triplicate, one each for the Secretary of War, the military headquarters of the department, and the railroad company.

"6. All railroads in Tennessee will be required to pay all arrearages of interest due on the bonds issued by that State prior to the date of its pretended secession from the Union, to aid in the construction of said roads, before any dividends are declared or paid to stockholders thereof.

"7. Buildings erected for government purposes on the line of railroads, and not valuable or

useful for the business of said companies, should not form a legitimate charge against such companies, nor shall they be charged for rebuilding houses, bridges, or other structures, which were destroyed by the federal army.

"8. You are authorized to give any orders to quartermasters within your division which you may deem necessary to carry into execution this order.

"By order of the President:

"EDWIN M. STANTON,
"*Secretary of War.*

"Major General GEORGE H. THOMAS,
"*Commanding Military Division of the Tennessee, Nashville, Tenn.*"

And the ——— railroad company, of the State of Tennessee, by ———, of the county of ———, State of ———, president; and ———, of the county of ———, State of ———, ———, of the county of ———, State of ———, ———, of the county of ——— , State of ———, ———, of the county of ———, State of ———, ———, of the county of ———, State of ———, ———, of the county of ———, State of ———, ———, of the county of ———, State of ———, ———, of the county of ———, State of ———, and ———, of the county of ———, State of ———, directors of said company, on the second part.

This agreement witnesseth, that the said ———, for and in behalf of the United States of America, and the said ——— railroad company, and the said ———, president, and ———, directors of said company, for said company, for themselves, their heirs, executors, and administrators, have mutually agreed, and by these presents do mutually covenant and agree to and with each other as follows, viz:

First. In accordance with the instructions of the President of the United States, as above written, the party of the first part agrees to sell and deliver to the party of the second part, such rolling stock, machinery, and tools, as they may require to operate the said ——— railroad, the value of which will be determined by a board of appraisement convened by general orders No. 20, headquarters military division of the Tennessee, dated Nashville, Tennessee, August twenty-first, eighteen hundred and sixty-five, (official copy being hereunto appended.)

Second. The report of the board of appraisement, convened as above mentioned, when properly approved by the Major General commanding the military division of the Tennessee, and fixing the value and amount of the articles sold to the said ——— railroad company, ———, president, and ———, directors, will be appended to this agreement, and constitute and be considered as a part of said agreement, and the total money value of said rolling stock, machinery, and tools, as so appraised, will be inserted in a bond which we, the said ——— railroad company, and ———, president, and ———, directors, agree to execute for the faithful performance of this agreement.

Third. Payment shall be made by the said ——— railroad company, and ———, president, and ———, directors, for the value of the said rolling stock, machinery, and tools, sold to them as above stated, at the value as appraised and as hereunto appended, on the ——— day of ———, eighteen hundred and sixty ——, in lawful money of the United States of America, after deducting therefrom the amount due said company by the United States for transportation.

Fourth. No member of Congress, officer, or agent of the government, or any person employed in the public service, shall be admitted to any share herein, or to any benefit which may accrue therefrom.

In witness whereof, the undersigned have hereunto placed their hands and seals, the day and date first above written.

———— ————.
———— ————.

Witnesses:

———— ————.
———— ————.

———

[Telegram.]

NASHVILLE, TENN., *September* 13, 1865.

Hon. EDWIN M. STANTON,
Secretary of War:

Having given all necessary orders for the transfer of military railroads in this military division to their respective companies, I will avail myself of Lieutenant General Grant's permission to go to New York for a few weeks. My address will be West Point, New York.

GEO. H. THOMAS,
Major General

QUARTERMASTER GENERAL'S OFFICE,
Washington, D. C., October 14, 1865.

SIR: I have the honor to enclose a form of bond and a draft of an order to Major General Thomas, commanding the military division of the Tennessee, in which I have endeavored to embody the conclusions reached in conference this morning.

I am, very respectfully, your obedient servant,

M. C. MEIGS,
Brevet Major General, Quartermaster General.

Hon. EDWIN M. STANTON, *Secretary of War.*

WAR DEPARTMENT, WASHINGTON, D. C., *October* 14, 1865.

GENERAL: The provisions and benefits of the Executive order of 8th of August are hereby extended to all railroads within the limits of your command desiring to purchase railroad rolling stock and material from the United States for the purpose of repairing the losses of the war.

You are also authorized to direct the sale to any such railroads of rolling stock now within the limits of your command, and not needed by the United States for actual use, upon the following conditions, if they are preferred to the terms of the order of 8th August, and the individual security required by you under that order.

You will take care that this property is distributed among the several roads in proportion to their actual needs, and that none is sold to any railroad in excess of the reasonable requirements of its business, or to be used for purposes of speculation, sale, or hire to other roads.

You will require from all such railroad companies satisfactory bonds, in the form herein enclosed, binding them to the payment to the United States of the full appraised value of the property sold to them, in equal monthly instalments, with interest at the rate of seven and three-tenths per cent. per annum, within two years, credit being allowed to them on the first of each month for any service of military transportation rendered by them during the preceding month, at the established rates now allowed to northern railroads for such service.

Full reports of all sales under this order will be made to the War Department from time to time, as required by existing orders.

The serviceable railroad iron in possession of the quartermaster's department at Chattanooga and Nashville is excepted. It will be sold only for cash, at the prices fixed by the War Department.

By order of the President:

EDWIN M. STANTON, *Secretary of War.*

Major General GEO. H. THOMAS,
Commanding Military Division of the Tennessee, Nashville, Tenn.

Bond.

Know all men by these presents that the ——— railroad company, duly incorporated by the act of the ———, of the State of ———, by ———, its president, acting for and in behalf of said railroad company, do hereby acknowledge itself and its successors held and firmly bound unto the United States of America in the full and just sum of ——— dollars, lawful money of the United States, for which payment, well and truly to be made to the disbursing quartermaster of the United States military railroads, at his office in Nashville, or to such other disbursing quartermaster as may be designated by the War Department, within two years from the date of these presents, the said railroad company, by its president, hereby binds itself and its successors firmly by these presents.

Sealed with its corporate seal, attested by the signature of its president, and affixed by the express authority of its directors, this ——— day of ———, in the year of our Lord, one thousand eight hundred and sixty ——— (186 .)

The nature of the above obligation is such that

Whereas, the above bounden railroad company has purchased and received, or shall receive, from the War Department of the United States, rolling stock, iron rails, cross ties, chairs, spikes, timber, and other materials for repairing and operating its railroad, in quantities, at prices, and to an amount and value which shall be evidenced by the receipts given for the same by the said railroad company to the proper officer of the said War Department, upon a credit of two years from the date of these presents, payable in equal monthly instalments, with interest at the rate of seven and three-tenths per cent. per annum, within the said two years, either in cash to the disbursing quartermaster of the United States military railroads, at his office in Nashville, or to such other disbursing quartermaster as may be designated for this purpose by the War Department, or in transportation of the troops or military supplies of the United States, under the orders of the proper military authorities, at the rates of fare and tolls allowed for such service to northern railroads; and

Whereas, the said railroad company desires, and by these presents intends, to secure to the United States the complete and punctual payment, as aforesaid, of the amounts which may be due for the said materials received, or to be received, by it from the United States:

Now, therefore, if the said railroad company shall well and truly pay as aforesaid, either in cash, in equal monthly instalments, or in transportation as aforesaid, to the United States, within two years from the date of these presents, all that shall be due as aforesaid to the United States on account and in payment for all the materials received as aforesaid from the United States, then this obligation shall be void and of no effect.

But if the said railroad company shall fail to pay to the United States all or any portion of what may be due to the United States on account of the said materials received from the United States, within two years from the date of these presents, either in cash as aforesaid, or in transportation as aforesaid, or shall fail to pay any of the monthly instalments aforesaid, punctually when due, then this obligation shall remain in full force and effect to the extent that may be necessary to fully repay to the United States for the full amount which may be due on account of the said materials so received as aforesaid; and all loss or damage which may have been incurred by the United States by reason of the said railroad company's failure to pay for the same, what shall be due therefor, when the same shall be due; and

As a further security for such payment and indemnity to the United States, the United States shall have a lien upon the property sold to said company, and in default of such complete and punctual payment of all moneys which may be due on account of the aforesaid purchase of materials be fully authorized to take possession of and sell said property, and also to place in charge and control of the said company's railroad an agent of the said United States, who shall be fully empowered, and by these presents is fully empowered, in case of such default as aforesaid, to collect all the revenues of the said company and apply the same to the payment to the United States of all the moneys which shall be due at the times of such application of such revenues to the United States for any such materials which shall have been delivered by the United States to the said railroad company, or by reason of any loss or injury to the United States resulting from such default in payment of the same. And the said company shall have no authority to sell or convey out of its possession, without the consent of the United States first in writing obtained, of any of the property referred to in this agreement, but shall hold and retain the same to the exclusive use of said company in carrying on the business of transportation of persons and property over its line of road until the whole is fully paid as aforesaid.

In witness whereof the corporate seal of said railroad company is affixed hereto, by authority of its directors, and attested by its president.

_____ _____

Witness:

_____ _____

[Telegram.]

NASHVILLE, TENNESSEE, *November* 1, 1865.

Hon. EDWIN M. STANTON, *Secretary of War:*

Paragraph 21, special order 571, War Department, October 27, relieves Brevet Major William E. Merrill, captain United States engineers, from duty in military division of Tennessee. He is on duty as a member of the board of appraisers for United States railroad property, which will close its business about the 15th instant. I respectfully request that he be permitted to remain till the board completes its work, as he cannot now be spared without detriment to the interest of the government.

GEO. H. THOMAS,
Major General.

[Telegram.]

WASHINGTON, D. C., *November* 10, 1865.

Major General GEO. H. THOMAS, *Nashville, Tennessee:*

Your appointment of the railroad board, and the changes or substitution of names proposed by you, is approved. The department confides in your sound discretion in the execution of the order relating to railroads, &c.

EDWIN M. STANTON,
Secretary of War.

QUARTERMASTER GENERAL'S OFFICE,
Washington, D. C., February 21, 1867.

SIR: I have the honor to forward herewith a report of Brevet Colonel F. J. Crilly, assistant quartermaster, by whom the Nashville and Northwestern railroad was turned over to

the company by direction of Major General George H. Thomas, in pursuance of executive order of August 8, 1865, inviting attention to the relations of this road to the government

This road, when turned over, was seventy-eight (78) miles long. When taken possession of by the United States, but twenty-five (25) miles of it were completed. The remaining fifty-three (53) miles were constructed almost wholly by the United States government after it took possession.

This road therefore stands upon a different footing from other railroads which have been returned to the respective companies, having been originally constructed for fifty-three miles of its length of seventy-eight miles, by the government, at its cost.

The cost of this original construction, as distinct from what was expended in reconstruction and maintenance, is estimated to have been $1,469,733 20. Of this sum the United States has received, and has as yet demanded, no reimbursement.

In turning over this road to the company the government has therefore, to this extent, transferred to the company property of the government. In the desire to relieve the government from the expense and difficulty of operating railroads after the cessation of hostilities, it was recommended by the commanding general of the military division of the Tennessee, in June, 1865, that this road should be turned over to the company as were other railroads, for the same reasons, but it has been, I think, through an inadvertence that this transfer has been hitherto placed upon the same footing as that of other railroads.

In addition to the above indebtedness of $1,469,733 20 for original construction, this road owes the government for railroad material purchased the sum of $552,422 09. The latter indebtedness is an ascertained and acknowledged debt, and the government holds the bond of the company as security for it.

The indebtedness of $1,469,733 20 is not a debt acknowledged by the company, nor has any claim for it as yet been made, but the amount is believed to be within that properly chargeable to the company.

It is not, I think, within the province of the Quartermaster General to determine whether or not this amount is chargeable to the company, or within his authority to enforce collection of it.

I therefore respectfully submit the above statement, together with the enclosed papers, fully setting forth the facts, with the recommendation that such action be taken through the legal advisers of the government, or otherwise, as the Secretary of War may see proper, as will determine and enforce the rights of the government in the premises.

Very respectfully, your obedient servant,

D. H. RUCKER,
Acting Quartermaster General, Brevet Major General U. S. A.

Hon. E. M. STANTON,
Secretary of War, Washington, D. C.

UNITED STATES MILITARY RAILROAD OFFICE,
Washington, D. C., February 19, 1867.

GENERAL: In connection with my report of the 15th instant, relative to the Nashville and Northwestern railroad, it has been noticed that there is a large sum—nearly a million and a half of dollars—chargeable to the company owning the same, on account of construction of the road.

I enclose a copy of the report alluded to for such action in the case as may be thought proper.

This road was transferred by me under the orders of Major General Thomas, in accordance with the provisions of executive orders of August 8, 1865. It not being within my duties to make out the charges for construction and repairs, I did not notice the large amount chargeable to this company for the construction of the new part of the road.

In the same connection, I would respectfully call your attention to the fact that this company purchased from the United States property to the amount of $525,400 26, on which they have paid, up to January 31, only $26,704 74. There was due on this account, including interest, on January 31, the sum of $552,422 09. This, in connection with the large amount above reported as due for construction, will make $2,022,155 29 due the United States, which the company appear to be making no effort to pay.

The facts are respectfully submitted for such action as may be thought proper.

A detailed statement of the cost of construction of the road from the records of this office is transmitted herewith.

Very respectfully, your obedient servant,

F. J. CRILLY,
Brevet Colonel and Assistant Quartermaster U. S. A.

General D. H. RUCKER,
Acting Quartermaster General, U. S. A., Washington, D. C.

UNITED STATES MILITARY RAILROAD OFFICE,
Washington, D. C., February 15, 1867.

GENERAL: In reply to your endorsement of the 12th instant, calling for a report of the cost to the government of the construction of the Nashville and Northwestern railroad, and names of the officers charged with the same, I have the honor to report as follows:

The Nashville and Northwestern railroad runs from Nashville, Tennessee, to Johnsonville on the Tennessee river.

"At the beginning of the war this road had been completed to Kingston Springs, twenty-five miles from Nashville, and some work had been done on it thence to the Tennessee river. It remained in this condition until, by order of the Secretary of War, dated Louisville, Kentucky, October 22, 1863, it was placed under the control of the military governor of the State of Tennessee, under whose direction the work of construction commenced, and was continued until February 17, 1864, when the supervision of the work of construction was placed in charge of General D. C. McCallum by direction of General Grant. The road was connected through between Nashville and the Tennessee river on the 10th of May, 1864."

The total cost of the construction chargeable to this road, as reported by Colonel W. W. Wright, chief engineer of military railroads, under whose immediate direction the work was performed, was $1,471,397 96. Colonel Wright also reports that the foregoing does not include the work performed by soldiers, which is as follows, viz:

"The twelfth regiment United States colored infantry, commanded by Colonel Thompson, commenced work on the 15th day of November, 1863, and was relieved April 23, 1864. Average number of men employed during this time, two hundred, (200.)

"The thirteenth regiment United States colored infantry, commanded by Colonel Jno. A. Hollenstein, commenced work on the 19th of November, 1863, and was relieved May 10, 1864. Average number of men employed, five hundred, (500.)

"The first Missouri engineers, commanded by Colonel Henry Feasel, commenced work on the 24th of February, 1864, and was relieved August 1, 1864. Average number of men employed, one thousand, (1,000.)

"The first Michigan engineers, commanded by Colonel William P. Innes, was employed on the road for some time, but I was unable to obtain a statement of the number of effective men or the length of time they worked.

"All this work done by soldiers, together with all done by civilian laborers, up to September 1, 1864, is properly chargeable to construction of new road."

The average number of soldiers employed and length of time engaged on this road is thus stated, except for the first Michigan engineers.

The records of the Adjutant General's office show that 23 officers and 540 men of this regiment were employed on the road from March 1, 1864, until September 30, 1864.

In order to estimate the cost of this labor performed by the soldiers, the average cost to the United States of the officers and soldiers thus employed is calculated to be $1,15 per day each, which would be as follows:

Twelfth United States colored troops, 200 men, 161 days, at $1 15 per day each	$37,030 00
Thirteenth United States colored troops, 500 men, 174 days, at $1 15 per day each	100,050 00
First Missouri engineers, 1,000 men, 159 days, at $1 15 per day each	182,850 00
First Michigan engineers, 563 men, 184 days, (not including September,) at $1 15 per day each	119,030 80
	438,960 80

Giving $438,960 80 as the cost of the labor performed by soldiers, which, added to the amount already mentioned, makes $1,910,458 76 as the total cost of construction. As stated by Colonel Wright, (and noted above,) all work performed up to September 1, 1864, is properly chargeable to construction of new road. It will, therefore, be necessary to deduct from $1,910,458 76, which is the total cost of construction, $440,725 56, the amount reported as expended subsequent to September 1, 1864; this will leave $1,469,733 20 properly chargeable to the construction of the new road.

The names of the officers employed are Colonel William P. Innes, first Michigan engineers, and Major J. B. Yates, of the same regiment; Colonel W. W. Wright, chief engineer military railroads; W. R. Kingsley, assistant engineer; and Lieutenant Colonel John Clark, third Pennsylvania reserves; also the commanding officers of the regiments above mentioned.

The letter of the chairman of the Judiciary Committee, with the instructions endorsed thereon, is respectfully returned herewith.

Very respectfully, your obedient servant,
F. J. CRILLY,
Brevet Colonel and Assistant Quartermaster U. S. A.

Major General D. H. RUCKER,
Acting Quartermaster General U. S. A., Washington, D. C.

A true copy:
F. J. CRILLY,
Brevet Colonel and Assistant Quartermaster U. S. A.

UNITED STATES MILITARY RAILROAD OFFICE,
Washington, D. C., February 19, 1867.

I certify that the foregoing statement of the cost of construction of the Nashville and Northwestern railroad is a true extract from the report of Colonel W. W. Wright, chief engineer military railroads, military division of the Tennessee.

F. J. CRILLY,
Brevet Colonel and Assistant Quartermaster U. S. A.

NASHVILLE AND NORTHWESTERN RAILROAD.

Graduation.—The amount of grading was very considerable, but I am unable to give the number of cubic yards moved, because, when we took charge of this road, I had no time to measure it, and I had no assistants to do it for me. By the time I procured the requisite assistance much of the work had been done.

Thorough cuts of as much as 40 and 50 feet in depth and 800 feet in length were taken out, and high embankments made. Even where the grading had been done previously, much labor was required to dress up the embankments and clean out the cuts.

Superstructure.—The total length of track laid was on—

Main line	46½ miles.
Sidings	4¼ "
Total	50¾ "

Seven different patterns of rails were used in the track; the amount of each kind is given below.

With the exception of No. 1 and the U rail the iron was purchased by the government. No. 1 pattern is the fish-joint bar belonging to this road, and the U rail was taken from the Nashville and Chattanooga Railroad:

Pattern.	Weight per yard. Pounds.	Tons.
No. 1	56½	1,315.61
No. 2	49¼	149.70
No. 3	45	382.11
No. 4	45	40.04
No. 5	60	1,096.84
No. 6	56½	1,469.48
U	48	23.59
Total		4,477.25
Deduct No. 1 pattern		1,315.61
Balance furnished by Government		3,161.67

One hundred and seven thousand cross-ties were used in laying the track. A considerable number was found on the line of this road, but we had to make the greater part.

Bridging.—The following table shows the location, dimensions, and amount of bridges and trestles on this road. Many of these structures had to be rebuilt several times in consequence of being carried away by high water or destroyed by the enemy:

Tabular statement of bridges and trestles on the Nashville and Northwestern Railroad.

Distance from Nashville.	Name.	No. of spans or bents.	Height.	Length.	Remarks.
Miles.			Feet.	Feet.	
	Nashville trestle	170	21–28	2,151	
4.57	Richland Creek, No. 1	2	15	76	Rebuilt once.
5.36	do. No. 2	1	9	66	Rebuilt twice.
5.75	do. No. 3	1	9	65	Rebuilt twice.
6.53	Branch Richland Creek	2	10	35	
6.72	do	1	8	17	
	do	1	8	26	
7.52	Over road	1	10	32	
8.91	Trestle over road	6	20	72	Rebuilt five times.
13.39	Harpeth river, No. 1	2	34	87	Rebuilt five times.
13.94	do. No. 2	2	36	201.5	Rebuilt four times.
15.31	do. No. 3	1	42	180	Rebuilt four times.
17.43	do. No. 4	2	38	201.4	Rebuilt four times.
21.21	do. No. 5	1	32	236.9	Rebuilt four times.
23.14	do. No. 6	12	24	180	
	do. No. 6	2	24	201.8	Rebuilt once.
23.56	do. No. 7	10	24–30	180	
	do. No. 7	2	33	203.3	Rebuilt once.
24.66	Turn Bull River	43	12	516	
	do	2	27	259	
	do	20	20–25	270	
25.37	Trestle	66	20–32	792	
25.66	Sullivan's Branch	3	16	39	Rebuilt twice.
25.66	do	1	48	89.7	
25.66	do	102	26–46	1,326	
26.44	Trestle	17	36–26	306	
27.18	do	21	38–24	262	
40.95	do	18	17–28	238	
41.71	do	17	14–25	225	
47.52	do	75	20–33	1,067	
49.49	do	30	19	442	
52	do	58	7–13	837	
52.38	do	8	10	145	
53	do	37	13–12	470	
53.44	do	2	18	40	
54.19	do	62	30–48	910	
55.79	do	70	40–72	980	
56.18	do	11	30–39	180	
	Branch Trace Creek	1	7	24	
60.05	do	2	8	47	
63.56	Trace Creek	2	14	216	Slightly injur'd and rep'r'd.
64.01		1	10	20	
64.61	Flood Creek	2	3	30	
66.51	do	3	4	35	
71.44		22	18	272	
73.08	Trace Creek	1	25	114	Rebuilt four times.
74.41	Trestle	3	15	66	
75	Trestle at Johnsonville	121	12–18	1,525	
	Total lineal feet bridging	.....	.....	15,956	

Add to this the amount rebuilt, 5,366 feet, and we have a total of four miles and two hundred feet of bridging and trestle on this road built by the government. The lumber consumed in these structures amounted to 4,098,509 feet, (board measure.)

A portion of this bridging was built by contract, amounting to $182,789 11.

The following table shows the location of and amount of lumber in the buildings on this road:

For what purpose.	Location.	Lumber, br'd meas.	Shingles.	Remarks.
House for trackmen	Nashville	8,000	5,000	
House for switchmen	do	1,500	.....	
Tool-house	do	3,000	5,000	
House for trackmen	Section 3	7,863	5,000	
House for trackmen	Section 6	5,000	5,000	
Telegraph office	Section 18	6,000	.....	Destroyed.
House for trackmen	Section 20	5,728	5,000	
House for trackmen	Section 24	15,037	.....	Destroyed.
Telegraph office	Section 24	8,500	3,500	Destroy'd & rebuilt.
Blacksmith shop	Section 24	5,000	.....	
Out-buildings	Section 24	800	.....	Destroy'd & rebuilt
House for trackmen	Section 29	10,162	.....	
Telegraph office	Section 32	5,000	3,500	
Telegraph office	Section 42	11,000	3,500	Destroy'd & rebuilt.
Telegraph office	Section 50	11,000	3,500	do.
House for trainmen	Section 50	4,006	.....	Destroyed.
House for trackmen	Section 50	2,800	.....	do.
Telegraph office	Section 57	4,800	.....	do.
Telegraph office	Section 66	6,800	.....	do.
House for trackmen	Section 77	6,800	.....	do.
House for yardmen	Johnsonville	18,200	4,200	do.
House for engineers and firemen	do	25,200	22,000	do.
House for station agents	do	28,900	21,000	do.
Out-buildings	do	1,000	.....	do.
Wheelwright shop	do	5,570	.....	do.
Blacksmith shop	do	5,000	.....	do.
Saw-mill	do	6,656	.....	Destroy'd & rebuilt.
House for carpenters	do	11,800	.....	Destroyed.
Depot	do	175,000	90,000	Destroy'd & rebuilt.
House for railroad purposes	do	110,400	.....	
House for track hands	do	6,540	.....	
House for mill hands	do	20,000	.....	
Upper freight house	do	1,097,600	566,000	Destroyed.
Lower freight house	do	165,000	.....	Destroy'd and partly rebuilt.
Totals	.....	1,805,656	742,200	

Water stations.

Fourteen of these were built and located, as shown in the following table, containing in the aggregate 63,700 feet of lumber, (board measure:)

Distance from Nashville.	Capacity.	Remarks.
7½ miles	One tank	
16½ miles	do	Discontinued.
17½ miles	do	Destroyed and rebuilt.
24½ miles	do	Destroyed.
27½ miles	do	
28 miles	do	
45 miles	do	
53½ miles	Two tanks	
59½ miles	One tank	Destroyed.
66½ miles	do	Destroyed.
71½ miles	do	
75½ miles	do	Destroyed and rebuilt.
77½ miles	do	Destroyed and rebuilt.
78 miles	Two tanks	Destroyed and rebuilt.

Saw-mill No. 1, at Johnsonville, was run by our department during the months of September, October, and November, 1864, and during that time cut 488,000 feet (board measure) of lumber.

COST OF WORK DONE BY SOLDIERS.

The 12th regiment United States colored infantry, commanded by Colonel Thompson, commenced work on the 15th of November, 1863, and were relieved April 23, 1864. Average number of men employed during this time, 200.

The 13th regiment United States colored infantry, commanded by Colonel Hollenstein, commenced work on the 19th of November, 1863, and were relieved May 10, 1864. Average number of men employed, 500.

The 1st Missouri engineers, commanded by Colonel Henry Feasel, commenced work on the 24th of February, 1863, and were relieved August 1, 1864. Average number of men employed, 1,000.

The 1st Michigan engineers, commanded by Colonel William P. Innes, were employed on the road for some time, but I was unable to get a statement of the number of effective men, or the length of time they worked.

All this work done by soldiers, together with all done by civilian laborers up to September 1, 1864, is properly chargeable to construction of new road.

The following tabular statements of cost of labor performed, and materials purchased previous to the time the road was placed entirely under the control of the military railroad department, have been furnished by Major S. W. Wills, assistant quartermaster, from the papers of Captain F. H. Ruger, assistant quartermaster, who was quartermaster for the road, but is since deceased.

Statement of purchases made by Captain Ruger.

Months.	Amount.	Months.	Amount.
1864.		1864.	
January	$4,598 83	May	$24,138 05
February	9,678 64	June	15,853 84
March	27,351 46	July	16,880 07
April	15,848 43	August	30,532 19
Total			153,881 51

Statement showing amount paid for labor by Captain Ruger.

Months.	Amount.	Months.	Amount.
1863.		1864.	
November	$10,576 67	April	$60,369 50
December	11,440 70	May	57,789 61
1864.			
January	15,428 90	June	52,561 02
February	16,244 19	July	43,629 59
March	35,849 54	August	54,211 45
Total			358,104 17

The following statement is furnished by Lieutenant Colonel O. Cross, deputy quartermaster general, Pittsburg, Pennsylvania:

Statement of materials purchased by Lieutenant Colonel O. Cross, Deputy Quartermaster General United States Army, for the Nashville and Northwestern railroad.

6,720,510 pounds iron rails, at $91 50 per ton	$274,520 71
143,250 pounds spikes, at 6 cents per pound	8,595 00
75,000 pounds spikes, at 7½ cents per pound	5,625 00
227,615 pounds chairs, at 6 cents per pound	13,656 90
Total,	302,397 61

The lumber purchased by Colonel Cross is omitted, because it was used on buildings.

Tabular statement of pay rolls on the Nashville and Northwestern Railroad, paid by the United States military railroad department.

Months.	No. of men.	Amount of Pay Rolls.
1864.		
September	1,195	$73,248 15
October	1,228	58,010 68
November	989	50,456 84
December	821	48,339 90
1865.		
January	723	44,474 99
February	709	38,176 65
March	567	39,231 13
April	444	31,704 94
May	405	20,194 23
June	311	11,813 95
July	317	12,105 85
August	302	12,423 25
September	19	545 00
Totals	8,012	440,725 56

Summary of Costs.

Materials:		
Purchase made by Captain Ruger		$153,881 51
Iron rails, chairs and spikes, purchased by Lieutenant Colonel Cross		302,397 61
Spikes, other than above, 10,000 pounds, at 8½ cents per pound		8,500 00
Cross-ties, 50,000, at 50 cents per tie		25,000 00
Total		489,779 12
Labor:		
Amount paid by Captain Ruger	$358,104 17	
Amount paid by United States military railroad department	440,725 57	
		798,829 74
Contract work on bridges		182,789 11
Total		1,471,397 95

In the above no estimate is made for the value of the work done by soldiers. I have been informed that an amount of iron belonging to this company was used on other military railroads prior to 1864, but have made no deduction for the same, as I have no means of giving full and accurate information of operations previous to that time.

The Nashville and Northwestern railroad was relinquished as a military road, and turned over to the company, September 1, 1865.

Copies of papers relating to the Nashville and Northwestern Railroad.

[Special Order.]

WAR DEPARTMENT,
Louisville, Ky., October 22, 1863.

Ordered.—1st. That the construction of the Northwestern railroad from Nashville to the Tennessee river, at Reynoldsburg, as a military railroad for the transportation of troops, army supplies, and for other military purposes, be placed in charge of Andrew Johnson, military Governor of Tennessee, with full power to procure material, to employ a competent engineer and other officers, agents and workmen necessary to complete said line of railroad without delay. All officers, agents and workmen, and contracts for materials, necessary for the construction of said road, shall be made under his general direction and control, subject to the approval of the Quartermaster General.

2d. Officers of the quartermaster's department shall be designated by the Quartermaster General to draw rations and provide supplies for the forces engaged upon the work, and the expenses incurred from time to time under this order, when properly certified by the engineer in charge of the work, and by Andrew Johnson, military Governor of Tennessee.

3d. Chief officers of the commissary department at Nashville will furnish such rations and supplies for the forces engaged in constructing the Northwestern railroad as may be necessary, upon requisition from the quartermaster referred to in this order.

4th. The general manager of the military railways will provide, upon the requisition of Andrew Johnson, military Governor of Tennessee, such engines and cars (so far as it may be consistent with the transportation of army supplies,) for construction purposes as may be necessary, and also to move fuel and other supplies to Nashville for the government, and such other purposes and on such terms as may be approved by the Quartermaster General.

5th. As soon as the line is connected through between Nashville and Reynoldsburg, it shall be turned over to the general manager of government railways as a military road, and be used for military purposes in the same manner as other railroads in the possession of the government are, or may be hereafter, operated, under orders of the government, as military lines.

6th. Major General Grant will furnish such military force as may be necessary for the protection of the road and the working parties engaged thereon.

EDWIN M. STANTON,
Secretary of War.

[Special Order No. 43.]

HEADQUARTERS MILITARY DIVISION OF THE MISSISSIPPI,
Nashville Tenn., February 17, 1864.

1. Colonel W. P. Innes, first regiment Michigan engineers and mechanics, is hereby relieved from duty on the Nashville and Northwestern railroad and will, without delay, resume command of that portion of his regiment now at the front, reporting for duty to Major General George H. Thomas. Colonel D. C. McCallum, general manager of military railroads in this military division, will take immediate charge of the construction of the Nashville and Northwestern railroad, and that portion of the first regiment Michigan engineers and mechanics doing duty on said railroad will be subject to Colonel McCallum's orders, while at work on the road.

2. Leave of absence for twenty days is hereby granted Second Lieutenant Samuel Hooker, thirty-first Wisconsin volunteers, with permission to proceed beyond the limits of this military division.

3. Colonel D. C. McCallum, general manager of military railroads within this military division, is hereby directed to proceed at once to complete and set at work the rolling mill at Chattanooga, Tennessee.

4. Captain Joseph P. Pope, commissary subsistence United States volunteers, will report in person, without delay, to Brigadier General A. P. Hovey, United States volunteers, at Indianapolis, Indiana, for duty.

By order of Major General U. S. Grant:

T. S. BOWERS, *Assistant Adjutant General.*

[Telegram.]

NASHVILLE, TENN., *April 2*, 1864—11 a. m.

Lieutenant General U. S. GRANT, *General-in-Chief:*

I am just back, having passed over my whole front and spending a day with all my army commanders, possessing myself of the information necessary to act with intelligence. The problem of supplies is the most difficult. The road can now supply the wants of the army, but does not accumulate a surplus; but I think by stopping the carriage of cattle and men, and by moving the cars on the circuit from Nashville to Tuscumbia and Decatur, it can be done with the present cars and locomotives. The superintendent of railroads here, Mr. Anderson, the quartermaster, Colonel Donaldson, and myself will determine to-night. I find too many citizens and private freights along the road which are utterly inconsistent with our military necessities at this time. I will aim to accumulate in all April, at Decatur and Chattanooga, a surplus of seventy days' provisions and forage for one hundred thousand men.

W. T. SHERMAN, *Major General.*

[Telegram.]

WASHINGTON, D. C., *April* 2, 1864.

Major General SHERMAN, *Nashville, Tenn.:*

In the absence of Lieutenant General Grant, now at Fortress Monroe, your telegram of 11 a. m. of this date has been submitted to me.

Under the provisions of the act of Congress you are authorized by the President to take military possession of railroads within your command to the exclusion of all other business when it is your opinion the service requires such exclusive use. Colonel McCallum has made provision for a large increase of motive power and rolling stock. General Grant's return is expected to-morrow.

EDWIN M. STANTON, *Secretary of War.*

[Telegram.]

NEAR ATLANTA, GEORGIA, *August* 5, 1864.

Honorable E. M. STANTON, *Secretary of War:*

The time has now come that we must have the exclusive use of the Northwestern road from Nashville to Reynoldsburg. It has been substantially done for some time, but Governor Johnson retains the management of it for some reason under your former orders. But to be of service to us in the present emergency it must be in the control of Mr. Anderson, superintendent of military roads, that trains may run continuously from the Tennessee river at Reynoldsburg to our camp. This main road has been admirably managed and has supplied the vast army so that not a man, horse, or mule has been for a day without food and abundant supplies of clothing and ammunition. Our progress may be slow to you all at a distance, but if you ever cross this ground you will not accuse us of being idlers.

W. T. SHERMAN, *Major General.*

[Telegram.]

WASHINGTON, D. C., *August* 6, 1864.

Major General W. T. SHERMAN, *near Atlanta, Georgia:*

An order by the President, under act of Congress, for the military possession of the Northwestern railroad has been issued and will be forwarded you by the Adjutant General. Do not imagine that we are at all impatient of your progress. Instead of considering it slow we regard it as rapid, brilliant, and successful beyond our expectations. Take your time and do your work in your own way. This department is only anxious to afford you every assistance within its power.

E. M. STANTON, *Secretary of War.*

[Telegram.]

WASHINGTON, *August* 6, 1864.

Brigadier General JOHNSON, *Military Governor, Nashville, Tenn.:*

On the direct application of General Sherman, and his representation that the exclusive use of the Northwestern railroad from Nashville to Reynoldsburg is necessary for the success of his military operations, the President, under the provisions of the act of Congress, has, by order of this date, authorized and directed him to take military possession of said railroad, its rolling stock, equipments, appendages, and appurtenances, for exclusively military use, and revoked all prior and conflicting orders and authority.

EDWIN M. STANTON, *Secretary of War.*

[Telegram.]

ADJUTANT GENERAL'S OFFICE,
Washington, August 6, 1864.

Major General W. T. SHERMAN, *near Atlanta, Georgia:*

The following is a special order of the President's relating to the Northwestern railroad, from Nashville to Reynoldsburg: *Whereas*, The exclusive use of the Northwestern railroad from Nashville to Reynoldsburg is necessary for the military operations under command of

Major General Sherman, the President does therefore order and direct that Major General Sherman take military possession of the said Northwestern railroad, its stock, equipments, appendages, and appurtenances, for the exclusive use of the United States, and hold, use, manage, and employ the same by his officers, agents, superintendents, and employés, exclusively for the use aforesaid, so long and to such extent as in his judgment such exclusive use is required for military operations, or until further orders; and that all conflicting orders and authority be, and they are hereby, revoked and annulled.

By order of the President:

E. D. TOWNSEND,
Assistant Adjutant General.

NASHVILLE, *June* 14, 1864.

SIR: The president and directors of the Nashville and Northwestern Railroad Company of Tennessee respectfully submit the following facts in reference to their road:

The United States is now running that portion of their road from Nashville west to Tennessee river, a distance of seventy-five miles; that the United States graded five miles of the road, and laid the iron on forty miles of the road that was finished at the time the United States took possession of it; and that the other portion of the road was in running order, and the company had, at the time of the occupation of Nashville by the United States troops, railroad iron, with spikes, fastenings, &c., enough or nearly so to complete the road, and had two locomotives with six railroad cars of various kinds, all of which was taken by the military authorities, and which the company has never been credited with. The company earnestly request that you would order an account taken by a board of commissioners, or otherwise, as you in your wisdom may suggest, to take an account as between the United States and the company, and that the company may be allowed all their just credits; and would also respectfully ask that they may be allowed the same rates for freights and passengers that are paid to the roads south of the Ohio river, as the company are desirous that the United States may be paid the money they expended in completing the road.

We would also beg to submit the following statement in reference to what the company expended on the road from Nashville to the Mississippi river, a distance of one hundred and fifty miles:

The amount of the cost of the road for all kinds of expenses was $3,579,930 00; and that the company owe laborers and contractors for work done on the road, and also interest on bonds issued by the State, which bonds are chiefly held by parties in the northern States; and that they are wholly dependent on the earnings of the road to pay their just debts, and would earnestly request that one-half of the earnings may be paid them to enable them to pay their debts, the other half to be credited to them by the United States to pay for the completion of the road; and would respectfully say that the company are willing and prepared to run the road under the conditions and regulations that other similar roads are run in the South, as they feel confident that they would be able to give as much satisfaction to the government in its management as is given or can be given in any other way.

Your obedient servant,

M. BURNS, *President,*
For the Directors of the Nashville and Northwestern Railroad.

Hon. E. M. STANTON,
Secretary of War, United States.

WAR DEPARTMENT,
Washington City, August 15, 1864.

SIR: Referring to your communication of the 14th of June last, and to your personal application to the department for a settlement of accounts between the United States and the Nashville and Chattanooga and the Nashville and Northwestern railroad companies, and for the delivery of the roads into the hands of the stockholders, to be worked by them, I am instructed by the Secretary of War to transmit to you the enclosed copy of the report on the subject by the Quartermaster General, whose views receive the approval of this department.

Very respectfully, your obedient servant,

C. A. DANA,
Assistant Secretary of War.

MICHAEL BURNS, Esq.,
President, &c., Nashville, Tennessee.

QUARTERMASTER GENERAL'S OFFICE,
Washington, August 9, 1864.

SIR: I have received from Michael Burns, esq., president of Nashville and Chattanooga and Nashville and Northwestern railroads, a letter requesting a settlement of accounts between the United States and these two railroad companies, payment for past use of the road by the United States, and the delivery of the road into the hands of the stockholders to be worked by them, protection being given by the United States.

The Nashville and Chattanooga railroad was captured from the rebels by the United States. It has been run since its capture, with many interruptions by the rebel army, or by guerrillas or rebel sympathizers along its route.

The rolling stock originally upon the road was in great part carried off by the rebel army. Much has been destroyed by the use of torpedoes placed on the track, or by tearing up the rails by these enemies of the United States. The rolling stock now on the road has nearly all of it been purchased or impressed from loyal citizens and workshops and railroads at heavy expense to the loyal people of the country.

It is necessary for the safety and sustenance of the army operating in Georgia, and for the defence of Tennessee itself, that this road be run with all the energy, certainty, and means which the military power of the government can insure. The stockholders, certainly many of them, are disloyal.

The road is captured property—a great military engine, which, during the continuance of active operations in the country which it traverses, and that which it supplies, must necessarily remain under the control and in the hands of the United States. When the war is over, and the road saved from entire destruction by the power and at the expense of the United States, it can be turned over to the company under such conditions as Congress may prescribe.

The Nashville and Northwestern railroad was never finished by the company. On the urgent representation of Governor Johnson, of Tennessee, in view of the promised advantages of the use of this road as a second line of supply for Nashville, the quartermaster's department, at great expense, has completed the grading and bridging and ironing of that portion of the road from Nashville to the Tennessee river.

The road was abandoned when the government undertook this work. The demands of the railroad service south of Nashville have been so great that it has not as yet been possible to make much use of this road, but as the navigation of the Cumberland is nearly at an end, attention is now being given to the Nashville and Northwestern railroad, which, it is hoped, will be brought into more active use. These roads have cost the United States to repair, protect, maintain, and operate, more than they ever cost the stockholders.

I am of the opinion that the United States should retain possession of both roads, and that the prayers of the stockholders, as presented by Mr. Burns, president of the companies, should be denied. The interests in these roads, not settled by legal proceedings under the confiscation act, should, it appears to me, be settled finally by legislation.

I have the honor to be, very respectfully, your obedient servant,

M. C. MEIGS,
Quartermaster General and Brevet Major General.

Hon. EDWIN M. STANTON,
Secretary of War, Washington, D. C.

PRESIDENT'S OFFICE, NASHVILLE AND CHATTANOOGA,
AND NASHVILLE AND NORTHWESTERN RAILROADS,
Nashville, Tennessee, April 11, 1866.

CAPTAIN: I have the honor to request that the time for the payment of the first instalment due the United States government from the Nashville and Northwestern railroad company, on account of purchases of material under the provisions of executive orders of August 8, and October 14, 1865, be extended to one year from date of the bond given by the company to secure the payment of this debt.

Payment of instalments to commence on that date and continue thereafter monthly, in accordance with the terms of the bond. I will agree, in behalf of the Nashville and Northwestern railroad company, to pay the interest accruing, monthly, on the last day of each month, if possible. Transportation accounts due the company by the United States to be applied on this indebtedness of the company.

Very respectfully, your obedient servant,

M. BURNS,
President Nashville and Northwestern Railroad.

Captain S. R. HAMILL,
Chief Quartermaster U. S. Military Railroads.

A true copy and endorsement:

G. W. MARSHALL, *Captain and A. Q. M.*

HEADQUARTERS MILITARY DIVISION OF THE TENNESSEE,
Nashville, Tennessee, April 12, 1866.

Respectfully returned to Captain S. R. Hamill, chief quartermaster United States military railroads, military division of the Tennessee, who is authorized to accept the terms within offered by Mr. Burns, president Nashville and Northwestern railroad, for the payment of dues to the United States for purchases made.

By command of Major General Thomas:

WM. D. WHIPPLE,
Brevet Brigadier General, Chief of Staff.

[Telegram received 11 a. m. January 16.]

NASHVILLE, *January* 16, 1867.

Hon. J. S. FOWLER, *U. S. Senator:*

Brevet Major Hamill, quartermaster of railroads, notified me he would take possession of the Nashville and Northwestern railroad on the 20th of this month for non-payment of debt due the United States for materials. The road is now under contract to build it, and will be finished in June. If the government seize it it will be a dead loss to the State and the United States. Please see Mr. Stanton and have this order suspended until the road is finished. Please answer. Answer paid here.

M. BURNS, *President.*

[Telegram.]

WAR DEPARTMENT,
Washington City, January 19, 1867.

Captain HAMILL, *Assistant Quartermaster, &c., Nashville:*

Suspend any action against the Nashville and Northwestern railroad until further order, and report immediately the state of the account against said road, and the reasons for which you propose to take possession of it.

EDWIN M. STANTON, *Secretary of War.*

HEADQUARTERS DEPARTMENT OF THE TENNESSEE,
GENERAL DISBURSING OFFICE,
Louisville, Kentucky, January 20, 1867.

SIR: I have the honor to acknowledge the receipt of your telegram, directing a suspension of action against the Nashville and Northwestern railroad. In compliance with the direction contained therein, I respectfully submit the following statement of the account of that road:

The original debt, for which a bond was executed dated November 30, 1865, amounted to five hundred and twenty-nine thousand two hundred and one dollars and forty-five cents, ($529,201 45.) Purchases were made by the Nashville and Northwestern railroad company in February, 1866, amounting to two thousand six hundred and seventy-four dollars and fifty-five cents, ($2,674 55.) On the first day of April, 1866, with accrued interest, the amount due from the Nashville and Northwestern railroad company was one hundred and nine thousand two hundred and thirty-nine dollars, ($109,239.) I notified the president of the company, (Mr. Burns,) at this time, that the payment of arrears of instalments and interest must be provided for. In reply, he stated the inability of the company to make payment, and asked for an extension, as follows, viz: "The payment of instalments to commence in one year from the date of purchase, and continue thereafter monthly, in accordance with the terms of the bond." Mr. Burns agreed, at the same time, on behalf of the company, "to pay the interest accruing monthly, on the last day of each and every month." An extension, upon the terms proposed by Mr. Burns, was granted by the major general commanding.

In the month of April additional purchases, amounting to two thousand four hundred and five dollars, ($2,405,) were made by the company. I caused a bond to be prepared for the purchases made in February and April, 1866, and sent it to the superintendent of the road, with a letter, requesting its immediate execution. After sufficient time had elapsed I called upon Colonel Innes, the superintendent, for the bond, (Mr. Burns being absent,) when I was informed that it had been handed to Mr. Burns, and would be returned to me, duly executed, upon his return. This promise was repeated upon subsequent application for the bond, and as the delay in forwarding it was deemed to be without sufficient cause I pursued the policy adopted with the approval of the major general commanding in a similar case, and notified Mr. Burns that I would take possession of the property if a bond was not immediately executed.

This I conceived to be the only means whereby the studied indifference manifested by Mr. Burns regarding all matters pertaining to the indebtedness of the company to the government could be overcome. I am happy to say it had the desired effect.

Although the superintendent, Colonel Innes, assured me that the bond was already executed and ready for delivery, he having purchased the internal revenue stamps, it now appears that it has been mislaid; but I am informed of their willingness to execute another bond, which will be forwarded to-morrow, the 21st instant.

The Nashville and Northwestern Railroad Company are indebted to the government as follows, viz:

December 31, 1866, arrears of instalments due and unpaid	$302,788 30
Arrears of interest due and unpaid	27,099 99
Total	329,888 29
Total indebtedness	$549,185 16

The total amount received from the company on account of the indebtedness, from November 30, 1865, up to date, is twenty-six thousand four hundred and seven dollars and seventy-four cents, ($26,407 74,) none of which amount was paid in money, but consisted of credits given the company for transportation services performed for the government, the bills for which were presented to me and payment withheld.

It may be proper that I should state that my action in the case before you has received the approval of Major General Thomas, to whom it has been submitted.

I have the honor to be, sir, very respectfully, your obedient servant,

S. R. HAMILL,
Brevet Major and Assistant Quartermaster.

Hon. EDWIN M. STANTON, *Washington, D. C.*

QUARTERMASTER GENERAL'S OFFICE,
Washington, D. C., February 18, 1867.

SIR: I have the honor to return herewith letter of the Chairman of the Judiciary Committee, House of Representatives, inquiring the cost to government of the construction of the Nashville and Northwestern railroad, and the names of the officers charged with the construction of the same.

The letter was referred for report to Brevet Colonel F. J. Crilly, acting quartermaster United States military railroads. Colonel Crilly's report is herewith enclosed, by which it appears that the cost of construction of this road was as follows:

By labor of civil employés	$1,471,397 96
By estimated labor of soldiers	439,060 80
Total cost of construction and repair during the war	1,910,458 76
Amount expended subsequently to September 1, 1864	440,725 66
Leaving amount chargeable to construction of new road	1,469,732 20

And the names of the officers charged with the construction of the same were Colonel W. W. Wright, chief engineer United States military railroads; W. R. Kingsley, assistant engineer United States military railroads; Lieutenant Colonel John Clark, third regiment Pennsylvania Reserves; Colonel William P. Innes, first regiment Michigan engineers; Major J. B. Yates, first regiment Michigan engineers; Colonel Thompson, twelfth regiment United States colored troops; Colonel J. A. Hollenstein, thirteenth regiment United States colored troops; Colonel Henry Fladel, first Missouri engineers.

Respectfully, your obedient servant,

D. H. RUCKER,
Brevet Major General U. S. A., Acting Quartermaster General.

Hon. EDWIN M. STANTON,
Secretary of War, Washington, D. C.

UNITED STATES MILITARY RAILROAD OFFICE,
Washington, D. C., February 15, 1867.

GENERAL: In reply to your endorsement of the 12th instant, calling for report of the cost to the government of the construction of the Nashville and Northwestern railroad, and names of the officers charged with the same, I have the honor to report as follows:

The Nashville and Northwestern railroad runs from Nashville, Tennessee, to Johnsonville, on the Tennessee river.

"At the beginning of the war this road had been completed to Kingston Springs, twenty-five miles from Nashville, and some work had been done upon it thence to the Tennessee river." It remained in this condition until by order of the Secretary of War, dated Louisville, Kentucky, October 22, 1863, it was placed under the control of the military governor of the State of Tennessee, under whose direction the work of construction commenced, and was continued until February 17, 1864, when the supervision of the work of construction was placed in charge of General D. C. McCallum, by direction of General Grant. "The road was connected through between Nashville and the Tennessee river, on the 10th day of May, 1864."

The total cost of the construction chargeable to this road, as reported by Colonel W. W. Wright, chief engineer of military railroads, under whose immediate direction the work was performed, was $1,471,397 96. Colonel Wright also reports that the foregoing does not include the work performed by soldiers, which is as follows, viz:

"The twelfth regiment United States infantry, commanded by Colonel Thompson, commenced work on the 15th day of November, 1863, and was relieved April 23, 1864; average number of men employed during this time, two hundred, (200.)

"The thirteenth regiment United States colored infantry, commanded by Colonel John A. Hollenstein, commenced work on the 19th of November, 1863, and was relieved May 10, 1864; average number of men employed, five hundred, (500.)

"The first Missouri engineers, commanded by Colonel Henry Fludel, commenced work on the 24th of February, 1864, and was relieved August 1, 1864; average number of men employed, one thousand, (1,000.)

"The first Michigan engineers, commanded by Colonel William P. Innes, was employed on the road for some time, but I was unable to obtain a statement of the number of efficient men or the length of time they worked.

"All this work done by soldiers, together with all done by civilian laborers, up to September 1, 1864, is properly chargeable to construction of new road."

The average number of soldiers employed and length of time engaged on this road is thus stated, except for the first Michigan engineers.

The records of the Adjutant General's office show that twenty officers and five hundred and forty men of this regiment were employed on the road from March 14, 1864, until September 30, 1864.

In order to estimate the cost of this labor performed by soldiers, the average cost to the United States of the officers and soldiers thus employed is calculated to be $1 15 per day each, which would be as follows:

12th U. S. colored troops, 200 men, 161 days, at $1 15 per day each	$37,030 00
13th U. S. colored troops, 500 men, 174 days, at $1 15 per day each	100,050 00
1st Missouri engineers, 1,000 men, 159 days, at $1 15 per day each	182,850 00
1st Michigan engineers, 563 men, 184 days, (not including September,) at $1 15 per day each	119,030 80
	439,060 80

Giving $439,060 80 as the cost of the labor performed by soldiers, which, added to the amount already mentioned, makes $1,910,458 76 as the total cost of construction. As stated by Colonel Wright, and noted above, all work performed up to September 1, 1864, is properly chargeable to construction of new road. It will, therefore, be necessary to deduct from $1,910,458 76, which is the total cost of construction, $440,725 56, the amount reported as expended subsequent to September 1, 1864; this will leave $1,469,733 20 properly chargeable to the construction of the new road.

The names of the officers employed are Colonel William P. Innes, 1st Michigan engineers, and Major J. B. Yates of the same regiment; Colonel W. W. Wright, chief engineer military railroads; W. R. Kingsley, assistant engineer, and Lieutenant Colonel John Clark, 3d Pennsylvania reserves; also, the commanding officers of the regiments above mentioned.

The letter of the chairman of the Judiciary Committee, with the instructions endorsed thereon, is respectfully returned herewith.

Very respectfully, your obedient servant,

F. J. CRILLY,
Brevet Colonel and A. Q. M. U. S. Army.

Major General D. H. RUCKER,
A. Q. M. General U. S. Army, Washington, D. C.

(Copies of papers relating to extensions.)

HEADQUARTERS MILITARY DIVISION OF THE TENNESSEE,
Nashville, Tennessee, March 29, 1866.

CAPTAIN: The Major General commanding is in receipt of two letters, one from the president of the East Tennessee and Virginia railroad, and the other from the president of the East Tennessee and Georgia railroad, each representing that for various reasons it is impossible for them at present to commence, and continue regularly, monthly payments on the government account, but that they will be able to do so after July next.

In view of the statements made, the Major General commanding directs that the time for paying the first monthly instalment due the United States from these roads for property purchased be extended until the 1st day of August next, when it is expected that they will be ready to commence their payments and continue them regularly thereafter according to the terms of their bonds.

I am, very respectfully, your obedient servant,

WILLIAM D. WHIPPLE,
Brevet Brigadier General and Chief of Staff.

Captain S. R. HAMILL,
Chief Quartermaster U. S. Military Railroads, Nashville, Tenn.

A true copy:

S. R. HAMILL, *Captain and A. Q. M.*

HEADQUARTERS MILITARY DIVISION OF THE TENNESSEE,
Nashville, Tennessee, March 26, 1866.

CAPTAIN: The Major General commanding is in receipt of a communication from Minor Merriweather, secretary and treasurer of the Mississippi and Tennessee railroad, stating the inability of the company to which he belongs, to continue the regular payment of the monthly instalments due to the United States for property purchased by them for the road, and asking an extension of twelve months to the time required by their bond, in which to make their payments.

As the company has manifested a disposition to meet their liabilities to the government, and as the reasons given by Mr. Merriweather for asking an extension of time are considered good and sufficient by the Major General commanding, the latter directs that the amount originally due the United States from this road be divided into thirty-six equal parts, one part to be paid monthly, counting from the time when the first 1-24 monthly instalment under the bond becomes due; that is to be considered as the date of the first of the thirty-six instalments under this arrangement, with interest at 7 3-10.

Credit will be given the road for any surplus that may have been paid in, but no interest thereon will be returned.

I am, very respectfully, your obedient servant,

W. D. WHIPPLE,
Brevet Brigadier General and Chief of Staff.

Captain S. R. HAMILL,
Chief Quartermaster U. S. Military Railroads, Nashville, Tenn.

A true copy:

S. R. HAMILL, *Captain and A. Q. M.*

[Endorsement.—Extract.]

HEADQUARTERS MILITARY DIVISION OF THE TENNESSEE,
Nashville, April 5, 1866.

"The letter is referred to Captain Hamill, assistant quartermaster military railroads, who is authorized to arrange a reasonable date on which the McMinnville and Manchester railroad company can commence paying for its purchases from the government."

GEORGE H. THOMAS,
Major General U. S. Army, Commanding.

A true copy:

G. W. MARSHALL, *Captain and A. Q. M.*

[Extract.]

NASHVILLE, TENN., *April* 6, 1866.

CAPTAIN: I therefore, in behalf of the above-named company, ask that the time for the payment of the indebtedness of this road be extended. The company will pay the United States on the first day of July, A. D. 1867, one instalment of one-twenty-fourth part of the

amount of purchase money, together with accrued interest from date of purchase, and will thereafter pay monthly the instalments and interest as they fall due, if the payments under the bond already executed by the company to secure the payment of the indebtedness aforesaid are made to commence at that time, instead of the date of purchase.

I would respectfully represent that this I believe to be the very best arrangement the company are prepared to make, but if it is found that payments can be made sooner than is proposed in this communication, they will be made.

Very respectfully,

P. H. MARBURY,
President McMinnville and Manchester Railroad.

Captain S. R. HAMILL,
Chief Q. M. U. S. Military Railroads, Nashville, Tennessee.

A true copy and endorsement:

G. W. MARSHALL,
Captain and A. Q. M.

OFFICE CHIEF QUARTERMASTER U. S. MILITARY RAILROADS,
Nashville, Tennessee, April 6, 1866.

The within request of Mr. P. H. Marbury, President McMinnville and Manchester railroad, is granted. The company he represents is expected to conform strictly to the terms therein proposed.

S. R. HAMILL,
Captain and A. Q. M., Chief Q. M. U. S. Military Railroads, Military Division of Tennessee.

[Endorsement.]

HEADQUARTERS MILITARY DIVISION OF TENNESSEE,
Nashville, Tennessee, April 10, 1866.

Respectfully returned to Captain S. R. Hamill, chief quartermaster United States military railroads, military district of Tennessee, who is authorized to accept the proposition of the New Orleans and Ohio railroad, as it is understood at these headquarters that it is on the first of May next the company will commence the payment of the regular monthly instalments due the United States for purchases made, and continue the payment of such instalments each month thereafter, and $2,500 per month, commencing on the first of May, besides, until all arrears are liquidated. Interest to be charged on arrears at the rate of seven and three-tenths per cent., from date at which they become due until paid. Captain Hamill will cause the company to execute this bond at once.

By command of Major General Thomas:

WILLIAM D WHIPPLE,
Brevet Brig. Gen., Chief of Staff, and A. A. G.

A true copy of endorsement:

G. W. MARSHALL,
Captain and A. Q. M.

PRESIDENT'S OFFICE, NASHVILLE AND CHATTANOOGA,
AND NASHVILLE AND NORTHWESTERN RAILROADS,
Nashville, Tennessee, April 11, 1866.

CAPTAIN: I have the honor to request that the time for the payment of the first instalment due the United States government from the Nashville and Northwestern Railroad Company, on account of purchases of material under the provisions of executive orders of August 8th, and October 14th, 1865, be extended to one year from date of the bond given by the company, to secure the payment of this debt.

Payment of instalments to commence on that date, and continue thereafter monthly, in accordance with the terms of the bond. I will agree, in behalf of the Nashville and Northwestern Railroad Company, to pay the interest accruing monthly on the last day of each month, if possible. Transportation accounts due the company by the United States to be applied to the indebtedness of the company.

Very respectfully, your obedient servant,

M. BURNS,
President Nashville and Northwestern Railroad Company.

Captain S. R. HAMILL,
Chief Quartermaster U. S. Military Railroads, Nashville, Tennessee.

HEADQUARTERS MILITARY DIVISION OF THE TENNESSEE,
Nashville, Tennessee, April 12, 1866.

Respectfully returned to Captain S. R. Hamill, chief quartermaster United States military railroads, military district of the Tennessee, who is authorized to accept the terms within offered by Mr. Burns, president Nashville and Northwestern railroad, for the payment of dues to the United States, for purchases made.

By command of Major General Thomas:

WILLIAM D. WHIPPLE.
Brevet Brig. General, and Chief of Staff.

NASHVILLE, TENN., *April* 5, 1866.

CAPTAIN: I have the honor to inform you that the Nashville and Chattanooga Railroad Company will pay you one instalment of the amount due the United States government for purchases of material under executive orders of August 8, and October 14, 1865, together with accrued interest on the amount of purchase, within five days from this date.

I have further to state, that, so far as is in the power of the company, instalments and interest will be paid in future as they fall due.

Respectfully,

M. BURNS,
President Nashville and Chattanooga Railroad Company.

Captain S. R. HAMILL,
Disbursing Quartermaster United States Military Railroads.

HEADQUARTERS MILITARY DIVISION OF THE TENNESSEE,
Nashville, Tennessee, April 17, 1866.

CAPTAIN: I have the honor to acknowledge the receipt of your letter of April 15, transmitting a proposition from M. Burns, esq., president of the Nashville and Chattanooga Railroad Company, of same date, to commence the payment of the monthly instalments due the United States, together with accrued interest, in five days.

* * * * * * * *

As the money which should have been applied to liquidate the debt due the United States has been paid out and gone beyond the control of the company, we can do no better than accept the proposition of Mr. Burns, which you are authorized to do, and compel prompt compliance with the conditions thereof in future.

* * * * * * * *

Very respectfully,

WILLIAM D. WHIPPLE,
Brevet Brigadier General and Chief of Staff.

Captain S. R. HAMILL,
Chief Quartermaster U. S. Military Railroads, Nashville, Tennessee.

A true copy:

G. W. MARSHALL,
Captain, Assistant Quartermaster.

HEADQUARTERS MILITARY DIVISION OF THE TENNESSEE,
Nashville, Tennessee, April 26, 1866.

CAPTAIN: I have the honor to acknowledge the receipt of the report of S. B. Brown, special agent United States military railroads, in the case of the indebtedness of the Mobile and Great Northern railroad, enclosing a communication from G. Jordan, chief engineer and superintendent of that road, giving reasons for failure of the company to meet the monthly instalments due the United States, and asking for a month or six weeks more time.

In reply, the Major General commanding, in accordance with your recommendation, authorizes you to grant the company until the first of June next to make payment of the first instalment, upon condition that upon that date they pay all arrears of interest due, and thereafter promptly meet the instalments and interest falling due.

I am, very respectfully, your obedient servant,

WILLIAM D. WHIPPLE,
Brevet Brigadier General and Chief of Staff.

Captain S. R. HAMILL,
Assistant Quartermaster, Chief Quartermaster United States Military Railroads, Nashville, Tennessee.

A true copy:

G. W. MARSHALL,
Captain, Assistant Quartermaster.

HEADQUARTERS MILITARY DIVISION OF THE TENNESSEE,
Nashville, Tennessee, April 26, 1866.

CAPTAIN: Referring to the report of S. B. Brown, special agent United States military railroads, in case of the Mississippi, Gainesville and Tuscaloosa Railroad Company, and communication of A. W. McMahon, secretary of that company, giving reason for delinquency in payment of instalments due the United States.

In reply, the Major General commanding directs that in accordance with the request of the company for more time, and your recommendation to that effect, that they be given to the first day of December next, in which to make the first payment, provided that they pay all arrears of interest due at that date, and continue thereafter the regular payment of instalments and interest.

I am, very respectfully, your obedient servant,

WILLIAM D. WHIPPLE,
Brevet Brigadier General and Chief of Staff.

Captain S. R. HAMILL,
Assistant Quartermaster, Chief Quartermaster United States Military Railroads, Nashville, Tennessee.

A true copy:

G. W. MARSHALL,
Captain, Assistant Quartermaster.

HEADQUARTERS MILITARY DIVISION OF THE TENNESSEE,
Nashville, Tennessee, May 7, 1866.

CAPTAIN: Your communication of the 3d instant, enclosing letters of Mr. A. M. West, president of the Mississippi Central Railroad Company, and Mr. S. E. Carey, general ticket agent of same company, asking an extension of time in which to pay their indebtedness to the United States, came duly to hand. In reply, the Major General commanding directs that you extend the time of the company for the payment of their indebtedness as follows:

You will divide the original indebtedness of the company to the United States into thirty-six equal instalments, payable monthly from date of purchase. Credit the company with what has already been paid, and when another instalment of one of the thirty-six falls due, collect it with interest, and thereafter the regular monthly instalments as they fall due.

I am, very respectfully, your obedient servant,

W. D. WHIPPLE,
Brevet Brigadier General and Chief of Staff.

Captain G. W. MARSHALL,
Chief Quartermaster U. S. Military Railroads, Nashville, Tennessee.

A true copy:

S. R. HAMILL,
Captain, Assistant Quartermaster.

HEADQUARTERS MILITARY DIVISION OF THE TENNESSEE,
Nashville, Tennessee, May 7, 1866.

CAPTAIN: Referring to the application of J. W. Sloss, president of the Nashville and Decatur railroad line, in which he asks for an extension of time in which to pay its indebtedness to the United States for rolling stock and material purchased, the Major General commanding directs as follows:

That the indebtedness of the company be divided into thirty-six equal instalments, payable monthly, with interest at 7 3/10, commencing from date of bond. If the amount already paid by the line is in excess of the amount due under the new arrangement, the line will be credited with such excess at the time the next regular instalment falls due, and so on.

Very respectfully,

WILLIAM D. WHIPPLE,
Brevet Brigadier General and Chief of Staff.

Captain G. W. MARSHALL,
Assistant Quartermaster United States Volunteers, Quartermaster United States Military Railroads.

A true copy:

S. R. HAMILL,
Captain, Assistant Quartermaster.

MILITARY DIVISION OF THE TENNESSEE,
QUARTERMASTER'S OFFICE, UNITED STATES MILITARY RAILROADS,
Nashville, Tennessee, May 11, 1866.

GENERAL: I have the honor to enclose herewith a letter received from your office, relative to the extension of time granted to the Nashville and Decatur railroad line.

I respectfully request to be informed if the extension granted is intended to apply to the indebtedness of these roads, composing the Nashville and Decatur railroad line, as well as to the indebtedness of the "line" itself.

The request of Mr. Sloss, as understood at this office is, that an extension be granted to the three roads, composing the line, and to the line itself, in which to pay the indebtedness to the United States incurred by each.

I am, General, very respectfully, your obedient servant,

G. W. MARSHALL,
Captain and Assistant Quartermaster in Charge.

A true copy and endorsement:

S. R. HAMILL,
Captain and Assistant Quartermaster.

Brigadier General W. D. WHIPPLE,
Chief of Staff, Military Division Tennessee, Nashville, Tenn.

[Endorsement.]

HEADQUARTERS MILITARY DIVISION OF THE TENNESSEE,
Nashville, Tenn., May 13, 1867.

Respectfully returned to Captain G. W. Marshall, assistant quartermaster in charge United States military railroads, military division, Tennessee.

The extension granted is intended to apply to the three roads, composing the Nashville and Decatur railroad line, as well as to the "line" itself.

By command of Major General Thomas:

W. D. WHIPPLE,
Brevet Brigadier General, Chief of Staff.

CLARKSVILLE, TENNESSEE, *March 10, 1866.*

SIR: As receiver of the Memphis, Clarksville and Louisville railroad, on the part of the State of Tennessee, I beg leave to state that in July last the railroad referred to was placed in my hands, in accordance with the law in regard to railroad companies failing to pay interest as it became due upon bonds granted by the State to aid in the construction or equipment of railroads.

In consequence of the war, the Memphis, Clarksville and Louisville railroad company were not able to meet interest promptly upon bonds granted to said company, and during the first year of the war the bridges upon the road were all destroyed, excepting one permanent and one draw-bridge over the Cumberland river; also the greater portion of the tressle on the line of the road, and the road-bed itself has been greatly injured during the past five years—cuts filling up and embankments being washed away.

The Legislature, during the present session, funded the interest due on the bonds of the State, the larger portion of which had been issued in aid of different railroad companies: and the Legislature also appropriated, to put the Memphis, Clarksville and Louisville railroad in running order, State bonds amounting to four hundred thousand dollars ($400,000).

In obedience to instructions from his excellency the Governor, Wm. G. Brownlow, I purchased, as receiver for the Memphis, Clarksville and Louisville railroad, from the United States government, rolling stock, such as engines, passenger and freight cars, and other material and supplies, all of which amounted to over three hundred thousand dollars. The road is now being put in order, and it is believed will be operated over the entire line from the State line of Kentucky to Paris, Tennessee, by the first day of June next. All of the means appropriated by the Legislature will be required for the rebuilding of bridges, and repairs necessary to put the road in good condition; consequently, I shall not have any means to meet the monthly instalments due the United States government, the collection of which has up to this time been suspended by Major General Thomas, commanding.

The Memphis, Clarksville and Louisville railroad forms an important link in the line of railroad connecting Louisville with Memphis, New Orleans, and Mobile, and will, when in operation, have a large portion of passage and freight traffic from the north and east to the south and southwest. But, in consequence of the embarrassed condition of the road, financially, I am satisfied the instalments due to the United States government cannot be met for some time to come, as the proceeds of the road will be required for the betterment of the road, so as to make it what it should be, a first class road.

I therefore, sir, in behalf of the State of Tennessee, whose interest in this road is large, and in behalf of the stockholders of the road, most of whom have been greatly embarrassed by the prostration of their business for the past five years, pray you to suspend the collection of the claim of the United States government for two years; at the expiration of that time I feel justified in stating that I believe the monthly instalments will be met promptly.

I have the honor to be your obedient servant,

GEORGE T. LEWIS.
Receiver Memphis, Clarksville and Louisville Railroad.

Hon. EDWIN M. STANTON,
Secretary of War, Washington, D. C.

[Endorsement.]

ADJUTANT GENERAL'S OFFICE, *March* 20, 1866.

Respectfully referred to Major General George H. Thomas, commanding division of the Tennessee, for report. To be returned.

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant General.

LOUISVILLE, KENTUCKY, *April* 7, 1866.

SIR: As you are aware, the paper I submitted to the Secretary of War was referred to Major General George H. Thomas, and by him referred to you, in which I asked for an extension of two years upon the debt due to the United States government by the Memphis, Clarksville and Louisville railroad for rolling stock and railroad material.

Since I parted with you, Captain, I have concluded that in all probability I shall be in condition to pay all of the interest, and one twenty-fourth part of the principal, in two years from date of purchase, and thereafter meet monthly instalments promptly, until the debt is cancelled, and hope, sir, you will make your report to General Thomas, framing my application for an extension in accordance with what I have here stated.

With my regards to you, sir, I beg leave to say I am, Captain, your obedient servant.

GEORGE T. LEWIS,
Receiver Memphis, Clarksville and Louisville Railroad Company.

Captain S. R. HAMILL,
Assistant Quartermaster, Nashville, Tennessee.

[Endorsement.]

QUARTERMASTER'S OFFICE UNITED STATES MILITARY RAILROADS,
Nashville, Tennessee, April 19, 1866.

Respectfully referred to Brigadier General W. D. Whipple, chief of staff, with request that this letter be endorsed, with the statement of the proposition of Mr. Lewis, forwarded by me on the 7th instant.

S. R. HAMILL, *Captain, A. Q. M.,*
Chief Quartermaster U. S. Military Railroads, Nashville, Tennessee.

HEADQUARTERS MILITARY DIVISION OF THE TENNESSEE,
Nashville, Tennessee, April 11, 1866.

Respectfully forwarded to the Adjutant General of the army, to accompany papers in the same case returned to the assistant quartermaster United States army, April 9, 1866.

GEORGE H. THOMAS,
Major General Commanding.

QUARTERMASTER'S DEPARTMENT MILITARY DIVISION OF THE TENN.,
GENERAL DISBURSING OFFICE U. S. MILITARY RAILROADS,
Nashville, Tennessee, April 7, 1866.

GENERAL: I have the honor to state that Mr. G. T. Lewis, receiver on the part of the State of Tennessee for the Memphis, Clarksville, and Louisville railroad, has proposed the following terms for the payment of the purchase money due the United States government for material purchased for the use of that road:

He will execute a bond in the penal sum of six hundred and sixty-four thousand one hundred and sixty-four dollars and seventy-two cents, ($664,164 72,) being double the amount of purchase, conditional for the payment in two years from the date of purchase, (November 30, 1865,) of one instalment of one twenty-fourth part of the purchase money, together with accrued interest at seven and three-tenths per cent. per annum, and the monthly payment of the balance in twenty-three equal instalments with interest at the same rate per cent.

He further proposes that if the receipts of the Memphis, Clarksville and Louisville railroad will justify it, the payment of instalments shall commence at an earlier date than November 30, 1867.

From all the information I can obtain regarding the condition of the Memphis, Clarksville and Louisville railroad, I believe the terms proposed are the best that can be made, and would respectfully recommend that a bond be required in accordance therewith.

I have the honor to be, General, very respectfully, your obedient servant,

S. R. HAMILL, *Captain, A. Q. M.*
Disbursing Q. M., U. S. Military Railroads, Military Division of the Tennessee.

Brigadier General W. D. WHIPPLE, *Chief of Staff.*

[Endorsement.]

Respectfully returned to the Adjutant General of the army, inviting attention to enclosed letter of Captain S. R. Hamill, chief quartermaster United States military railroads, military division Tennessee.

I concur in the recommendation that the extended time asked for be granted the Memphis, Clarksville, and Louisville railroad for reasons given by Captain Hamill.

GEO. H. THOMAS, *Maj. Gen. Commanding.*

ADJUTANT GENERAL'S OFFICE, *April* 19, 1866.

Respectfully returned to the Secretary of War, with report.

W. A. NICHOLS, *A. A. General.*

WAR DEPARTMENT, *April* 23, 1866.

Referred to the Quartermaster General for report.

THOS. T. ECKERT,
Acting Assistant Secretary of War.

QUARTERMASTER GENERAL'S OFFICE,
Washington, D. C., May 3, 1866.

Respectfully returned to the Secretary of War. In accordance with the within-expressed opinion of Major General Geo. H. Thomas, it is recommended that the extension of time of payment asked for by the Memphis, Clarksville, and Louisville railroad company be granted.

CHAS. THOMAS.
Brevet Maj. Gen. U. S. Army, Acting Quartermaster General.

WAR DEPARTMENT, *May* 11, 1866.

Recommendation of Quartermaster General is approved.

By order of the Secretary of War:

THOS. T. ECKERT,
Acting Assistant Secretary of War.

OFFICE OF THE ALABAMA AND TENNESSEE RIVER R. R. CO.,
Selma, Ala., May 24, 1866.

SIR: The undersigned, president *pro tem.* of the above-named company, by order of its board of directors, begs leave to represent to you that the company is at this time unable to pay the monthly instalments due the United States government for locomotives and cars purchased in September, 1865.

Some of the causes leading to this disability may be stated as follows:

Near the close of the late war our road was greatly damaged by the forces of the United States under General Wilson. Our machine shops and machinery, engine-house, and seven locomotives, foundry and tools, depots, station-houses, water stations, most of our bridges, and much of our track, were burned or otherwise destroyed, as also many of our cars, a large assortment of fuel, and material for repairs. The iron works and other manufacturing interests, from which the road derived a large share of its business, were generally destroyed.

The prostrate condition in which the country along the line of our road was left at the close

of the war rendered many of our citizens destitute of means; added to which the want of provisions, money, teams, and labor prevented the usual attention to agriculture.

Having succeeded by great effort in repairing our road and machinery in some degree, the company were enabled to resume business partially in July last, and within a few months thereafter the trains were enabled to run regularly over the entire line of 135 miles.

The business, though comparatively small, was more than the road could perform with its very limited supply of machinery, until the arrival, long delayed by unavoidable circumstances, of the locomotives and cars purchased of the United States.

Limited as has been the business, the company might, notwithstanding, have been able to make the monthly payments due the United States, or at least a considerable part of them, but for the large floating indebtedness necessarily contracted in reparing the road and machinery, and rebuilding the bridges, &c. This indebtedness is due in great part to laboring men who are dependent on their labor for subsistence, rendering it indispensable in most cases that they should be paid.

Our board are now engaged in closing a contract with parties of large means for the completion of our road to Dalton, Georgia, by the terms of which the company can, within twelve months from this date, commence the payment of monthly instalments on the amount then due the government, and can liquidate the entire debt within three years from the date of its creation.

The sources from which our company expect to derive the means to liquidate this debt to the government are as follows:

First, from the income from the lease of the road fixed at a given rate, monthly, increasing each year until it reaches seventeen hundred and fifty dollars per mile per annum.

Secondly, from the sale of first mortgage bonds, which will be prepared at an early day and placed on the market under auspices deemed favorable to their early negotiation on good terms.

Thirdly, from the sale of lands, of which the company own 375,000 acres, entirely unincumbered. These lands embrace valuable mines of coal, iron, and copper, and early steps will be taken to place them on sale in a way to secure to the company something near their value.

From all these sources the board feel confident the debt due the United States can and will be satisfied within the time above indicated. It is therefore hoped and desired that the government will so extend the time of payment that our company shall be enabled to meet the instalments monthly after the expiration of one year from this date.

All which is most respectfully submitted and subscribed by the undersigned, president *pro tem.*, the president elect not having qualified.

Thus done by authority of the board of directors under the seal of the company.

[SEAL.] GEO. C. PHILLIPS,
President pro tem.

Attest:

A. M. GOODWIN, *Secretary.*

General GEO. H. THOMAS,
Commanding District of Tennessee.

NASHVILLE, *May* 30, 1866.

CAPTAIN: I have the honor to report that in obedience to your order of the 11th instant, I repaired to Selma, Alabama, where I remained for several days, awaiting the action of the board of directors of the Alabama and Tennessee river railroad company.

During my stay I held frequent conversations with a portion of the directory—there being no president qualified to act as yet.

I also had access to the books of the treasurer, and examined them fully. The treasurer also gave me the report of the president and directors of the company, embracing the period from June 1, 1864, to March 31, 1866, which report I herewith hand you, together with the report of George C. Phillips, esq., president *pro tem.*, made by direction of the board of directors, in which he sets forth the cause of delay as well as the reasons for requesting an extension of the time of payment to the government. I would remark that the contract mentioned in Mr. Phillips's report had not been executed when I left Selma, but was being written up, the parties having agreed upon the several points to be named in the same. The one in which the government is most interested is the *item* of *rent*. The company by such agreement, are to receive $500 per mile per annum for the 135 miles completed and now running, for the first year; $1,000 for the second; $1,250 for the third; $1,500 for the fourth; and $1,750 for the fifth year, per mile; which amounts are to extend over each mile of new road that may be completed in each year, payments to be made monthly. There is a floating debt due citizens along the line, amounting to from $60,000 to $80,000, in sums from $5 to $500 to each party. Humanity demands that this debt be paid first, as these creditors are *most dependent*. Many of them, I have no doubt, are to-day supported in part by the government.

The contract before mentioned provides that the floating debt be paid first, out of the rent next the debt due the government.

From my investigation of the books of the company, I am pleased to say that the entire income of the road has been most economically, as well as intelligently, devoted to the restoration of the road to usefulness, and think the officers deserve great credit for the condition of the road under the circumstances. I will therefore respectfully suggest to you, and through you to the major general commanding, that the time asked—one (1) year—be granted for the commencement of the payment of instalments, with the understanding that the entire amount due the government shall be paid within the three years as proposed.

All of which is respectfully submitted.

I am, captain, very respectfully, your obedient servant,

S. B. BROWN, *Special Agent.*

Captain S. R. HAMILL, *A. Q. M.*,
Chief Quartermaster U. S. Military Railroads.

The Alabama and Tennessee River Railroad Company in account with the United States, for the month ending April 30, 1866.

Balance of principal due March 31, 1866		$173,388 72
Interest for April, 1866		1,040 33
Amount due United States, April 30, 1866		$174,429 05
Amount payable April 30, 1866:		
Interest due as above		$1,040 33
Instalments unpaid March 31, 1866	28,349 68	
Sixth monthly instalment	7,633 64	
		35,983 32
		$37,023 65

I certify that the above is correct.

S. R. HAMILL,
Capt. A. Q. M., Chief Q. M. U. S. Mil. R. Rds., Mil. Div. Tenn.

G. W. MARSHALL,
Captain, Ass't Quartermaster in charge.

The Alabama and Tennessee River Railroad Company in account with the United States, for the month ending March 31, 1866.

Amount of purchases made		$183,276 49
Interest unpaid February 28, 1866	$4,392 80	
Interest for March, 1866	1,136 31	
		5,529 11
		188,805 60
CREDIT.		
By transportation vouchers	15,340 18	
By interest on same to March 31, 1866	76 70	
		15,416 88
Balance due United States, March 31, 1866		173,388 72
Amount payable March 31, 1866:		
Interest due as above		5,529 11
Instalments unpaid February 28, 1866	30,603 81	
Fifth monthly instalment	7,633 64	
		38,237 45
		43,766 56
		15,416 88
		28,349 68

I certify that the above is correct.

S. R. HAMILL, *Captain, A. Q. M.,*
Chief Q. M. U. S. M. Railroads, Military Div. of the Tennessee.

MILITARY DIVISION OF THE TENNESSEE,
CHIEF QUARTERMASTER'S OFFICE, U. S. MILITARY RAILROADS,
Nashville, May 31, 1866.

Respectfully forwarded to Brigadier General W. D. Whipple, chief of staff, military division of the Tennessee, with the recommendation that the extension requested by the Alabama and Tennessee river railroad company be granted, in accordance with the recommendation of S. B. Brown, esq., special agent.

S. R. HAMILL, *Captain,*
Chief Q. M. U. S. Mil. Railroads, Military Div. of the Tennessee.

Respectfully forwarded to the Adjutant General of the army, for the orders of the honorable Secretary of War, with recommendation that the extension of time asked for by the Alabama and Tennessee river railroad company be granted.

GEO. H. THOMAS,
Major General Commanding.

Respectfully submitted to the Secretary of War.

W. A. NICHOLS,
Assistant Adjutant General.

QUARTERMASTER GENERAL'S OFFICE,
Washington, D. C., July 15, 1866.

SIR: I have the honor to return the application of the Alabama and Tennessee river railroad company for an extension of time of payment of its indebtedness to the United States for railroad material purchased. Major General George H. Thomas was charged with the execution of executive orders of August 8, and October 14, 1865, under which this railroad made the purchases and incurred the debt. A delay of twelve months from the date of the application (May 24, 1866) is asked for the commencement of the payment of the equal monthly instalments due the government. The statement is made that the entire debt can be liquidated within three years from the date of its creation.

General Thomas recommends the extension, believing, from an examination of the papers, that the road is actually unable to meet its engagements with the United States, and that to attempt to enforce prompt payments will be to arrest the operations of the road, and thus to defeat the objects of the Executive in the policy which dictated executive order of August 8, 1865; and, considering that delay has been granted to the roads in the southwest, I recommend that the extension as asked be granted, interest to be charged the company from the origin of the debt.

Very respectfully, your obedient servant,

M. C. MEIGS,
Brevet Major General U. S. A., Quartermaster General.

Hon. E. M. STANTON, *Secretary of War.*

QUARTERMASTER GENERAL'S OFFICE,
Washington, D. C., July 27, 1866.

MAJOR: The application of the Alabama and Tennessee river railroad company for an extension of time of payment of its indebtedness to the United States for railroad material purchased, forwarded with recommendation by Major General George H. Thomas, June 6, 1866, to the Secretary of War, was referred to this office for report.

The Secretary of War on July 20, 1866, granted the delay asked by this road.

You will make such arrangements with the company as may be necessary to secure to the United States the payment of the amount due, in accordance with the terms of the extension, viz: That on May 31, 1867, (one year from the date of the application,) one instalment of one-eighteenth part of the amount of purchase, with all accrued interest, shall be paid the United States, and the balance in seventeen equal monthly instalments, with interest at seven and three-tenths per cent. per annum, promptly as they fall due, to the end that the entire debt shall be discharged on October 31, 1868, three years from the date of its creation.

Very respectfully, your obedient servant,

M. C. MEIGS,
Brevet Major General, Quartermaster General.

Brevet Major S. R. HAMILL,
Assistant Quartermaster, Nashville, Tenn.

PRESIDENT'S OFFICE, ALABAMA AND FLORIDA R. R. CO. OF ALABAMA,
Montgomery, Alabama, July 12, 1866.

SIR: I respectfully ask for indulgence until the 1st day of October next on the payments now due by this company and to become due up to that date, for the purchase of locomotives, cars, and machinery from the United States government. When I made the purchase I expected the amount due by the government for transportation, for which we had vouchers, amounting to upwards of $12,000, but which have only been allowed for $8,999 28, and the mail pay of the company, which will amount up to the 1st day of July to about $5,000, would have been made available to meet the payments, as they are about $2,500 monthly, and I paid up to the 30th day of March. You will see that the amount of vouchers allowed, $8,299 28, and the mail pay of $5,000, making a total of $13,299 28, would very nearly have provided for the instalments for the six months from April 1 to 1st of October. The whole of this sum has been stopped by order of the quartermaster's department at Washington and applied to the payment of a claim for repairs of road when it was in possession of the military authorities, amounting to $27,109 04. I was not here when the road was delivered up to the company, and, from the report of the superintendent, who was here, I was led to believe that but little had been done by the military authorities, and as they had used the road for transportation of troops and supplies, I hoped such an allowance would be made for transportation as would pay for the repairs made. The purchases made from the government at Nashville and the rolling stock of the company saved in Georgia were delayed until very late in the business season, because the Montgomery and West Point railroad, over which it had to be transported, had such a small outfit as to be unable to do it. This delay continued until the rise of water in the Alabama river brought the steamboats directly in competition with the road. This competition, connected with the fact that the quantity of cotton left in this section of country to be transported was very small, rapidly reduced after the 1st of January the receipts of the road, and since April they have not amounted to enough to pay working expenses and necessary repairs, which have been very heavy throughout the year, to keep the road up to a safe working condition. It has been necessary to put into track since the 1st of October last about one hundred thousand new cross-ties, and to rebuild some of the most important bridges. Up to the 1st of January I felt so much encouraged with the receipts of the road that I ventured to resume the payment of interest on the bonded debt of the company by providing for and paying the interest coupons due on that day, the creditors of the company having, without exception so far, funded the large amount of coupons which became due during the war in eight per cent. five year bonds; but between January and April the receipts so rapidly declined that I was compelled to let the April coupons go unpaid, and as you will see by the statement of the auditor, which I herewith submit, and as I have before stated that the receipts from 1st of April to 1st of July will not pay expenses. Since my return to my office, from which I have been absent since the 11th of May, I have been without the services of the superintendent, Mr. Jones, who has been and is still very ill with typhoid fever; hence the delay in making the application. I hope the indulgence asked for will be granted. By the 1st of October the business of the country will revive, and even if our net earnings will not by that time pay up all arrearages, we may be enabled to borrow, which we cannot now do, and I pledge myself to use every possible effort to pay up at the time specified.

I am, very respectfully, your obedient servant,

CHARLES T. POLLARD, *President.*

Captain S. R. HAMILL,
Chief Q. M. U. S. Military Railroads, Nashville, Tennessee.

SUPERINTENDENT'S OFFICE,
ALABAMA AND FLORIDA RAILROAD COMPANY OF ALABAMA,
Montgomery, Alabama, July 12, 1866.

Statement of the receipts and expenses of the Alabama and Florida Railroad of Alabama from April 1, 1866, *to June* 30, 1866, *inclusive.*

RECEIPTS.

For April	$26,965 57
For May	25,493 84
For June	22,452 34
	74,911 75

EXPENSES.

Amount charged up to transportation expense account for expenses, ordinary and extraordinary, from 1st April to 30th June	$70,392 70
Amount of accounts outstanding, audited, but not paid for same time	9,430 33
	79,823 03

GEORGE C. BALL,
Auditor of Alabama and Florida Railroad Company.

ASSISTANT QUARTERMASTER'S OFFICE U. S. MILITARY RAILROADS,
Nashville, Tennessee, July 18, 1866.

Respectfully forwarded to Brigadier General W. D. Whipple, chief of staff, with recommendation that the extension applied for by Mr. Pollard be granted. I believe the statements of Mr. Pollard to be correct.

S. R. HAMILL, *Bvt. Maj., A. Q. M.,*
U. S. Military Railroads, Mil. Div. of Tennessee.

HEADQUARTERS MILITARY DIVISION OF THE TENNESSEE,
Nashville, Tennessee, July 19, 1866.

Respectfully forwarded to the Hon. Secretary of War, with the recommendation that the extension applied for be granted.

GEO. H. THOMAS,
Major General U. S. A., Commanding.

ADJUTANT GENERAL'S OFFICE, *July* 26, 1866.

Respectfully submitted to the Secretary of War.

W. A. NICHOLS,
Assistant Adjutant General.

QUARTERMASTER GENERAL'S OFFICE,
Washington, D. C. July 30, 1866.

SIR: I have the honor to return the application of the Alabama and Florida Railroad for an extension of time of payment of its indebtedness to the United States, referred by the War Department, July 26, to this office for report.

This road leads from Brewton's Station to Montgomery, Alabama, and is one hundred and five (105) miles long. It is charged with fifty-one thousand nine hundred and twelve dollars ($51,912) for material purchased of the United States under executive order of October 14, 1865; for the prompt payment of which, in equal monthly instalments within two years, with interest at the rate of 7 3/10 per cent. per annum, the railroad company, by Charles T Pollard, president, has given bond, November 30, 1865, to the amount of one hundred thousand, five hundred and ninety-six dollars and thirty-four cents, ($100,596 34.) A further charge of twenty-seven thousand one hundred and nine dollars and four cents ($27,109 04) is made by the quartermaster's department against this railroad for expenses incurred and labor performed in reconstructing the railroad during the months of May, June, and July, 1865, making the debt of this company, exclusive of interest, amount to seventy-nine thousand and twenty-nine dollars and four cents, ($79,029 04.)

The following is a statement of its indebtedness July 31, 1866:

Value of purchases made and expenses in reconstructing road	$79,021 04
Interest to July 31, 1866	2,757 04
Total	81,778 08
Payments	21,259 29
Amount due	60,518 79

Accompanying the application is a statement prepared by the auditor of the railroad of its receipts and expenditures during the months of April, May, and June, 1866, upon examination of which it will be found that the expenses of operating the road during that period have exceeded its receipts.

The statement is made that it has been necessary to put into track since October, one hundred thousand (100,000) new cross-ties, and to rebuild some of the most important bridges.

The president asks indulgence until the 1st of October next on the payments now due by this company and to become due up to that date, and pledges himself to use every possible effort to pay up at the time specified.

Brevet Major S. R. Hamill, chief quartermaster of United States military railroads, military division of the Tennessee, recommends that the extension applied for by this railroad be granted, and Major General George H. Thomas, to whom the executive orders committed the transfer of the United States rolling stock in his military division, concurs in the recommendation of Major Hamill.

In consideration of the disposition evinced on the part of this railroad, of willingness and its apparent inability to meet its engagements with the United States, the very reasonable request it makes under the circumstances, and that delay has been granted other roads in the southwest, I recommend that the extension asked be granted.

Very respectfully, your obedient servant,

M. C. MEIGS.
Brevet Maj. Gen. U. S. A., Quartermaster General.

Hon. E. M. STANTON,
Secretary of War, Washington, D. C.

WAR DEPARTMENT, *August*, 3, 1866.

Approved by order of the Secretary of War:

THOS. T. ECKERT,
Assistant Secretary of War.

QUARTERMASTER GENERAL'S OFFICE,
Washington, D. C., August 14, 1866.

MAJOR: By order of the Secretary of War, August 3, 1866, the application of the Alabama and Florida Railroad Company for an extension of the time of payment of its indebtedness for railway material purchased of the United States, is granted.

You will therefore make such arrangements with the company as may be necessary to secure to the United States the money due, in accordance with the terms asked for and granted, viz: that an indulgence be allowed till October next on the payment now due by this company, and to become due by that date.

By order of the Quartermaster General:

Respectfully, your obedient servant,

ALEXANDER BLISS,
Colonel Q. M. Dep't, in charge of Fourth Division.

Brevet Major S. R. HAMILL,
Assistant Quartermaster, Nashville, Tennessee.

NASHVILLE AND DECATUR RAILROAD LINE,
GENERAL SUPERINTENDENT'S OFFICE,
Nashville, October 26, 1866.

SIR: In consequence of the depressed monetary condition of the affairs of the companies composing the Nashville and Decatur railroad line, arising from the necessity of rebuilding bridges, trestle-work, depots, machine shops, round-houses; the necessity of rebuilding a McCallum bridge over Carter's Creek, at a cost of between seven and eight thousand dollars, and the necessity, during this year and the next, of rebuilding every McCallum bridge on the road, seven in number. Our structure over Duck River, 620 feet in length, built by military authorities, is six feet below high water mark, and I fear that that bridge will be lost to us, and we will have to replace it at an early day.

Purchase of passenger cars, general repairs of track, light business of the road, and the prospect of a continuance of the same, owing to the almost entire failure of the crops along the line, opening of competing lines of railroad, thereby materially reducing the earnings of the line, as the accompanying table will show: for the above reasons the companies are at present wholly unable to meet the demands of the general government, and would therefore respectfully urge that the government will allow the companies of this line, and the line, to suspend the payment of their indebtedness to the general government until January 1, 1869, at which time the companies will be able to resume the payment of their instalments to the general government, and hope to be able to resume the payment of their interest on the 1st of January, 1868. The companies earnestly request that this favor be granted them, as their only means of relief.

The accompanying table will show a great decrease in the earnings of the road from January 1, to October 1, 1866, while the necessities of repair and renewal remain imperative, as the roads when received from the United States government were greatly out of repair, and

destitute of machine shops, engine houses, depots, &c. It is absolutely necessary to expend every dollar of the earnings for the operating and rebuilding of the road. This line of railroad was originally intended to extend to Montgomery, Alabama, and from thence to Pensacola, Florida. The road was completed from Nashville, Tennessee, to Decatur, Alabama, and a large portion of the grading done between Decatur and Montgomery, before the war. After the commencement of the war the work was abandoned for want of means to carry it on. I desire to inform you that it is proposed to extend the road from Decatur to the city of Montgomery, Alabama, within the next few years, thereby forming a continuous line of road of the same gauge from Pensacola, Florida, to Louisville, Kentucky. For this purpose, the preliminary arrangements have already been made by the companies owning the same, with other railroad companies interested in the proposed extension, to lend them such aid as will insure success. The increase of business afforded by this extension of the line will amply secure to the general government the payment of the companies' indebtedness. I would also state that we have heretofore promptly paid the instalments with the accumulated interest, amounting to some one hundred and thirty thousand dollars.

All of which is respectfully submitted.

Very respectfully, your obedient servant,

J. W. SLOSS,
President Nashville and Decatur Railroad Line.

Brevet Major S. R. HAMILL,
Chief Quartermaster United States Military Railroads.

QUARTERMASTER'S OFFICE, UNITED STATES MILITARY RAILROADS,
Nashville, Tennessee, October 27, 1866.

Respectfully forwarded to Brigadier General William D. Whipple, chief of staff, department of the Tennessee, with recommendation that the extension applied for be granted for the following reasons:

I. The Nashville and Decatur railroad line, and the different companies composing that line, have hitherto paid promptly all instalments and interest falling due upon their indebtedness for material purchased under executive orders of August 8 and October 14, 1865, and have in every manner shown a desire to act in good faith toward the government.

II. The payment of the indebtedness is rendered more secure than by urging immediate compliance with the terms of purchase.

1st. Because to my personal knowledge the Nashville and Decatur railroad line is at present in a condition requiring extensive repairs, absolutely essential to its successful or even safe operation.

2d. Without the extension of time proposed the Nashville and Decatur railroad line must, in my opinion, remain in its present depleted condition financially. By reference to any railroad map it will be seen at a glance that it can now only rely upon local trade, as through freights to Memphis or other portions of the Southwest, as well as travel, will naturally seek the shorter lines of the Memphis, Clarksville and Louisville, and Edgefield and Kentucky railroads. The extension of line proposed to Montgomery *via* Montevallo will at once form the shortest all-rail line from the commercial cities of the Northwest to the extreme Southwest, and will pass through some of the richest lands in the Southwest, both as regards agricultural and mineral wealth, thus insuring a local trade which in itself would secure the ability for the payment of the indebtedness upon the terms proposed in the within application. If this extension be not granted it is my firm belief that the balance of the indebtedness cannot be collected without enforcing the penalties of the bond executed by the companies making this bond, and retaking possession of the property sold to them.

III. Believing further that it was the intention of the government in disposing of material to southern railroads on the terms of the executive orders of August 8 and October 14, 1866, to benefit these roads by enabling them to resume successful operation, I believe the extension would be strictly within the spirit of the orders above referred to, whilst it would inure to the advantage of the government, as it is manifestly not to the interest of the United States to expose the property at public sale.

I therefore respectfully recommend that the application be granted.

S. R. HAMILL,
Brevet Maj., A. Q. M., in charge U. S. Mil. Railroads, Dept. of Tenn.

HEADQUARTERS DEPARTMENT OF THE TENNESSEE,
Nashville, Tennessee, October 29, 1866.

Approved and respectfully forwarded to the Adjutant General of the army for the orders of the honorable Secretary of War.

GEO. H. THOMAS,
Major General U. S. A., Commanding.

[Endorsement.]

ADJUTANT GENERAL'S OFFICE,
November 8, 1866.

Respectfully referred to the Quartermaster General.

E. D. TOWNSEND,
Assistant Adjutant General.

QUARTERMASTER GENERAL'S OFFICE,
Washington, November 21, 1866.

Respectfully forwarded to the Secretary of War.

The executive orders of August 8 and October 14 commit to Major General Geo. H. Thomas the duty of disposing of the government railroad property in the Southwest and of regulating the terms and conditions of its sale to railroad companies.

General Thomas has approved this application, and being satisfied that he would not have done so unless convinced that it was judicious, I recommend that the extension as approved by General Thomas be granted.

M. C. MEIGS,
Brevet Major General U. S. Army, Quartermaster General.

QUARTERMASTER GENERAL'S OFFICE,
Washington, D. C., December 1, 1866.

MAJOR: The Secretary of War, under date of November 21, 1866, has approved the application of the four railroads forming the Nashville and Decatur railroad line, viz: Tennessee and Alabama railroad, Central Southern railroad, Tennessee and Alabama Central railroad, and Nashville and Decatur railroad, for an extension of time of payment of their indebtedness to the United States for railroad material purchased.

The terms of the extension are that on January 1, 1869, an instalment of $\frac{1}{4}$ part of the amount of purchase, with all accrued interest, shall be paid the United States, and the balance in twenty-three equal monthly instalments, with interest at 7$\frac{3}{10}$ per cent., promptly as they fall due thereafter; and that during the extension they make such payments as they may be able.

You will notify the company accordingly, and require from them a strict compliance on their part with the above terms.

By order of the Quartermaster General:

Respectfully, your obedient servant,

ALEXANDER BLISS,
Colonel Q. M. Department, in charge of Fourth Division.

Brevet Major S. R. HAMILL,
Assistant Quartermaster, Louisville, Kentucky.

OFFICE SELMA AND MERIDIAN RAILROAD,
Demopolis, Alabama, October 29, 1866.

SIR: Your letter of the 12th instant, post-marked 19th, was received by our last mail on the 27th instant, containing statement of indebtedness to 30th instant.

Our company would respectfully ask you to suspend the penalty of the bond for the following reasons: 1st, that this company paid a large amount on its original purchase before the monthly instalments became due; 2d, that this company has paid the monthly instalments of interest, and promises to do so for the future; 3d, that the United States is indebted to this company in an unadjusted account of over ten thousand dollars, for the transportation of paroled prisoners, troops, and munitions, and is further indebted for the carriage of the mails for the past fourteen months, which are to be applied to our credit on indebtedness in your office when settled.

To make our road valuable we were compelled to build a large and costly bridge over the Tombigbee river, and five miles of expensive trestle and road bed, thus connecting our road through from Selma to Meridian. This connection is now completed, but has absorbed every available dollar of our assets, and we have opened up to us a valuable and profitable business. We have been disappointed in our financial arrangements by the failure of the crops of the country, and are just now unable, from this cause, to raise the amount to pay our deficit on the purchase of railroad material.

We can safely promise to pay the instalment falling due thereafter, and can pay in a few

months—say by the 1st of April next—the balance of instalments past due, amounting to about thirteen thousand seven hundred dollars, ($13,700.)

Respectfully soliciting an early reply to our application for this extension of credit from you.

I am, sir, very respectfully, your obedient servant,

A. Y. SHARPE, *Sec'y and Treasurer.*

Major S. R. HAMILL,
Chief Quartermaster U. S. Military Railroads, Nashville, Tennessee.

[Endorsement.]

QUARTERMASTER'S OFFICE UNITED STATES MILITARY RAILROADS,
Louisville, Ky., November 12, 1866.

Respectfully forwarded to Brevet Major General W. D. Whipple, chief of staff, with the recommendation that I be authorized to suspend action in the case of the Selma and Meridian railroad company, provided they make the payments as proposed in the within letter of Mr. Sharpe.

S. R. HAMILL, *Bvt. Maj. and A. Q. M.*

HEADQUARTERS DEPARTMENT OF THE TENNESSEE,
Louisville, Ky., November 13, 1866.

Respectfully forwarded to the Quartermaster General United States army, approving recommendation of Brevet Major S. R. Hamill, assistant quartermaster.

GEO. H. THOMAS,
Major General United States Army, Commanding.

QUARTERMASTER GENERAL'S OFFICE,
Washington, November 24, 1866.

Respectfully forwarded to the Secretary of War, with recommendation that the suspension of action in the case of this railroad, approved by General Thomas, be authorized.

M. C. MEIGS,
Brevet Major General U. S. Army, Quartermaster General.

WAR DEPARTMENT, *December* 5, 1866.

Approved as recommended by the Quartermaster General and Major General Thomas.

By order of the Secretary of War:

LOUIS PELOUZE, *A. A. General.*

QUARTERMASTER GENERAL'S OFFICE,
Washington, D. C., November 13, 1866.

MAJOR: The Secretary of War, under date of December 5, 1866, has approved the application of the Selma and Meridian railroad for a suspension of the penalty of its bond and for an extension of time of payment of its indebtedness to the United States for railroad material purchased.

The terms of the extension are, that the company pay on November 30, 1866, one monthly instalment, and that thereafter one instalment regularly and promptly be paid each respective month until April 1, 1867, when payment in full of the amount due at that date, as per terms of sale, will be made to the United States, and that during the extension they shall pay promptly the accruing interest monthly as it falls due.

You will notify the company accordingly, and require from them a strict compliance on their part with the above terms.

By order of the Quartermaster General:

Respectfully, your obedient servant,

ALEXANDER BLISS,
Colonel Quartermaster's Department, in charge Fourth Division.

Brevet Major S. R. HAMILL,
Assistant Quartermaster, Louisville, Kentucky.

QUARTERMASTER'S DEPARTMENT,
MILITARY DIVISION OF THE TENNESSEE,
GENERAL DISBURSING OFFICE,
Nashville, Tenn., July 5, 1866.

SIR: I have the honor to enclose herewith vouchers in duplicate for $70,249 81 in your favor, being amount of treasury award No. 9,457. You will please sign the receipts and return to me as soon as possible. Said voucher was left at this office by an agent of your company, saying that you wished the award to be applied in a different way, &c.

In reply to your message by your agent I would state that, inasmuch as it has been already reported to the Quartermaster General, the disposition cannot now be changed.

Your company having met their payments with so much promptness, and having evinced a disposition to comply strictly with their obligations, if, in future, you find yourselves positively unable to meet your payments regularly, I have no doubt that an extension of time will be granted by the Major General commanding, upon proper application.

I also return statements for May, 1866, also left by your agent.

Very respectfully, your obedient servant,

S. R. HAMILL, *Captain,*
Chief Q. M. U. S. Mil. Railroads, Military Div. of the Tennessee.

A. L. WILLOUGHBY, Esq.,
Secretary Mobile and Ohio Railroad Company, Mobile, Ala.

OFFICE OF THE MOBILE AND OHIO RAILROAD COMPANY,
Mobile, Alabama, July 16, 1866.

CAPTAIN: I forwarded you by express yesterday the vouchers for the award of $70,249 81, duly signed. I regret very much that the award was not equally applied to both purchases, as it would have relieved the company greatly and given them longer relief. As it now is, we have gained but little time, and will be compelled to resume payments sooner than we anticipated. We are expecting further awards from the government on account of transportation and postal services, which I hope will be made in time to meet our instalments, else we may be temporarily compelled to ask for that indulgence that you mention in your complimentary concluding paragraph.

Very respectfully,

A. L. WILLOUGHBY,
Secretary and Treasurer Mobile and Ohio Railroad Company.

Captain S. R. HAMILL,
Assistant Quartermaster, Nashville, Tenn.

HEADQUARTERS DEPARTMENT OF THE TENNESSEE,
GENERAL DISBURSING OFFICE, U. S. MILITARY RAILROADS,
Nashville, Tenn., October 12, 1866.

SIR: I have the honor to call your attention to the enclosed statement of the indebtedness of the Mobile and Ohio railroad company to the United States, on account of material purchased under executive orders. You will see that your company is now in arrears in payment of both interest and instalments.

You are respectfully informed that unless the payment of all arrears is provided for by the 31st instant, I shall proceed to enforce the terms of the bond given by your company. My orders are imperative, and a prompt response on your part is expected.

Very respectfully, your obedient servant,

S. R. HAMILL,
Brevet Major and Assistant Quartermaster.

A. L. WILLOUGHBY,
Secretary Mobile and Ohio Railroad Company, Mobile, Ala.

The Mobile and Ohio Railroad Company in account with the United States, for the month ending September 30, 1866.

Balance, principal, due August 31, 1866	$287,896 53	
Interest for September, 1866	1,727 38	
		$289,623 91
Amount payable September 30, 1866:		
Interest due as above		1,727 38
Instalment unpaid August 31, 1866	25,573 99	
Eleventh month instalment	18,519 48	
		44,093 47
Amount due United States September 30, 1866		45,820 85

I certify the above is correct.

S. R. HAMILL, *Captain,*
Brevet Major Volunteers, Assistant Quartermaster.

DEAR SIR: The failure of the cotton crop, and the great decrease of freight and travel on the Mobile and Ohio railroad, and the consequent decrease of our income, renders it necessary for us to ask an extension of time on our indebtedness to the government for rolling stock and railroad supplies. We made large purchases, paying cash for our first purchases, (amounting, according to my recollection, to about seventy thousand dollars.) We then made purchases at *Richmond* and *Nashville, on time*, payable in twenty-four instalments. We have, until lately, paid these instalments as they fell due, with exact punctuality, and had the honor to be complimented for it by a letter from Major Hamill. This letter was addressed to our secretary, dated July 5, 1866, a copy of which is herewith filed; a copy of our secretary's reply is also herewith filed; a copy of Major Hamill's *recent letter*, urging immediate payment of the amount due, is also filed. I called this morning to see Major Hamill to ask for a statement in our favor, but learned he had gone to Louisville.

It will be seen by Major Hamill's letter, and the account appended, that the whole amount of our indebtedness to the government is $289,623 91. Of this, at the date of his letter, there was only $45,820 85 past due. One more payment matures to-day. We have just claims against the government for postal service and transportation, for nearly or quite the amount of our matured indebtedness, but which cannot be offset until the same is audited, and then only when an order is made to that effect

We have been, and now are, devoting every dollar of our surplus earnings to the payment of this debt, and the payment of the interest on our debt to the State of Tennessee, asking and obtaining the consent of our *private creditors* to give way to the superior nature of these obligations. But lately our income has so run down that we have had, for several months, *no surplus* above running expenses. We hope this will, after a while, change, and our income again become good, as in former days. *At present it is impossible to meet our engagements punctually.* Under the existing condition of things, it is out of our power to go out and raise money in the ordinary modes in which money was raised in former days. We have nothing to rely on but our income.

The largest interest in the Mobile and Ohio railroad is held in Europe. I expect to sail from New York on the 28th of this month to consult with our creditors and bond-holders in London, and appeal to them for relief and assistance. I have every reason to hope for success. If this claim of the government is pressed on us, and the fact becomes publicly known, it will throw great difficulties in the way, and perhaps defeat my negotiations. In view of the whole case, I respectfully request that further payments on our debt be suspended for six months. The debt is a perfectly safe one, and time will not make it less so. But for the failure of the cotton crop, and the consequent failure of our income, you would not have been troubled with this application.

Most respectfully yours,

MILTON BROWN,
President Mobile and Ohio Railroad Company.

Major General THOMAS:

[Endorsement]

HEADQUARTERS DEPARTMENT OF THE TENNESSEE,
Nashville, Tennessee, November 1, 1866.

Respectfully referred to Brevet Major S. R. Hamill, acting quartermaster in charge of the United States military railroads, for remark.

By command of Major General Thomas.

WM. D. WHIPPLE,
Assistant Adjutant General.

QUARTERMASTER'S OFFICE UNITED STATES MILITARY RAILROADS,
Louisville, Kentucky, November, 12, 1866.

Respectfully returned to Brigadier General William D. Whipple, chief of staff, with the recommendation that the Mobile and Ohio railroad company be permitted to suspend the payment of instalments for six months, with the contingency that they shall pay *promptly* the accruing interest, monthly, as it falls due.

S. R. HAMILL,
Brevet Major, A. Q. M.

HEADQUARTERS DEPARTMENT OF THE TENNESSEE,
Louisville, Kentucky, November 14, 1866.

Respectfully forwarded to the Adjutant General of the Army.

Approved:

GEORGE H. THOMAS,
Major General U. S. Army, Commanding.

WAR DEPARTMENT,
Adjutant General's Office, November, 20, 1866.

Respectfully submitted to the Secretary of War.

E. D. TOWNSEND,
Assistant Adjutant General.

QUARTERMASTER GENERAL'S OFFICE,
Washington, November 24, 1866.

Respectfully returned to the Secretary of War, with the recommendation that the suspension of payment by the Mobile and Ohio railroad company, for the period and under the conditions approved by Major General George H. Thomas, be allowed.

M. C. MEIGS,
Brevet Major General U. S. A. Quartermaster General.

WAR DEPARTMENT, *December* 6, 1866.

The recommendation of the Quartermaster General and Major General Thomas is approved.
By order of the Secretary of War:

L. H. PELOUZE,
Assistant Adjutant General.

QUARTERMASTER GENERAL'S OFFICE,
Washington, D. C., December 13, 1866.

MAJOR: The Secretary of War, under date of December 6, 1866, has approved the application of the Mobile and Ohio railroad for an extension of the time of payment of its indebtedness to the United States for railroad material purchased.

The terms of the extension are, that the company be permitted to suspend payment of instalments for six months, with the contingency that, during the extension, they shall pay promptly the accruing interest monthly as it falls due.

You will notify the company accordingly, and require from them a strict compliance, on their part, with the above terms.

By order of the Quartermaster General:

Respectfully, your obedient servant,

ALEXANDER BLISS,
Col. of Quartermaster's Department, in charge of Fourth Division.

Brevet Major S. R. HAMILL, *A. Q. M., Louisville, Ky.*

WASHINGTON, *April* 20, 1866.

SIR: M. Burns, president of the Nashville and Chattanooga railroad, at Nashville, Tennessee, requested me to say to your excellency that he is sorely pressed by the officers of the government to pay in part for the material he purchased for the use of this road from the quartermaster's department. He says that he was induced to believe that the government would not urge the payment of those claims until time could be had to make a settlement for the use of the road, upon a basis proposed by him (Burns) to Quartermaster General Meigs, in the presence of Mr. Lincoln.

Acting upon this belief, he advertised that he was ready to pay the interest on the bonds of the company in New York on a certain day, and made all his preparations for it, but in the meantime the above demand was made, accompanied by threats that they would again seize the road.

Now, what he most urgently desires of you is, that the payment of these claims be ordered to be suspended until the settlement can be had, or to give him time to make the road earn the money. The road is doing well, and all that the company want is time. The amount now on deposit to meet interest on bonds would pay the amount now due the government.

You see how ruinous it would be to him, to the credit of the company and the credit of the State, if he is forced to comply with this demand.

Very respectfully,
JNO. MCCLELLAN,
For M. BURNS.

His Excellency the PRESIDENT.

Respectfully referred to the honorable Secretary of the Treasury, with directions that collection be suspended until further orders.

EDMUND COOPER, *Acting Private Secretary.*

TREASURY DEPARTMENT, *April* 27, 1866.

Respectfully referred to the Secretary of War.

WM. E. CHANDLER,
Assistant Secretary of the Treasury.

Respectfully referred to the Quartermaster General for his action.

E. M. STANTON, *Secretary of War.*

APRIL 30, 1866.

QUARTERMASTER GENERAL'S OFFICE,
Washington, D. C., May 22, 1866.

SIR: In compliance with the order of the President of the United States, dated April 25, 1866, endorsed upon an application of Jno. McClellan, for M. Burns, president of the Nashville and Chattanooga railroad, directing that collection be suspended of the indebtedness of said road to government until further orders, I have the honor to report: This order having been referred by the Secretary of War to the Quartermaster General for his action, that I have caused the order to be carried out.

I enclose a copy of instructions to Captain Hamill, assistant quartermaster, to suspend collection of this company's indebtedness. The indebtedness of this company is the largest incurred by any railroad, amounting to $1,564,836 99, on which the instalment and interest now due amount to $325,398 99.

M. C. MEIGS, *Quartermaster General.*

Hon. E. M. STANTON, *Secretary of War.*

QUARTERMASTER GENERAL'S OFFICE,
Washington, D. C., May 5, 1866.

CAPTAIN: An order of the President of the United States, dated April 25, 1866, and referred to this office by the Secretary of War, April 30, 1866, directs that collection be suspended until further orders, of the indebtedness of the Nashville and Chattanooga railroad to the United States. You will be governed accordingly.

By order of the Quartermaster General:

Respectfully, your obedient servant,

ALEXANDER BLISS,
Col. Quartermaster's Department, in charge of Fourth Division.

Captain S. R. HAMILL, *Assistant Quartermaster, Nashville, Tenn.*

A true copy:

ALEXANDER BLISS, *Col. Q. M. Dep't.*

NASHVILLE, *June* 8, 1866.

DEAR SIR: As receiver of the Edgefield and Kentucky railroad, I beg leave to state that it is out of my power to meet the instalments due the United States government as they fall due, from the fact that the connecting line which gives business to the Edgefield and Kentucky railroad is not yet repaired and open for traffic. I allude to the Memphis, Clarksville, and Louisville railroad, which, in connection with the Memphis and Ohio railroad, makes the shortest and most direct route from this city to Memphis, and by other lines to New Orleans and Mobile.

The business of the Edgefield and Kentucky railroad, when the line is open, which will be during the next month, promises to be remunerative, and I feel satisfied will, after it is put in good condition, pay its interest due to the State, and gradually liquidate the debt due to the United States, but in order that this line may be relieved of financial embarrassment, I appeal to you, sir, for an extension of time upon the claims against the road I now represent, now in your hands. If the government will in its magnanimity extend the time two years from date of purchase, making the first instalment to fall due in December, 1867, I feel quite certain that the amount due the government will be paid in the twenty-four monthly instalments, as they may fall due. Do please, Captain, aid me in this matter, by recommending to the War Department to grant the extension asked for.

I am, sir, very respectfully, your obedient servant,

R. B. CHEATHAM,
Receiver for Edgefield and Kentucky Railroad.

Captain S. R. HAMILL,
Chief Quartermaster U. S. Military Railroads, Mil. Div. of the Tenn.

NASHVILLE, *June* 14, 1866.

DEAR SIR: In addition to the communication of the 8th instant, I herewith submit a statement of the receipts and expenditures of the Edgefield and Kentucky railroad for the past seven months, accompanied by the affidavit of the superintendent and treasurer of the road.

The appropriations made by the Legislature will be entirely absorbed in building bridges, trestles, and machine shops, and supplying the road with additional rolling stock. Should the receipts hereafter increase sufficient to commence payment of instalments due the United States government earlier than asked for, I shall immediately advise the proper officer of the fact.

I am, sir, very respectfully, your obedient servant,

R. B. CHEATHAM,
Receiver for E. and K. R. R.

Captain S. R. HAMILL,
Chief Q. M. U. S. Mil. R. R'ds, Mil. Div. of the Tenn.

QUARTERMASTER'S DEPARTMENT, MILITARY DIVISION
OF THE TENNESSEE, GENERAL DISBURSING OFFICE,
Nashville, Tennessee, June 14, 1866.

GENERAL: I have the honor to enclose herewith the application of R. B. Cheatham, esq., receiver, on the part of the State of Tennessee, for the Edgefield and Kentucky railroad, for an extension of the time of payment of the purchase money due from that road to the United States, with accompanying statements. By reference to the sworn statement of Boyd M. Cheatham, superintendent, it will be seen that the expenditures of the Edgefield and Kentucky railroad have exceeded the revenues during the past seven months to the amount of $8,091 54. In view of the facts set forth in the application of Mr. Cheatham, receiver, and the shown helplessness of the road, I respectfully recommend that the extension of the time of payment of the money due, on account of material purchased for the Edgefield and Kentucky railroad, be granted upon the following terms, viz: "That one instalment of one twenty-fourth ($\frac{1}{24}$) part of the amount of purchase, with all accrued interest, shall be paid in two years from the 30th of November, 1865, and the balance in twenty-three (23) equal monthly instalments, with interest, promptly, as they fall due thereafter."

Very respectfully, your obedient servant,

S. R. HAMILL,
Capt., Chief Quartermaster U. S. Military Railroads,
Military Division of the Tennessee.

Brigadier General W. D. WHIPPLE,
Chief of Staff, Military Division of the Tennessee.

HEADQUARTERS MILITARY DIVISION OF THE TENNESSEE,
Nashville, Tennessee, June 16, 1866.

Respectfully forwarded to the Adjutant General, United States army, for the orders of the Secretary of War, recommending that the extension of time asked for by the Edgefield and Kentucky railroad be granted, as recommended by Captain Hamill.

GEO. H. THOMAS,
Major General Commanding.

[Endorsed.]

ADJUTANT GENERAL'S OFFICE, *June* 25, 1866.

Respectfully submitted to the Secretary of War.

W. A. NICHOLS,
Assistant Adjutant General.

WAR DEPARTMENT, *June* 27, 1866.

Referred to the Quartermaster General for report.
By order of the Secretary of War:

THOS. T. ECKERT,
Acting Assistant Secretary of War.

QUARTERMASTER GENERAL'S OFFICE,
Washington, D. C., July 10, 1866.

SIR: I have the honor to return the application of the Edgefield and Kentucky railroad for an extension of time of payment of their debt to the United States, referred to this office for report.

This railroad leads from Edgefield to Memphis Junction, Tennessee, and is forty-seven miles long. It is charged with ninety-three thousand three hundred and eighty-five $\frac{35}{100}$ ($93,385\frac{35}{100}$) dollars, for material purchased from the United States, under executive order of October 14, 1865, in November, 1865, for the prompt payment of which, in equal monthly instalments, within two years, with interest at the rate of seven and three-tenths per cent. per annum, the State of Tennessee, by W. G. Brownlow, Governor, has given bond, June 1, 1866, to the amount of $94,142 85, with interest thereon at the rate of seven and three-tenths per cent. per annum, from November 30, 1865, to date of bond. Additional purchases of material, to the amount of twenty-one thousand three hundred and eighty-seven $\frac{77}{100}$ ($21,387\frac{77}{100}$) dollars, were made for the use of this railroad, and first reported in the month of February, 1866. Captain S. R. Hamill, assistant quartermaster United States military railroads, Nashville, Tennessee, has transmitted to this office a second bond of this company, executed by the State of Tennessee, in the same general form and tenor as that above mentioned, for the amount of purchases first reported in February, ($21,387 77,) with interest thereon to February 28, 1866.

The receiver of the road presents monthly statements of the receipts and expenditures during the seven months ending April, 1866, and the statement is made that it has expended of certain appropriations of the State of Tennessee, amounts not known to this department, in building bridges, trestles, machine shops, and in supplying new rolling stock. The receiver hopes that the revenues of the road will improve upon the completion of certain connecting lines. The receiver, Mr. R. B. Cheatham, is the rebel general of that name.

He asks that the payment of the first instalment, due December 31, 1865, be deferred until the month of December, 1867, and hopes that the road will be able after that time to pay its debt in twenty-four equal monthly instalments, beginning at that date. Captain Hamill, in view of the insolvent condition of the road, recommended that the indulgence asked be granted, with conditions that one-twenty-fourth part of the amount of purchase, with all accrued interest, shall be paid at the end of two years from the 30th of November, 1865, and the balance in twenty-three (23) equal monthly instalments, with interest, promptly, as they shall fall due thereafter.

Major General Thomas, to whom the executive order committed the transfer of the United States military railroad rolling stock in his military division, concurs in the report and recommendation of Captain Hamill.

It is stated that indulgence has been granted to the Memphis, Clarksville and Louisville railroad, Mississippi and Tennessee railroad, Mississippi Central railroad, Nashville and Decatur railroad line, and Nashville and Chattanooga railroad—roads in the same district of country. I cannot recommend the extension.

I am, very respectfully, your obedient servant,

M. C. MEIGS,
Brevet Major General, U. S. A., Quartermaster General.

Hon. E. M. STANTON,
Secretary of War.

ADJUTANT GENERAL'S OFFICE, *July* 20, 1866.

Respectfully returned to the Quartermaster General, whose attention is called to the order of the Secretary of War endorsed hereon.

W. A. NICHOLS, *Assistant Adjutant General.*

By order of the President referred back to the Quartermaster General, with directions to grant the extension asked for.

JULY 20. EDWIN M. STANTON, *Secretary of War.*

QUARTERMASTER GENERAL'S OFFICE,
Washington, D. C., July 21, 1866.

CAPTAIN: By order of the President of the United States, and by direction of the Secretary of War, July 20, 1866, the application of the Edgefield and Kentucky railroad for an extension of time of payment of its indebtedness to the United States for railway materials and supplies purchased, is granted.

You will, therefore, make such arrangements with the company as may be necessary to secure to the United States the payment of the money due, in accordance with the terms of the extension asked for and granted, viz: That one instalment of one twenty-fourth ($\frac{1}{24}$) part of the amount of purchase, with all accrued interest, shall be paid in two years from the 30th of November, 1865, and the balance in twenty-three equal monthly instalments with interest, promptly as they fall due thereafter.

I am, very respectfully, your obedient servant,

M. C. MEIGS,
Brevet Major General, Quartermaster General.

Captain S. R. HAMILL,
Assistant Quartermaster, Nashville, Tennessee.

OFFICE WESTERN AND ATLANTIC RAILROAD,
Atlanta, Georgia, December 13, 1865.

SIR: Will you permit me to call your attention to a matter pertaining to the Western and Atlantic railroad, an institution belonging exclusively to the State of Georgia?

This road was turned over to me at the instance of Major General Thomas, under instructions emanating from the War Department, under date of the 8th of August, 1865. Before running the road I proposed under said instructions to purchase rolling stock, consisting of engines, cars, &c., from the government, on condition that the State of Georgia would have two years to make payment. I did so from a knowledge of the destitute condition of the road, as well as the reduced condition of the State, and would not have made purchases to one-half the extent I did, but for the promise to have the time above specified. General Thomas acceded to the request, and I proceeded to make purchases to a large amount. The articles assigned the road have not all yet been received, and as yet I have not been advised as to the amount of purchase, and have made no arrangements to meet the payments as they are demanded.

A large amount of iron on the road was torn up, burnt, crooked, and then straightened and relaid, which is necessary to be replaced as soon as possible, to lessen the recurrence of accidents happening on the road in consequence of defective iron. The bridges, to the number of fourteen, were destroyed, and temporary trestle work substituted, which will be swept away by winter freshets. These fourteen bridges I now have under contract for Howe's truss bridges, which are to be completed by Christmas or early in January. These will cost about two hundred thousand dollars.

I have also bought fifty thousand dollars worth of iron, to commence relaying the road. In addition to these heavy demands, on the 3d inst., F. J. Crilly, major and assistant quartermaster, United States, made requisition for payment of monthly instalments on account of purchases made by this road from the United States, each instalment being $19,500, which, if there are twenty-four instalments, will be a large drain on the road at a time when it is unable to respond.

At this time I am ignorant of the prices of cars, engines, &c., as the appraised value has not been furnished me. By the terms of agreement there was to be an inventory of all receipts on the road for freight, passengers, &c., and a settlement to be made before the bonds for payment were to be given; this, if carried out, will greatly relieve the road, and at the same time be much more satisfactory.

In addition to the wants of the road, there is needed eight miles of iron to relay a portion of the road from the junction near Chickamauga to Chattanooga; to supply the use of this road we are using the East Tennessee and Georgia Railroad, at an expense of two thousand dollars.

This should be accounted for, as the iron was torn up and removed by the United States military authorities.

In short, if we are forced to settle as we are now required, the loss to this road will be immense. Since receiving the order to pay up the $19,500 monthly instalment, I saw Major General George H. Thomas and repeated our agreement which he remembers, and advises me to confer with your department. He will recognize the contract of two years time, and is well acquainted with all the transactions. A day or two since I received a telegram from Major Crilly, assistant quartermaster United States military railroads, saying General Thomas had ordered the demand suspended until the first of January next, when we are required to pay up all instalments up to this time, and give bond to pay as the instalments become due, and in the event the amount is not paid, then the road to be seized and taken possession of by the United States until the debt is paid. I requested Governor Johnson, who has the appointing power over the road, to correspond with you. But as the time is approaching to meet the payments, I deem it proper to advise you in advance as to how matters stand, and to request of him to have all further matters suspended until the terms can be carried out. By your consent, the government will send us a person properly empowered to do all things to carry out the contract. Will you be so kind as to advise me of your action on receipt of this letter, and much oblige,

Yours, very respectfully,

ROBERT BAUGH,
Superintendent Western and Atlantic Railroad.

Hon. E. M. STANTON,
Secretary of War, U. S.

[Endorsement.]

WAR DEPARTMENT, *December* 19, 1865.

Referred to Major General Thomas, commanding military division of the Tennessee, for remark.

By order of the Secretary of War:

THOMAS T. ECKERT,
Assistant Secretary of War.

HEADQUARTERS MILITARY DIVISION OF THE TENNESSEE,
Nashville, Tennessee, December 28, 1865.

Respectfully referred to Brevet Major F. J. Crilly for endorsement, and for statement of the indebtedness of the Western and Atlantic railroad to the United States for stock purchased by that road.

By command of Major General Thomas:

WILLIAM D. WHIPPLE,
Brigadier General, Assistant Adjutant General.

HEADQUARTERS MILITARY DIVISION OF THE TENNESSEE,
Nashville January 4, 1866.

SIR: I have the honor to acknowledge the receipt of your communication of the 25th ultimo, calling my attention to a late contract of purchase between the United States authorities and Robert Baugh, esq., superintendent of the Western and Atlantic railroad, and desiring to have this contract placed on a basis which will be satisfactory to the government of the United States, and disembarrass your administration of heavy monthly payments. You inform me that Mr. Baugh made large purchases from the United States under the impression that there was a credit of two years allowed on his purchases on giving satisfactory personal security, and representing that these terms could not be complied with for the reason that the Western and Atlantic railroad being owned by the State, and every citizen having an interest in it, still there are none who could be called upon to give the requisite personal security.

I am also in receipt of a communication on the same subject from Mr. Baugh to the honorable Secretary of War, of date December 15, 1865, in which he states that he made the purchases from the United States to a much greater extent than he otherwise would have done, had he not been promised by me that the State of Georgia would have two years time in which to make payment. He, however, says nothing as to his inability to furnish the personal security.

The order of the War Department, under which Mr. Baugh purchased railroad property from the United States for the Western and Atlantic railroad company, was, that payment should be made within one year, *without interest*. Mr. Baugh took the property, as did all the other roads, on these terms.

The executive order of October 14 extended the time of payment to two years, *with monthly payments, with interest*. Mr. Baugh and most of the roads accepted the latter terms, and all but the Western and Atlantic railroad complied with the provisions thereof. Both orders required that each company should give bond satisfactory to the government, by which the latter would be secured the payment of the debt incurred. Under the first of these orders, viz: general order No. 20, of August 24, 1865, was issued, copy herewith enclosed. No other terms than the above have been offered by me to any person, and Mr. Baugh is wrong in stating that I promised any other. When Mr. Baugh proposed to take the property it was with a clear understanding that the conditions were as expressed in my general order No. 20, and they were accepted by him, with the understanding, however, that the Western and Atlantic railroad should receive the benefit of any more favorable terms which might be offered by the government.

It seems strange to me that Mr. Baugh should so soon have forgotten the conversation on this subject, held at my headquarters in the presence of Major Crilly, A. Q. M.

If Mr. Baugh considers the first mentioned terms as more favorable than the second, he is still at liberty to accept. I will, however, assist the State in this juncture, and since under the peculiar circumstances under which the road is owned, and the impossibility for it to give the requisite security, I am willing for the present to defer the collection of the stipulated monthly instalments until the legislature has time to provide for a compliance without condition, and I will instruct Major Crilly to defer the collection of the monthly payments, if you will urge upon the legislature at its next session the propriety and necessity of authorizing Mr. Baugh and the treasurer of the State to execute a bond pledging the faith of the State to the payment of the debt incurred by it, in the purchase from the United States of railroad property, within a period not exceeding two years, with interest at 7 3-10 per cent per annum.

As for the other matter presented in your letter, also in that of Mr. Baugh to the Secretary of War, viz: The claim which the Western and Atlantic railroad may have against the United States for all profits and money received by them from the road, is in no way connected with the matter of indebtedness of the State to the United States, in so far as the turning over of the road to the State is concerned.

The settlement of that claim is provided for by act of Congress, approved January 31.

1862, which provides for the appointment of commissioners who shall assess and determine the amount of compensation, if any, to be paid the road.

GEORGE H. THOMAS,
Major General U. S. Army, Commanding.

His Excellency CHARLES J. JENKINS,
Governor of Georgia, Augusta, Georgia.

Official:

GEORGE W. HOWARD.
Captain and Assistant Adjutant General.

[Endorsement.]

HEADQUARTERS MILITARY DIVISION OF THE TENNESSEE,
Nashville, Tennessee, January 5, 1866.

Respectfully returned to the Adjutant General of the army, inviting attention to enclosed copy of letter to Governor Jenkins, of Georgia.

GEORGE H. THOMAS,
Major General U. S. Army, Commanding.

ADJUTANT GENERAL'S OFFICE, *January* 11, 1866.

Respectfully returned to the Secretary of War, with report.

W. A. NICHOLS,
Assistant Adjutant General.

[Telegram.]

Major General THOMAS, *Commanding, &c., Nashville:*

Governor Jenkins has made application for delay in collecting the instalments due, or to become due, for railroad stock purchased on behalf of the State of Georgia, until the 1st of November, at which time the interest will be paid up in full to that date, and action had by the State legislature to furnish adequate security. This proposition has been approved by the President, and you will suspend any proceedings in respect to the stock purchased and the debt thereby incurred, until the 15th of November, and then report whether the interest has been paid.

EDWIN M. STANTON,
Secretary of War.

EXECUTIVE DEPARTMENT,
Milledgeville, Georgia, October 30, 1866.

SIR: Enclosed I beg leave to lay before you, for the consideration of yourself and the Secretary of War, the draft of a bill to be laid before the general assembly, (soon to convene,) to carry into effect the understanding arrived at in the month of August last, between the Departments of War and of Law, representing the government of the United States, and myself, representing the State of Georgia.

It would be more regular to make this communication directly to the War Department, but although not given to attach confidence to the statements of Washington letter writers, I have been impressed with the belief that Mr. Stanton's retirement is imminent. Should this communication fall into the hands of a successor, he would neither comprehend the purpose without explanation, nor perceive any reason for referring to yourself. I have then to request that you do me the favor of conferring with the actual incumbent of that department, when you shall have received this, or inform me, or cause me to be informed, whether or not the proposed enactment will be satisfactory. If not so, I will be obliged by the draft of a bill that will be so. Please have the enclosed returned.

I have ordered the interest due 1st November proximo, paid, and have no doubt it will be done.

I have the honor to be, sir, very respectfully, your obedient servant,

CHARLES J. JENKINS,
Governor of Georgia.

Hon. Mr. STANBERY,
Attorney General, United States.

A BILL to be entitled "An act to declare the force and effect of a certain bond executed by the State of Georgia, through Campbell Wallace, superintendent of the Western and Atlantic railroad, and John Jones, treasurer of said State, on the first day of April, A. D. 1866, and to make said bond valid for the purposes therein set forth, as now understood and agreed by the parties"

Whereas, the late provisional superintendent of the Western and Atlantic railroad purchased from the government of the United States a considerable quantity of railroad property, in the month of October, 1865, amounting to four hundred and seventy-two thousand nine hundred and forty-four dollars and sixty-six cents ($472 944 66) by the invoice, and to be thereafter delivered, for the amount of which purchase, with interest thereon, at the rate of 7.30 per cent. per annum, bond was required to be given.

And, whereas, by an act of the general assembly, approved 13th of March, 1866, Campbell Wallace, superintendent of said railroad, and John Jones, treasurer of the State, were authorized to execute to the United States of America a bond, pledging the faith of the State of Georgia for the payment of the purchase money of the property aforesaid, stated in said act to be four hundred and sixty-four thousand one hundred and fifty-two dollars and twenty-five cents, ($464, 152 25,) which sum proved to be less than the amount actually purchased by invoice.

And, whereas, upon public information a penal bond in the sum of nine hundred and eighty-two thousand three hundred and ten dollars and seventy-two cents ($982,310 72) was executed and delivered by said officers, binding the State of Georgia to the complete and punctual payment in monthly instalments, within two years from the purchase of the amounts which may be due for the said materials, received or to be received by it from the United States.

And, whereas, the Hon. Edwin M. Stanton, Secretary of War of the United States, did on the 27th day of August, 1866, agree and consent with Charles J. Jenkins, Governor of Georgia, to release the said State from the payment of monthly instalments on said debt, provided the general assembly of said State would, by act, declare the said bond valid for the payment, at the expiration of two years from the time of purchase, of the principal and interest of said debt then remaining due, and provided that all interest due the first day of November, 1866, be then paid and accruing interest quarterly thereafter. Now, therefore, for the purpose of correcting all mistakes, and more clearly defining the liability of said State, the general assembly of the State of Georgia do enact that the true intent and meaning, the force and effect of said before-mentioned bond is, that at or before the expiration of two years from the time of purchase aforesaid, the amount of principal due on said purchase shall be paid in full, and the interest paid quarterly from and after the first of November, 1866, and for such payment of principal and interest, the faith of the State is solemnly pledged by said bond, and by this act.

[Endorsement.]

I have examined the enclosed draft of the bill, and am of opinion that it is sufficient to validate the bond, and pledge the faith of the State for its payment. I therefore respectfully refer the matter to the Secretary of War for his action in the premises.

HENRY STANBERY, *Attorney General.*

NOVEMBER 4, 1866.

WAR DEPARTMENT,
Washington, D. C., November 6, 1866.

I have the honor to inform you that I have received from the Attorney General your communication of the 30th ultimo, addressed to him, and enclosing a draft of a bill to be laid before the general assembly of Georgia, concerning the bond to secure the payment for the railroad property purchased from the United States by the State of Georgia, for the Atlantic and Western railroad. The Attorney General has expressed the opinion that the proposed bill would be sufficient to validate the bond, and pledge the faith of the State for its payment, and the papers have been referred by me to the Quartermaster General, the officer in charge of the Bureau to which the matter immediately appertains.

I have the honor to be, sir, your obedient servant,

EDWIN M. STANTON, *Secretary of War.*

His Excellency CHARLES J. JENKINS,
Governor of Georgia.

EXECUTIVE DEPARTMENT,
Milledgeville, Georgia, November 13, 1866.

SIR: I had the honor to receive last evening your favor of the 6th instant, acknowledging the receipt of my communication of the 30th ultimo, covering a draft of a bill to be laid before the legislature of Georgia to make valid a certain bond of the State to the United States.

You remark that the papers had been referred by you to the Quartermaster General. I have to request that if the draft meet your approval it be returned as speedily as possible, to be presented to the legislature now in session. If long delayed it may come too late.

I have caused the interest due the first of November, instant, to be paid, and will see to the payment of it quarterly, as it accrues.

I have the honor to be, very respectfully, your obedient servant,

CHARLES J. JENKINS.

Hon. EDWIN M. STANTON,
Secretary of War, United States.

[Endorsement.]

WAR DEPARTMENT, *November* 20, 1866.

Respectfully referred to the Quartermaster General for report as soon as practicable.
By order of the Secretary of War:

L. H. PELOUZE,
Assistant Adjutant General.

QUARTERMASTER GENERAL'S OFFICE,
Washington, D. C., November, 30, 1866.

SIR: I have the honor to transmit, by direction of the Secretary of War, a draft of a bill relating to a certain bond, executed by the State of Georgia, with your original letters of transmittal, and the opinion of the Attorney General of the United States thereon.

Very respectfully, your obedient servant,

M. C. MEIGS,
Brevet Major General U. S. A., Quartermaster General.

CHARLES J. JENKINS,
Governor of Georgia, Milledgeville.

QUARTERMASTER GENERAL'S OFFICE,
Washington, D. C., November 30, 1866.

GENERAL: By direction of the Secretary of War there has been mailed to Governor Charles J. Jenkins, of Georgia, at Milledgeville, through you, as the most certain mode of transmission, copies of the following papers, viz:

The draft of a bill relating to a certain bond executed by the State of Georgia, with the Governor's original letter of transmission, and the opinion of the Attorney General of the United States thereon.

Please take note of the contents of the package.

Very respectfully, your obedient servant,

M. C. MEIGS.
Brevet Major General U. S. A., Quartermaster General.

Major General GEORGE H. THOMAS,
Commanding Department of Tennessee, Kentucky, Georgia, &c., Louisville, Kentucky.

EXECUTIVE DEPARTMENT,
Milledgeville, Georgia, December 15, 1866.

SIR: I have the honor to enclose you a copy of "An act of the General Assembly of Georgia," approved yesterday, which is an exact transcript of the draft approved by yourself and the Attorney General, which I trust will be considered a compliance in part thus far with the terms upon which you consented to dispense with monthly payments in the case referred to.

The quarterly interest will be cared for.

Very respectfully, your obedient servant,

CHARLES J. JENKINS, *Governor.*

Hon. EDWIN M. STANTON,
Secretary of War, United States.

AN ACT to declare the force and effect of a certain bond, executed by the State of Georgia through Campbell Wallace, superintendent of the Western and Atlantic railroad, and John Jones, treasurer of said State, on the first day of April, A. D. 1866, and to make said bond valid for the purposes therein set forth, as now understood and agreed by the parties:

Whereas, the late provisional superintendent of the Western and Atlantic railroad purchased from the government of the United States a considerable quantity of railroad property in the month of October, 1865, amounting to four hundred and seventy-two thousand nine

hundred and forty-four dollars and sixty-six cents, ($472,944 66,) by the invoice, and to be thereafter delivered, for the amount of which purchase, with interest thereon at the rate of 7.3 per cent. per annum, bond was required to be given; and

Whereas, by an act of the general assembly, approved March 13, 1866, Campbell Wallace, superintendent of said railroad, and John Jones, treasurer of the State, were authorized to execute to the United States of America a bond, pledging the faith of the State of Georgia for the payment of the purchase money of the property aforesaid, stated in said act to be four hundred and sixty-four thousand one hundred and fifty-two dollars and twenty-five cents, ($464,152 25,) which sum proved to be less than the amount actually purchased by invoice; and

Whereas, upon fuller information, a penal bond, in the sum of nine hundred and eighty-two thousand three hundred and ten dollars and seventy-two cents, ($982,310 72,) was executed and delivered by said officers, binding the State of Georgia to the complete and punctual payment, in monthly instalments, within two years from the purchase, of the amounts which may be due for the said materials received or to be received by it from the United States; and

Whereas, the Hon. Edwin M. Stanton, Secretary of War of the United States, did, on the 27th day of August, 1866, agree and consent with Charles J. Jenkins, Governor of Georgia, to release the said State from the payment of monthly instalments on said debt, provided the general assembly of said State would by act declare the said bond valid for the payment at the expiration of two years from the time of purchase, of the principal and interest of said debt then remaining due; and provided that all the interest due the first day of November, 1866, be then paid, and accruing interest quarterly thereafter.

Now, therefore, for the purpose of correcting all mistakes, and more clearly defining the liability of said State,

SECTION 1. The general assembly of the State of Georgia do enact, that the true intent and meaning, the force and effect of said before-mentioned bond is, that at or before the expiration of two years from the time of purchase aforesaid, the amount of principal due on said purchase shall be paid in full, and the interest paid quarterly from and after the 1st of November, 1866; and for such payment of principal and interest the faith of the State is solemnly pledged by said bond and this act.

WM. GIBSON, *President of the Senate.*

JOHN B. WEEMS, *Secretary of Senate.*

THO. HARDEMAN, JR.,
Speaker House of Representatives.

J. D. WADDELL, *Clerk House of Representatives.*

Assented to December 31, 1866.

CHARLES J. JENKINS, *Governor.*

OFFICE SECRETARY OF STATE, GEORGIA,
Milledgeville, December 15, 1866.

The above and foregoing three written pages contain a true and correct copy of the original act on file in this office.

[SEAL.] Given under my hand and seal of office.

N. C. BARNETT, *Secretary of State.*

QUARTERMASTER GENERAL'S OFFICE,
Washington, D. C., January 9, 1867.

MAJOR: Herewith is respectfully transmitted, for your information and action, a true copy of an act of the general assembly of Georgia, for the purpose of correcting all mistakes in a certain bond given by said State to the United States, to secure payment for railway material purchased for the use of the Western and Atlantic railroad, and clearly defining the liability of said State for such purchases.

In the passage of this act is involved a change in the conditions of payment of this debt from those originally fixed, to wit: That at or before the expiration of two years from the creation of the debt, the amount of principal due thereon shall be paid in full, the interest (at seven and three-tenths per cent. per annum) being payable quarterly from and after the first of November, 1866. You will be governed accordingly.

By order of the Quartermaster General:

Respectfully, your obedient servant,

ALEXANDER BLISS,
Brevet Colonel U. S. Army, in charge Fourth Division.

Brevet Major S. R. HAMILL,
Assistant Quartermaster, Louisville, Kentucky.

WASHINGTON CITY, *January* 10, 1866.

SIR: About the 14th of July, 1865, I, on behalf of the Petersburg railroad company, made application to purchase of the United States government a quantity of railroad iron, spikes, and sills, amounting in the aggregate to sixty-five thousand dollars, on twelve months credit. The application was granted, with the change of twelve to six months' credit.

Our company was in hopes to rebuild and equip with rolling stock their road, and derive sufficient income to pay this debt, but now find that it has been impossible to do so out of the receipts of the four months that the road has been in operation, and I now respectfully ask that my application for the twelve months be granted.

It may be proper to state why the company is not able at this time to pay the sixty-five thousand dollars, and also to state in a general way the condition of the company before the war, and its present condition, in order that you may judge of the propriety of granting this request.

The property of the company amounted to about $1,350,000, ascertained by taking an account of stock. The damages done to this property during the war was about $150,000, leaving $1,200,000 as its present value. All these sums are estimates of value in gold. The receipts of this road were steadily increasing, and it was being constantly improved, so that the stock was selling at $110 for $100 paid. The dividends were ten per cent. It paid all dues in cash, and since 1858 had not given a bond, note, or any obligation. Its bonded debt was but $73,000, payable about an average of $10,000. Its receipts were about the same as at present, say $330,000 per annum.

Such was the flourishing condition of this road before the war that its stock was sought for as an investment, and holders of liabilities were loth to present their claims.

Upon the return of the road to our possession, is was ascertained that sixteen miles of the road next to Petersburg had been so far destroyed that at least ten miles of new iron would be required, and application was made to the United States government for the purchase of this quantity on credit, as we had no money in our treasury. It was also found that but thirty cars could be found fit for service; that some of the locomotives had been burned, and that all were more or less in such a crippled condition that at least two new locomotives would be required, and will be purchased if you will grant the extension of credit now asked for.

Since the road was opened the receipts may be stated at $100,000; the expenses have been about 50 per cent., or $50,000, for operating the road. We have paid in cash to the United States government about $30,000 for cars, and there is due us by the United States government for transportation about $14,000, which sums deducted from the gross receipts leaves, say $6,000 only, as the available cash in the hands of our treasurer.

Although the road was injured to the extent of $150,000 in gold, it is believed that about $120,000 in currency will so far put the road in order as to convey all that may be offered to it.

I would respectfully propose to renew our bond due next Saturday, and extend it for six months longer, and deem it but fair and right that interest at the rate of seven and three-tenths per cent. should be paid during this extended time.

Very respectfully, your obedient servant,

C. O. SANFORD,
President Petersburg Railroad Company.

Hon. E. M. STANTON, *Secretary of War.*

JANUARY 10, 1866.

Referred to the Quartermaster General, with authority to give the extension if he deems it compatible with the interest of the government, upon payment of the interest.

EDWIN M. STANTON, *Secretary of War.*

[Endorsement.]

JANUARY 10, 1866.

Referred to Colonel Bliss, division of railroad transportation. I believe that it will be to the interest of the United States to extend the time of this payment rather than to take possession of the railroad, and attempt to collect the debt out of the revenue thereof. Let the note for bond given as security be extended, with the added condition of payment of interest, in such manner as to guard the interests of the United States as far as possible.

M. C. MEIGS, *Quartermaster General.*

VIRGINIA CENTRAL RAILROAD,
Richmond, January 30, 1866.

SIR: On the 17th of August, 1865, the Virginia Central Railroad Company purchased from the government iron and chairs to the amount of $70,000, for which a credit of six months was given the company, they giving a bond conditioned for the surrender of their

road to the government to work out the amount in the event of the non-payment of the debt on the 17th of February, 1866.

The condition of the road has been such as to render it impossible to lay by a sum to meet this claim, now in a few days due. Up to this time we have met promptly all our dues to the government, but with every disposition to do so, I am unable to make the payment now coming due. I learn that further indulgence has been extended to other roads circumstanced as the Virginia Central railroad is, and I therefore ask that an extension of sixteen months be granted the company, the amount due to carry interest at the rate of 7 3/10 per cent. per annum, and to be paid in sixteen monthly instalments, the condition of surrender of the road to remain in force as security for prompt payment.

I submit herewith an abstract of the receipts and disbursements of the company from April 1, 1865, to January 1, 1866, which will show that the funds of the company have been properly expended.

Very respectfully, your obedient servant,

WM. C. WICKHAM,
President Virginia Central Railroad Company.

Hon. E. M. STANTON,
Secretary of War.

[Endorsement.]

WAR DEPARTMENT, *January* 31, 1866.

Referred to the Quartermaster General for report.
By order of the Secretary of War:

THOMAS T. ECKERT,
Acting Assistant Secretary of War.

QUARTERMASTER GENERAL'S OFFICE,
Washington, D. C., February 3, 1866.

Respectfully returned to the Secretary of War with the recommendation that the extension of sixteen (16) months asked for be granted upon the payment at expiration of original term of six months of interest, at the rate of 7 3/10 per cent. per annum to that date, and thereafter the amount due be paid in equal monthly instalments with interest at 7 3/10 per cent. per annum. This road will thus be placed on nearly the same footing with those of the Southwest.

M. C. MEIGS,
Brevet Major General U. S. A., Quartermaster General.

WAR DEPARTMENT, *February* 6, 1866.

The recommendation of the Quartermaster General is approved.
By order of the Secretary of War:

THOMAS T. ECKERT,
Acting Assistant Secretary of War.

A statement of the receipts of the Virginia Central Railroad Company for transportation, &c., and of the expenses of repairing and working the road from April 1, 1865, *to January* 1, 1866, *taken from the books of the company.*

RECEIPTS.

For passenger transportation	$156,712 24
For freight transportation	92,069 11
For express freight transportation	9,597 91
For miscellaneous receipts	510 00
For rent of real estate	352 08
Total revenues	257,241 34
Excess of expenses over receipts	65,071 01
	322,312 35

EXPENSES.

For taxes to the United States		$7,392 50
For taxes to the State of Virginia and city of Richmond		2,768 38
For salaries		8,567 76
Paid the United States for rolling stock		15,246 00
Paid the United States for rolling stock bought by Orange and Alexandria Railroad Company for Virginia Central Railroad Company		1,691 00
Paid the United States for rolling stock bought by Orange and Alexandria Railroad Company for Virginia Central Railroad Company		17,075 00
Paid the United States for hire of cars and engines		9,440 00
Other expenses of working the road:		
For repairs of road and bridges	$84,310 39	
For repairs of depots and water stations	1,775 05	
For repairs of engines and cars	60,155 08	
For repairs of workshops	3,002 58	
For train expenses, &c	64,996 28	
For depot expenses	17,139 69	
For miscellaneous expenses, printing, advertising, legal expenses, salary of clerks, &c	9,986 23	
For clothing, provisions, &c	6,070 46	
For insurance	2,692 95	
		260,128 71
		322,312 35

The above is a correct statement taken from the books of the company, but does not include the transportation done for the United States, the amount for which has not yet been audited, but is estimated to be about fifteen thousand dollars: nor is the purchase of iron from the government included in the expenses.

J. GARRETT, *Treasurer.*

QUARTERMASTER GENERAL'S OFFICE,
Washington, D. C., February 10, 1866.

GENERAL: The Secretary of War has, at the request of the Virginia Central Railroad Company, and upon recommendation of the Quartermaster General, granted an extension of sixteen (16) months for payment of their indebtedness to the United States for railroad supplies, amounting to $70,000, due February 17, 1866, and secured by their bond for $140,000, dated August 1, 1865.

The extension is granted upon the following terms, viz:

Payment by the company at the expiration of original term of six months, to wit: February 17, 1866, of interest to that date of seven and three-tenths per cent., and thereafter payment of amount due in sixteen equal monthly instalments, with interest at 7 3/10 per cent.

You will please cause the above payment of interest to be received by the disbursing quartermaster of military railroads at Washington, and the bond of the company to be given to secure the future payments of principal and interest, to bear date February 17, 1866, to be duly executed and transmitted for deposit in this office.

The original bond of the company bore date August 1, 1865, and therefore fell due February 1, 1866; but as the orders for delivering the material were not given till the 12th, and the first delivery made August 17, the term of six months may be considered as commencing from that date.

By order of the Quartermaster General:

Very respectfully, your obedient servant,

ALEXANDER BLISS,
Brevet Colonel and Assistant Quartermaster, in charge Fourth Division.

Brevet Brigadier General D. C. MCCALLUM,
General Superintendent United States Military Railroads, Washington, D. C.

ALEXANDRIA, VA., *March* 31, 1866.

SIR: I would respectfully submit, on behalf of the directors of the Orange and Alexandria railroad, the following application, viz.: That an extension of credit be allowed to the said company on a bond given to the United States in the sum of $200,000 to secure purchases of supplies and material made for said company by A. Jamison and P. Quigley, agents for same, and approved by the board of public works of Virginia, to the amount of about $90,000,

which bond was executed on the 5th of August last, and payable six months after date. The authority of the above named agents having been revoked by the said board of public works, and the undersigned legally authorized to act as president of the company, as will appear from the copy of the order of the board of public works herewith filed, it is respectfully asked that the rule adopted in regard to other southern railroads be extended to this company, and that the usual obligations to pay in monthly instalments within two years' time be received, and the undersigned recognized as the proper officer on behalf of the company to execute the same.

The means of the company have been applied so far to the reconstruction of its road and equipment, leaving it unable to get along without this relief for the present. The ability of the company to pay ultimately is undoubted, and in the meantime the government retains its lien and remedy, as is provided in the bond heretofore executed.

I am, very respectfully, yours,

J. S. BARBOUR, *President, &c.*

P. S. — I enclose herewith an official statement from the books of the company.

Major General MEIGS,
Quartermaster General U. S. A.

QUARTERMASTER GENERAL'S OFFICE,
Washington, D. C., April 7, 1866.

SIR: I have the honor to forward herewith application of J. S. Barbour, president of the Orange and Alexandria railroad, for an extension of period of payment of a bond executed by A. Jamison and P. Quigley, agents of the board of public works of Virginia, for said road in the sum of $200,000, to secure payment in six (6) months, for railroad supplies sold to said road by the United States, dated August 5, 1865, to the amount of about $90,000.

Payment by the terms of the bond became due February 5, 1866, but as the bond was not accepted by the Secretary of War, and the stores not delivered, except a small part, until October 12, 1865, payment is not equitably due until April 12, 1866.

I recommend that to equalize, as nearly as may be, the terms of sale to this road with those granted the roads in the Southwest, and subsequently to several roads in the Atlantic States, that the company be permitted to substitute for the present bond a new bond of the company, as at present organized, of the same general form and tenor as prescribed by the executive order of October 14, 1865, to double the amount due from said company for stores sold it to date, to secure payment of the amount so due in two (2) years from October 12, 1865, with interest at 7 3/10 per cent. from that date. Payment to be made in eighteen (18) equal monthly instalments, with interest as aforesaid, until the whole amount shall have been paid. The first monthly instalment, together with the interest accrued on the entire amount from October 12, 1865, to be due and payable on the 12th of May, 1866.

Very respectfully, your obedient servant,

M. C. MEIGS,
Brevet Major General U. S. Army, Quartermaster General.

Hon. E. M. STANTON,
Secretary of War, Washington, D. C.

[Endorsement.]

WAR DEPARTMENT, *April 21, 1866.*

The recommendation of the Quartermaster General is approved.
By order of the Secretary of War:

THOMAS T. ECKERT,
Acting Assistant Secretary of War.

QUARTERMASTER GENERAL'S OFFICE,
Washington, D. C., April 27, 1866.

Respectfully referred to Brevet Brigadier General D. C. McCallum, director and general manager United States military railroads, to carry out the order of the Secretary of War.
By order of the Quartermaster General:

ALEXANDER BLISS,
Brevet Colonel and Assistant Quartermaster, in charge Fourth Division.

WAR DEPARTMENT,
OFFICE OF DIRECTOR AND GENERAL MANAGER OF U. S. MILITARY RAILROADS,
Washington, D. C., May 13, 1866.

SIR: You are respectfully informed that the request of the Wilmington and Weldon and the Orange and Alexandria railroad companies for the transfer from the former to the latter company of the two locomotive engines, purchased of the United States by the Wilmington

and Weldon railroad company, November 20, 1865, for twenty-eight thousand five hundred dollars, ($28,500,) payable in two years, in equal monthly instalments, with interest at seven and three-tenths per cent. per annum, with the transfer, also, of the entire indebtedness of the Wilmington and Weldon railroad company to the United States on account of said purchase, has been granted by the Quartermaster General, but to be made only upon the following terms and conditions, to wit: The *payment* of the *entire instalments* and *interest* due will be the condition of the transfer, which will otherwise not be permitted.

The Orange and Alexandria Railroad Company will also be required to give bond in the usual form for double the value of the engines, (less the amount of instalments due and to be paid,) payable in equal monthly instalments, with seven and three-tenths per cent. interest, within eighteen months from the 20th day of May, 1866.

Upon your complying with the above, viz., transmitting to General H. L. Robinson, assistant quartermaster, Washington, D. C., the sum of eight thousand one hundred and sixty-five dollars and twenty-five cents, ($8,165 25,) being the amount of instalments and interest due from November 20, 1865, to May 20, 1866, and executing and transmitting to this office the enclosed bond in the sum of forty-two thousand seven hundred and fifty dollars, ($42,750,) by signing and affixing the seal of the company and internal revenue stamps to the amount of twenty-one dollars and fifty cents ($21 50) to the same, permission for the transfer of the locomotive engines will be given.

Please inform this office of your willingness or otherwise to comply with the terms of transfer, and oblige,

Very respectfully, your obedient servant,

D. C. McCALLUM,
Brevet Brigadier General, &c.,
Per H. K. COOPER, *in charge.*

Mr. JOHN S. BARBOUR,
President O. and Alex. R. R. Co., Alexandria, Va.

WILMINGTON, N. C., *April* 28, 1866.

In October last I bought for the Wilmington and Weldon railroad fifty thousand dollars of railroad iron, which is now due.

I respectfully ask that I may be allowed to pay for the same under executive order of October 14, 1865.

Yours, respectfully,

R. R. BRIDGERS,
President W. & W. Railroad Company.

General M. C. MEIGS,
Quartermaster General.

QUARTERMASTER GENERAL'S OFFICE,
Washington, D. C. May 18, 1866.

SIR: I have the honor to forward herewith application of R. R. Bridgers, president of the Wilmington and Weldon Railroad Company of North Carolina, for an extension of period of payment of a bond dated September 25, 1865, to the amount of one hundred thousand dollars, executed by R. R. Bridgers, president of the Wilmington and Weldon railroad, for said road, to secure payment of fifty thousand dollars ($50,000) in six (6) months, for railroad supplies sold to said road by the United States.

Payment by terms of the bond became due March 25, 1866.

I recommend that to equalize as nearly as may be the terms of sale to this road with those granted the roads in the Southwest, and subsequently to several roads in the Atlantic States, that the company be permitted to substitute for the present bond a new bond of the company, as at present organized, of the same general form and tenor as prescribed by the executive order of October 14, 1865, to double the amount due from said company for the property sold it, to secure payment of the amount so due in two (2) years, from September 25, 1865, with interest at seven and three-tenths per cent. per annum from that date, payment to be made in fifteen (15) equal monthly instalments, with interest as aforesaid, until the whole amount shall have been paid; the first instalment, together with interest accrued on the entire amount from September 25, 1865, to be due and payable on the 25th of June, 1866, and from that date payment to be made monthly.

Very respectfully, your obedient servant,

CHARLES THOMAS,
Bvt. Maj. Gen. U. S. A., Acting Q. M. General.

Hon. E. M. STANTON,
Secretary of War, Washington, D. C.

WAR DEPARTMENT, *May* 21, 1866.

The recommendation of the Quartermaster General is approved.

By order of the Secretary of War:

THOS. T. ECKERT,
Acting Assistant Secretary of War.

(Endorsement.)

QUARTERMASTER GENERAL'S OFFICE,
Washington, D. C. May 26, 1866.

Respectfully referred to Brevet Brigadier General D. C. McCallum, director and general manager of the United States military railroads, Washington, D. C., to cause the substitution of the new bond to be effected upon the terms authorized by the Secretary of War.

By order of the Quartermaster General:

ALEXANDER BLISS,
Colonel Q. M. Department, in charge Fourth Division.

OFFICE DIRECTOR AND GENERAL MANAGER MIL. R. R. U. S.,
Washington, D. C. May 28, 1866.

Respectfully referred to Captain J. D. Stubbs, assistant quartermaster, Newbern, N. C., who will carry out the orders of the Quartermaster General.

D. C. McCALLUM,
Brevet Brigadier General, D. and G. M. R. R.
Per H. K COOPER, *in charge.*

WASHINGTON, D. C., *June* 26, 1866.

SIR: You have already rendered the Petersburg railroad company a great service by giving it a year's credit upon a purchase of railroad iron from the government.

The original indebtedness was about $66,000, and this is now reduced by government transportation over the road to about $18,000. Until we get receipts from the transportation of cotton and tobacco, it would distress our company greatly to raise the money to pay this indebtedness on the 12th of July next. I respectfully ask that you permit our bond to be renewed, with interest, for twelve months, as by that time all the next crop of cotton and tobacco will have been removed.

Very respectfully, your obedient servant,

C. O. SANFORD,
President of Petersburg Railroad Company.

Hon. E. M. STANTON,
Secretary of War.

WAR DEPARTMENT, *June* 27, 1866.

Referred to the Quartermaster General for report.

E. M. STANTON, *Secretary of War.*

NOTE.—Please report at as early a moment as convenient.

JAMES A. HARDIE, *Inspector General.*

QUARTERMASTER GENERAL'S OFFICE,
Washington, D. C., June 29, 1866.

SIR: I have the honor to return herewith application of C. O. Sanford, president of the Petersburg railroad company, for an extension of period of payment of two (2) bonds, executed in the penal amount of $65,000 each by said company July 12, 1865, to secure payment of $32,500 on each, or $65,000 altogether, in six (6) months from date of bonds, for railroad supplies sold to said road by the United States, and which bonds were renewed for the same amounts and upon the same terms for the further period of six (6) months from the 12th day of January, 1866.

Payment by the terms of the present bonds will become due July 12, 1866. Where application has been made for extension by roads which received originally six months' credit without interest, I have recommended, and the Secretary of War has authorized, the substitution of a credit of two years with monthly instalments and interest in place of the original terms granted, in order to equalize the terms of payment with those granted the southwestern railroads under executive orders. This road, at the expiration of its original credit of six months, preferred to these terms a further extension of six months only with interest, believing that they would be able to pay at the termination of that period. They have paid

on account to date of principal $16,600 87, and interest $1,411 80, leaving about $48,000 now due.

The president of the road proposes in enclosed letter to make a further payment of $20,000 in cash on July 12, 1866, making in all paid to that date $36,600, together with interest in full, and the balance then remaining due, about $28,000, at the expiration of six months, with interest thereon at 7 3-10 per cent. per annum from said July 12, 1866, the present bond being renewed for that term.

Believing this arrangement quite as favorable to the government as the extension of two years with instalments and interest, which has been granted other roads, I recommend that the extension be granted on the terms asked.

Very respectfully, your obedient servant,

M. C. MEIGS,
Brevet Major General U. S. Army, Quartermaster General.

Hon. E. M. STANTON, *Secretary of War.*

Approved.

E. M. STANTON, *Secretary of War.*

PETERSBURG RAILROAD OFFICE,
Petersburg, Va., June 28, 1866.

SIR: I learn from the Secretary of War that many of the railroad companies have not paid instalments upon their indebtedness, and that he wished some disposition should be shown to fulfil engagements.

In order to meet his views upon this subject, I respectfully request to withdraw the application which I made three days since, and now propose to pay $20,000 on the 12th day of next July, the day on which our bond is due, and ask for an extension of the balance, say $20,000, for six months, with interest at rate of 7 3-10 per cent. per annum.

We have complied with all the requirements of our understanding to this time.

Very respectfully, your obedient servant,

C. O. SANFORD, *President.*

Quartermaster General M. C. MEIGS.

QUARTERMASTER GENERAL'S OFFICE,
Washington, D. C., July 12, 1866.

Upon application of the Petersburg railroad company, and in accordance with the recommendation of the Quartermaster General, approved by the Secretary of War, June 29, 1866, these bonds are hereby renewed for the same amounts for the further period of six months from this date, upon payment by said railroad company—receipt of which is hereby acknowledged to Brevet Brigadier General W. L. James, chief quartermaster at Richmond, Virginia, as per his letter hereto attached—of the sum of four hundred and twelve and $\frac{29}{100}$ dollars, ($412\frac{29}{100}$) being amount in full of interest due to this date, and of the further sum of twenty thousand dollars ($20,000) on account of the principal due, the remaining indebtedness ($28,399 13) to be paid at the expiration of six months, with interest thereon at 7 3-10 per cent. per annum from this date, payable to the United States disbursing quartermaster at Richmond, Virginia.

PETERSBURG RAILROAD COMPANY,
By C. O. SANFORD, *President.*
PETERSBURG RAILROAD COMPANY,
By D. G. POTTS, *Treasurer.*
ALEXANDER BLISS,
Col Q. M. Dep't, in charge of Fourth Division.

Know all men by these presents:

That we, Charles O. Sanford, president, and David G. Potts, treasurer, of the Petersburg railroad company, (railroad from Petersburg, Virginia, to Weldon and Gaston, North Carolina,) for and in behalf of said company, are held and firmly bound unto the United States of America, in the sum of sixty-five thousand dollars ($65,000) lawful money of the United States, to be paid to the United States, for which payment, well and truly to be made, we bind ourselves and our successors and representatives firmly by these presents. Sealed with our seals, and dated this tenth day of July, in the year of our Lord one thousand, eight hundred and sixty-five, and in the ninetieth year of the independence of said States.

The condition of the above obligation is such, that whereas the quartermaster's department of the United States army, by and with the consent of the War Department, has agreed to

sell to the said railroad company certain railroad materials in possession of the quartermaster's department, at City Point and Alexandria, Virginia, not needed by the United States, to the amount of sixty-five thousand dollars' ($65,000) worth, as follows, to wit: iron rails at eighty dollars ($80) per ton, iron chairs at six cents per pound, iron spikes at six cents per pound, cross-ties at fifty cents each, for the repair and reconstruction of said railroad.

Now if the above bounden C. O. Sanford, president, and D. G. Potts, treasurer, shall pay or cause to be paid to the United States, the full amount for the materials furnished to said company as above, in six months from the above date, then the above obligation to be void. Otherwise the United States is authorized to place an agent in charge of said railroad, who shall collect the revenues, and apply them to the payment to the United States of the sums which may be due for the materials delivered to the said railroad company under this arrangement.

C. O. SANFORD, *President.* [SEAL.]
D. G. POTTS, *Treasurer.* [SEAL.]

Sealed and delivered in presence of
CHAS. COOLING.
JOHN E. WILLS.

This bond is renewed for same amount and upon the same terms for the further period of six months from this 12th day of January, 1866, interest to be paid from this date, at the rate of 7 3-10 per cent. per annum upon the amount due the United States, payable monthly to the United States disbursing quartermaster at Richmond. It is understood that the company is to be credited with the amount of their vouchers as audited.

In witness whereof we hereunto for and on behalf of the Petersburg railroad company, affix our hands and seals this 12th day of January, 1866.

C. O. SANFORD, *President.*
D. G. POTTS, *Treasurer.*

Signed and delivered in presence of
ALEXANDER BLISS.
Brevet Colonel U. S. Army.
THOMAS SANDERSON.

[Endorsement.]

JULY 13, 1865.

The bond should be double the value of the property turned over. The Quartermaster General may turn over one-half the amount of this bond, and if more property be afterwards required a bond can be given to cover it.

EDWIN M STANTON, *Secretary of War.*

Know all men by these presents:

That we, Charles O. Sanford, president, and David G. Potts, treasurer, of the Petersburg railroad company, (railroad from Petersburg, Virginia, to Weldon and Gaston, North Carolina,) for and on behalf of said company, are held and firmly bound unto the United States of America in the sum of sixty-five thousand dollars ($65,000) lawful money of the United States, to be paid to the said United States, for which payment well and truly to be made, we bind ourselves and our successors and representatives firmly by these presents.

Sealed with our seals, and dated this 20th day of July, in the year of our Lord one thousand, eight hundred and sixty-five, and in the ninetieth year of the independence of said States.

The condition of the above obligation is such, that whereas the quartermaster's department of the United States army, by and with the consent of the War Department, has agreed to sell to the said railroad company certain railroad materials in possession of the quartermaster's department, at City Point and Alexandria, Virginia, not needed by the United States, to the amount of sixty-five thousand dollars, ($65,000) worth, as follows, to wit: Iron rails at eighty dollars ($80) per ton, iron chairs at six cents per pound, iron spikes at six cents per pound, cross-ties at fifty cents each, for the repair and reconstruction of said railroad.

Now if the above bounden C. O. Sanford, president, and D. G. Potts, treasurer, shall pay or cause to be paid to the United States, the full amount for the materials furnished to said company as above, in six months from the above date, then the above obligation to be void. Otherwise the United States is authorized to place an agent in charge of said railroad, who shall collect its revenues, and apply them to the payment to the United States of the sums which may be due for the materials delivered to the said company under this arrangement.

C. O. SANFORD, *President.* [SEAL.]
D. G. POTTS, *Treasurer.* [SEAL.]

Sealed and delivered in presence of
T. TAYLOR PAGE, as to D. G. POTTS.
WM. S. BROWNLEY, as to C. O. SANFORD.

This bond is renewed for same amount and upon the same terms for the further period of six months from this 12th day of January, 1866, interest to be paid from this date, at the rate of 7 3-10 per cent. per annum upon the amount due the United States, payable monthly to the United States disbursing quartermaster at Richmond. It is understood that the company is to be credited with the amount of their vouchers as audited.

In witness whereof we hereunto for and on behalf of the Petersburg railroad company, affix our hands and seals this 12th day of January, 1866.

C. O. SANFORD, *President.*
D. G. POTTS, *Treasurer.*

Signed and delivered in presence of
ALEXANDER BLISS,
Brevet Colonel U. S. Army.
THOMAS SANDERSON.

CHIEF QUARTERMASTER'S OFFICE, DEPARTMENT OF VIRGINIA,
Richmond, Va., July 13, 1866.

GENERAL: I have the honor to state that I have received from D. G. Potts, treasurer Petersburg railroad company, the sum of two hundred and ninety-four dollars and forty-three cents, ($294 43,) being interest from June 1, 1866, to June 30, 1866, on $48,399 13; balance due the United States on bonds for $65,000, dated January 12, 1866.

I have also received from treasurer of said company, drafts for twenty thousand dollars, ($20,000,) which amount I have credited, on July 10, 1866, on bonds held by me and credited upon my own account.

I am, General, very respectfully, your obedient servant,

W. L. JAMES,
Brevet Brigadier General and Chief Q. M., Department of Virginia.

Major General M. C. MEIGS,
Quartermaster General U. S. Army, Washington, D. C.

QUARTERMASTER GENERAL'S OFFICE,
Washington, D. C., July 19, 1866.

GENERAL: Yours of the 13th instant, reporting payment, on the 10th instant, by the Petersburg railroad company of $294 43, being interest due on amount of indebtedness to the United States, June 30, 1866, and of $20,000 to be applied upon the principle due, is received.

An extension of credit has been granted by the Secretary of War, June 29, 1866, to the Petersburg railroad company for the payment of its indebtedness for the further period of six (6) months from the 12th of July, 1866, upon the payment, by said company, of the amount of interest in full from June 1 to July 12, 1866, $412 20, and of the further sum of 20,000 on account of the principal due; the remaining indebtedness, $28,399 13, to be paid at the expiration of six months, with interest thereon, at seven and three-tenths per cent. per annum from said date.

The company, as appears from your letter, having made the payment of $20,000 on account of the principal, and of $294 43 on account of interest to June 30, 1866, should now pay the interest to July 12, 1866, $117 77, when the extension referred to will be granted.

Notify this office of your action in the premises, and be governed by the conditions above stated in the collection of the amount remaining due the United States by the Petersburg railroad on account of railroad property purchased.

By order of the Quartermaster General.

Very respectfully your obedient servant,

BENJ. C. CARD,
Brevet Brig. General and Col. Quartermaster's Department.

Brevet Brig. Gen. W. L JAMES,
Chief Quartermaster Dep't of Va. Richmond, Va.

CHIEF QUARTERMASTER'S OFFICE, DEP'T OF VA.,
Richmond, Va., July 25, 1866.

GENERAL: I have the honor to respectfully inform you that I have this day received from D. G. Potts, esq., treasurer of Petersburg railroad company, the sum of one hundred and seventeen dollars and seventy-seven cents, (117 77,) being interest from July 1 to July 12, 1866, on bonds due the United States.

In accordance with instructions I have credited the amount of twenty thousand dollars paid on account of principal on bonds by me, and notified the Petersburg railroad company of an extension of six months having been granted.

I am, general, very respectfully, your obedient servant,

WM. L. JAMES,
Brv't Brig. Gen. and Chief Q. M. Dep't of Va.

Major General M. C. MEIGS,
Q. M. G. U. S. A. Washington, D. C.

HEADQUARTERS MILITARY DIVISION OF THE MISSISSIPPI,
St. Louis, Missouri, March 6, 1866.

GENERAL: I have the honor to acknowledge receipt of your letter of March 1, 1866, enclosing the bond and other papers relating to the Memphis and Little Rock railroad, with instructions to modify the bond and make it conform to the specific instructions embraced in the letter of the Quartermaster General of February 14, last.

I will transmit these papers to Major General J. J. Reynolds, with instructions to cause the changes to be made in the bond as required. I did approve that bond, and still judge it better in its present form than in the one suggested. The estimates were made by good judges on the spot, and I know that the locomotives and passenger cars are very inferior, and were valued as high as they deserved. Why General Reynolds consented to the payment in gross with interest, instead of by monthly instalments, I cannot recall, but he knows that the road is poor and needs a helping hand. I fear that hard terms will discourage Mr. Brinkley, and cause him to drop the road, and leave it to decay and go to ruin, more to the loss of the United States than of any other party interested.

I have the honor to be your obedient servant,

W. T. SHERMAN,
Major General.

General E. D. TOWNSEND,
Assistant Adjutant General, Washington, D. C.

HEADQUARTERS DEPARTMENT OF ARKANSAS,
Little Rock, Ark., April 12, 1866.

GENERAL: I have the honor herewith to return the bond of the Memphis and Little Rock railroad company, and accompanying papers, together with letters of instructions from Major General Sherman, marked A; also, letter from this office to the president of the road, marked B, and his reply, marked C.

I would respectfully invite attention to the fact that the bond is based upon paragraph four, executive order of August 8, 1865, and letter of instructions from the Quartermaster General, dated September 6, 1865, from which the two extracts following are made:

"The President directs that the arrangement made in turning over the Tennessee railroads be applied in this case."

"General Thomas has assembled a board of officers and others to value the stock and material to be delivered to the railroads in Tennessee, *under executive order of 8th August.*"

From the instructions in the case I understood the executive order of 8th August to be the basis of action. "The arrangement made in turning over the Tennessee railroads" conforms to the spirit of the executive order of August 8, which reads: "In twelve months from date of transfer as aforesaid, or *such other reasonable time* as may be agreed upon."

The arrangement with the Tennessee roads gives a credit of two years, payable in equal monthly instalments.

The Memphis and Little Rock railroad company could not make similar payments, and cannot now undertake to do it. (See letter of the president, Mr. Brinkley, marked C.)

The bond of the Memphis and Little Rock railroad company stipulates for one payment at the end of eighteen months, and is fully as much in accordance with the executive order of August 8, as the arrangement with the Tennessee roads.

The *precise* arrangement with the Tennessee roads could not be carried out with the Memphis and Little Rock road, and the orders in the case were not understood as demanding it. The arrangement made with the Memphis and Little Rock road was made after full deliberation and examination, and is believed to be the best that can be made for the interests of the government. If this arrangement is annulled much of the stock which has been received by the road must be returned to the government, and as it cannot be bought by this road, it would command a much lower price for any other railroad.

If the orders in the case had been understood to demand precise conformity to the arrangement with the Tennessee roads, this explanation, now submitted, would have been submitted before any action was taken, but I understood the spirit of paragraph 4, "or such other reasonable time as may be agreed upon," to be the basis of action, and proceeded accordingly.

With this explanation, which it is hoped will prove satisfactory, the bond is respectfully resubmitted for consideration. If approved, the seal of the company and the revenue stamps, inadvertently omitted, will be supplied. If disapproved, reference is made to the letter of the president of the road, marked C, and further instructions respectfully requested.

I have the honor to be, general, very respectfully, your obedient servant,

J. J. REYNOLDS,
Major General Commanding.

To the ADJUTANT GENERAL U. S. A.,
Washington, D. C., through Headquarters
Military Division of the Mississippi, St. Louis, Mo.

[Endorsement.]

HEADQUARTERS MILITARY DIVISION OF THE MISSISSIPPI,
St. Louis, Missouri, April 18, 1866.

Respectfully forwarded to the War Department. I have not a word to say. The road in question is very poor, and will be an elephant on our hands. We have not public business to warrant our running it, and to attempt to make profits by carrying private freight will be a losing business. Of course, my opinion is that the bargain made by General Reynolds on the spot was the best possible.

W. T. SHERMAN,
Major General Commanding.

ADJUTANT GENERAL'S OFFICE, *April* 23, 1866.

Respectfully referred to the Quartermaster General.

W. A. NICHOLS,
Assistant Adjutant General.

QUARTERMASTER GENERAL'S OFFICE,
Washington, D. C., July 9, 1866.

SIR: I have the honor to forward herewith, for the action of the Secretary of War, the bond given by the Memphis and Little Rock railroad, under direction of Major Generals Thomas and Reynolds, to secure payment to the United States for the purchase of railroad material made by this company, to the value of $151,979 73, according to accompanying schedule.

This bond was, upon its first receipt by the Quartermaster General, returned to the Secretary of War with letter of February 23, 1866, (copy enclosed,) calling attention to certain discrepancies between this bond and the form prescribed by the executive order of October 14, 1865, which form had been furnished General Sherman.

These discrepancies were deemed so material by me that I could not approve the bond as executed.

The bond having been referred by the Secretary of War to General Sherman, has been returned with letter of General Reynolds and endorsement of General Sherman, advising that the bond be taken as it is. The difference between this bond and the prescribed form, so far as relates to terms of payment, is explained by General Reynolds, and is not, in my opinion so material. But the other objections, pointed out by my letter of February 23, so far impair the security sought to be afforded of ultimate payment that I am unwilling to cause the bond to be accepted as an equivalent for the large amount of railroad property of the United States transferred to this road—exceeding $150,000—without again inviting attention to its imperfections.

Under this bond the company may offer in payment of its indebtedness accounts for transportation services, made up not "at rates *allowed by government* to *northern* roads," as other bonds all read, but "at rates *charged to government* by *southern* roads."

The rates allowed by government to northern roads afford a positive standard by which the money value of the transportation services rendered by the road may be computed with decision. What rates may be charged to government by some southern roads cannot be known with certainty, and there is no limit to the amount which the company may set up as offsets to its indebtedness.

I have caused an examination to be made of the schedule of property sold. The prices of many of the articles are very considerably lower than those at which similar articles have been appraised and sold east of the Mississippi; but I presume that care has been taken by the officers under whose direction the appraisal was made to secure to the United States their just value at the locality. Several considerable errors in extension and addition of figures, however, are observable on the face of the schedule, which should be corrected. By the correction of these errors the total of the value of the articles sold is changed from $151,979 73 to $153,257 47.

I recommend that a new bond be required to be given by the company, retaining, if thought necessary by Generals Sherman and Reynolds, the period of payment already conceded by them, but conforming to all the other bonds given by indebted roads in the rates at which their transportation services shall be allowed for—the bond to be in the penal sum of $306,574 94 to secure the sum of $153,287 47, the true amount of the indebtedness of the company, according to appraisal of the property received by it; revenue stamps of the value of $76 65 to be affixed to the bond; the present bond to be cancelled as soon as replaced by the new one.

Very respectfully, your obedient servant,

M. C. MEIGS,
Brevet Major General U. S. A., Quartermaster General.

Hon. E. M. STANTON,
Secretary of War.

[Endorsement.]

WAR DEPARTMENT, *July* 19, 1866.

The report of the Quartermaster General is approved, and the Adjutant General will transmit a copy of it to Major General Sherman.

By order of the Secretary of War:

THOS. T. ECKERT,
Acting Assistant Secretary of War.

OFFICE ASS'T Q. M. U. S. MIL. RAILROADS,
Washington, D. C., August 21, 1866.

SIR: You are respectfully informed that there is now due the United States, for railroad material purchased December 30, 1865, for the use of the Alexandria, Loudon, and Hampshire Railroad Company, by Messrs. Lewis McKenzie, Joseph Thornton, and Joseph B. Stewart, amounting to sixty-two thousand five hundred and ninety-two dollars and ninety-six cents, ($62,592 96,) and for which a penal bond in the sum of one hundred and twenty-five thousand, one hundred and eighty-five dollars and ninety-two cents, ($125,185 92,) was filed with General L. H. Robinson, assistant quartermaster United States military railroads, signed by the aforementioned Lewis McKenzie, Joseph Thornton, and Joseph B. Stewart, as agents of the board of public works of Virginia for said railroad, the sum of twenty thousand nine hundred and twenty-one dollars and sixty-seven cents, (20,921 67,) being instalments and interest due from December 30, A. D. 1865, to July 31, A. D. 1866. You will please transmit at once to this office the above named sum of twenty thousand, nine hundred and twenty-one dollars and sixty-seven cents, ($20,921 67,) in current funds of the United States, or in transportation vouchers, or both.

Please acknowledge the receipt of this communication at your earliest convenience.

F. J. CRILLY,
Brevet Major and A. Q. M. U. S. A.

LEWIS MCKENZIE, Esq.,
Pres't A. L. & H. R. R. Co., and Agent of the Board of Public Works of Virginia for the same, Alexandria, Virginia.

A true copy:

F. J. CRILLY,
Brevet Lieut. Col. and A. Q. M. U. S. A.

ALEXANDRIA, VIRGINIA, *September* 1, 1866.

MAJOR: The undersigned, agent of the board of public works of Virginia, for the Alexandria, Loudon, and Hampshire railroad, acknowledges the receipt of yours of the 21st ultimo in regard to the amount due upon our purchases of railroad materials and supplies from the quartermaster's department.

Fully appreciating as we do the obligations under which we lie for important aid derived from the supplies and materials, we regret that for the want of means, we have thus far been unable to use them to advantage, and that a considerable portion of them remain on hand unemployed until our road is rebuilt to Leesburg. In rebuilding our road thus far we have been compelled to expend much of our means for cross-ties, labor, and other materials than those which we derived from the government.

The value of the property upon which this debt is secured is ample to insure its safety, and there can be no possible danger of loss. With our constant efforts to put the road in repair, that value is constantly increasing.

In view of these statements, we trust your department will extend us further time, assuring you of our unremitting endeavor to commence payment at an early date.

We are now running the cars to within seven miles of Leesburg, the receipts of which, however, do not much more than pay the current expenses. The value of this road amounts to nearly one million of dollars in property, and there are very few claims against it save those of the government. I mention this that you may be well assured of the safety of the debt.

I am, very repectfully, your obedient servant,

LEWIS McKENZIE,
Pres't A., L. and H. Railroad, and one of the Agents of Public Works of Virginia.

Brevet Major F. J. CRILLY,
A. Q. M. U. S. Military Railroads.

[Endorsement.]

OFFICE OF ASS'T Q. M. U. S. MIL'Y RAILROADS,
Washington, D. C., September 5, 1866.

Respectfully forwarded to General M. C. Meigs, Quartermaster General United States Army, for his information, together with a copy of a letter addressed to Mr. McKenzie, to which this is a reply.

F. J. CRILLY,
Brevet Lieutenant Colonel and A. Q. M. U. S. A.

QUARTERMASTER GENERAL'S OFFICE,
Washington, D. C., September 12, 1866.

SIR: I have the honor to forward herewith the communication of Brevet Lieutenant Colonel F. J. Crilly, assistant quartermaster United States military railroads, reporting the nonpayment by the Alexandria, Loudon and Hampshire railroad, of any part of its indebtedness to the United States—amounting to $62,592 96, and upon which there was due July 31, 1866, principal and interest, $20,921 67—and the correspondence with the company on the subject. I do not advise enforcement of the penalty of the bond—the taking possession by the United States of the railroad and its effects—because I believe it would not be expedient to do so, but I report the facts, and the explanations of the president of the road. I also forward herewith a statement showing the names of the railroads which, so far as reported to date, have made no payment on account of their indebtedness.

Very respectfully, your obedient servant,

M. C. MEIGS,
Brevet Major General U. S. A., Quartermaster General.

Hon. E. M. STANTON,
Secretary of War.

[Endorsement.]

WAR DEPARTMENT,
September 15, 1866.

Respectfully returned to the Quartermaster General for report as to the extension of time for the payment of indebtedness he would recommend to be granted in this case.

By order of the Secretary of War:

L. H. PELOUZE, *A. A. G.*

QUARTERMASTER GENERAL'S OFFICE,
Washington, D. C., September 19, 1866.

Respectfully referred to Lieutenant Colonel F. J. Crilly, assistant quartermaster military railroads, Washington, D. C., for report.

By order of the Quartermaster General:

ALEXANDER BLISS,
Colonel Quartermaster's Department, in Charge.

OFFICE ASSISTANT QUARTERMASTER
UNITED STATES MILITARY RAILROADS,
Washington. D. C., September, 21, 1866.

Respectfully returned to General M. C. Meigs, Quartermaster General United States Army. From the best information I can procure, I find that the Alexandria, Loudon and Hampshire railroad is barely paying its expenses. The company claim, however, that they have no other indebtedness except what is due government. The road has just been opened to within five miles of Leesburg, which point they expect to reach and have in running order prior to 1st January next. The president of the company claims that this will increase the receipts

fifty per cent. He is unable to fix any definite time at which he can commence paying his instalments regularly, but promises on the first of January next to pay all accrued interest on his indebtedness to the government. He also states that he has large amounts owing him from the Orange and Alexandria and Washington and Alexandria railroads, which these companies are unable to pay, owing to their crippled condition. In view of all the facts in the case, I would recommend that an extension of six months from October 1, be granted to the company on their instalments, with the understanding that all back interest due be paid January 1, and also that during this extension, if granted, they make such payments as they may be able to.

F. J. CRILLY,
Brevet Lieutenant Colonel, and Assistant Quartermaster U. S. A.

QUARTERMASTER GENERAL'S OFFICE,
Washington, D. C., September 25, 1866.

Respectfully returned to the Secretary of War, with recommendation that an extension of six (6) months from October 1, 1866, be granted this company in the payment of their instalments; that is, that the payment of instalments shall commence on that day, and be thereafter monthly made, with the understanding that all back interest due be paid January 1, 1867, and also that during the extension, if granted, they make such payments as they may be able.

M. C. MEIGS,
Brevet Major General U. S. A., Quartermaster General.

WAR DEPARTMENT, *October* 3, 1866.

The recommendation of the Quartermaster General is approved.
By order of the Secretary of War:

L. H. PELOUZE, *Assistant Adjutant General.*

QUARTERMASTER GENERAL'S OFFICE,
Washington, D. C., October 11, 1866.

COLONEL: The Secretary of War, under date of October 3, 1866, has authorized an extension to be granted to the Alexandria, Loudon, and Hampshire railroad, in the payment of its debt to the United States, on account of railroad material purchased.

The terms of the extension are, that an extension of six months from October 1, 1866, be granted this company in the payment of their instalments; that is, that the payment of instalments shall commence on that day, and be thereafter monthly made, with the understanding that all back interest due be paid January 1, 1867, and also, that during the extension, they make such payments as they may be able.

You will notify the company accordingly, and require from them a strict compliance, on their part, with the above terms.

By order of the Quartermaster General:

Respectfully, your obedient servant,

ALEXANDER BLISS,
Col. of Quartermaster's Department, in charge of Fourth Division.

Brevet Lieutenant Colonel F. J CRILLY,
Assistant Quartermaster U. S. Military Railroads.

WASHINGTON, *January* 7, 1867.

DEAR SIR: It is with great reluctance that I again ask a renewal of a part of the note due to the United States by the Petersburg railroad company.

The note was originally for $65,000, which has been reduced to $28,399 13, and I now propose to reduce it to $20,000, and to be extended for six months.

Our company can pay $6,000 in cash, and we have accounts for government transportation amounting to between $2,400 and $2,500, which are being audited.

Owing to the impoverished condition of the country, the failure of the crops, and, consequently, the light travel, our receipts have been much less than they otherwise would have been, which, of course, has lessened our ability to pay more at this time.

We purchased of the government about $100,000 worth of iron and rolling stock, and I now respectfully ask that we obtain an extension of credit for six months on one-fifth of this sum.

Very respectfully, your obedient servant,

C. O. SANFORD,
President Petersburg Railroad Company.

Hon. E. M. STANTON, *Secretary of War.*

[Endorsement.]

JANUARY 8, 1867.

Referred to the Quartermaster General for report.

EDWIN M. STANTON, *Secretary of War.*

QUARTERMASTER GENERAL'S OFFICE,
Washington, January 21, 1867.

COLONEL: The Secretary of War, under date of January 9, 1867, has granted to the Petersburg railroad company an extension of the time fixed on the 12th of July, 1866, for the extinguishment of their indebtedness to the United States for railroad material purchased, which was January 12, 1867.

The terms of the extension are, that the company discharge the amount in full of interest due January 15, 1867, and on that date reduce their debt, twenty-eight thousand, three hundred and ninety-nine dollars and thirteen cents, ($28,399 13,) to twenty thousand dollars, ($20,000.) The payment of the residue to be made on the 12th of July, 1867, with interest thereon at seven and three-tenths per cent. per annum, from January 15, 1867.

You will notify the company accordingly, and require from them a strict compliance on their part with the above terms.

By order of the Quartermaster General:

Respectfully, your obedient servant,

ALEXANDER BLISS,
Colonel Q. M. Department, in charge of Fourth Division.

Brevet Colonel F. J. CRILLY,
Assistant Quartermaster U. S. Military Railroads, Washington, D. C.

WASHINGTON, D. C., *February* 26, 1867.

Hon. J. W. HUNTER, M. C., sworn and examined.

By Mr. BOUTWELL:

Q. Do you know anything of an organization having for its object the support of the President in his office in case articles of impeachment should be preferred against him?

A. No, sir; I never heard of any such organization.

Q. Do you know of any plan or movement to support the President against Congress' depriving him of his power during the pendency of proceedings for impeachment?

A. No, sir; I never heard of any such organization.

Q. Do you know anything of any organization which contemplates, or has for its object, resistance to any action which Congress may see fit to take in regard to the President?

A. I never heard of any, here or elsewhere. I have heard individual expressions about standing by the President because he was President. I do not know of any organization; I never heard of any.

WASHINGTON, *February* 23, 1867.

JOSEPH H. GEIGER, sworn and examined.

By the CHAIRMAN:

Q. State your residence and position.

A. I reside at Columbus, Ohio. I am a revenue agent of the United States.

Q. When and by whom were you appointed?

A. I was appointed in February or March last. My commission was signed

by the Secretary of the Treasury and countersigned by the Commissioner of Internal Revenue.

Q. Was your appointment made upon the order of the President?

A. That I do not know. The President was anxious for my appointment—I know that; whether he ordered it or not, I do not know.

Q. What duties appertain to your office?

A. We are acting under the orders of the department, and under those orders go around and examine whatever they direct, looking into frauds, and preventing them as far as possible.

Q. What territory was embraced in your district at the time you were appointed?

A. No particular territory at the time I was appointed. My district embraces now the States of Ohio, Maryland, and West Virginia.

Q. Do you have any part of Pennsylvania under your jurisdiction?

A. No, sir. I was sent up to the twenty-fourth district of Pennsylvania, soon after my appointment, to make an investigation of a fraud. I do not know what action has been taken with regard to that investigation. I know that forty-five thousand dollars was found due the government of the United States. I understand that the government has got no part of it. It was the case of William Gray.

Q. Is the District of Columbia embraced in your district?

A. No, sir. They told me it was embraced in my district when I got the paper, and I did not know it was not until two or three months afterwards. Mr. Johnson, a clerk in the Internal Revenue Bureau, told me that was to be in my district.

Q. Was there any special consideration for a formation of the district with these boundaries?

A. None that I know of.

Q. When did you first apply for the position?

A. I first applied to Senator Sherman for some position that would be a suitable one for myself, soon after his election to the Senate—some time probably in January or February. I went with him, before I was appointed, to Mr. McCulloch, and to see the President also. I know that Mr. Sherman was a good deal fretted because of the delay in the appointment for me.

Q. You said that the President was anxious that you should be appointed. Can you state any reason for his anxiety on that subject?

A. I cannot state any particular reason.

Q. Was there any understanding that you were to support his policy?

A. Nothing was said about my supporting his policy at all. I believed with him in doctrine at that time.

Q. I understand you that at the time you were appointed, no district was assigned you?

A. None at all.

Q. During what portion of the time since you have been appointed agent have you been engaged in the business appertaining properly to that agency?

A. I suppose that off and on, I have not rendered more than four or five months active service in all; but I was ready to do duty whenever the department called on me to do it.

Q. During what part of the time have you been engaged in political transactions?

A. During last fall I was in the first place at the Philadelphia convention—senatorial delegate from Ohio. During the campaign of the fall I made speeches in different parts of the State.

Q. Those speeches were in support of the Presidential party?

A. Yes, sir.

Q. What emoluments are attached to the office?

A. Two thousand dollars a year, as salary, and expenses while attending to the duties of the office, for which an oath has to be taken that they were expended in the duties of the office.

Q. What amount has been paid you for expenses during the time you have occupied the position?

A. I do not remember what has been paid. I have had to swear that everything which has been paid me was necessarily expended in the discharge of my duty.

Q. Are those accounts rendered monthly?

A. Monthly, or once in two months, as you please.

Q. Do you remember any bill rendered by you for board—nineteen days at Willard's Hotel, in this city?

A. I do not remember whether I did or not. It may be that I did; I was here.

Q. What time were you here—for what length of time?

A. I do not remember the exact length of time. I was here very anxious to have the bonds of Stone pressed. He had been collector out there in our district; had killed himself, and was a defaulter to the amount of $102,400. The securities were anxious that it should be pushed by the government, and I was endeavoring to have it done. While engaged in my investigations in Cincinnati, I found that Sands and that Corwine had been swindling the government in the decrees of the United States courts there, and I was anxious there should be some action taken in reference to them. I wanted them both removed. I put in my charges to the Secretary of the Treasury, and he telegraphed me to come on. When I got here you know how fast a subaltern is able to work business along in the department. I kept working at that here until I got the matter into Attorney General Speed's hands. The thing still drags along. I have been attending to it since I have been here this time. I considered myself occupied in the performance of the duties of my office while I was here.

Q. Were you engaged in anything else than the duties of your office while you were here?

A. Nothing else at all. I had nothing else to do.

Q. Are you privileged to go at any time into any part of the district to investigate any act connected with the revenue, at your own option, or do you act solely upon the orders of the department?

A. I find that I am privileged to go to any portion of my territory, but if the department orders me to any place of course I am compelled to obey the order.

Q. Is it the same with all the other agents?

A. I do not know; I presume it is.

Q. How many distilleries have you investigated?

A. I have looked at the distilleries up in Butler county—two or three of them. Then I have been to Harris' distillery in Montgomery county. I was two or three weeks in that investigation. It was a very tedious, troublesome one. I was at Hamilton Turner's distillery and investigated that. I believe those are all.

Q. How many other cases of alleged fraud have you investigated?

A. No other that I recollect this moment, except one in Pennsylvania.

Q. What other duties have you performed?

A. I have been to the offices of a number of the collectors to see about the condition of their bonds; to the offices of the two districts in Cincinnati, to that of Hamilton, and to the Cleveland office. I have been at various places for different purposes. Those are all the special duties which I now recollect that I have performed.

Q. You say you came to Washington in connection with the case of Sands and Corwine. Was it a part of your duty as revenue agent to attend to that case?

A. Yes, sir. It was a fraud upon the revenue department, and I desired to have them removed. Corwine resigned and Sands was removed.

Q. How long were you occupied in presenting charges and procuring their removal?

A. I do not know how long it was, but some time before I could get a hearing. I kept pressing the matter.

Q. Did you ever have any conversation in this city with any person, in which you used the language that you "didn't care a damn for the business of the office of revenue agent; that that was not your business," or words to that effect?

A. I do not think I ever used such language as that. It would certainly have been more foolish than I usually am.

Q. Are you certain that the President did not issue an order for your appointment, and that you did not receive it and carry it to the Treasury Department?

A. I did not receive it and carry it to the Treasury Department. I would not degrade myself by going there. I went to see Mr. McCulloch afterwards, and he told me he had appointed me.

Q. During those visits to Washington, did you not attend considerably to political affairs?

A. I used to talk politics, of course. If by political affairs you mean that I was conniving in any way with anybody or anything, I say that I did not.

Q. Was there not an understanding between you and the President that you were to be a pretty active political agent?

A. There was never anything that I remember as to any understanding on that subject.

Q. Have you not had conversations about that?

A. I have talked with the President about politics frequently.

Q. Has he not requested you to act as political agent in Ohio?

A. No, sir, he never asked me. On the contrary, when I have spoken to the President pointedly about some things, he has always been very reticent, as I thought, about them.

By Mr. Cook:

Q. During the months of August, September, and October of last year, were you engaged in the United States service connected with the revenue; and if so, in what?

A. I do not remember what I was doing during those months, exactly. I was out, I think, at different points, to see about the frauds I spoke of, but exactly where, I cannot at this time designate. I know I was at Cincinnati to look up the matters there of the fraud of Sands and Corwine, and of F. M. Wright. I think that was in the month of August, before the Philadelphia Convention. I was there, I think, twice or three times looking into the matter —two or three days, perhaps, each time.

Q. Were all the times you have spoken of, in the month of August?

A. I think so, but my recollection of dates is not sufficiently distinct to enable me to swear to it. I think, during the three months you have mentioned, I was at Zanesville, at Dayton, and perhaps at Hamilton. I would like, if you would allow me, to make a statement, to be put down, in regard to the duties I have performed connected with my office. My appointment at first was perhaps objectionable to Mr. Rollins. I was sent to Pennsylvania, as I have stated, to Mr. Lawrence's district, to make an investigation. I investigated the case very closely, and made a report which I submitted to Judge Swayne, who is my friend and near neighbor, and he thought the report was perfectly irresistible in its arguments and conclusions. But when it got to the department, it was met with scoffs and ridicule, more than anything else. I was under the impression that I possessed, perhaps, as much brains as the ordinary clerks of a de-

partment, and could as well appreciate when a case was properly made out for the department. But that report, as I have stated, was made the subject of ridicule, and nothing done in reference to it, so far as I know. After I came here, in connection with the Cincinnati case, I was subjected to every mortification, and met with nothing but scoffs and abuse while in the discharge of my duty. In the next place, the Attorney General of the State of Ohio, W. H. West, called my attention to frauds upon the part of the United States courts in Cincinnati, and insisted upon my investigation. I went there to investigate these frauds. I found that F. M. Wright had procured a decree of the court for forty-eight thousand dollars, one-half of which was due to the government of the United States, he being also entitled to a moiety as informer, and I came here with that and other cases at the time the bill for nineteen days' expenses is charged. I pursued the investigation, following it from room to room in the department, being received with no more consideration than a common loafer, and being subjected to every annoyance and mortification. I was compelled to go about a marked man in the department. Still I persisted in the investigation and found that the entire amount he had collected and paid over to the government was not more than six thousand dollars; and when the matter was reported to the department, instead of allowing me to go on with the investigation, they sent for Mr. Case, revenue agent of Indiana, to pursue it. I of course felt that the department did not want me. I knew that I was spotted, and determined from that time to wait until I was called on. Then Mr. Stone was a defaulter of $102,400 in my own town of Columbus. I made up a report of the matter and sent it to Washington, after which the department sent out there a man by the name of Thompson, from Washington, to reinvestigate the matter. I thought the department was determined to get rid of me, and that I would wait for orders. That is the reason why I have done no more active duty than I swear to having done.

Q. What portion of the time between the Philadelphia convention and the November following were you engaged in political campaigning?

A. I think I made probably twenty-three or four speeches in the State of Ohio during the campaign. I spoke three times in the wigwam in Brooklyn—one night twice, and another night once. During this time, of course, I bore my own expenses. I went from New York up to Plattsburg, and spoke from town to town all along Lake Champlain and the railroad. I think I made eleven speeches during the campaign in New York. When I came here I asked Mr. Rollins to assign me to other duty, but he said that would encroach upon the territory of others.

WASHINGTON, *February* 15, 1867.

RUSH R. SLOAN sworn and examined.

By the CHAIRMAN:

Q. Where do you reside?

A. Sandusky, Ohio.

Q. What is your occupation?

A. I am president of the Cincinnati, Dayton, and Eastern railroad; by profession a lawyer, and ex-special agent of the Post Office Department.

Q. Are you acquainted with President Johnson?

A. Yes, sir.

Q. Did you ever have any interview with him in relation to a foreign appointment?

A. I do not think I ever did. I have no remembrance of any interview with the President, with regard to a foreign appointment.

Q. Did he ever tender an appointment, either in the diplomatic or civil service, to you?

A. He never did. I was in a position when I had my interview with the President. I had such a position tendered me, but not through the President. Through some personal friends in that State, who had the promise of one of several places for me. Senator Sherman was my particular friend.

Q. Were you holding any political position at the time you had any interviews with the President?

A. I was chairman of the Union central committee of Ohio.

Q. Was there anything said in any of your interviews with the President as to what he desired you to do, in reference to your position as chairman of that committee?

A. Mr. Johnson was very anxious to head off the action of the intense radical men in Congress, such as Stevens and Kelley of Pennsylvania, and Ashley of Ohio. He was very much opposed to their propositions when Congress convened in December, 1865. In the interviews I had with him, he was hoping that we in our State would not endorse their course. This was before the agreement of Congress upon the Constitutional amendment, while he was advocating his policy of allowing the loyal men in the southern States to govern these States. I will say to you here why I went to see the President. Several of the President's friends came to me while in Washington, and said the President wanted to see me. I went up there, sent in my card, and was received at once. I had never seen him before, but Mr. Johnson seemed to know all about me. We had a discussion on the topics of the day, which, I think, was the day of the Connecticut election. Mr. Johnson said it was very important, indeed, that the schemes of these men in Congress should not take possession of the hearts of the people of our State, and of the country. He was anxious to have everything done to head them off. I told the President that, before saying what we would be willing to do in Ohio, I wanted to know what he intended to do. I said it was charged against him that he proposed to organize a Johnson party; that others were saying he was going to revive the old democratic party; while his friends said that he intended to remain in the Union party. Mr. Johnson expressly said to me that he had no idea of doing anything else than remaining in the Union party. He said to me, "For everything I am, I am indebted to that party;" and he gave me that assurance in the strongest possible manner. I then said to the President that, as then advised, I concurred with him that the loyal men of the South should govern the South, and that I was willing to do what I could to carry out his policy. I had several interviews with him from that time until the passage of the Constitutional amendment. I was in favor of that amendment, and labored arduously in our State to secure, in the June convention of Ohio, an endorsement of that amendment, which we succeeded in doing. I then returned to Washington, and urged Mr. Johnson to accept the Constitutional amendment, assuring him that it was a plank, in my judgment, on which he could get back into the Union party. This interview occurred about the last of June, or the first day or two of July, and I had it partly at the instance of Governor Cox, of our State, who had been acting in concert with us up to that time, and who desired me to impress upon Mr. Johnson the importance of accepting that amendment. In this interview I plead with Mr. Johnson, to the extent of my ability, to accept this amendment. The President said he was very much incensed at what had been done, and regretted that the extreme radicals had not carried out their programme. I left with the understanding that the amendment did not meet with the approbation of the President. After that I kept on pursuing my official duties, and do not think I ever saw the President.

Q. Then I understand you to say that either directly or indirectly the Presi-

dent never indicated that patronage could be used for the purpose of advancing his own policy, and his opposition to Congress?

A. I do not think I said that. I said that the President, so far as he was concerned, did not offer me anything for pursuing the course I did.

Q. Did he offer anything for others?

A. He did say to me that in carrying out our views in Ohio, the offices should be given to his friends, and in pursuance of that statement, Colonel L. D. Campbell, J. H. Geiger, and General H. L. Burnett and myself waited upon the President once together, having united upon several changes in the State, and they were made.

Q. Did you at any time understand that the President desired the defeat of the Constitutional amendment?

A. This was before its passage. After its passage I had no interview with the President.

Q. This was, then, after you had the understanding that he desired to act with the Union party?

A. Yes, sir. The President said, "I have never appointed a copperhead to office, and so help me God, I never will." I recollect his making that exclamation.

Q. Did you have any interview with him, or communication from him, directly or indirectly, after the passage of the Constitutional amendment, and after he had taken his position in regard to it, in relation to the disposition of the patronage in Ohio?

A. Not after that, because the President understood from me that I went for the Constitutional amendment. After that the whole Johnson element was opposed to me, while I continued consistently straight-forward in support of the Constitutional amendment. I suppose I was the only federal officer in that State who did not respond to the Randall-Cowan-Doolittle circulars. They were sent to me one after another, but I did not respond to them.

Q. Were you removed, or did you resign?

A. I was removed. An intimation was given to me, not directly from the President, but directly from General Steadman and others, that I could remain in office if I went the policy. One gentleman visited me in Sandusky upon the subject.

Q. Who was he?

A. Mr. Armstrong, editor of the Cleveland Plaindealer. I told him I had no favors to ask of him or General Steadman; that I could take care of myself.

Q. You were removed then, as I understand, in consequence of your refusal to support his policy. Who was appointed in your place?

A. I held the double appointment of special agent of the Post Office Department for the State of Ohio, and of general agent for the northwest in charge of the contract service, provided by the bill for 1864–'65, and I was the only one in connection with the department who could fill the place. S. M. Penn was appointed special agent of Ohio, while the contract service was taken back to the department in Washington.

Q. Did Penn support the policy?

A. Yes, sir.

Q. What were Penn's political associations prior to his appointment?

A. Penn was a contestant with me for the appointment of special agent in the State of Ohio, and was an intense radical. I was subsequently appointed special agent at large, and Penn received that appointment, but a few months afterwards he was removed for inefficiency. I thought that injustice had been done him, and got him reinstated; but the department again removed him in a short time, as Judge Blair told me, for inefficiency. He was then a radical, and came to the State convention at Columbus an intense radical; but after the speech I made at the opening of the convention through which he found I was going the other

chute, he filed off in the other direction and gained his appointment, also the appointment of his brother as collector.

Q. He then took his position in favor of the President, so far as you know, before any tender had been made to him of the office which he held?

A. My belief is that he changed during the convention, probably rather in the hope of getting office than in consequence of any promise made.

WASHINGTON, D. C., *March* 14, 1867.

Hon. JEREMIAH S. BLACK affirmed and examined.

By Mr. BOUTWELL:

Q. Your residence is Washington?

A. I am a housekeeper here for the winter, but my proper residence is York, Pennsylvania.

Q. Did you prepare or have any part in the preparation of the message of the President vetoing the bill to provide for the more efficient government of the rebel States, sent into the House of Representatives near the close of the last Congress?

WITNESS. There have been several communications between the President and me, entirely private and confidential, some of them relating to the subject indicated by your question. I do not think you ought to insist upon that question. I wish simply to enter a protest against your right to demand an answer. I am on record for this opinion, that a witness sworn to testify before any tribunal is bound in conscience to answer a question which that tribunal declares he ought to answer; that he is himself not the judge of what he ought to answer and what he ought not. Besides that, you have the power to compel an answer under penalties which I cannot resist. If, therefore, you insist upon my stating what private intercourse took place between me and the President upon this subject, or upon any other, I suppose I am bound to answer; but I submit to the Committee that you ought not to press that question. I ask the Committee to decide whether they will or not.

[The Committee, after consultation, determined to require the question to be answered.]

A. If the question relates to this paper as a whole, then I answer "no." If you mean to inquire whether any portion of the paper was suggested by me, or whether any part of it originated with me in form of expression, I answer "yes."

Q. Will you examine the printed copy of the message now shown you and marked "A," and state what parts of it were prepared by you?

A. I do not believe that I can do so. Some of these expressions were put into writing by me, but nearly the whole, if not quite all of them, after being submitted to the President, were by him, or by somebody else, very much changed. If I had written the message, or if I had had a *carte blanche* to write it, and the President had signed what I would have written, or what I did write, it would have been a much more objectionable document to the majority in Congress than it is; much more in violation of what now seems to be the sentiment in Congress upon the subject; not objectionable to me and that class of people in this country who think as I do upon constitutional questions. The beginning of this paper—that portion of it especially which analyzes the bill vetoed—I think, was used by him out of material that I furnished more freely and with less alteration than any other part. But everything that I wrote was afterwards toned down, whether by him or some one else I do not know, because I never had any communication with him after I handed over the paper. I have not seen him since.

Q. To what point in the message does the first part of which you speak and which you say has been adopted by the President with less alteration than any other, extend?

A. None of it was adopted without any alteration at all. It extends until the close of the analysis which is made of the law. First, it takes up the preamble of the bill, and denies that the ground for it is sufficient in point of fact. Then it analyzes the bill itself, and states the apparent object of it. That is the portion of it to which I refer.

Q. On what page does that part of the message end?

A. It runs down to the seventh page.

Q. Can you point out any parts of the message which did not originate with you, either in substance or form?

A. Yes; here is a paragraph which did not originate with me, and yet it is expressed exactly in my language. It originated with somebody else; I cannot tell you who; I presume with the President himself. It was originally very much more extended than it is here. I reduced, in my own language, what I thought was the substance of a very long paper into this one paragraph, which you will find on pages eight and nine, commencing, "Invasion, insurrection, and domestic violence were anticipated when the government was framed." That paragraph is a reduction of mine of a disquisition upon the same subject, more diffused. I repeat that I do not think there is a paragraph in this paper as printed in the exact language written by me, and I repeat that the difference between anything I wrote and anything that is found in this message is, that it is all toned down from much stronger expressions in the same direction into something considerably tame. Now, you ask me for something I did not have anything to do with. The paragraph contained in page nine, commencing, "This is a bill passed by Congress in time of peace," and continuing on to the first break on page eleven, I never saw until after the message was delivered. The next paragraph, about trial by jury, is one which is partly mine. I have a weakness for that portion of the Constitution. I never did, and I suppose I will go to my grave without being able to, speak of a violation of that portion of the Constitution without a certain amount of boiling and indignation. What I would have written in the shape of a message, if I were allowed to take my own way, would have been more strong in vindication of that right; and what I did write on that subject I suppose was a little too strong—thought, I suppose, to be so—and there is very little of it here. And what is here said about the writ of *habeas corpus* and warrant without arrest is mine. I do not think, however, there is much use to talk about the writ of *habeas corpus* and warrant without arrest, if the fundamental principle that a man is to have the right to a trial by a jury of his countrymen, is to be disregarded. It is not worth while to talk of anything else; all the rest is but "leather and prunella." The next paragraph to the last, which is a long one, is a spliced concern. I do not recognize it as coming from me, though there are expressions scattered here and there through it that I think I must have used. It begins, "The evils which spring from the unsettled state of our government will be acknowledged by all," and asserts the necessity of settling it by adherence to the Constitution, or by some plan or course of administration which will be within the Constitution, and the admission of representatives of the southern States into Congress. That question about the admission of the southern States, or of members of Congress from the southern States, is one I do not pretend to have written. I never expressed anything upon the subject, except the general right of the States to be represented.

Q. Was the argument which you prepared, in your own estimation, a paper covering the entire ground of a veto message, substantially, and in what you would regard as the proper form of a veto message?

A. It was in that form. The President did not request me to put it in any

particular form. He wanted me to put in form—that is, to put in writing—expressions which he had given, and in which we perfectly agreed, which I did; for instance, in this first paragraph; and the paper which I wrote then went on as if it might have been signed and sent in as a message, but there was no understanding that was to be done. It was distinctly understood that he was to change, alter, or modify it as he pleased.

Q. This work was done by you on the request of the President, was it?

A. Yes, I may say that it was done at the request of the President, to the extent that he requested it.

Q. You did not volunteer your services?

A. No, sir.

Q. When, as far as you recollect, did you first converse with the President upon the subject treated in the message?

A. In the fall of 1860.

Q. And when since then?

A. The President and I, when these troubles first broke out, happened to coincide in our opinions exactly. I approved of his course, very fully, in the Senate, and he did of mine as a member of the executive administration. We had some little conversation at that time, and possibly took some little fancy for one another, in consequence of our agreement of opinion. I saw something of him again, just before he went to Tennessee, soon after the new inauguration of the administration, and we agreed then. After the war broke out, I saw but little of him. After he became President, I did not see him for three or four months, and then perhaps would not have seen him, except for the fact that a friend of his induced me to believe that he would be glad to see me. I did see him, and in the conversation which we had, spoke only of public questions, and of the dangers which I regarded the country as exposed to. From that time to this, we have never spoken upon any other subject that I know of. I am unable to recall a single conversation between him and me upon any subject but what related to the public affairs of the country—occasionally, of course, we would speak of men in connection with it.

Q. Have you at any time within the last two years had any conversation with the President upon the question whether the Thirty-ninth Congress was a constitutional organization or not?

A. Never. I considered that a closed question with him.

WASHINGTON, D. C., *Friday, March* 29th, 1867.

THOMAS B. FLORENCE sworn and examined.

By Mr. BOUTWELL:

Q. Where do you reside?

A. My residence is in Philadelphia. I am a sojourner in this city.

Q. There has been some testimony before the committee in reference to some soldiers of West Virginia, whose names had been struck from the rolls for desertion or other military offences, and who were restored last October, by order of the President, and the testimony is that you had some agency in the restoration. Do you recollect the circumstances referred to?

A. Yes; there were two matters of that kind which I had some agency in; one of a Pennsylvania, and the other of a West Virginia regiment. Four or five days before the Pennsylvania election of 1866, a person well known as Colonel Capehart, a stranger to me, called on me, and said that Mr. William Montgomery, of Pennsylvania, a former member of Congress, had written to him to ask me to aid him in getting certain persons, who otherwise would be disfranchised

from voting, and saying that, as the election would be pretty close, these six votes might determine the result. I asked him what interest he had in the matter, and he said he desired that Montgomery would be elected; I said, "So do I. My sympathies are running in that direction, and if these people ought to be restored to the service, and have been unjustly deprived of their franchise, you may bet your life I will try and get them restored, especially to benefit my friend Montgomery." I went to the President's, and saw Robert Johnson. I said to him, "These men have served faithfully. Colonel Capehart says they have been unjustly deprived of their privileges. Here are evidences enough to satisfy me, at least, that they have been; and I think you ought to restore them. That is my judgment about it." He said, "I will speak to the President in reference to it." I am not certain that I did not write a letter on the subject; but I think not, because the letters were sufficient to show that the men were unjustly dealt with. I do not recollect the circumstances of the case, except that they had been prisoners of war, I think, and that they were put down as deserters. That is what Capehart said. I saw the President's private secretary, and said to him, "Here are six men who, I think, ought to be restored to the service. They have been unfairly stricken from the rolls. I wish you would take an interest in it. I feel anxious that they should be restored, for two reasons: first, if they have been unjustly deprived of their right of franchise, they ought to be restored to it; and, in the next place I would like to serve Bill Montgomery." I believe they were restored; and that is the whole of that.

In reference to the West Virginia men, that was just the same case. A gentleman came to me saying that these men had been left off the rolls because they had been held as prisoners of war, and were not at the muster—or something of that kind. I went up again to the Executive mansion and said: "Here is an identical case. All the officers of the regiment allege that these men were unfairly deprived of their privileges, or will be, under the laws of West Virginia, if they are not restored to the service." That is all. I think they were restored. I think the Secretary of War was present at the time, and that the papers were presented to him in the Executive mansion. I think the process was pretty close on the election, within a very few days of the election.

Q. Did you have an interview with the President in reference to these West Virginia men.?

A. No, sir. I never spoke to the President on the subject.

Q. Did you have a letter addressed to the President on the subject?

A. No, sir; I am not sure that I had.

Q. A letter from Mr. Andrews, the candidate for Congress?

A. I do not recollect it. There may have been such a paper with the papers, but I do not know anything at all about it. It was an affair *con amore* with me. I did not ask what the men's politics were, and do not know to this hour. I presumed that they were going to vote right as I understood it.

Q. Did Mr. McEwen have an interview with you on the subject?

A. Yes; he called my attention to it.

Q. Do you recollect whether he put into your hands a letter from Mr. Andrews to the President?

A. No, sir; I think not. I had no letters to the President *per se*. Whatever letters there were, were cumulative evidence in the case.

Q. Did you yourself take any letters or papers to the Executive mansion in reference to the West Virginia cases?

A. My judgment is that I took all the papers there. I took the case there and called Bob Johnson's attention to it, and said that it was a case which ought to have early consideration. My sympathies were aroused. I thought they were men who had served faithfully in the army, and that by an accident of war they had been deprived of their privileges. There were some two or three

hundred of them, I think. I made no particular examination, as it was put upon the ground that it was a simple act of justice.

Q. Are you able to recollect any of the names?

A. No, sir. I went over to General Townsend's office, and saw that the thing had been ordered by the Secretary of War. I did not suppose that he would do anything that was wrong in itself, and it never entered my brain that there was anything in it but justice. I was a general volunteer in doing a good act, as I understood it. I never opened my lips to the President on the subject. I supposed it was to go through the hopper of the War Department I never brought anything to the Executive mansion requiring official consideration of the government, that had action upon it until it was investigated.

Q. Those papers you took direct to the executive department?

A. Yes, sir; that is my habit. I like papers to start there, because it saves the trouble of their coming back. If I have letters asking appointments in any of the departments, I almost always go with them to the head and leave them, not with the President, because I seldom see him. I have no time to wait an opportunity to see him. I did not regard this as a matter that required his personal intervention.

Q. You did not yourself make any examination of these papers to know whether the deprivation of privileges in those cases was due to actual wilful desertion?

A. No, sir. I understood it to arise from the accidents of war. The letters seemed to be from such sources that there could be no doubt about it. They were from the officers of the regiment, who certified to the facts. I was satisfied in my own mind, without any critical examination, that the men should be restored.

By Mr. MARSHALL:

Q. Mr. McEwen has spoken of a letter written by Mr. Andrews, one of the candidates for Congress from that district, addressed to the President, and has stated that he delivered it to you with other papers?

A. It is possible. (The substance of the letter was here read to the witness from McEwen's testimony.) I think there was such a letter, now that my memory is refreshed. There may have been something of a political nature that impressed me. I think I recollect something of that kind. I do not believe the President ever saw the letters. I think they went at once to the War Department or to the Secretary of War. They certainly had the consideration of the War Department and its consent. I looked over all the letters as a mere matter of form. They were cumulative as to the justice of the act to be done.

By Mr. ELDRIDGE:

Q. Did you bring back a letter from the President to Capehart?

A. Certainly not. The President never gave me a letter in his life. I did not see the President at all on the subject.

Q. Did you in any way procure a letter from the President?

A. No; certainly I did not.

Q. Did you procure an order from the President for these men to be discharged, and did you deliver it to Capehart or McEwen?

A. No, sir; of course I did not.

By Mr. LAWRENCE:

Q. Did you receive any pecuniary or other consideration for your services in that matter?

A. I respectfully decline to answer. I can say, however, that this service was performed by me without any hope or expectation of pecuniary consideration.

By Mr. ELDRIDGE:

Q. Do you know Capehart?

A. Not intimately.

By Mr. BOUTWELL:

A. You are the editor of the Constitutional Union newspaper?

A. Yes.

Q. Have you ever submitted to the President any articles prepared for your paper before their being printed?

A. No, sir; never. I never submitted an article to him before it was printed, and never conversed with him on the subject.

By Mr. ELDRIDGE:

Q. Did the President ever write any articles for your paper?

A. No, sir.

WASHINGTON, D. C., *April* 1, 1867.

Hon. E. M. STANTON recalled and examined.

By Mr. BOUTWELL:

Q. Have you in your possession, as Secretary of War, the papers relating to the pardon of certain West Virginia soldiers, about 192 in number, in October or November last?

A. I have, and here produce the papers, except the rolls, before the Committee. The first purports to be a letter dated at Washington city, October 22, 1866, addressed to his Excellency, Andrew Johnson, President of the United States, and signed "M. McEwen, M. D., late surgeon-in-chief 2d cavalry division, and brevet colonel U. S. volunteers." Endorsed thereon is an order signed by Andrew Johnson, dated October 23, 1866, to the following effect: "Referred to the honorable the Secretary of War All pains and penalties attaching to these men on account of the charge of desertion are remitted, and the charge will be removed from the rolls. Andrew Johnson. October 23, 1866." Immediately below it is an endorsement by myself, to the following effect: "Referred to the Adjutant General to issue an order in conformity with the above by the President. E. M. Stanton, Secretary of War."

Q. As far as the files of the department show, was there any paper transmitted to your department from the President, at the same time the one last referred to was received?

A. There was none at that time that I have any knowledge of. The letter of Surgeon McEwen, with the endorsement of the President, was brought to me by some one, I cannot now recollect whether by Mr. McEwen or whether it was transmitted in the ordinary course by the President. I read the order of the President and immediately endorsed my order below, and sent it down to the Adjutant General. The letter of Surgeon McEwen I did not then read, and have never read it since.

Q. Was there any investigation made into the nature of the offences committed, or said to have been committed, by these men, for the purpose of ascertaining whether they were real deserters, or nominal deserters?

A. No investigation was made by me. Shortly after the order was sent to the Adjutant General, probably the same day, he reported to me that he thought the President had been deceived in reference to that application, for he found that one or more of the persons ordered to be relieved had deserted to the enemy. I immediately went to the President, and asked him whether he was aware of

that fact, and whether he desired to have such persons released. He said he was not aware of the fact and certainly did not mean to order their release, and directed me to have an investigation made as to how many of them belonged to that class. I returned instantly to the War Department and gave directions to the Adjutant General to examine how many of them belonged to that class, and not to embrace them in the order. I understood that on examination it was found that only one belonged to that class, and he was not embraced in the order. What investigation was made in reference to the others I am unable to say. I acted upon the order that was endorsed upon the letter.

Q. Have you any knowledge of a letter to the President from a man of the name of Andrews, of West Virginia, in reference to the cases named?

A. I have not; I do not think I ever heard of such a letter. At some later period after this transaction it was reported to me by the Adjutant General that the description of some of the persons was found to be erroneously stated on an examination of the rolls, and I directed him to correct and make the description in accordance with the rolls.

Q. Do you know anything of any other case of a character similar to these?

A. I cannot specify any particular case. I know that frequent applications are made to me to relieve persons who are marked on the roll as deserters, and it may be that some have been ordered by the President. Wherever I have thought a case to be meritorious, I have directed a corresponding entry to be made on the rolls, so as to relieve the party from an erroneous charge of desertion. A resolution of Congress has called for a report embracing all the cases of that kind, and it is now in course of preparation in the War Department.

Q. Is it your practice to order an inquiry into each particular case?

A. My general practice is to refer the application to the officer of the War Department who has charge of the subject, for report. If, however, the papers were such as to satisfy me that an error or mistake had been committed to the prejudice of the soldier, I would make the order without further investigation. I suppose it has been done in both cases. Unless I was satisfied upon the papers presented that an error had been committed, I have always directed an examination to be made, and then sometimes I overrule the report of the officer if he comes to a conclusion different from what in my judgment the facts warrant.

Q. Will you furnish the Committee with copies of the papers you have presented this morning, and also with a copy of the order issued by the War Department?

A. I have here and now deliver to the Committee a certified copy of the order issued from the War Department, and will furnish copies of the other papers. The order referred to is as follows:

WAR DEPARTMENT, ADJUTANT GENERAL'S OFFICE,
Washington, April 1, 1867.

It appears from the records of this office that the annexed copy of special orders, No. 582, November 21, 1866, is a true copy of the original order on file in this office.

E. D. TOWNSEND,
Assistant Adjutant General.

Be it known that E. D. Townsend, who has signed the foregoing certificate, is an assistant adjutant general of the army of the United States, and that to his attestation as such full faith and credit are and ought to be given.

In testimony whereof I, Edwin M. Stanton, Secretary of War, have hereunto set my hand and caused the seal of the Department of War of the United States of America to be hereunto affixed on this first day of April, one thousand eight hundred and sixty-seven.

[SEAL.]

EDWIN M. STANTON,
Secretary of War.

[Special Orders, No. 582.]

WAR DEPARTMENT, ADJUTANT GENERAL'S OFFICE,
Washington, November 21, 1866.

All pains and penalties attaching to the following named men, on account of the charge of desertion against them, are hereby removed, and the charges will be removed from the rolls:

Private Jacob Shoup, company A, 1st West Virginia infantry.
Private John Mills, company A, 1st West Virginia infantry.
Private Samuel Chance, company C, 1st West Virginia infantry.
Private Samuel Stillwagoner, company C, 1st West Virginia infantry.
Private William Snyder, company C, 1st West Virginia infantry.
Private Martin Burch, company D, 1st West Virginia infantry.
Private William Stephens, company E, 1st West Virginia infantry.
Corporal John Sullivan, company F, 1st West Virginia infantry.
Private Henry Doyle, company H, 1st West Virginia infantry.
Private Thomas Jennings, company H, 1st West Virginia infantry.
Private Henry Bushman, company I, 1st West Virginia infantry.
Private Roberts Rieley, company I, 1st West Virginia infantry.
Private James Tannahill, company I, 1st West Virginia infantry.
Private James Cartmill, company B, 5th West Virginia infantry.
Private Jacob Nacer, company B, 5th West Virginia infantry.
Private Foster Dunn, company K, 5th West Virginia infantry.
Private Enos Dunn, company K, 5th West Virginia infantry.
Private David Brennard, company B, 6th West Virginia infantry.
Private Henry Boreman, company K, 6th West Virginia infantry.
Private Aaron Ankron, company C, 7th West Virginia infantry.
Private James Cleland, company A, 9th West Virginia infantry.
Private Arthur H. Dennis, company A, 9th West Virginia infantry.
Private Robert L. Harris, company A, 9th West Virginia infantry.
Private W. R. Goldsmith, company B, 9th West Virginia infantry.
Private Jacob Short, company B, 9th West Virginia infantry.
Private John F. Hood, company C, 9th West Virginia infantry.
Private George Lowery, company C, 9th West Virginia infantry.
Private Jacob Miller, company C, 9th West Virginia infantry.
Private Alfred Barry, company D, 9th West Virginia infantry.
Private George Hardie, company D, 9th West Virginia infantry.
Private John L. Johnson, company D, 9th West Virginia infantry.
Private John W. Berry, company H, 9th West Virginia infantry.
Private Robert Huggins, company H, 9th West Virginia infantry.
Private Samuel F. Brown, company F, 9th West Virginia infantry.
Private John A. Baker, company A, 10th West Virginia infantry.
Private George Duncan, company A, 10th West Virginia infantry.
Private Noah Snyder, company A, 10th West Virginia infantry.
Private Alphia O. White, company A, 10th West Virginia infantry.
Private James Myers, company A, 11th West Virginia infantry.
Private W. E. Goddard, company I, 12th West Virginia infantry.
Private W. T. Gichols, company B, 13th West Virginia infantry.
Private Alexander McDonald, company F, 13th West Virginia infantry.
Private Frank E. Barrett, company F, 13th West Virginia infantry.
Private Gustavus A. Andrews, company F, 13th West Virginia infantry.
Sergeant Henry Hughart, company G, 13th West Virginia infantry.
Sergeant Isaiah McClure, company G, 13th West Virginia infantry.
Private Abner Cook, company G, 13th West Virginia infantry.
Private John W. McGrew, company G, 13th West Virginia infantry.
Private Joseph Blair, company H, 13th West Virginia infantry.
Corporal John Martin, company I, 13th West Virginia infantry.
Private Mampey G. Steel, company I, 13th West Virginia infantry.
Private Joseph Townsend, company I, 13th West Virginia infantry.
Private James A. Whittington, company I, 13th West Virginia infantry.
Private William H. Whittington, company I, 13th West Virginia infantry
Private William H. Johnston, company I, 13th West Virginia infantry.
Private Thomas Kirby, company I, 13th West Virginia infantry.
Private William Boswell, company K, 13th West Virginia infantry.
Private Isaac Shoemaker, company E, 14th West Virginia infantry.
Private John W. Murphy, company B, 15th West Virginia infantry.
Private James A. Adams, company C, 15th West Virginia infantry.
Private James A. Stewart, company E, 15th West Virginia infantry.
Private Monroe Jackson, company E, 15th West Virginia infantry.

Private James W. Mankins, company E, 15th West Virginia infantry.
Private Henry Pratt, company H, 15th West Virginia infantry.
Corporal Noah Rains, company A, 17th West Virginia infantry.
Private Philip Allen, company B, 1st West Virginia cavalry.
Private John Fourst, company B, 1st West Virginia cavalry.
Private Clinton Clinebell, company C, 1st West Virginia cavalry.
Private Samuel J. Malone, company C, 1st West Virginia cavalry.
Private George W. Phillips, company C, 1st West Virginia cavalry.
Private Archimides Cooper, company D, 1st West Virginia cavalry.
Private Joseph Gruber, company D, 1st West Virginia cavalry.
Private Gideon Kent, company D, 1st West Virginia cavalry.
Private Jonathan Milburn, company D, 1st West Virginia cavalry.
Private Henry C. Rose, company D, 1st West Virginia cavalry.
Private James Butts, company D, 1st West Virginia cavalry.
Private William Touff, company D, 1st West Virginia cavalry.
Private Charles Mosoy, company D, 1st West Virginia cavalry.
Private Josiah P. Higgins, company D, 1st West Virginia cavalry.
Private Waltzer St. Clair, company E, 1st West Virginia cavalry.
Private Emons Huntley, company F, 1st West Virginia cavalry.
Private Isaac Larrison, company F, 1st West Virginia cavalry.
Private George Harmon, company H, 1st West Virginia cavalry.
Private Thomas Grace, company I, 1st West Virginia cavalry.
Private James N. Wilson, company I, 1st West Virginia cavalry.
Private Wiley C. Mitchell, company I, 1st West Virginia cavalry.
Private Foster H. Woods, company I, 1st West Virginia cavalry.
Private Joseph Durrell, company I, 1st West Virginia cavalry.
Quartermaster Sergeant Isaac H. O'Rourk, company K, 1st West Virginia cavalry.
Private James R. Hively, company K, 1st West Virginia cavalry.
Private Peter Piper, company M, 1st West Virginia cavalry.
Private Casper Happel, company M, 1st West Virginia cavalry.
Private John Conrad, company M, 1st West Virginia cavalry.
Private Lewis Robinson, company A, 2d West Virginia cavalry.
Private Lewis Hysell, company A, 2d West Virginia cavalry.
Private Franklin McCollom, company A, 2d West Virginia cavalry.
Private Jerome P. Umensetter, company A, 2d West Virginia cavalry.
Private Gomer Richards, company A, 2d West Virginia cavalry,
Private Alfred Halsey, company A, 2d West Virginia cavalry.
Private James O. Balten, company C, 2d West Virginia cavalry.
Private Frederick Sweitzer, company C, 2d West Virginia cavalry.
Private Elisha Barker, company C, 2d West Virginia cavalry.
Private Robert Peckenpaugh, company D, 2d West Virginia cavalry.
Private John H. Mullens, company D, 2d West Virginia cavalry.
Private Darius Ratliff, company D, 2d West Virginia cavalry.
Private Francis M. Hall, company D, 2d West Virginia cavalry.
Private Amos Dunkle, company D, 2d West Virginia cavalry.
Private Daniel V. Powers, company D, 2d West Virginia cavalry.
Private John J. Keeten, company D, 2d West Virginia cavalry.
Private Azariah Bartholf, company D, 2d West Virginia cavalry.
Private George W. Eades, company E, 2d West Virginia cavalry.
Private Isaac Hamilton, company E, 2d West Virginia cavalry.
Private Josiah W. Barker, company F, 2d West Virginia cavalry.
Private James Siars, company G, 2d West Virginia cavalry.
Private Robert Mankins, company G, 2d West Virginia cavalry,
Private George W. Lynch, company G, 2d West Virginia cavalry.
Private Isaiah C. Jeffries, company G, 2d West Virginia cavalry.
Private Thomas L. Mason, company G, 2d West Virginia cavalry.
Private Jacob H. Wedder, company G, 2d West Virginia cavalry.
Private Biddle Yates, company G, 2d West Virginia cavalry.
Private Josiah Molohan, company A, 3d West Virginia cavalry.
Private George De Witt, company B, 3d West Virginia cavalry.
Private Meshac A. Nethken, company B, 3d West Virginia cavalry.
Private B. F. Green, company B, 3d West Virginia cavalry.
Private Andrew McCrobie, company B, 3d West Virginia cavalry.
Private James De Witt, company B, 3d West Virginia cavalry.
Private Isaac T. Bond, company B, 3d West Virginia cavalry.
Private Henry Mowry, company B, 3d West Virginia cavalry.
Private Dennis Menear, company B, 3d West Virginia cavalry.
Private Benjamin H. Lake, company B, 3d West Virginia cavalry.
Private William H. Lewis, company B, 3d West Virginia cavalry.
Private William Myers, company B, 3d West Virginia cavalry.

Private Benjamin R. Wister, company C, 3d West Virginia cavalry
Private Robert Morgan, company C, 3d West Virginia cavalry.
Private George H. Birch, company C, 3d West Virginia cavalry.
Private Charles W. Woodward, company C, 3d West Virginia cavalry.
Private George Long, company C, 3d West Virginia cavalry.
Private Solomon L. Bennett, company C, 3d West Virginia cavalry.
Private Jonathan F. Tate, company E, 3d West Virginia cavalry.
Private Charles Sinclair, company F, 3d West Virginia cavalry.
Private Samuel Norwood, company F, 3d West Virginia cavalry.
Private James T. Wallace, company F, 3d West Virginia cavalry.
Private Emzo Fisher, company G, 3d West Virginia cavalry.
Private James Tolbert, company G, 3d West Virginia cavalry.
Private John E. Alford company G, 3d West Virginia cavalry.
Private Ephraim Adkins, company G, 3d West Virginia cavalry.
Private Andrew J. Pritchett, company G, 3d West Virginia cavalry.
Private Samuel E. Thompson, company G, 3d West Virginia cavalry.
Private Silas Runion, company H, 3d West Virginia cavalry.
Private Bazil Hall, company H, 3d West Virginia cavalry.
Private Hugh Phelps, company H, 3d West Virginia cavalry.
Private James A. Perkins, company H, 3d West Virginia cavalry.
Private Allen T McMurray, company H, 3d West Virginia cavalry.
Private Robert J. Bennett, company H, 3d West Virginia cavalry.
Private Henry Farley, company H, 3d West Virginia cavalry.
Private Cyrus E. Hunter, company H, 3d West Virginia cavalry.
Private James L. Bowers, company I, 3d West Virginia cavalry.
Private Peyton J Boggs, company I, 3d West Virginia cavalry.
Private Traverse T. Adkinson, company I, 3d West Virginia cavalry.
Private William Anderson, company K, 3d West Virginia cavalry.
Private John Connor, company K, 3d West Virginia cavalry.
Private Martin Triplet, company K, 3d West Virginia cavalry.
Private Emanuel McDowell, company K, 3d West Virginia cavalry.
Private George L. Storey, company K, 3d West Virginia cavalry.
Private Joseph Scarbury, company M, 3d West Virginia cavalry.
Private Marshal Osborn, company M, 3d West Virginia cavalry.
Private William V. Blair, company M, 4th West Virginia cavalry.
Private Jacob Grandstaff, company M, 4th West Virginia cavalry.
Private Lewis C. Mullens, company M, 4th West Virginia cavalry.
Private Owen Clark, company G, 6th West Virginia cavalry.
Private Jacob Carr, company A, 7th West Virginia cavalry.
Private David Lewis, company A, 7th West Virginia cavalry.
Private John J. Pinkey, company B, 7th West Virginia cavalry.
Private William J. Cook, company I, 7th West Virginia cavalry.
Private Morris F. Elkin, company K, 7th West Virginia cavalry.
Private William McCroskey, company C, 9th West Virginia infantry.
Private John Stampen, company B, 11th West Virginia infantry.
Private Ephraim Nicholas, company E, 11th West Virginia infantry.
Private Elijah Tucket, company E, 11th West Virginia infantry.
Private Frank Holland, company A, 17th West Virginia infantry.
Private Abijah Moiers, company A, 17th West Virginia infantry.
Private A. R. M. Browning, company C, 17th West Virginia infantry.
Private John F. Hood, company C, 17th West Virginia infantry.
Private Clark Gidley, company G, 1st West Virginia cavalry.
Private Garrit L. McConley, company G, 1st West Virginia cavalry.
Private Levi McMullen, company E, 2d West Virginia cavalry.
Private John Gardener, company E, 2d West Virginia cavalry.
Private Isaac Winslow, company K, 7th West Virginia cavalry.
Private Hiram Halstern, company K, 7th West Virginia cavalry.

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant General.

Official:

R. WILLIAMS,
Assistant Adjutant General.

Q. Have you seen the diary said to have been taken from the body of J. Wilkes Booth after his death?

A. I have; I saw it the day on which it was brought to town by the officers who captured Booth. I examined it carefully at that time, and directed it to

be delivered to the Judge Advocate General, in whose possession I think it has been from that time until it was produced here before the Committee on a former occasion, and returned by the Committee to Judge Holt, in the committee-room. I have not seen it since.

Q. From whom did you receive the diary?

A. It was brought to my house by provost marshal Baker and some other person with him, whose name I do not now remember. General Eckert, assistant Secretary of War, either came with them, or was sent for, and came a few minutes after they did. They—Baker and the officer—came together, according to my present recollection, and brought the diary wrapped in an envelope or newspaper, with other things taken from the body of Booth.

Q. Was the diary left with you at that time, or did Baker take it away?

A. It was not retained in my possession. It was either taken away by Baker or by General Eckert at the time, to be delivered to the Judge Advocate General, with the other matters found on the person of Booth.

Q. Can you state more definitely the day on which you first saw this diary?

A. I cannot fix the date, except by the fact that it was the first time I had seen Baker after the capture of Booth. I understood at the time that he—Baker—had just reached town; had gone to the War Department, found me absent, and then came to my house. This was about the 26th of April, 1865.

Q. Was the diary at any other time in your possession?

A. Never. It may have been in my presence at the time the Judge Advocate General and Mr. Bingham, and other officers were consulting in regard to the case. I have no recollection, however, of that fact.

Q. When you saw the diary in the room of the Committee on the Judiciary, was your attention called to the circumstance that certain leaves had been cut or torn from it?

A. My attention was called to it at that time. I had observed the fact at the time on which I first saw the diary. I examined it then with great care; read over all the entries in it, and noticed that leaves had been cut or torn from it at the time.

Q. According to your recollection, was the diary, when you saw it in the committee-room, in the same condition it was when you first saw it?

A. It was precisely in the same condition, so far as I could judge—not an entry added or abstracted from it. On both occasions I examined it very carefully. The impression on my mind at the time I examined it was, that it was a book which had been carried in the pocket of Booth, from which he had cut or torn out leaves as he desired to use them, or wanted to destroy something written on them. I saw no evidence that it contained or had contained anything in relation to the assassination of Mr. Lincoln except what was in it the last time it was before the Committee. I had no suspicion at the time that it had, and I examined with great care for the purpose of ascertaining whether there could be any trace of other persons connected with Booth in the assassination conspiracy. There were in the book, as the chairman of the Committee will remember, certain photographs of ladies, which were replaced in it at the time it was delivered to the Judge Advocate General in the committee-room.

Q. Do you know whether there is in the War Department a report made by General Baker to General Fry or the Secretary of War, in reference to pardons of persons who had been convicted by courts or military commissions?

A. There may be, but I have no recollection of seeing any such report.

Q. Will you cause an examination to be made, and, if such a report exists, furnish the Committee with it?

A. I will.

Q. Have you any recollection of a paper which purported to be a copy of portions of letters examined in Canada by General Baker, and said to relate to the assassination of Lincoln?

A. I remember a paper, containing what purported to be extracts from several letters said to have been written by Mr. Davis, being shown to me either by Baker or Judge Holt. My best recollection is that they were shown to me by Judge Holt, who consulted with me as to the means of getting possession of the letters. The matter was left entirely to his judgment and action, and I think that the paper was taken away by him. It was taken by whoever showed it to me. I did not retain it in my possession, and never saw it but once.

Q. Have you any definite recollection of the contents of that paper?

A. I have not. I could not now repeat a word it contained.

Q. What was the report made to you, if any, as to the probability of obtaining these letters, and at what cost?

A. The report made to me was, that such letters were in existence, and could be procured for a large sum of money. The precise sum I do not recollect, but I think it was about $10,000. I declined to authorize that or any sum to be paid for the letters unless the originals were produced to Judge Holt, and he was satisfied that they were genuine letters, and that they contained evidence of sufficient importance to the government to warrant the payment of the money demanded, or for which they could be procured. I required him to be satisfied of these facts, and to make an official report to me in regard to it before I would determine to make any advance of money.

Q. Did you inform the President of the fact, as made known to you at any time, that these letters were supposed to be in existence?

A. I did not. I never communicated with the President on the subject. The investigation of the subject-matter was in charge of the Judge Advocate General as the proper officer of the War Department. He made his application to me when he wanted either an advance of money or authority, and it was given or withheld by me on my own responsibility, according as my judgment of the interests of the government and of truth and justice required.

Q. Did the President at any time give you any direction or advice, or make any suggestion as to what should or should not be done in reference to the investigation of the subject of the assassination?

A. He never did. I think the subject was never mentioned between him and me. I believed that in the hands of the Judge Advocate General everything would be done that was proper to be done to discover the facts, and procure all the testimony in existence upon the subject. I conceived my own powers to be ample. I had no disposition to stint the exercise of those powers, and no occasion to apply to the President for any authority upon the subject, and I never consulted him in regard to it, so far as I have any recollection.

The following papers, called for by the Committee, were subsequently handed in by the witness:

WAR DEPARTMENT, ADJUTANT GENERAL'S OFFICE,
Washington, April 2, 1867.

SIR: By direction of the Secretary of War, I have the honor to enclose herewith certified copies of letter dated October 22, 1866, from Dr. M. McEwen to the President, with two enclosures and endorsements of the President and Secretary of War, in relation to removing penalties of desertion from certain West Virginia soldiers.

I am, sir, very respectfully, your obedient servant,

E. D. TOWNSEND,
Assistant Adjutant General.

Hon. GEO. S. BOUTWELL,
Chairman Judiciary Committee, pro tem.

WAR DEPARTMENT, ADJUTANT GENERAL'S OFFICE,
Washington, April 1, 1867.

It appears from the records of this office that the annexed documents are true copies of the originals on file.

E. D. TOWNSEND,
Assistant Adjutant General.

Be it known that E. D. Townsend, who has signed the foregoing certificate, is an assistant adjutant general of the army of the United States, and that to his attestation as such, full faith and credit are and ought to be given.

In testimony whereof, I, Edwin M. Stanton, Secretary of War, have hereunto set my hand and caused the seal of the Department of War of the United States of America to be hereunto affixed on this first day of April, one thousand, eight hundred and sixty-seven.

[SEAL.] EDWIN M. STANTON,
Secretary of War.

WASHINGTON CITY, D. C., *October* 22, 1866.

SIR: The soldiers whose names will be found in the accompanying list were nearly all marked absent without leave in the year 1864, during that terrible campaign to Lynchburg, under command of Major General Hunter. In the cavalry those so marked had their horses killed, and were obliged like the disabled infantry to make their way back within our lines or hide in the mountains until the command returned. If a soldier is absent at three roll calls, and the officers do not know where he is, he is marked a deserter. When that record is made, a trial by court-martial is necessary to remove the charge. This opportunity these men never had. They rejoined their respective commands and served nobly to the end of the war; when mustered out of service they were unable to draw the pay due them.

You will perceive there has been a selection made of the deserving men from each regiment; the small number taken from each is proof of that fact. I do not consider these men deserters; they certainly never intended or thought of deserting, and justice requires that the charge should be removed, and thus restore them to all the rights and privileges of soldiers and citizens. These men are registered and want to vote, but will be debarred unless the disability is removed.

I have the honor to be, most respectfully, yours,

M. McEWEN, *M. D.*,
Late Surgeon-in-Chief 2d Cav. Div., and Bv't Col. U. S. A.

His Excellency ANDREW JOHNSON,
President of the United States.

The communication of which the foregoing is a copy, bears the following endorsements:

"Referred to the honorable the Secretary of War. All pains and penalties attaching to these men on account of the charge of desertion are remitted, and the charge will be removed from the rolls.

"ANDREW JOHNSON.

"OCTOBER 23, 1866."

"Referred to the Adjutant General to issue order in conformity with above by the President.

"E. M. STANTON,
"*Secretary of War.*"

WASHINGTON, D. C., *October* 24, 1866.

DEAR SIR: On examining the list furnished me by the Adjutant General, I discovered a very great error, which I wish you to have corrected in the morning. The following named men are marked cavalry, when it should read infantry:

Aaron Ankron, company C, 7th West Virginia infantry.
James Cleland, company A, 9th West Virginia infantry.
Arthur H. Dennis, company A, 9th West Virginia infantry.
Robert S. Harris, company A, 9th West Virginia infantry.
Wm. R. Goldsmith, company B, 9th West Virginia infantry.
Jacob Short, company B, 9th West Virginia infantry.
John F. Hood, company C, 9th West Virginia infantry.
George Lowery, company C, 9th West Virginia infantry.
Jacob Miller, company C, 9th West Virginia infantry.
Wm. McCroskey, company C, 9th West Virginia infantry.
Alfred Berry, company D, 9th West Virginia infantry.
Geo. Hardee, company D, 9th West Virginia infantry.
John L. Johnston, company D, 9th West Virginia infantry.
John W. Berry, company H, 9th West Virginia infantry.
Robert Huggins, company H, 9th West Virginia infantry.
Samuel F. Brown, company F, 9th West Virginia infantry.
John A. Baker, company A, 11th West Virginia infantry.

George Duncan, company A, 11th West Virginia infantry.
Noah Snyder, company A, 11th West Virginia infantry.
Alfred O. White, company A, 11th West Virginia infantry.
James Myers, company A, 11th West Virginia infantry.
John Stamper, company B, 11th West Virginia infantry.
Ephraim Nicholas, company E, 11th West Virginia infantry.
Elijah Tucket, company E, 11th West Virginia infantry.
Wm. E. Goddard, company I, 12th West Virginia infantry.
W. T. Nicholas, company B, 13th West Virginia infantry.
Frank Holland, company A, 17th West Virginia infantry.
Abijah Moier, company A, 17th West Virginia infantry.
A. K. M. Broning, company C, 17th West Virginia infantry.
John F. Hood, company C, 17th West Virginia infantry.

These thirty men all belong to the infantry, and they are marked down in my memorandum or order, cavalry. This is a great error, which needs correction. Please see to it first thing in the morning, and oblige,

Yours, very truly,

M. McEWEN, *M. D.*

Hon. T. B. FLORENCE.

WASHINGTON, D. C., *November* 6, 1866.

DEAR SIR: The following is a list of names marked cavalry, erroneously:

Aaron Ankron, company C, 7th regiment West Virginia infantry.
James Cleland, company A, 9th regiment West Virginia infantry.
Arthur H. Dennis, company A, 9th regiment West Virginia infantry.
Robert S. Harris, company A, 9th regiment West Virginia infantry.
William R. Goldsmith, company B, 9th regiment West Virginia infantry.
Jacob Short, company B, 9th regiment West Virginia infantry.
John F. Hood, company C, 9th regiment West Virginia infantry.
George Lowery, company C, 9th regiment West Virginia infantry.
Jacob Miller, company C, 9th regiment West Virginia infantry.
William McCroskey, company C, 9th regiment West Virginia infantry.
Alfred Berry, company D, 9th regiment West Virginia infantry.
George Hardee, company D, 9th regiment West Virginia infantry.
John S. Johnston, company D, 9th regiment West Virginia infantry.
John W. Berry, company H, 9th regiment West Virginia infantry.
Robert Huggins, company H, 9th regiment West Virginia infantry.
Samuel F. Brown, company F, 9th regiment West Virginia infantry.
John A. Baker, company A, 11th regiment West Virginia infantry.
George Duncan, company A, 11th regiment West Virginia infantry.
Noah Snyder, company A, 11th regiment West Virginia infantry.
Alpha O. White, company A, 11th regiment West Virginia infantry.
James Myers, company A, 11th regiment West Virginia infantry.
John Stamper, company B, 11th regiment West Virginia infantry.
Ephraim Nicholas, company E, 11th regiment West Virginia infantry.
Elijah Tucket, company E, 11th regiment West Virginia infantry.
William E. Goddard, company I, 12th regiment West Virginia infantry.
W. T. Nichols, company B, 13th regiment West Virginia infantry.
Isaac Shoemaker, company E, 14th regiment West Virginia infantry.
Frank Holland, company A, 17th regiment West Virginia infantry.
Abijah Moiers, company A, 17th regiment West Virginia infantry.
A. K. M. Broning, company C, 17th regiment West Virginia infantry.
John F. Hood, company C, 17th regiment West Virginia infantry.
Please make the correction and oblige,

Yours, very respectfully,

M. McEWEN, *M. D.*
P. O. Box 929.

General BRECK,
Assistant Adjutant General.

Official copy:

E. D. TOWNSEND,
Assistant Adjutant General.

WASHINGTON, D. C., *April* 2, 1867.

Hon. JOSEPH HOLT sworn and examined.

By Mr. BOUTWELL:

Q. You were examined before the Judiciary Committee of the 39th Congress?

A. Yes, sir.

Q. Have you in your possession a book, understood to be the diary taken from the body of J. Wilkes Booth, after his death?

A. I have, and now present it to the Committee.

Q. When and from whom did you receive it?

Q. I stated, I think, in my former examination that I could not say positively from whose hands I received it. It came to me through the War Department or from some one of the officers connected with the pursuit and capture of Booth. The precise person who gave it into my hands I cannot now designate; nor can I state the precise time. It was, I think, during the trial of the assassins. I remember having it in my possession during that trial, and to have examined a witness relative to the following passage which occurs in it: "This night, before the deed, I wrote a long article and left it for one of the editors of the National Intelligencer, in which I fully set forth our reasons for our proceedings." Having seen that, I sent for Mr. Coyle, the principal publisher of the Intelligencer, as was understood, and examined him before the military commission as to whether any such article had been received, or whether he had any knowledge whatever of its existence. He stated that he had no knowledge whatever of any such article. There was nothing in the diary which I could conceive would be testimony against any human being, or for any one except Booth himself, and he being dead, I did not offer it to the Commission. I will state that it has been in my possession ever since, and kept locked up at my residence almost invariably. It is now in precisely the same condition that it was when it came into my hands.

Q. How long after the death of Booth was it, according to your recollection, when you first saw the diary?

A. As I stated, I think it was during the trial, and very soon after the body of Booth was brought here. I do not remember the date. The diary was in the possession of other officers of the Department—probably with the Secretary of War, or assistant Secretary—before it came to me.

Q. General Eckert was assistant Secretary?

A. Yes, sir.

Q. When you first saw the diary, did you observe that leaves were missing?

A. Oh, yes, sir; just as it is now. There is one leaf as you observe in there, on which a note was written to Dr. Stewart, I think, some one who had denied him hospitality on the way, which seems to have been torn from the diary.

Q. Are you in possession of any fact which furnishes an explanation of the absence of these leaves?

A. I am not. I have only my conjectures about it. I have nothing on which to base them. You observe this is an old diary, one which had evidently been a good deal used by him. I think it not unlikely that the missing leaves contained current entries in regard to his personal matters which he did not choose to have exposed, and that he had torn them out himself; or, there is another theory which may possibly have been the correct one; they may have contained entries which compromised his friends and co-conspirators, and he for that reason tore them out. I am rather inclined to the other opinion, because the entry begins with April 13, 1865, the day before and the day of the assassination. Probably it contains all that was in the diary on that subject. It was evidently written after the events, because the language is a recitation or narrative of what had occurred, and was evidently (I think there can be no doubt about that, if

you examine it carefully,) written for publication, in view of the possibility, as I suppose, of his capture; it being a somewhat dramatic, passionate vindication of himself and exultation over his crime. The entries continue down to the 21st of April. They are not continued up to his capture. It does not appear even that he had crossed the river when they ceased.

Q. Have you an opinion as to whether the leaves were torn or cut out?

A. I should suppose the leaves were cut out.

Q. At one time, or at different times?

A. I do not think it would be possible to form an opinion as to that?

Q. Do you know whether or not any copy of what is written in the diary has ever been taken?

A. No, sir; not to my knowledge.

Q. Will you read the entries in the diary?

The entries are in pencil, and read as follows:

"April 13 and 14; Friday, the ides. Until to-day, nothing was ever thought of sacrificing to our country's wrongs. For six months we had worked to capture, but our cause being almost lost, something decisive and great must be done. But its failure was owing to others who did not strike for their country with a heart. I struck boldly, and not as the papers say. I walked with a firm step through a thousand of his friends, was stopped, but pushed on; a Colonel was at his side; I shouted '*sic semper*' before I fired; in jumping broke my leg; I passed all his pickets; rode sixty miles that night, with the bone of my leg tearing the flesh at every jump. I can never repent it, though we hated to fail. Our country owed all her troubles to him, and God simply made me the instrument of his punishment. The country is not what it was. This forced Union is not what I have loved. I care not what becomes of me. I have no desire to outlive my country. This night, before the deed, I wrote a long article, and left it for one of the editors of the National Intelligencer, in which I fully set forth our reasons for our proceedings. (There is here a sentence not finished—something about the government.)

"Friday, 21. After being hunted like a dog, through swamps, woods, and last night being chased by gunboats, until we were forced to return, wet, cold, and starving, with every man's hand against me, I am here in despair, and why? For doing what Brutus was honored for, what made Tell a hero; and yet, I, for striking down a greater tyrant than they ever knew, am looked upon as a common cut-throat. My action was purer than either of theirs. One hoped to be great; the other had not only his country's but his own wrongs to revenge. I hoped for no greatness. I knew no friend's wrong; I struck for my country, and that alone—a country that groaned beneath this tyranny, and prayed for this end; and yet, now, behold the cold hand they extend to me. God cannot pardon me, if I have done wrong; yet, I cannot see my wrong, except in seeing a degenerate people. The little, the very little I left behind to clear my name, the government will not allow to be printed.

"So ends all. For my country I have given up all that makes life sweet and holy, brought misery upon my family, but am sure there is no pardon in the heavens for me, since man condemns me so. I have only heard of what was done, except what I did myself, and it fills me with horror. God try and forgive me and bless my mother.

"To-night I will once more try the river with the intent to cross, though I have a greater desire, and almost a mind, to return to Washington, and in a measure clear my name, which I feel I can do. I do not repent the blow I struck. I may before my God, but not to man. I think I have done well, though I am branded with the curse of Cain upon me, when if the world knew my heart, that one blow would have made me great, though I did desire no greatness.

"To-night, I try to escape these bloodhounds once more. Who, who, can

read his fate? God's will be done. I have too great a soul to die like a criminal. Oh! may He, may He, spare me that, and let me die bravely. I bless the entire world. I have never hated or wronged any one. This last, was not a wrong, unless God deems it so, and it is with him to condemn or bless me. And, for this brave boy, who often prays, yes, before and since, with a true and sincere heart, was it a crime in him? If so, why can he pray the same? I do not wish to shed a drop of blood, 'but I must fight the course,' it is all that is left me."

This is all that is written in the diary, except some figures and letters, unintelligible to me, though it is probable they were memoranda intended to indicate where he was in his flight on certain days of the week and month.

WASHINGTON, *May* 6, 1867.

GEORGE A. TRENHOLM sworn and examined.

By Mr. BOUTWELL:

Q. Give your name and occupation.

A. Charleston, South Carolina; no occupation at present. I was a merchant previous to November, 1864.

Q. Were you secretary of the treasury of the confederate States, so called, during the rebellion?

A. Yes, sir.

Q. For what period of time?

A. From July, 1864, until the 1st of April, 1865.

Q. Had you been connected with the operations of the confederate government in any way previous to the time you were in the treasury; if so, in what way?

A. No. I was not connected with their operations in any way. The house of John Fraser & Co., of which I was a partner previous to this, frequently sold the confederate government, goods, but they had no connection, properly speaking, with them; that is, no different relations with them than would any other citizen of the so called confederacy. Perhaps I should add that we did sometimes transact business required to be done by them in Charleston, such as purchasing bills of exchange, &c., but we were not their agents, nor had we any official connection with them.

Q. Had you a house or a branch house in Liverpool or elsewhere abroad?

A. Yes, sir; we had a house in Liverpool, of which some of the members of the house in Charleston were partners, and some members of the Liverpool house were partners in the Charleston house.

Q. Were you a partner in the Liverpool house?

A. I was.

Q. Was the Liverpool house in any way the agent of the confederacy?

A. Yes, sir; the Liverpool house was their financial agent, or rather their depository in Liverpool—not, properly speaking, their financial agent, because they had other financial agents in Europe—in Liverpool and elsewhere.

Q. As a depository, what services did your house perform?

A. They received and sold cotton shipped to their address by the confederate government, and paid the drafts drawn against the same. They negotiated no loans, and made no negotiations of any kind for, or in behalf of, the confederate government.

Q. Did they at any time purchase or contract for building vessels?

A. They did, but not directly as the agent of the confederate government.

Q. Was your house in Charleston engaged during the war in bringing any goods from England and elsewhere?

A. Yes, sir.

Q. To what extent or to what amount was that business carried on during the war?

A. I could hardly state. I was not always in Charleston; indeed, I was very little there. I left Charleston, and resided in Columbia very soon after the commencement of the war. In July, 1861, I went to Richmond, and in November, 1864, I retired from the firm and business altogether.

Q. You say that contracts were made by your house in Liverpool in behalf of the confederate government for the building of ships, with other agents of the confederate government; can you name these agents?

A. I think their chief and, in fact, only direct contract was made with Mr. McRae from Alabama—I do not remember his first name—who went out there as the agent of the confederate government.

Q. Was that contract fulfilled before the end of the war?

A. No, it was not.

Q. To what did it relate?

A. To the building of some steamers for running the blockade, not war vessels.

Q. How many steamers were to be built?

A. I do not remember; I think it was seven.

Q. Who was the contractor to build them?

A. I do not know.

Q. And those steamers were not delivered either to your house or to the confederate government.

A. No; not to my knowledge. One or two of them may have been delivered. There were very large operations carried on by these agents of the confederate government in England, of which I had no knowledge at all, and after I retired from the firm in 1864, I had no correspondence at all with the Liverpool house. What I heard of the operations of Fraser, Trenholm & Co., after I came into the treasury department in Richmond, was incidental. There were a good many transactions on the part of these agents of the confederate government which came under my observation, for the quartermaster's, ordnance, and commissary departments. They all had agents of their own abroad.

Q. Did the confederate government agent McRae furnish funds to your house in Liverpool for the payment of these vessels?

A. No; it was a part of the contract that our house was to advance the money.

Q. Do you know whether they did advance the money to the contractor who was to build the ships?

A. I do not know, of my own knowleege; I have no doubt they did. The money account of the house with the confederate government at that time did not admit of anything except paying ordinary drafts drawn upon them. The steamers were built, and the money, I have no doubt, was advanced by our house in Liverpool.

Q. Have you the means of ascertaining fully the account of goods imported by your house, during the war, by running the blockade?

A. I really cannot tell; I might ascertain the amount in Charleston, perhaps. A great many books were lost, but I think they preserved most of the books of the firm.

By Mr. LAWRENCE:

Q. Could you not form an approximate estimate of the amount?

A. I do not think I could.

Q. Would it amount to as much as a million?

A. I presume it would; and if you include the cargoes belonging to other parties consigned to them, it would amount to much more than that. They did not seek these consignments; they rather sought not to have them. In fact, the very first cargo that came to the port of Charleston after the blockade had

been established, came consigned to them without any previous knowledge at all of the enterprise on their part. It was a vessel owned entirely by British subjects.

Q. Had your house any vessels employed in running the blockade?

A. Yes; they owned several vessels, and they lost several by capture.

Q. And these vessels continued to run the blockade during the war, whenever they found it practicable?

A. Yes; carrying cotton out and bringing goods back.

By Mr. BOUTWELL:

Q. Suits have been instituted by the United States against your house in England, have they not?

A. Yes, sir.

Q. Do you know when the first proceedings were instituted?

A. No, I don't; in fact I have very little information about these suits except what I have seen in the papers. As I said before, I have had no correspondence with the members of the firm, although my intimacy still continues with them individually.

Q. As a partner, are you interested in the result of these suits?

A. No, sir; I am not. I terminated, *bona fide*, my interest in both houses in 1864, and have not been connected with any transactions of theirs' since that time.

Q. You have not been consulted in regard to the management of the house abroad?

A. Not at all; indeed I do not think they ever consulted their partners in Charleston. In fact their partners in this country knew nothing of the contract, or of the proceedings or transactions connected with it, until the termination of the war.

Q. Have you obtained a pardon from the President of the United States?

A. Yes; I received a pardon about six months ago. I do not recollect the exact date.

Q. Do you remember about the time it was dated?

A. I do not.

Q. How soon after the date did you receive it?

A. I received it two or three days after its date.

Q. Did you make application, personally, to the President or Attorney General in connection with it?

A. No, I did not. This is the first time I have been in Washington since the termination of the war. I made application by letter; I wrote to the President directly.

Q. Have you a copy of the letter you addressed to him?

A. I have not. I addressed him in his official capacity. I never wrote a private letter to him. Everything I wrote to him must be on file in the pardon bureau. In fact the last letter I wrote, I think I sent through the pardon bureau directed to the President, under cover of the bureau.

Q. Did you employ anybody as solicitor or attorney to aid you in obtaining the pardon.?

A. No; I did not. When the war terminated by the surrender of the confederate armies, I made up my mind that all hostility was at an end. I had entire confidence in the magnanimity of the American people, and in the clemency of the government. I made no attempt to conceal myself, or to escape, but went directly home. Very soon after, I wrote a letter to the President stating what my offence had been and soliciting a pardon. My friend, the Rev. Mr. Porter, came to Washington some time last fall, had a personal interview with the President, and obtained a pardon He had the endorsement of General Sickles and General Howard, the Commissioner of the Freedmen's

Bureau. He had also the endorsement of some gentlemen, personal friends of his, not known to me.

Q. The Rev. Mr. Porter resides in Charleston?

A. Yes, sir; he is the pastor of the church of the Holy Communion in that city.

Q. As I understand you, you addressed a letter to the President very soon after the surrender; did you get any response to that letter?

A. No, I did not.

Q. When did you next communicate with the President?

A. I addressed him the first letter, I think before his proclamation of amnesty of the 29th of May, 1865, came out. The second application was addressed to him from Fort Pulaski. I think it must have been in the month of July, 1865.

Q. Did you get any response to that?

A. That communication I sent through the pardon bureau, enclosed to Mr. Pleasants, chief clerk, with the request that he would deliver it to the President of the United States. I got a note from Mr. Pleasants saying he had delivered it to the President's private secretary. I got no answer from the President himself. I had never seen him until Saturday morning last, when I called upon him simply to pay him my respects.

Q. When did you next make application after July, 1865?

A. That was when I got my pardon. I think it must have been about six months ago, but really, I have no recollection of the precise date. It must have been in September last, I think, on more reflection. I know that Mr. Porter's family were in Virginia, and that he brought them home with him when he came, and I think that was in September.

Q. Did you set forth in any of these letters to the President any of the facts of your own connection with the rebellion?

A. Yes, sir; I simply stated that I had been a merchant all my life; that I was no politician; had never been in public life except for a short time, and then against my own inclination; that I had served as secretary of the treasury from July until the first of April.

Q. Did you make any statement in either of these letters of the connection of your house with blockade running?

A. I did not deem it necessary, as that was not one of the exceptions in the grant of amnesty, and I knew of other parties similarly engaged who had been pardoned.

Q. Did you make any payment of money to any person in connection with either of your applications for pardon?

A. Not a cent. I paid Rev. Mr. Porter's traveling expenses to Washington and back—about one hundred dollars, I think. His circumstances did not admit of his taking the expenses upon himself, and I did not think it proper for him to do so. What he did was a matter of friendship exclusively.

By the CHAIRMAN:

Q. Do you know of the disposition of any money or of property which had belonged to the confederate government after the termination of the war?

A. No, I do not. When I was arrested on my way to Fort Pulaski, I was carried to General Gilmore's headquarters at Hilton Head. While there I mentioned to General Gilmore the mistake I thought the government was pursuing by the seizure of cotton upon insufficient grounds in small parcels, a good deal of which belonged to innocent parties, the result of which was that a great deal of injustice was being done through the means of designing men, while the government was not obtaining anything like the amount of cotton which properly belonged to it, and which should be obtained for the purpose of securing the ends of justice. I mentioned a gentleman by the name of Roane, who was

chief clerk in what was called the produce bureau of the confederate government. I recommended the General to write to the Secretary of the treasury in Washington, where Mr. Roane was well known, and see if they could not, through him, get possession of the books belonging to that department, through which most of the cotton owned by the confederate government could be ascertained. He did so, the services of Mr. Roane were secured, and I then gave all the information within my possession on the subject, as nearly as I possibly could. The amount of specie within my possession as secretary of the Treasury was very inconsiderable. I had $50,000 in gold when I left Danville with Mr. Davis, that I turned over to Mr. Reagan, who distributed it to the confederate troops when they left North Carolina, as I learned. Then there was two hundred and odd thousand dollars belonging to the confederate government in the depository of Augusta, which had been removed to Abbeville, and there, when the soldiers passed through in retiring, I understood this money was distributed to them. I know of no other gold in the hands of the confederate government, and I gave to the proper authorities all the information I possessed.

Q. Did the confederate government have a printing establishment at Anderson or some point in South Carolina?

A. In Columbia, South Carolina, they did; not at Anderson.

Q. Was there any money or other property at that point at the close of the war belonging to the confederacy?

A. No money; there were printed treasury notes to a very large amount, but no coin. There had been some coin in the hands of the depository there, by the name of McLaughlin or Laughlin, but that had been removed before the advance of General Sherman's army. It was a small amount in silver dollars, and it constituted a part of the 50,000 which I mentioned just now as being in my possession at Richmond, and which was distributed in North Carolina. I do not think that the entire amount of coin in the possession of the confederate government at the termination of the war amounted to $400,000, and in fact probably not to $300,000.

Q. During the progress of the war an appeal was made to the people of the South to furnish their plate, jewelry, &c., for the support of the government; can you state what was done with the plate and jewelry thus collected?

A. There was none contributed. A few people in Richmond and the immediate vicinity sent some small articles of plate to the treasury department, but I returned them. I thought it a cruel appeal to the people. They were not in a condition to give anything. They had been impoverished to the last extremity. There were many, and indeed a majority, of the respectable families in Richmond who did not have meat upon their tables for weeks together. I did not think these persons ought to be compelled to give their spoons and little articles of that kind; and such as were contributed I returned, saying to the parties that whenever there was a general contribution I would let them know, and they might again contribute.

Q. Have you any information relative to the construction of a railway between Danville, Virginia, and Greensboro', North Carolina?

A. I have no particular information except the general knowledge that it was done by the so-called confederate government. I understood that it was completed or nearly so when I went to Richmond. I have no knowledge of the manner in which it was built.

By Mr. WILLIAMS:

Q. Do you know of any cotton or other property belonging to the confederate government which has been surrendered since the termination of the war to private claimants by the Federal government?

A. I have never heard of a case.

Q. State by what conveyance your pardon was forwarded.

A. Mr. Porter brought it himself. He received it personally and brought it with him.

Q. Were you conversant with the state of the contraband trade at Wilmington?

A. Yes, sir; I was.

Q. Do you know of any docks constructed there by the confederate government for the accommodation of blockade runners?

A. I do not.

Q. Do you know of any property owned or claimed by them?

A. No, I do not. I do not think any could have been constructed by the confederate government there. I think I should have heard of it if there had been. There was a floating dock in Charleston which was private property, not owned by the confederate government at all, and which was, as I understand, destroyed.

By Mr. ELDRIDGE:

Q. You stated that General Sickles and General Howard recommended your pardon—in what form did they make their recommendation?

A. Mr. Porter submitted to General Sickles a letter which I had addressed to the President, and which he was about to bring on, and General Sickles either endorsed upon the back of that letter his recommendation, or gave him a separate letter, in which he expressed his sentiments and views in regard to it. General Howard's recommendation was, I think, procured in New York. My impression is that Mr. Porter met him in Brooklyn, at Dr. Littlejohn's house, and that with other parties he recommended my pardon. I never saw the papers after they left North Carolina, but Mr. Porter told me he obtained several endorsements in New York, all parties whose names I do not remember, and in Cincinnati, which were obtained at the instance of a mutual friend. Among others was that of Mr. Cook, chairman of the board of trade or chamber of commerce. Another was by his partner, a gentleman whose name I do not recollect now. They were almost all strangers to me, however. They were procured by friends of mine. General Sickles, as well as I recollect, put his recommendation upon the ground of my conduct since the return of peace, and he probably may have mentioned that the young men of my family were among the first to take the oath of allegiance, and the first in South Carolina to make contracts with the freedmen. We had endeavored to conform to the wishes of the government so far as it was in our power to do.

Q. Did you make more than three applications to the President?

A. I think not.

Q. In connection with the contraband trade which has been spoken of, do you know of any special permits given to parties by the federal authorities to transact business with the confederate government or agents of the confederate government?

A. I have a distinct recollection of one, and it seems to me that it was the only one that came in official form. There were numerous parties coming to Richmond constantly through the lines applying for permission to purchase cotton, but they generally came with verbal statements of their own as to what they could accomplish in the way of passing cotton. They usually had nothing but their own personal guarantees that they would deposit the proceeds of the cotton after it should have been passed through the lines, which could not be acceded to. The only case to which I refer was a letter addressed by President Lincoln to General Grant, in favor of General Singleton. I do not remember his first name. General Singleton came to Richmond and exhibited to me an autograph letter from Mr. Lincoln to General Grant. I do not remember the precise terms, but it was to this effect: That General Singleton had authority to carry through the lines any southern produce that he might purchase in the southern States unmolested, provided that his transactions in that way did not,

in General Grant's opinion, interfere with military operations. I think that was the sum of the letter.

Q. Do you know of any transactions under it?

A. There were no transactions under it. He brought a letter to me which was addressed to General Grant. General Grant, as General Singleton told me, did not approve of the proposition. I have met General Grant since I have been in the city, and recalled to him the circumstance, which he recollected perfectly, and stated the matter in precisely the same form that General Singleton had told me at the time—that he objected to the whole thing, but that in deference to Mr. Lincoln's views, which were explained to him by General Singleton, as I suppose, he allowed him to go through the lines. It appears that at that time Mr. Lincoln was strongly impressed with the idea that it was a bad thing for the finances of the United States that so much cotton should be destroyed in the South; that in preference to its destruction it would be better to permit it to come out, especially if it could be done under circumstances in which the United States should derive some advantage by it. The idea, I think, was founded upon solid reason. For example, if General Singleton could have carried out his plans, and purchased cotton in the confederacy at anything like the price at which it was then ruling there, and then obtained for the United States the benefit of the difference between that price and the price abroad, the country would have been benefitted very largely by it. The object however, of General Singleton, if his proposition had been acceded to, as I understood, was for his own individual profit and that of the others concerned with him.

Q Were there any other transactions proposed by General Singleton, during that visit, to the confederate government or its officers?

A. He proposed to do something in relation to tobacco. There was a large quantity of tobacco in Richmond and Petersburg. General Grant had given a qualified assent to some transactions of this character, that he would guarantee that any private property in cotton or tobacco which was carried through the lines and came into the power of the United States government should not be made subject to capture or confiscation. I think I heard that General Singleton made some purchases of tobacco from private individuals, which came to Fredericksburg. His proposition to me, however, was to negotiate with the confederate government itself for large quantities of cotton and tobacco; and if he had been successful, there would have been no necessity for any transactions in relation to private purchases. I have no knowledge in regard to his private transactions in tobacco which went to Fredericksburg.

By Mr. CHURCHILL:

Q. Was the confederate government at that time destroying cotton in the South?

A. Cotton was being destroyed everywhere by the confederate forces, as the United States forces advanced. This was particularly the case in the West. I do not think anything of the kind took place in the East.

By Mr. ELDRIDGE:

Q. Were any arrangements entered into with General Singleton in regard to any purchases by you or by any officer of the confederate government?

A. There were none entered into by me, and, I think, none by any other officer. There were constant proposals coming to me to exchange supplies for cotton, but whatever may have been done in that direction, was done by the other departments.

Q. Was any permission given to General Singleton to engage in trade, so far as you were concerned?

A. No; it could not have been done under our regulations, because General Singleton was not prepared to pay for his purchases, and I told him there was

no other way by which he could obtain the cotton of the confederate government, except by paying money for it when purchased. The operations proposed by him were precisely such as were proposed by other parties—to take the goods across the line and deposit the pay for them in New York, or abroad, after the cotton was sold.

Q. By what authority did General Singleton go to Richmond?

A. He passed General Grant's headquarters, and under that authority he was admitted within the confederate lines.

Q. He was passed through your lines?

A. I do not remember whether he had a pass from General Lee or not I knew nothing of his movements until he presented himself at my office in Richmond.

Q. And that was the only actual permit that you ever saw?

A. It was the only actual permit that I saw from any functionary of the United States government, of which I have any recollection whatever.

Q. Do you know of any person being captured by your forces with permits upon him?

A. No, sir.

Q. Do you know of any arrangement made between the confederate government and any officer of the federal government, by which any sort of traffic was carried on in passing goods through the lines?

A. I have no knowledge of any such thing. My knowledge, however, was confined chiefly to the Atlantic coast. I knew little or nothing of what was going on in the west. There were rumors of collusions taking place on the western waters between parties and military officers of the two armies. But I never saw a permit and never knew of a contract with any federal officer by means of which any supplies were obtained. Supplies, however, in very considerable quantities were brought in. I knew that to have been the case.

Q. At what points?

A. Some were brought into North Carolina. My information, however, is second-hand, from Mr. Northrup, who was commissary of the confederate government. He told me that he had an arrangement with parties to bring him in supplies of beef and pork in exchange for cotton.

Q. Who commanded the federal lines at those points at that time?

A. That I cannot state.

Q. Do you know of any other transactions of this nature?

A. I do not; and the information I have in regard to this is from Mr. Northrup. I can procure his full name for you in the course of the day, if you desire it. He was commissary general of the confederate government at that time.

Q. When was that?

A. That was in the winter of 1864 and '5. He did not say his arrangements were with any federal officer, and I have no reason to think they were. There were parties going there constantly with such propositions, but their negotiations, when they made any, were always with the departments requiring supplies.

Q. How were they enabled to pass the confederate lines?

A. I asked them that question several times. They told me they got across the Potomac somehow.

Q. Can you give the names of any of these parties?

A. I cannot; I never had any transactions with them myself, and considered them improper. They would come to me and show me letters from parties in the North, recommending them as to their responsibility and respectability. But I never had any transactions with them.

Q. Do you know from what source the supplies of the confederate army were derived in general?

A. The chief supplies, except of food, were obtained by running the blockade. The confederate government had agents at Nassau, Bermuda, and England. Large purchases were made in England and shipped to these points for the purpose of running the blockade; and I think Mr. Northrup could give you very full information in regard to commissary supplies, and Mr. Gorgas, chief of ordnance department, could give you information in regard to the supplies of that department. I ought, perhaps, to state, in regard to this application upon the part of General Singleton, how it terminated. Mr. Davis was as much opposed to letting cotton go out of the country as the United States government was solicitous to prevent it from being exported. I told Mr. Singleton of his opposition to allowing cotton to go out, particularly in such large quantities as he proposed. I differed, however, from Mr. Davis in this respect, and I was willing to enter into Mr. Singleton's views and the views of Mr. Lincoln as explained by him, and to allow cotton to go out of the confederate States under a special arrangement which I proposed, notwithstanding Mr. Davis's opposition, believing that I could arrange so as to carry out the proposal. My proposition was that the United States government should agree to allow cotton to pass their lines, and when it came within their military occupation, cotton belonging to private individuals should be respected and not treated as the spoils of war. I would then agree to export cotton, giving the United States one bag out of every four; and cotton falling into the hands of the United States was to be treated in the same proposition; we guaranteeing its safety within our lines, and the United States within its own lines. General Singleton returned to Washington with the proposal, and said he was sure he could get Mr. Lincoln's assent to it. He came back, however, shortly afterwards, having failed to obtain his assent, and then renewed his proposition to ship cotton through the lines, and deposit the proceeds in New York, which proposition I declined.

Q. How long a time transpired between his visits?

A. Not more than a week, I think.

By Mr. LAWRENCE:

Q. Was the Charleston house in which you were a partner more largely engaged in blockade running than any other establishment in the South during the war?

A. Probably it was. Certainly it was if you include cargoes owned by other parties consigned to us.

Q. Did the so-called confederacy have any other depository in Liverpool, except the house of which you were a member?

A. No other depository. There were other financial agents.

Q. What profits did your Charleston house realize during the war, or during the time you remained a member of it?

A. My impression is that they made nothing by running the blockade. I believe all the partners of the house would now cheerfully give all they possessed to have back what they had at the commencement of the war. They lost all their gains in confederate bonds. They got nothing but confederate money, and invested it in confederate bonds.

Q. And that is the sense in which you say they gained nothing?

A. It is.

Q. Were any proceedings for confiscation instituted against you?

A. No, sir.

Q. What amount of property or valuables did you have subject to confiscation?

A. I am not aware that I had any. There was a good deal of property which fell into the hands of the military there and was sold for taxes and otherwise, but I was not aware that there were any proceedings for confiscation. I cannot tell you the value of the property the firm held in Charleston. They

held a considerable amount of real estate, probably five or six hundred thousand dollars' worth.

Q. Do you speak of all the property, real and personal, of all the partners of the firm?

A. Yes; of all the members of the firm in Charleston, myself included.

By Mr. CHURCHILL:

Q. Had the confederate government any agent in Canada during the latter part of the war?

A. I knew of none, except from general report.

Q. Had they any funds deposited there?

A. They had funds deposited there.

Q. Do you know what disposition they made of them?

A. I do not know.

Q. Do you know of any purchases of vessels upon the lakes with any such funds?

A. I do not. Their agents, whoever they were, and the funds, were sent there before I went to Richmond, and what disposition of them was made I never knew. None of the correspondence with them came under my observation.

Q. Do you know whether the confederate government had any property in Canada at the close of the war?

A. I do not. If I had known of any such, I would have stated it.

By Mr. WILLIAMS:

Q. Have you any knowledge of the existence of any secret societies in the North, whose object was to promote the interests of the rebels?

A. I have not. I never heard of any such thing.

Q. Do you know whether General Singleton had any such connection?

A. I do not. He certainly never said anything of the sort to me, and I never heard of such a thing. General Singleton's object appeared to be simply commercial speculation, and it would have been a very good one if he could have accomplished it.

WASHINGTON, D. C., *May* 7, 1867.

GEORGE A. TRENHOLM, recalled at his own request, made the following additional statement:

I desire to state, in further reply to the question put to me concerning Anderson, that I met a gentleman from Columbia at the hotel this morning, and in conversation with him, I learned that after the advance of General Sherman upon Columbia, the printing establishment, and the treasurer's office connected with it, at Columbia, were compelled to move into the interior; that they were, for a time, located at Greenville, South Carolina, and for a short time, between the capture of Columbia and the surrender of General Lee, located at Anderson. I was not aware of that fact until he stated it to me, and I thought it proper to give the information to the Committee.

By Mr. ELDRIDGE:

Q. Did this assistant treasurer have the treasury itself or any funds with him?

A. He had treasury notes; and this gentleman told me this morning that the assistant treasurer, Mr. Leach, had had, he understood, about $4,000 in specie. Whether that is true or not I do not know. I only know this by information from this gentleman of whom I spoke, and whose name is James G. Gibbs, of Columbia, South Carolina.

WASHINGTON, D. C., *May* 6, 1867.

JAMES T. WELSMAN, sworn and examined.

By the CHAIRMAN:

Q. Where do you reside?

A. In Charleston.

Q. Were you residing there during the progress of the rebellion against the government of the United States?

A. I was in New York when the war broke out, and remained there until August or September of that year. Having remained as long as I considered it personally safe, I went into Canada and went across the water, where I remained until the month of January, 1863, when I left and returned to the confederacy, from Southampton *via* St. Thomas and Nassau, running the blockade into Wilmington, North Carolina, in April, 1863.

Q. Have you received the pardon of the President of the United States?

A. I have.

Q. When did you receive it?

A. In September, 1865.

Q. In what manner did you apply for it?

A. I was in New York on my return from England, and received a letter from one of my partners in Charleston, stating that it was proper for me to apply for a pardon. Mr. Campbell, a lawyer of Charleston, whom I had known for a long time, was then, as I supposed, in Washington. I telegraphed to Willard's hotel to know if Mr. Campbell was still there, and received a reply from Mr. Campbell stating that he was still there, and that if I wanted to see him I had better come on there, as it was not practicable for him to go to New York and see me. I immediately came to Washington, and got him to draw an application for pardon. I copied it off in a fair hand, and in due course of time received a pardon. I returned to New York, having still some business there to attend to

Q. How long after the application was made did you receive your pardon?

A. Very promptly. I arrived in Washington on Thursday; I saw Mr. Campbell that day; the application was drawn the next morning and copied; I went with it to the office of the Attorney General, or pardoning clerk's office, on Saturday. On Monday morning I went with many others, as was then the custom for applicants for executive clemency, to see the President. The pardon was that day signed and sent to the Secretary of State. I received it that afternoon, and returned to New York.

Q. Was any other person than Mr. Campbell employed to assist you?

A. The application was endorsed by an officer of the United States army, to whom I had rendered some service in Charleston while he was there as a prisoner during the war, and which he had not forgotten. I lent money to him, and to a number of others, not expecting at that time ever to receive any return from it. I heard, however, that he was in this city, ascertained where he was, and went to see him. He was very glad to meet me, and asked if he could do anything for me. I told him I was an applicant for a pardon. He said he would endorse the application himself, and see his superior officer, I think General Custar, which he did, and upon his recommendation obtained General Custar's endorsement, having stated to him what he knew of what I had done for imprisoned federal officers in Charleston. The name of this officer was General McKibben. He was a captain when I knew him in Charleston.

Q. Did you pay any money in person for the procurement of your pardon?

A. Not one dollar, except notary's fees; nor do I expect to pay any; nor is there or has there been any understanding that I should pay hereafter. Mr. Campbell made me no charge whatever; indeed I never asked him whether he charged or not. He was a friend of mine, and simply drew the application.

There were fees of notaries amounting to a dollar and seventy-five cents, I think. I had to take the oath, and to declare what section of the President's amnesty proclamation I came under, &c. I paid nothing else.

Q. Were there any other persons who endorsed that application except the federal officers named?

A. I do not remember. If there was it was done between Friday and Monday morning.

Q. What was the name of the firm with which you were connected in Charleston?

A. John Fraser & Co., of Charleston, Trenholm Bros. & Co., New York, and Fraser, Trenholm & Co., Liverpool.

Q. Did you close up the business of your New York firm?

A. I endeavored to do so, but it was not closed when I left.

By Mr. ELDRIDGE:

Q. Were you at any time in the employment of the confederate government?

A. No, sir; I never had any office under the confederate government. I was at one time an officer of a volunteer organization for guard duty in the city during the war. It had military regulations, but the service performed was in the nature of police duty.

Q. Had you any personal acquaintance with the President previous to making your application for pardon?

A. I never saw him in my life until that occasion, and I have never seen him since, until since I have been in Washington within the last few days.

By Mr. LAWRENCE:

Q. The Charleston firm with which you were connected was engaged in blockade running?

A. Yes, sir.

Q. What profits did your firm realize during the war from blockade running?

A. That is something I cannot tell. The profits were sometimes very large, and our losses were very heavy.

Q. How many vessels had you engaged?

A. That I cannot tell; six, eight, or ten steamers, and several sailing vessels probably. We lost a good many of them.

By the CHAIRMAN:

Q. Have you had any property restored to you which was seized by the United States?

A. The property of the firm in real estate was in possession of the United States for some time. I held in my own name only two or three small houses, and they were never in possession of the military authorities. A good deal of the property held by the firm in Charleston was in their possession.

Q. Was that property restored after the individual members of the firm had been pardoned?

A. I think it was restored before Mr. Trenholm received his pardon.

Q. Do you know whether any steps had been taken to condemn the property before its restoration?

A. I never heard of any.

Q. What was the value of the property restored?

A. I cannot tell. It consisted mostly of real estate. Some of it was not worth much, and some was more valuable.

Q. Was it all city property?

A. Our property is not all city property. Our city property, however, as I said, was more or less in the possession of the military authority and the Freedmen's Bureau.

By Mr. LAWRENCE:

Q. What would that property have been worth before the war?

A. It would be the merest guess—I suppose, four, five, or six hundred thousand dollars. This was not, however, all acquired during the war. We also had property outside of Charleston.

Q. How much?

A. That I cannot tell. We had town property in some of the interior towns, and we had plantations, but I cannot form any estimate of the value. I should suppose there were more than five thousand acres.

Q. Were there not 20,000 acres?

A. Unless I set about making a calculation, with our books before me, it would be a mere guess, and might be very wide of the mark. We had some plantations purchased during the war, some swamp lands, and some pine lands.

Q. Taking the value of that property prior to the war, what is your general estimate of its worth outside of Charleston?

A. I could not venture upon an estimate.

Q. Would it be worth a million?

A. I should not say it would be worth half that.

Q. Your firm made money during the war by blockade running?

A. We made some money, but the amount has been very largely overstated in the newspapers and elsewhere.

Q. Has Mr. George Trenholm other property outside the firm?

A. He has other property. He has a house in Charleston, and a place near Columbia. He was a man of considerable property before the war.

Q. What was he worth.

A. I do not know what he was individually worth The firm of John Fraser & Co. was worth more than a million and a half before the war. When I joined the firm some years ago, I think his interest in the profits or income of the firm was forty per cent. His interest was subsequently reduced by other partners becoming connected with the firm.

Q. But he is worth more now than before the war?

A. I should suppose so.

By Mr. WILLIAMS:

Q. State the names of the members of the firm of John Fraser & Co.

A. George A. Trenholm, Theodore D. Wagner, J. T. Welsman, William L. Trenholm, and Frederick Fanning. Another young man has since been added. I have withdrawn from the firm, and Mr. Trenholm withdrew in 1864.

Q. Have they all obtained pardons?

A. Yes, sir.

WASHINGTON, D. C., *May* 6, 1867.

THOMAS C. WEATHERLY sworn and examined.

By Mr. BOUTWELL:

Q. Have you at any time since the close of the rebellion visited Washington previous to this?

A. I was in Washington in December last.

Q. Did you have an interview with the President at that time?

A. Yes, sir.

Q. Did that interview relate to any public measures that you deemed important to your section of country?

A. That was the object of the interview.

Q. To what measures?

A. I cannot say positively as to what measures. It was more as to the general condition of my section of country than anything else.

Q. Did you have any conversation with the President in regard to the Constitutional amendment which was then pending?

A. Yes, sir; it was mentioned with other matters.

Q. Did the President express any opinion or give you his views as to whether it should or should not be ratified by South Carolina and the other States?

A. I understood the President's position upon that subject very well. It was mentioned and talked of; he did not say anything in the way of advice as to what my State should do.

Q. What did you understand his position to be?

A. I understood his position to be, as the country understood it, as opposed to the amendment.

Q. Did you understand that from your conversation with him and others?

A. I understood it before I saw him, and if I had not known his position I should have come to that conclusion from what he said. It would be unsafe for me, after this lapse of time, to say what language precisely was used. I can only speak of impressions.

Q. Do you recollect a communication on that subject published in the Charleston Courier, December 25?

A. Yes, sir; it was false in many particulars. I came out a few days afterwards with a letter to the Mercury, which was copied by the Courier with comments, stating some of the falsehoods.

Q. In what particulars was the statement of the Courier false?

A. I do not remember. I have not the paper with me. If you have the paper containing my communication with the comments of the Courier, it will show in what particulars the first publication was false; it was false from the commencement, by stating that I was a commissioner from the senate; it was false in stating that the President had advised me to return and do certain things.

Q. The Courier, according to the report which I have, states: "Colonel Weatherly had subsequent interviews with President Johnson, to whom he was informally deputed. We learn that the interview with the President was of some duration, as well as free and candid, during which he expressed the hope that the southern States would remain firm in their position as regards the Constitutional amendment, and steadfastly reject it, believing it to be an advance step to the inauguration of a despotism, in doing which he said he hoped they would be guarded in their reasons assigned for its rejection, and avoid any language that might, by any possible means, be taken to give offense to the opposing party. The President feels confident, from a recent decision given by the Supreme Court, that he will be sustained by that law-abiding body, and that in a short time a returning sense of reason will point out some middle ground between the Constitutional amendment and the projected territorial scheme, upon which our country may become united, and peace will again smile upon us with all its blessings."

A. There is a good deal of that statement which is not true. If you will allow me I will state all that occurred between myself and the President. I have been very much annoyed by the newspaper statements in reference to it. A scoundrel overheard a conversation between myself and a friend; he came in and sat near me while the conversation was going on, and then published what he pretends to have heard of the conversation as a statement of facts. I will state, as briefly as possible, the circumstances under which I came into Washington. I am a member of the senate of the State of South Carolina. A few days before its close, and before anything had been done definitely as to the Constitu-

tional amendment by either the house or the senate, while it was still before the committee, a member of the senate came to me, at my seat, and made this suggestion: said he, "Have you any information from Washington or from the government as to what is going on?" I told him I had not. Said he, "Do you not feel great solicitude about it?" I told him I did. He asked if I did not think it would be wise for some one to go and find out how matters stood. This was about the 18th or 20th of December. Since the meeting of Congress we had seen nothing which would indicate what was likely to be done. I agreed with him entirely. After that he circulated round and talked with several others, and in half an hour afterwards a letter was handed me requesting me to take the trip. I started that evening, without instructions as to what I should do or who I should consult with. I took with me letters of introduction to the President, to the Secretary of the Treasury, and to several others. I delivered no letters, however, after arriving here, except to Secretary McCulloch and to the President. As I was coming on I determined on the course I would pursue; that I would, if I could, get an interview with some members of the Republican party, and find out what he had to expect from them. The day after I arrived here was Cabinet day, and I did not see the President. That evening I met Judge Cartter, chief justice of the supreme court of the District of Columbia, to whom I had a letter of introduction. He called to see me that evening between five and six o'clock. We had a lengthy conversation, and afterwards went to Senator Chandler's room, where we met other Senators. We had an appointment for the next day which I did not keep. The next day I went up to see the President. After a delay of an hour I was admitted. I told him the object of my visit was to find out the condition of affairs, and what we might expect in the future; that we were then in a bad condition; that this uncertainty was operating very badly upon an already perishing people financially; that I felt very great solicitude. He very readily commenced a reply. He said our condition was a very bad one; that we had his sympathy, &c.; that he had hoped to see the country restored before this time; that he deemed it as important to the North as to the South. He said he had a hope of seeing the country restored at an early day. I asked him upon what those hopes were based; that the condition looked to me very dark and gloomy. He replied that he had no hesitation in saying upon what his hopes were based; that the Supreme Court had made a decision, perhaps the day before, which indicated the course they would take; and that he entertained a hope that he would be able to save the country by carrying out his policy under his plan. The subject of the Constitutional amendment was then mentioned by myself. I said to him that we were in such trouble that some of us were disposed to weaken upon that subject if it would restore the country. He said we had no assurance that that would restore the country; that it would give up everything. That is my recollection of what he said upon that subject; that it would be giving up the country, the Constitution, &c That is about all that occurred between us.

Q. Did he say anything about the adoption of the Constitutional amendment being the beginning of the despotism?

A. No; I do not think he used words of that kind. The impression made upon my mind is that he thought it might be regarded as giving up the Constitution, giving up the country, which it was as important to the North as to the South should be preserved. He went on to speak very earnestly, as I thought, upon his views. The purport of what he said upon the subject of the Constitutional amendment was against its ratification. That is the impression upon my mind. He regarded it as giving up the whole question. If the State of South Carolina and the other States were to adopt the Constitutional amendment, it would, in fact, be giving up everything, and he would regard it as the destruction of the Constitution and the country.

Q. Did you report to your brother senators on your return that the President was against the ratification of the Constitutional amendment by your State?

A. When I got back the legislature had adjourned, and I made no formal report. I had conversations with one or two senators, but I made no formal report to the senate.

Q. As far as you had conversations with these senators, what view did you take?

A. I unquestionably expressed the opinion that the President was opposed to the Constitutional amendment.

Q. And did not desire to have South Carolina ratify it?

A. I could not say exactly that his conversation would justify that conclusion. It had no special reference to the State of South Carolina. My impression is very clear now, and then, that he was opposed to its ratification, but that he said anything in the way of advice I could not say. My impression is that he did not. He expressed his opinions very distinctly in relation to the amendment itself.

By the CHAIRMAN:

Q. Did he express any determination to use his influence as Chief Executive of the United States in opposition to the adoption of the amendment?

A. No, sir.

Q. Did he go beyond an expression of his opinion in opposition to the policy of the adoption of the amendment?

A. I did not think so.

By Mr. WILLIAMS:

Q. Did he not state to you that he intended to defeat the Constitutional amendment, through his policy or that of the Supreme Court?

A. My understanding was that he would do everything that he could do constitutionally against the Constitutional amendment, and to protect the States.

By the CHAIRMAN:

Q. Did he give any intimation as to his belief of what he could constitutionally do in opposition to the amendment?

A. He said he hoped to be able to save the country from it. We were speaking then more of his policy and of the policy of the opposite party. I cannot say that the Constitutional amendment was the principal matter in conversation at that time.

By Mr. BOUTWELL:

Q. Did he inform you what his expectations were as to the questions which would be decided by the Supreme Court?

A. He said that if Congress persisted, the question would be made before the Supreme Court as to the constitutionality of these proposed changes, and that the country would abide by the decision of that Court.

Q. He expected the decision would be adverse to the Constitutional amendment?

A. He expressed the hope that our view of the case might prevail, but said that whatever might be the result, he would have the consolation of knowing that he had done what he thought was right. The impression made upon my mind was that the President was entirely honest.

By Mr. MARSHALL:

Q. Had you a general conversation in regard to the condition of the country, and the controversies between the different States?

A. Yes, sir.

Q. And the President was not undertaking to give any advice, but merely stating the conflict of opinions?

A. That was it. I am sorry I have not a copy of the letter of introduction to the President.

By Mr. ELDRIDGE:

Q. When the President said to you he hoped to save the country from the effects of the Constitutional amendment, was he not expressing himself as hoping to save the country from the effects of the radical policy?

A. My impression is now, and was then, that he regarded the policy pursued by the radical party as destructive to the Constitution, and that he hoped to save the country from it. He believed his course was the proper one.

Q. Did he, at any time, express to you any desire that your State should act one way or the other upon the Constitutional amendment directly.

A. No, sir. He did not say so, that I remember. He did not advise how my State should act.

Q. You told him the state of feeling in South Carolina at that time?

A. I do not recollect that I did. The only expression that would indicate any change going on was the one I have mentioned—that we were so much distressed at our apprehensions of the future; that a great many persons were "weakening" upon the subject of the Constitutional amendment, which was the fact. The legislature had delayed action for a long time, and still delayed after I left Columbia.

Q. But they acted before you returned, and before you made any communication to them?

A. I cannot say that.

Q. How long after you left before they adjourned?

A. About five days. I should have returned the day of the adjournment.

Q. How long after you left here?

A. Two days.

Q. How long from the time you left until your return?

A. About six days.

By Mr. WILLIAMS:

Q. Did not the President express the opinion that the South ought not to ratify the Constitutional amendment?

A. I cannot pretend to say that he did. The general impression made upon my mind was that the South ought not to ratify it.

Q. Did not you have very free conversation with the President, and did he not state that he hoped they would not ratify it?

A. I certainly do not remember that the President said he hoped my State, or any other particular State, would not ratify it. The general impression made upon my mind was that he was opposed to the Constitutional amendment, and would regard it as unfortunate to the country if the South should adopt it.

Q. State the reasons he gave for his opposition to the Constitutional amendment?

A. I cannot state any reason other than that he would regard it as fatal to civil liberty in this country.

Q. Was the impression made upon your mind, from the conversation you had, that this Constitutional amendment would go before the Supreme Court for decision?

A. Perhaps not directly. I do not know in what way it was to go before the Supreme Court, unless in carrying the proposed change into effect.

By Mr. ELDRIDGE:

Q. Did you not infer from his remark that he had reference to the radical laws passed by Congress, and that they would go before the Supreme Court?

A. That was my impression. It was not the Constitutional amendment especially that induced this conversation.

By Mr. CHURCHILL:

Q. Did you communicate with any member of the senate of South Carolina, after coming here, before the senate adjournment?

A. No, sir; I telegraphed to the member of the house from whom I had brought letters of introduction to the President.

Q. What was that communication?

A. The understanding was that if I received no information which, in my judgment required the continuance of the session, I would communicate it. I telegraphed to Mr. Campbell, from whom I brought letters, that there was nothing in my judgment requiring the action of the legislature, from any information I had received.

By Mr. WILLIAMS:

Q. By which you meant to convey the idea that, in your judgment, the amendment ought not to be ratified?

A. I cannot say so, for in my conversation with those senators in reference to my going to Washington, I do not think, the constitutional amendment was ever mentioned.

Q. What then was there to prolong the session connected with your visit to Washington, if it had not reference to this question of the Constitutional amendment? Did you not come to Washington on that point?

A. No, sir; I stated in the outset that I came here to ascertain, if I could, what was likely to be our condition in the future. The proposition that I should come here came from the extreme men of the senate, who were known as "leading secessionists" before the war—men who were not likely to favor the adoption of the Constitutional amendment. My idea was that they wanted some information.

Q. Was there any question of national concern depending there except this one question of the adoption of the Constitutional amendment?

A. No question of national importance was pending before the legislature except that.

By Mr. LAWRENCE:

Q. Would you have come here but for that question?

A. I cannot answer that question. I should not have come here but for the solicitude that was felt as to the condition of the country.

By Mr. WOODBRIDGE:

Q. Did your conversation with the President encourage and strengthen you in your opposition to the amendment?

A. I must say that the influence upon me personally was to strengthen my opposition to the Constitutional amendment.

Q. Did you so report to your fellow-members whom you saw after your return to South Carolina?

A. I perhaps made use of this expression, that I felt very strongly the impropriety of adopting the Constitutional amendment, and more strongly than I had done before coming to Washington.

By Mr. ELDRIDGE:

Q. You had an interview with Senator Chandler; did that interview incline you to go for the Constitutional amendment?

A. Personally it did; at least, my interviews with the various senators tended in that way. I asked Senator Chandler, with whom I had an interview, whether if the State of South Carolina were to adopt the Constitutional amendment, it would stop further aggression, and the State be allowed to return to her place in the Union. He said he thought so now, but that he would say to me very candidly that there was a growing opposition to it.

Q. What other Senators did you meet there?

A. Mr. Cresswell was there, and I met in the course of my visit here several others whose names I do not remember.

Q. But after having interviews with the President and with these Senators, your opposition to the Constitutional amendment was strengthened?

A. Yes, sir; it was rather strengthened. I was afraid of that growing change which was spoken of, and that it would do no good for the State to adopt it.

By Mr. WILLIAMS:

Q. And your increased opposition was because you thought you had a friend in the President on whom you could rely?

A. I was very much afraid the President had not power to save us.

By Mr. ELDRIDGE:

Q. But you did not think that Senator Chandler could save you?

A. Yes, sir; I thought Mr. Chandler and the party with whom he was acting could do about what they pleased.

By Mr. BOUTWELL:

Q. If the President had expressed to you the opinion that the southern States ought to ratify the Constitutional amendment, would not you have so telegraphed to the member of the house to whom you refer, to have continued the legislature in session?

A. I would. I should have regarded that as an expression of sufficient importance to have retained the legislature for a few days for the purpose of acting upon the amendment. I would have regarded that as a very important expression of opinion.

By Mr. WILLIAMS:

Q. I understood you to say that the President remarked, in answer to your suggestion that your people were weakening down, that by the adoption of that amendment you surrendered the point of dispute between the North and the South, and that it would involve the ruin of the country.

A. I do not think he made use of any expression that would justify me in saying that he would regard it as the ruin of the country, but as the surrender of the Constitution and the government; in other words, as the destruction of the government. That was the impression made upon my mind.

By the CHAIRMAN:

Q. How far do you reside from Anderson, South Carolina?

A. About two hundred and fifty miles.

Q. Do you know whether the confederate government had a branch of their treasury there at any time during the war?

A. The confederate government during the war had its treasury here and there and everywhere, and I am not sure but it may have been located at Anderson at one time.

Q. Do you know whether they had any gold there at the close of the war?

A. I do not, of my own knowledge.

Q. Have you any information upon that subject?

A. I have not. I have heard various rumors.

Q. What was the purport of the rumors and their source?

A. It would be very hard for me to say. I have heard some rumors of what they had there, but I cannot pretend to give it shape, for it was a matter I felt no interest in.

By Mr. WILLIAMS:

Q. You stated that you contradicted an article in the Charleston Courier. At what time was that?

A. Some two or three weeks after its appearance. There was a freshet in the Pedee river at the time, so that I did not get the Courier for a week or two, as our mail could not be carried across the river. I then went to see this man, and told him he had grossly misrepresented me and must publish my reply, which he did, as all the other papers did.

Q. You have been pardoned?

A. Yes, sir; I was one of the earliest pardoned under the $20,000 clause.

Q. Through what instrumentalities were you pardoned?

A. I do not know of any especially. There were several, General McQueen and others applying at the same time. We got a young man to bring on our applications for pardon. He came here, remained a week or ten days, obtained the pardons, and returned with them.

Q. Did he employ any agent here?

A. None that I am aware of.

By Mr. ELDRIDGE:

Q. Did you procure any recommendations?

A. None at all, except that of Governor Perry, who had just then been appointed provisional governor. We got the ordinary certificate from him which he gave to nearly every one, I believe.

Q. Did this young man of whom you speak procure a recommendation from any persons in the North?

A. None that I am aware of, and I am very sure that he did not, or I should have heard of it.

Q. Were you personally acquainted with the President at that time?

A. No, sir; I never saw the President to know him until I saw him in December.

By Mr. WILLIAMS:

Q. Do you know of any money paid by any other persons in your State upon the receipt of their pardons?

A. I do not know of any, and I don't think I have heard reports of that kind.

Q. What is your profession?

A. I am a planter. I was a country merchant for a while in my youth.

WASHINGTON, D. C. *May* 7, 1867.

T. S. MOORE sworn and examined.

By the CHAIRMAN:

Q. Are you employed by Adams' express company in any capacity?

A. As agent now.

Q. How long have you been in the employ of the company?

A. Since October 7, 1861.

Q. In this capacity?

A. Yes, sir.

Q. In what capacity were you acting before you became agent?

A. In 1861, when I first became connected with the company, I was an ordinary clerk, in the capacity of an assistant delivery clerk.

Q. Do you know of any pardons granted by the President being conveyed by Adams' express from this city to any part of the country?

A. A number of pardons and papers, I do not know what they contained at all, were sent through the express; they were all enclosed in wrappers.

Q. Can you state how many such packages were sent?

A. No, sir; it would be impossible—a good many, I know.

Q. Have you any means by which you can ascertain the number?

A. No, sir; I do not think it would be possible to do so, from the fact that these packages were received and sent out, and the entries upon our books would not show the nature of their contents; they were just entered as packages.

Q. Do you know whether anything was to be collected on these packages?

A. In some instances it is possible there was, but I cannot say positively. I have not very definite information on this subject, for I have never been receiving clerk. You might obtain more information from the clerk who receives all such packages.

Q. Can you ascertain in your office the amount of any bill received and collected on such packages?

A. I do not think I could; I do not think it would be possible. I could ascertain whether the information could be obtained by reference to our books. I will explain that persons coming there with packages to be sent away, for instance, claim agents in this city, intending to collect their fees, would bring their packages in an envelope addressed to the party for whom they were intended, and present to us a bill which we were to present on the delivery of the package—what we term a "C. O. D." bill—*i. e.*, collect on delivery. We receive a great many such packages, and it is possible that in some cases such bills have accompanied pardons coming to our office to be sent away.

By Mr. ELDRIDGE:

Q. How can you ascertain in your office what a particular package contains or whether it contains a pardon?

A. It is difficult, and I do not think it would be possible now, to obtain that information; it might possibly be done by tracing up the packages sent by those known to be pardon brokers.

Q. Do you know when a package is presented at your office what it contains?

A. In many cases when it is presented, but no entry would be made of it; we simply have a record that a package was received "C. O. D." for such an amount.

By Mr. MARSHALL:

Q. At the time such a package was presented how could you tell whether it contained a pardon or not?

A. The party might state that it was a pardon. I think in some instances the fact that it contained pardon papers was endorsed on the packages. I never received such papers personally at all.

By Mr. ELDRIDGE:

Q. Do you know that there are any such cases?

A. I know that many pardon papers were sent through the express, but whether there were collections on them or not I am not able to state.

By Mr. MARSHALL:

Q. Are you certain that the fact of their containing pardon papers was marked on any of these packages?

A. I am not. I have frequently heard the receiving clerk speak of receiving pardon papers.

By the CHAIRMAN:

Q. Were not those pardons enclosed in the official envelope from the Attorney General's office?

A. That I cannot state. Mr. Robert Ireland, the money clerk, could tell that.

By Mr. ELDRIDGE:

Q. Is there any requirement in your office that the packages passing through your hands should specify what they contain?

A. In all cases where packages are sent with a "C. O. D." bill, the bill as a matter of course will indicate what the services were, and if it were for obtaining a pardon, as a matter of course it should so state.

Q. Have you any knowledge of any such thing?

A. No, sir; I have not. I merely know, in the way I have stated, that pardon papers were sent through the office; whether there were "C. O. D." bills sent with them I cannot state.

By Mr. CHURCHILL:

Q. Your books will show the persons by whom the packages were deposited and also to whom the money was paid, will they not?

A. The money would be paid to the shipper, as a matter of course, or on his order, and then the party would have to be regularly identified.

Q. Please give the names of any of these persons depositing these packages.

A. I will do so on referring to the books at the office, if the Committee require it.

(At a later period in the day the witness returned to the Committee room, and made the following statement:)

Since my examination this morning I have made inquiry of the money clerk, who states that there were no bills for collection sent out with any of these parcels which were stated to be pardons. I asked him how he knew they were pardons, and he said, in this way: that it is customary when packages are presented, to ask the shipper the value of the package. These packages were marked "Valuable papers," and it was desired to ascertain what value was attached to them, and the answer would often be that they contained pardons. In that way it was ascertained that they were pardons, but he says he has no recollection of any such packages being accompanied with bills for collection.

By the CHAIRMAN:

Q. Did you call his attention to the fact which was embodied in one of my questions as to whether they were enclosed in official envelopes from the Attorney General's office?

A. I did ask that question and he says he has no recollection of any such case at all.

Q. Would your books show whether bills accompanied any of these packages supposed to contain pardons?

A. The money clerk says there is nothing on the books showing that they were pardons, and that he only ascertained the fact in the way I have stated.

Q. Will they not show, where money was collected, by whom the money was received?

A. They would, but it would be very difficult to ascertain whether the money was collected for pardons.

Q. Suppose you had the name of some agent, might you not ascertain from your books the amount of money received by him through your office?

A. Yes, sir; I suppose so.

Q. And your books would show how many packages have been sent by him on which money has been collected?

A. Yes, sir; they would show every package sent "C. O. D."

Q. Who was the agent of the office during the fall of the year 1865?

A. C. C. Dunn. I became agent, temporarily, on the first of August, 1866, and was afterwards appointed as permanent agent.

WASHINGTON, D. C., *May* 7, 1867.

CALVIN L. SAYRE, sworn and examined.

By the CHAIRMAN:

Q. Do you reside in this city?

A. Montgomery, Alabama, is my home. I have been here since last September a year ago. I call Alabama my home.

Q. What business have you been engaged in here?

A. I have been acting as agent for the State of Alabama, by request, first of Governor Parsons, and then afterwards by request of Governor Patton.

Q. What are your duties as such agent of the State?

A. When I was first requested to act as such by Governor Parsons, there were no mail facilities in the South, no post offices. The citizens of the State had a great deal of business which they wished attended to here, more particularly in respect to pardons, and which I attended to, and when they were issued, forwarded them to the persons for whom they were issued.

Q. How many pardons did you receive at your agency?

A. I could not say; I never kept any account of them.

Q. Were there many of them?

A A great portion of the persons in Alabama who have been pardoned have received their papers through my hands.

Q. Have you received pardons for citizens of any other State?

A. No, sir; except in perhaps two or three instances, friends of mine asked me to file their petitions for them, and I gave directions to have them sent.

Q. Did you attend to all these applications personally?

A. No, sir; to a great many of them I did. They were sent to me and I would file them. When they were granted, they were delivered to me to send to the parties, and in some instances I gave the address to the department, and they were forwarded directly to the parties.

Q. Did you ever employ any other person to assist you in these applications?

A. No, sir; no one whatever.

Q. What compensation did you receive?

A. The State paid me nothing. It was left discretionary with parties for whom I obtained pardons whether they paid me or not. I know in two or three cases where applications were sent to me I made a specific charge. I generally left it optional with the parties.

Q. How did you forward pardons to the parties?

A. During the first few months I was here, I generally sent them through the express, because there were no mails at all. Probably in the months of September, October, November, and December, 1865.

Q. Were there any charges accompanying them when you sent them by express to be collected?

A. I think I sent three cases in which such charges were made.

Q. What was the amount of charges in each case?

A. I do not recollect; I think probably a hundred dollars. Whenever I thought a man wanted me to work for him for nothing, I would make a specific charge. I cannot recollect that I have had more than three or four such cases.

Q. Did you receive money in return?

A. I think in one case I did. It has been some time ago; I never kept any books or accounts.

Q. How much do you suppose you have received in the aggregate for your services as pardon agent—stating, also, whether you have given any portion of what you have received to any other person?

A. I could not tell how much I have received. I have never given any person any portion of that compensation. I am not a business man; never had

any business in my life until I came here. I never kept any books, and do not know what I have received.

Q. State, as nearly as you can, the amount you have received.

A. I have no idea of the amount. I made a living, and I have lived pretty fast, as has been my usual custom all my life.

Q. Did you say that in all the cases sent by express, there were not more than four or five on which you charged the fee of $100?

A. I said that I recollect of but three or four cases, and three I sent to West Point, Georgia, which is the post office for Chambers, Alabama. I sent these three cases "C. O. D.," I think, a hundred dollars each. They were applications given me to file, as agent of the State, and receiving no compensation from the State, I charged these men $100 each. If you will allow me, I would like to make this explanation: After the surrender took place, I was in Montgomery. The lawyers there were drawing out applications for persons worth the $20,000, and coming under that exception, charging them from $100 to $300 for drawing their applications. They would send their applications to me, after I came here, expecting me to do all the work for nothing—the lawyers getting all the pay.

Q. Did you ever receive more than $100, in any case, for your services?

A. I do not recollect; I expect I have.

Q. How much more?

A. I could not tell; I think it is probable I have received more than that.

Q. In how many cases have you received more than a hundred dollars?

A. I could not tell, for, as I have stated, I keep no books.

Q. Have you no means of ascertaining?

A. No, sir; I recollect at one time three hundred pardons were delivered to me, which I forwarded to the Governor at Montgomery, and never received one cent for any of them. After they were delivered, one gentleman sent me fifty dollars, but from the others I never received anything. I have in my office, not exactly an appointment, but a request both from Governor Parsons and from Governor Patton, in which they ask the Secretary of State to deliver such pardons to me. I had lived in Washington before the war. There were then, as I said, no mail facilities in the South, and the people were very anxious, a great many of them, to obtain their pardons. Many of them came on here, at great expense, which they could ill afford to bear, to attend to their own cases, and it was thought that I could benefit the people by remaining here.

By Mr. ELDRIDGE:

Q. Except in these three or four cases where you made a specific charge, did you trust to the generosity of the parties themselves for your compensation?

A. Yes, sir; I would write them letters, saying that the State paid me nothing, and that if they chose they could send me twenty or twenty-five dollars—anything they pleased. I was living here, boarding at the hotels, and at great expense.

By the CHAIRMAN:

Q. In any of those cases was any other agent or attorney employed by the persons for whom you made applications for pardons?

A. No, sir. Very frequently I had lawyers in Alabama send papers to me, but no one else was employed here. I recollect that there was a Union man in my town, by the name of Owen, who brought on a hundred cases. He told the people there that he was a Union man, and that if he came here he would have great favors shown him. They gave their cases to him. He brought them here, but after a while became tired and disgusted in waiting, and asked me to attend to them for him. I sent them to him, and never received a cent for it.

Q. Have you ever had any representations made to you, by persons for whom you have obtained pardons, that they had paid, or were to pay, any other person for assistance?

A. I have had persons in Alabama, who had sent their applications to me, write to me that they had employed persons at home to get their pardons, and paid them, and that they could not pay me.

By Mr. ELDRIDGE:

Q. What is your professional business?

A. I have no profession. I was an officer in the marine corps, before the war, resigned and went home.

By the CHAIRMAN:

Q. Did you participate in the war?

A. Yes, sir.

Q. In what capacity?

A. Lieutenant colonel.

Q. In relation to these applications for pardons, what course did you pursue? Did you wait on the President personally?

A. I never saw the President but twice. When I first saw him here, I came for the specific purpose to get my mother and my brother and myself a pardon. We were all supposed to be worth $20,000 each, and I was in an excepted class, because I had been an officer in the United States marine corps. I came for the express purpose of getting these three pardons, intending then to return home. I succeeded in getting a pardon for my mother and brother, I suppose after I had been here perhaps a month. I then went in with the crowd to the President, who would open his doors, and fifty or a hundred or two hundred persons would go in and ask for their pardons. I went in on two occasions with the crowd. My card was handed to him, and I do not suppose he would know me from the Japanese now. After a while Governor Parsons got him to pardon me, and I have never seen him since.

By Mr. ELDRIDGE:

Q. Did you pay anybody for procuring your pardon?

A. Not a cent; I would not have given three cents for it. I did not think it amounted to much, although I was anxious to get it.

Q. By whom were the persons you refer to as applying for pardon recommended?

A. By supposed Union men in the communities in which they lived, and by the Governor of the State.

Q. Was every application accompanied by a recommendation?

A. Yes, sir; as a general rule. I know that when I made my application I paid a lawyer fifty dollars for writing it out, and that in and around Montgomery, where I was born and raised, I got a lot of Union men to recommend me. They all had sons in the rebel army, but they recommended me.

Q. As far as these cases came under your knowledge, did they all bring such recommendations?

A. All were recommended by the provisional Governor; and, after the provisional Governor, they were all, as a general rule, recommended by the Governor elect.

Q. And by any other parties in each case?

A. Generally, they would have the name of some Union man on them. I know it was very necessary to have the name of the provisional Governor endorsing them. It was supposed that he would not recommend anybody unless they were worthy of it, and were asking for it in good faith.

By Mr. WILLIAMS:

Q. You stated that you belonged to the marine corps before the war; how did you get out of it?

A. I resigned in February, 1861.

Q. With a view of going into the rebel army?

A. This was in February before the war. I had just come from a cruise of four years.

Q. But was it in anticipation of the rebellion?

A. Not exactly; I had intended to resign anyhow; I had become tired of it. It was about the first of February that I resigned. I had not been home, as I said, for four or five years. There was a great deal of excitement. I came first to New York and then to Washington, and when I got here I resigned.

Q. Was the fact of your resignation brought to the notice of the President?

A. I stated it in my application. There was no war when my resignation took effect. Trouble was anticipated. If I am not mistaken, the conference committee was in session in Washington at that time.

Q. You stated that you would not give three cents for a pardon. You regarded it then as of no value?

A. I meant that it did not make any difference to me whether I had a pardon or not. I was merely an individual, and as a general practice I thought it a good plan to ask no favors of anybody. I had no political aspirations, and it made no difference to me whether I was pardoned or not.

Q. You supposed there would be no punishment of treason?

A. I did not think of that at all. I did not think I would be punished.

Q. Then you relied on the lenity of the President?

A. I was very bitter against the President when I first came here.

Q. But you changed your mind afterwards?

A. I thought he would be very bitter against the southern people. He had been treated worse there than any other man. He had been slapped in the face, and treated with every indignity; and I thought he would be bitter against our people. I knew he could not hurt me.

Q. But you thought better of him on account of your pardon?

A. I did not think much about him one way or the other.

By Mr. ELDRIDGE:

Q. Did not you think that the States were out of the Union, and could not commit any treason?

A. I am not a politician or a lawyer, and did not know anything about it. I was very anxious that my mother, who was an old lady, should receive her pardon.

WASHINGTON, D. C., *May* 7, 1867.

MATTHEW F. PLEASANTS sworn and examined.

By the CHAIRMAN:

Q. Are you the pardon clerk in the Attorney General's office?

A. No, sir.

Q. Have you been acting in that capacity?

A. I was, up to May of last year; I am now chief clerk.

Q. How long did you act in the capacity of pardoning clerk in the office of the Attorney General?

A. I think since the fall of 1863.

Q. Did you ever have any conversation with L. C. Baker upon the subject of pardons?

A. No, sir.

Q. Do you know whether a pardon was granted to a man in Richmond by the name of Myers?

A. I really do not remember.

Q. Did you ever have any conversation with Baker respecting a man by the name of Myers?

A. No, sir; I never saw Mr. Baker to my knowledge.

Q. Have you any knowledge, direct or indirect, of any character whatever, relative to money being paid for procuring pardons, or for services in connection with the procurement of pardons?

A. None, whatever, except the knowledge that the public have in the case referred to—in the trial of Mrs. Cobb, and that I only know from the same source that the public generally know it.

Q. Were you acquainted with Mrs. Cobb?

A. I know her; yes, sir.

Q. Did you ever have any conversation with her in regard to pardons?

A. General conversations about a great many pardons.

Q. Was she in the habit of visiting your office?

A. She has been in there a good many times.

Q. Did she receive any pardons in the office for persons?

A. No, sir; there are no pardons given in our office.

Q. Did she file any papers in the office.

A. Only in that one case that I remember.

Q. That is the only case in which she filed papers for pardons?

A. As far as my knowledge goes that is the only case.

Q. Do you know whether she ever received money for procuring pardons?

A. No, sir.

Q. Do you know whether any complaint was ever made of this to Attorney General Speed?

A. I never heard of any complaint.

Q. Do you know whether any complaint was ever made to Attorney General Speed to the effect that you had sent a messenger to Mrs. Cobb desiring that she should give you a portion of the money she received for procuring the pardon of a man by the name of Myers, at Richmond?

A. No, sir.

Q. Have you any knowledge of any person receiving money for procuring pardons?

A. No, sir; I have no such knowledge.

By Mr. ELDRIDGE:

Q. Was there any instance in which you insisted that Mrs. Cobb should not take a pardon away until she gave you one-third of the proceeds?

A. No, sir; of course not. No question of money was ever raised between Mrs. Cobb and myself; nothing of that kind whatever.

Q. And no conversation ever took place upon the subject with Colonel Baker?

A. No, sir; I never saw Colonel Baker in my life to know him.

Q. Or with any person unknown to you, on the subject?

A. With no person whatever, known or unknown.

Q. Did you know that there were questions raised in regard to your participating in the proceeds of money obtained for pardons?

A. I have been told that Baker accused me to the President of having received fifty dollars from Mrs. Cobb. That is the only instance that I ever heard that I was suspected of any money connections with pardons.

Q. That is the only information you have upon the subject?

A. That is my only information upon the subject.

Q. Did you have any conversation with any person whose name was unknown to you upon that subject?

A. No, sir.

By Mr. BOUTWELL:

Q. What is the course of business in the office in regard to applications for pardons for political offences?

A. The applications were at once referred by the Attorney General to me. My business was to examine them and to see under what exceptions in the President's proclamation they came. As soon as that was done, my general instructions were to issue the common $20,000 cases, or to make requisition for these pardons on the Secretary of State, if they were recommended by the governors of the States.

Q. Did these applications go to the President at all?

A. Very rarely; or at least I do not think they were ever examined there. Those that went to the President would come down in their original wrappings immediately to my office.

Q. Has it ever occurred that orders have come to your office from the President to issue pardons?

A. Very frequently.

Q. Do you recollect any cases in which that course has been pursued?

A. It occurs so frequently that I cannot specify. It occurs almost daily now. I recollect this one case to which I referred before—that case which was filed by Mrs. Cobb. It occurs, however, every day.

Q. Has it ever occurred in any other case in which Mrs. Cobb appeared?

A. No, sir; I do not remember of her appearing except in that single case.

By Mr. ELDRIDGE:

Q. Did Mrs. Cobb ever profess to you to be making money out of procuring pardons?

A. I cannot say that she ever did. I never paid the slightest attention to her talk. I never attached any weight or credit to anything she said. I did infer that she was acting as an attorney and charging fees.

Q. But you knew nothing of her transactions except in the single case to which you have referred?

A. I cannot say exactly that. I knew of her saying that she was attempting to get some pardons from the President which were on his table awaiting his signature.

Q. Do you know the cases?

A. They were some Richmond cases—a number of them.

Q. Cannot you mention them?

A. I cannot; I recollect that there were numbers of what was known as the ambulance committee.

Q. You cannot remember any of the names?

A. I remember the names of Messrs. Isaacs and Enders, who were here representing that committee for the purpose of obtaining pardons, and she was looking after their applications as well as others.

By Mr. MARSHALL:

Q. You say you did not regard any statements coming from her as worthy of any credit. Was that from the nature of your knowledge of her general character, or from anything you know yourself?

A. Only from her general character and her general talk.

By Mr. ELDRIDGE:

Q. Was her general character good or bad?

A. I do not know her general character except for veracity. I did not believe anything she said.

WASHINGTON, D. C., *May* 7, 1867.

ROBERT IRELAND sworn and examined.

By the CHAIRMAN:

Q. Can you inform the Committee of the number of packages sent through the Adams express from this city by Colonel Calvin A. Sayre?

A. I cannot.

Q. Can you inform the committee of the number of "C. O. D." packages sent by him?

A. No, sir; I cannot.

Q. Can you give any information on that subject?

A. Nothing further than that he has sent "C. O. D." packages through the express at different periods. What they contained I cannot say. I might say that, to the best of my knowledge, he has sent, perhaps, twenty such packages.

Q. Have you the books of the company with you?

A. I have.

Q. Will they show the number?

A. They will.

Q. Please say, from the books, what packages have been so sent by Colonel Sayre with bills for collection.

A. The book I have only shows the several amounts of money received by Colonel Sayre. I see here a return of $250 from Cincinnati, December 8, 1865; that is not signed by Sayre, but signed by a clerk who has charge of our branch office. He left the order with him to deliver to his agent, Mr. Baird, anything coming for him—that is the only package which this book shows.

By Mr. ELDRIDGE:

Q. Your books show that package to have been sent from here to Cincinnati, and that this money was collected upon the package?

A. Yes, sir.

Q. And you do not know what it was for?

A. No, sir; I could not say anything about that.

Q. Do your books show to whom it was sent?

A. Another book that I have, not with me, would show that.

Q. What period of time does this book cover?

A. From November 16, 1865, until December.

Q. Do you know Lafayette C. Baker?

A. I have seen him at the time the war was going on; I would not remember him now.

Q. Did he ever apply to you to find out anything about Sayre sending pardons through your office?

A. I could not say. I do not recollect of any person applying for any such information. He may have done it.

By the CHAIRMAN:

Q. Do you remember his ever having come to you with Mr. Dunn, who was the agent in 1865?

A. Mr. Dunn has come to me with several gentlemen; I do not recollect whether Lafayette C. Baker was one or not; he may possibly have been.

Q. Do you remember any of these parties caxmining your books to ascertain whether packages had been sent or money received for any other parties?

A. We have had our books examined so much in regard to rascality of different kinds that it is difficult to remember. The detectives are in the habit of examining our books for various purposes.

Q. Are you always at the office?

A. Except at meal times.

Q. Does any other person have charge of these books except yourself?

A. They are open to the corresponding clerk, and to my assistant in the office at any time they choose to refer to them.

Q. Whose business is it to take charge of these books and to be responsible for them?

A. It is mine.

Q. Will you bring before the committee the other book of which you speak?

A. I will.

(At a subsequent period of the day the witness returned to the committee room with the book called for.)

By the CHAIRMAN:

Q. Please to go on with your statement of the number of packages sent by Colonel Sayre, and state in detail how they were sent.

A. On referring to the book I have brought with me, and commencing with September, 1865, the first package I find is dated November 10, 1865, C. O. D. $100, addressed to W. C. Darding, West Point, Georgia; and subsequently I find, November 11, C. O. D. $100, M. L Walker, West Point, Georgia; November 15, $250, C. O. D., John Maloney, Athens, Alabama; same date, $100, C. O. D., Amos Hegely; November 21, $100, C. O. D., George Hillyer, Atlanta, Georgia. I would state that that package was returned by instructions of the agent in Washington, under the direction of Colonel Sayre. January 3, 1866, C. O. D., $50, H. Blackman, Tuscogo, Alabama; February 3, C. O. D., $110, James H. Sloss, Tuscumbia, Alabama; same date, C. O. D, $25, W. P. Chilton, Montgomery, Alabama; same date. C. O. D., $200, James H. Sloss, Tuscumbia, Alabama; March 13, 1866, C. O. D., $125, James H. Sloss, Tuscumbia, Alabama, returned by order, $25; same date, $10, C. O. D., James H. Sloss, Tuscumbia, Alabama; March 19, C. O. D., $12 50, James H. Sloss, Tuscumbia, Alabama; March 21, C. O. D., package, J. H. Sloss, Tuscumbia, Alabama, returned unpaid; March 28, 1866, $50, C. O. D., J. A. Coleman, Livingston, Alabama. This covers all the entries I find in the books from September 1, 1865, down to the present date.

Q. Can it be determined by your books how many packages have been sent from here by any particular person except those sent out as C. O. D. packages?

A. No, sir; we never take the name of the shipper at all, except where the package is sent C. O. D. or F. C.

A. Could any person go into your office, with your assistance, and by examining these books ascertain the names of the sender of these packages unless they appeared on the books as C. O. D. packages?

A. No, sir; for we make no record on the books at all of the shipper except C. O. D. packages, and the drafts.

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

EDWARD W. ANDREWS, sworn and examined.

By Mr. BOUTWELL:

Q. State your residence and occupation?

A. I am a lawyer; my residence is Martinsburg, Berkley county, Virginia.

Q. Have you any knowledge, and if so, what, of an application made to the President, in the autumn of 1866, for the restoration of about one hundred and ninety men who were upon the books of the War Department as deserters, and who belonged to two regiments of Virginia men, one of infantry and one of cavalry?

A. I know nothing of any such application except what I have heard through a speech in the House, made by General Butler, in which allusion was made to the democratic candidate for Congress, and which I applied to myself, as I was the only candidate in that district in opposition to the present member. I know of no deserters there whatever at the close of the war, and have no knowledge as to any application. I had heard that an application was made in behalf of some of the stragglers of the fifth artillery. I had a son who commanded a company in that regiment when on Hunter's raid. Application was made to relieve some men of that regiment from the charge of desertion on the road. On their way across the mountain from Salem, while being pursued by Early, a great many of them gave out, and some perished from actual starvation; of course those who were stragglers and missing at the roll call for three days were reported as deserters, and, although they joined their command afterwards, they could not get their pay while standing on the rolls as deserters. I do not know anything about any application being presented for their relief, nor did I know any of them.

Q. Did you, at any time, write a letter to the President in regard to these men or any other men who were on the rolls as deserters?

A. I have never written any letter to the President in my life, nor do I know him at all, except as the President. I may possibly have signed some petition for some official position, but I never wrote him a letter. After I saw that speech, I asked Mr. Kitchen, the present member from that district, what it meant, for the matter was all new to me.

Q. Do you know of any other person making application in regard to these men?

A. Nothing but what I have heard; I have heard since that some Doctor McEwen made application, and I have seen a letter, explanatory of the statement made in General Butler's speech, written by Doctor McEwen, which was published in the Baltimore Sun and other papers.

Q. Did you know Dr. McEwen?

A. No, sir; I never have seen him to my knowledge. I remarked when I saw his letter that he stated that no application had ever been made by the democratic candidate for Congress, and he explained that the whole thing occurred out of his effort to relieve the men who had fallen out on that terrible march from the charge still remaining on the roll, of desertion. If a letter was ever written to the President by any person on that subject over my signature, it was a forgery.

By Mr. ELDRIDGE:

Q. Did your son apply to you to give any recommendation for the restoration of these soldiers?

A. No, never, sir; if he ever took any action it was in my absence, and without my knowledge at all, and I do not know that he did.

Q. Here is a letter which purports to be written by you, bearing date October 20, 1866:

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

SIR:—The accompanying list embraces nearly 200 soldiers who are disfranchised by the charge of desertion. The great majority of these men reside in my congressional district. It would be doing me a great service to have the charge removed, and thus enable them to vote at the approaching election. The contest will, without doubt, be a very close one, and I feel assured the restoration of these men will result in my election, provided it can be done immediately.

A. No, sir; that is the first I have ever heard of that letter or seen it, and it is entirely new to me. At the time it purports to be written I was 200 miles away from Martinsburg.

Q. You never gave your son any such letter as that to be presented to Dr. McEwen?

A. No, sir; never.

By the CHAIRMAN:

Q. Have you any reason to suppose that your son sent any such letter?

A. Not at all. He saw Dr. McEwen, so Mr. Logan told me, and whether he signed any petition in my name I do not know. I was entirely ignorant of the whole transaction, as I have stated, until the matter was alluded to in Congress.

By Mr. BOUTWELL:

Q. Where does your son reside, and what is his full name?

A. He is now, I believe, at Harper's Ferry, Jefferson county, Virginia; his name is Samuel J. Andrews.

By Mr. ELDRIDGE:

Q You were the only democratic candidate in that district?

A. Yes, sir.

By the CHAIRMAN:

Q. Are you the editor of the New Era?

A. I was at that time. I am still part owner of the paper, but have not been connected with it otherwise for some time.

Q. Did you ever receive any communication, verbally or otherwise, from Dr. McEwen, through your son, relative to this transaction?

A. No, sir; I never had heard of Dr. McEwen, and did not know his name until I saw it in connection with this matter. It was rather a matter of joke with us when we first heard of it. I asked what it meant, and did not know until his letter of explanation was published.

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

WILLIAM L. TRENHOLM sworn and examined.

By Mr. BOUTWELL:

Q. Have you received a pardon from the President?

A. Yes, sir.

Q. When was it dated?

A. I think it was in October, 1865. It may have been later.

Q. When, and in what way did you make application for it?

A. By letter to the Secretary of State, from Charleston.

Q. Was it accompanied by any testimonials or recommendations?

A. No, sir; it was not accompanied by any testimonials or recommendations. It was in the form in which applications were directed to be made, accompanied by the necessary oaths. I was not recommended by anybody.

Q. How long previous to the time when the pardon was granted was the application made?

A. It was not more than two or three weeks. I sent it by a friend of mine, a young lawyer from Charleston by the name of Julian Mitchell. He told me there was no difficulty in obtaining it, and I am disposed to believe that the reason why it passed so easily was that I had taken the amnesty oath of President Lincoln before the proclamation of Mr. Johnson, superseding that amnesty, was issued. I was one of the first who took the amnesty oath myself, and induced others to do so. The war was at an end, and I thought there was no use in remaining in a position of hostility to the government. Having taken that oath, I did not think it was necessary to make application for a pardon,

and I did not make one until October. Some of my friends then told me I had better do so, and I made the application and forwarded it by mail.

Q. Did you pay any money to anybody in connection with that application?

A. Not a cent of money.

Q. Did you promise or suggest any payment?

A. None at all.

Q. Did you have any report from Mr. Mitchell as to the steps taken by him to procure the pardon?

A. Nothing except that he wrote to me that it had been issued. He told me afterwards that he found my application on file in the Secretary of State's office, and that he got it sent in to the President; that it had been favorably reported on in the Secretary of State's office. It was in the class of a number of applications considered unimportant. It was made under the $20,000 clause, although at that time I considered it doubtful whether I was quite worth $20,000.

Q. Were you a member of the firm of Fraser, Trenholm & Co.?

A. I have been junior partner of the company some years, and have a small interest in it.

Q. For how long a time?

A. Since 1857 or 1858.

Q. Was that fact stated in your application for pardon?

A. No, sir; it was not. It was not required to be stated, I think, by the published requirements.

By Mr. WILLIAMS:

Q. What was your interest in the firm?

A. A one-tenth interest.

Q. How many partners?

A. The number of partners varied from time to time during the period in which I was connected with it.

Q. How many during the rebellion or at the time the war closed?

A. Our firm is peculiar in this respect. There is a firm in Charleston and a firm in Liverpool, and at the close of the war there were three persons members of both firms. The firm in Charleston consisted of five.

By Mr. BOUTWELL:

Q. Were you interested in both firms?

A. I was.

Q. What was the business of the Charleston firm during the war?

A. I left the business early in 1861, and did not go back into the firm until the end of 1865; and did not during that time do any of the business of the firm.

Q. Have you any knowledge, from the books of the firm or from other sources, of what business they carried on?

A. I know that during the war they were engaged in exporting cotton and importing goods through the blockade. They owned steamers engaged in running the blockade.

Q. Can you state the amount of goods imported during the war?

A. No; I have not the remotest idea. The books are immense volumes, and I never thought of examining them. Their transactions were very numerous.

Q. Would not the aggregate amount to as much as $1,000,000 in gold?

A. I take it for granted that it must have amounted to as much as that.

By the CHAIRMAN:

Q. Do you know whether the confederate government had any property or money at Anderson, South Carolina, at the close of the war?

A. No, sir; I do not. I was not at Anderson during the war except twice,

and then merely to pass through on the railroad. I was an officer of the army during the whole war, was with the army and knew nothing of the operations of the government or of the business of the firm in Charleston, except what I heard incidentally.

By Mr. WILLIAMS:

Q. Had the firm of which you were a member any real estate at the close of the war?

A. Yes, sir; they owned a good deal of real estate in South Carolina.

Q. Town and country property?

A. Yes, sir; both.

Q. Can you furnish any estimate of its value?

A. Much of it has no value now that could be stated. The value of this property before the war would have been considerable. I could not form any estimate of how much, and it would take a long time to make a calculation. I suppose at prices before the war it would be worth perhaps a million of dollars.

Q. Was not all this property seized by the federal government before the close of the war, or after it?

A. I do not know whether the property was seized by the federal government or not. Having spent the summer of 1865 in the North in order to ascertain the position of political affairs there, and what course had better be taken in my own State and in the South, politically and commercially; having been a great deal in New York and several times in Washington, I returned to Charleston in October or November, 1865, and found the real estate of the firm in the possession of the Freedmen's Bureau, held as abandoned property. How it came in possession of the Freedmen's Bureau I never was very distinctly informed, and I did not know until that time what was the condition of the property.

Q. How was it with regard to the country property?

A. Some of our property in the neighborhood of Charleston was held in the same way. I had a small country place of my own some ten miles from Charleston, on which the dwelling-house had been burned down just before the evacuation of Charleston, which I found in the possession of the Freedmen's Bureau. The rest of our property, pretty generally, in the country, was not in their possession.

Q. Had any proceedings been initiated for the confiscation of any of this property in the courts?

A. None that I ever heard of.

By Mr. BOUTWELL:

Q. Was this property which was held by the Freedmen's Bureau as abandoned, subsequently restored to you and the firm?

A. It was restored by General Saxton under an order issued by himself and delivered to me personally in his office, in compliance with an order from President Johnson, which directed the restoration of the property of certain firms in Charleston.

Q. That order in Charleston specified the firms?

A. It specified the firms by name.

Q. Have you a copy of that order?

A. I have not here. I suppose it is on file in the Freedmen's Bureau in Charleston.

Q. Do you know how it was obtained from the President?

A. I do not. I understood it was obtained through the representations of certain leading citizens of Charleston in relation to the condition of property there. The war had left no money in the South. The only thing we possessed was property, and that was in the possession of the government. It was impossible for us to raise money to meet our every day necessities. It was the only

way by which the people there could be kept from starvation, and it was in consequence of these representations, I suppose, that the President issued the order which enabled us, to a certain extent, to obtain means to remove to the seacoast the cotton of the country, and to rebuild and equip the railroads which had been destroyed. When I went back there the South Carolina railroad, which was the main railroad in that country, had been burned from Branchville sixty miles in the direction of Columbia, and sixty miles in the other direction. All the bridges and trestle work of all the other railroads leading to Charleston had been burned or destroyed. The whole country was in a state of great destitution, and it was impossible to afford relief to the community without some means of raising money. The government also for the same reason relinquished possession of the railroads about the same time, and during the summer of 1865 the president of the South Carolina railroad succeeded in making contracts for iron and supplies upon the strength of the road having been relinquished by the government. I believe that without some such action on the part of the government it would have been impossible for our people to have recovered from the state of destitution which they were in at the close of the war. So far as our firm was concerned, as soon as this action had been taken we set to work in making repairs and in the employment of mechanics in the city. A great deal of property held by the Freedmen's Bureau had been injured by shells during the bombardment and during the conflagration one way or another, and it had been in the possession of persons who took no care of it. We set to work to repair this property, which we did at great expense. I myself expended upwards of $25,000 upon one piece of property of my own, and it has remained unprofitable to me ever since.

Q. When was the order issued for the restoration of this property?

A. I think in September, 1865; and the property was restored to me in November, if I am not mistaken.

Q. What amount of property was held by your firm in Charleston at its present value?

A. That is a question that it would be impossible for me to answer.

Q. What proportion does it bear to all the real estate in Charleston?

A. A very small proportion. I have never formed any estimate of it. If the Committee desire the information specially, I will furnish them, after my return, the amount of our city tax, which perhaps is as good a criterion as I could furnish, and which the Committee may compare with the tax upon the entire real estate of Charleston.

Q. Do you suppose it amounts to one fiftieth or hundredth of the whole?

A. I should be speaking entirely at random in any estimate I could make.

By Mr. CHURCHILL:

Q. You held more real estate at the close of the war than at the commencement?

A. We did, but we held a great deal less of other things, which it had become necessary for us to part with from time to time. We held less stocks, State bonds, and railroad bonds, than at the commencement of the war. The change in value of the different securities made it desirable, as a commercial question, from time to time for us to change our investments. We had a very large commercial capital before the war, both in England and in this country, and in this country we had invested very largely in railroad bonds and State stocks, and also in State bonds, mostly of the southern States. We were large owners of the State bonds of South Carolina. In the course of events these became advanced in value, while real estate became proportionately cheaper, and we were constantly buying and selling. The consequence was that at the close of the war we found ourselves with a great deal more real estate than we ought to have had.

Q. What is the relative proportion to that you had at the commencement?

A. I cannot tell; more than double; perhaps, more than quadruple. Our losses, of course, were very heavy upon this country property, which we always purchased with the negroes upon it.

Q. Was this restoration of the property held by the Freedmen's Bureau made before or after the pardon of the members of the firm?

A. I think my own pardon had not then been received. I did not receive possession of my dwelling-house until sometime afterwards. The property in the hands of the Freedmen's Bureau, which was restored at that time, required a large expenditure of money to place it in repair. It consisted, to a great extent, of wharf property, large storehouses, and property of that sort.

By Mr. ELDRIDGE:

Q. Did your firm abandon that property when it was seized by the government?

A. No, sir; it did not.

Q. Was there always some one of the firm there?

A. No; not always some one of the firm, but there was always a representative of the firm. I was in the army; my father withdrew from the firm on accepting office in Richmond during the war, and the only other member of the firm resident in Charleston, Mr. Wagner, went out of Charleston just before the evacuation; but a representative of the firm was left there with power of attorney and full authority to act in their name. This gentleman was required by General Hatch, who commanded the city after its evacuation by the confederate troops, to give a schedule of what property was held by the firm. He gave a schedule of their property, signed as agent of John Fraser & Co. It was received by General Hatch, who then took military possession of the property.

Q. Was any of your property individually abandoned by you at the time it was seized?

A. Nothing was abandoned. We were very careful to abandon nothing. We had not a piece of property of our own on which there was not a person holding possession under our authority, as agent or otherwise.

Q. After this property was taken possession of by the Freedmen's Bureau, what became of the tenants?

A. They suffered them to remain and collected the rents from them. The occupants holding under our leases were required to take out new leases, and to pay to the officers of the bureau the rent, and as they had their leases at a mere nominal rent during the whole war, they were of course glad to retain possession of the property.

Q. Was this done in every instance, or were the tenants in some instances dispossessed?

A. That I cannot tell, not to my knowledge; I think it very likely there were such cases. I do not see why there should not have been, but I do not know. As I said before, I was in the North in the summer of 1865. The property was first taken possession of by military authority, and the tenants were required to pay rents to an officer designated as treasurer under our leases. This property was subsequently turned over to the Treasury Department, and an officer of the Treasury Department designated to receive it. The rents were then paid to the Treasury Department, as I understood. The Freedmen's Bureau next took possession and required new leases to be made.

Q. Was this while General Saxton was in command?

A. Yes, sir; it was from him I received the order for the restoration of my property.

Q. Do you know of any instances in which officers of the Freedmen's Bureau turned people out of possession in order to seize the lands?

A. I do not know of any such instances. I know of instances in which officers of the Freedmen's Bureau had possession of the houses of persons and declined to vacate them.

Q. Do you know how these officers came into possession?

A. I think the houses were not tenanted when they came into possession. A very large portion of the lower part of Charleston, perhaps three-fourths of the city in superficial extent, was empty during the bombardment in the summer.

By Mr. MARSHALL:

Q. You spoke of the value of the real estate held by the firm as to what it would be worth at the commencement of the war, and stated you thought it would be worth a million. What was that property worth at the close of the war, or in the fall of 1865?

A. It had no market value at the close of the war, and you could not sell it at any price; nor can you sell it now at any price. The piece of property on which I have stated I expended $25,000 in repairs, I would be glad now to take $60,000 for. After it was repaired I rented it at $6,000 a year. The lessee soon became bankrupt and gave it up. I suppose before the war it was worth $100,000 in gold.

Q. If put up at forced sale, how much would the property have brought?

A. It would not have brought anything at all. There was no money in the country; all that our people had was property. During the spring of 1866 there was a sort of feverish speculation in some things, but it did not extend to real estate; that has never revived; there has been no building, though a large portion of the city has been burned down. Many of the wharves have been suffered to go to pieces, and no effort has been made to repair them. All the building and repairing done in Charleston has been done by our firm, and we have done very little building; we have done a great deal of repairing.

By Mr. BOUTWELL:

Q. Have the rents collected by the Freedmen's Bureau and military officers been repaid to you by the government?

A. No, sir; in fact we were required to sign an agreement never to come back on the government for it; that was required by the bureau, under a printed form, in every instance, before the property was restored.

WASHINGTON, *May* 13, 1867.

Lieutenant Colonel E. J. CONGER, sworn and examined.

By the CHAIRMAN:

Q. Were you engaged in the military service of the United States in the year 1865?

A. Yes, sir.

Q. Did you have anything to do with the capture of J. Wilkes Booth?

A. Yes, sir.

Q. Were you present at the time he was shot?

A. I was.

Q. Who was the first person to examine his body after he was shot?

A. I was.

Q. What articles did you find upon his person?

A. I found a diary, bills of exchange, greenbacks, a compass, key, &c.

Q. Did you take possession of these articles?

A. Yes, sir.

Q. To whom did you deliver them?
A. To Mr. Stanton.
Q. Did he retain possession of the diary?
A. Yes, sir.
Q. Do you know who has it now?
A. Judge Holt.
Q. Do you know when he received it?
A. I do not.
Q. Who was present when you delivered the diary to Mr. Stanton?
A. Colonel L. C. Baker.
Q. Have you seen that diary since?
A. Yes, sir; I saw it to-day.
Q. State whether it is in the same condition as when you delivered it to Mr. Stanton?
A. I think it is.
Q. Have you examined it closely?
A. I have.
Q. Are there any leaves cut or torn out?
A. Yes, sir.
Q. Were they torn out when you first had possession of it?
A. There were some out and I think the same.

By Mr. WILLIAMS:

Q. Did you make any memorandum of the contents of the diary in writing at the time?
A. Yes, sir.
Q. Have you that memorandum?
A. No, sir.
Q. What did you do with it?
A. I gave it to Colonel L. C. Baker.
Q. When did you give it to Colonel Baker?
A. I cannot say; some weeks after—perhaps not more than a week, and perhaps five or six, I am not able to say.
Q. Was that memorandum an abstract or a transcript of the contents of the diary?
A. So far as it went, it was a transcript of the diary. I am not certain whether it was all of it or not.

By the CHAIRMAN:

Q. Did you examine what was written in the diary, this morning?
A. Yes, sir.
Q. Did you remark anything different from your memorandum in the diary now?
A. I cannot remember. I do not know. I may say this: I had nothing in my transcript except what was in the diary.

WASHINGTON, *May* 14, 1867.

Lieutenant Colonel E. J. CONGER appeared, and his examination was continued as follows:

By the CHAIRMAN:

Q. Will you examine the article I now hand you, and state when and where you first saw it?

A. I took it from the body of J. Wilkes Booth, on the morning of the 26th of April, 1865, I believe.

Q. Is that what is known as J. Wilkes Booth's diary?

A. Yes, sir.

Q. Will you examine it carefully and state whether it is in the same condition it was when you took it from the body of Booth?

A. It is in the same condition, with the exception that there are some shavings in it which were taken out of his pocket. I have read it carefully over.

Q. State whether all that was written in the book when you first took it from Booth's body, is in it at this time?

A. I think it is.

Q. Do you remember having noticed the absence of the leaves that seem to have been out of the book when you first examined it?

A. There were some cut when I got it.

Q. Was the entry dated November 13th and 14th, commencing "Friday the ides. Until to-day nothing was ever thought of sacrificing to our country's wrongs," &c., the first that was written in the book when you saw it.

A. I think it was the first, but I may be mistaken in my impression in regard to it. Before having seen it my impression was that that which was written as of April 14th was dated at a later day.

Q. Did any writing precede that when you first examined the book after taking it from the body of Booth?

A. I should say not.

Q. How much of that entry did you embrace in the transcript you made?

A. I am unable to say. It may be that I copied all of it; I cannot tell now, I have forgotten. I have an indistinct recollection that I did not finish it for some reason, but I am not certain.

Q. Did it remain in your hands from the time you took it from the body of Booth until you delivered it to the Secretary of War?

A. Yes, sir.

Q. Was it examined by any other person in the meantime?

A. No, sir.

By Mr. WOODBRIDGE:

Q. You say you took a copy of the writing in the diary sometime after you took it from Booth's person. Was there anything in the book then, so far as you can recollect—any writing or memorandum—that is not in the book now?

A. Allow me to make an explanation before I answer. My ideas in regard to it are not exactly what the writings are now, still my belief is that there is no change in the book now. I did think it read a little differently, but it is so long since, I may have forgotten.

By Mr. ELDRIDGE:

Q. Where were you when Booth was shot?

A. I was on the farm of a man named Garrett, about three miles from Port Royal, on the road to Bowling Green, Virginia.

Q. Did you see Booth shot?

A. I did not.

Q. Did you see him before he died?

A. Yes, sir.

Q. Where were you when he was shot?

A. I do not know the points of the compass; I was by the side of the tobacco house. The man who shot him was on the next side around the corner of the house. They called it a barn; it was built for a tobacco house.

Q. Did you hear the report of the gun?

A. I did.

Q. How soon after that did you see Booth?
A. Just as soon as I could get in.
Q. Who went in with you?
A. Lieutenant L. B. Baker, usually known as Byron Baker.
Q. Were you the first that went up to the body of Booth after he was shot?
A. Lieutenant Baker went through the door before I did.
Q. Where was the man who shot him?
A. He was outside the barn.
Q. He did not go in?
A. Not that I know of, at all.
Q. Then Baker was the first there, and you next?
A. Yes, sir.
Q. What did you do when you first went in?
A. I stooped down and lifted up Booth's head.
Q. What did Baker do?
A. He looked at him.
Q. Did he do anything of the kind?
A. No, sir.
Q. What next did you see?
A. I called in a soldier; and he, with myself and Baker, carried Booth out on the grass.
Q. Who was the soldier?
A. I do not know his name. They were all strangers to me at the time. I never saw them before I went on that expedition.
Q. What did you next do?
A. I went back to the barn and tried to put out the fire.
Q. How long did you remain at the fire?
A. About a minute, perhaps—not more than that.
Q. Did you make any effort to put out the fire?
A. Yes, sir; I tried to put the straw out; I tried to lay a big table upon it to put it out.
Q. Was there anybody to help you?
A. Yes, sir; the soldiers. We did not succeed in putting it out; it only scattered it and made it burn faster. I remained there just long enough to satisfy myself that I could not do any good. There was no water there, and the fire was burning very rapidly. There was a pile of straw and loose rubbish, about three feet deep, thrown up from the bottom in the corner; the fire was in that.
Q. What did you do next?
A. I went back and had Booth taken up to the porch in front of the house.
Q. Who was in charge of him while you were inside the barn?
A. I do not know that anybody was; nobody directly. I just carried him out, and had him laid on the grass. I thought he was dead.
Q. What was Baker doing at the time?
A. I do not know; he may have been with Booth's body, and he may have been in the barn.
Q. Was Booth dead when you carried him out?
A. He was not in fact; he appeared so.
Q. Was Baker with him when you got back from the barn?
A. That I do not know. I suppose some one was with him, but I do not remember who.
Q. How long did Booth live?
A. He was shot about four o'clock, or a quarter after, and died at seven o'clock and fifteen minutes the same morning.
Q. Who helped carry Booth up on the porch?
A. The soldiers; and I presume Baker and myself assisted.
Q. Did you remain at the house until he died?

A. Yes, sir.

Q. Did you remain with him until he died?

A. Yes, sir.

Q. You did not leave after you came back from trying to put out the fire?

A. No, sir; I did not. I may not have staid directly by his side all the time until he died; but I did not leave the porch, so far as I remember.

Q. Did he remain on the porch all the time until he died?

A. Yes, sir; he was not moved.

Q. Did you do anything for him?

A. Yes, sir; I gave him water and whiskey.

Q. Did you have any physician for him?

A. Yes, sir; I do not remember the man's name. I sent a soldier to Port Royal for a doctor.

Q. Were you in command of the men who were there?

A. I was.

Q. What position had Byron Baker?

A. He had been a lieutenant and quartermaster of the regiment of which I had command in the cavalry service, Colonel Baker's force.

Q. Was Colonel Baker's force under your command?

A. They were under my command. I was an officer detailed by the War Department to report to Colonel Baker for duty.

Q. Did you obey Colonel Baker's commands?

A. Yes, sir.

Q. Did you put Baker in charge of Booth, and give directions what was to be done?

A. Yes; I directed him what to do and how to do.

Q. Are you certain you remained in sight of him all the time after he was carried on the porch?

A. Yes, sir.

Q. Did Baker take particular charge of him, waiting upon him, holding his head, standing by him, &c.?

A. Yes, sir.

Q. When did you first examine his pockets?

A. When I determined to leave and go to Washington myself. I am not able to say the hour; it was before he died. My recollection is very uncertain as to the particular time.

Q. State as near as possible.

A. I should say it was about six o'clock, or half-past—perhaps a couple of hours after he was shot. I fix that time, because I remember I thought he was conscious; that he looked up, and knew what was being done. I think after that time he was still alive, but did not know anything. I watched to see whether he would get better or worse. I remained there until he died. The doctor came before I got away, and I waited to see what would be the result.

Q. Who was present when you examined his pockets?

A. Lieutenant Baker and the soldiers.

Q. Did you personally take these things from his pockets or did Baker do it?

A. I did it myself.

Q. Did Baker examine his pockets?

A. I should say not.

Q. Did you hand the things to Baker when you took them out of his pockets?

A. I did not. I laid them on the handkerchief by the side of him.

Q. Did Baker examine them?

A. I should say no more than to see them as I took them out and laid them down by my side.

Q. Did you find the things in more than one pocket?

A. Yes, sir.

Q. Are you certain where you found the memorandum book?

A. I do not remember which pocket.

Q. Did not Baker, in fact, hand to you the memorandum?

A. It is barely possible that he did. My impression is that I took all the things out myself.

Q. Did not Baker examine that memorandum book in your presence, take what was in it out, and look it through?

A. I should say not.

Q. Did you open it at the time?

A. I think not.

Q. Was it opened by any one there?

A. I should think not.

Q. Do you mean by that that you have a distinct recollection of the circumstance?

A. I mean that to the best of my recollection such is the case. It is barely possible I may be mistaken.

Q. Did Booth have anything to say after he was shot?

A. He said, "Tell my mother I die for my country." That was the first thing he said after his consciousness began to return.

Q. When was that?

A. It was while he was on the grass. I was not certain whether I understood him; he talked by gasps. I repeated it to him and asked him if that was what he said. He said yes. He said afterwards, "Tell my mother I did what I thought was for the best." This was while he was on the grass, before he was taken to the porch.

Q. After you took him to the porch did he say anything?

A. He asked me if "Jett" betrayed him.

Q. Who did he mean by "Jett?"

A. He was one of the three rebel soldiers who took him across the river; a man I captured at Bowling Green. Jett was his surname; I do not know his other name.

Q. Did you hear him say anything else?

A. I heard him say something about his hands, either to hold them up or have them washed. Lieutenant Baker was washing his face, and he said something about his hands, to hold them up, or wash them, or something of that sort, and then he said it was useless. I think that is all I heard him say.

Q. Did you hear him converse with Byron Baker?

A. Only what I have said.

Q. Did you see him and Baker in conversation?

A. I did not.

Q. Did Baker hold his head all the time he was on the porch until he died?

A. Nobody held his head; he was on a straw bed, and his head was supported by pillows or something.

Q. Did not Baker hold him up against his breast with his arm around him part of the time?

A. I think, perhaps, he did hold him up.

Q. Did he not hold him up with his head laying against his breast?

A. I rather think he did.

Q. Did not Booth die while he was holding him in that way?

A. No, sir; after he was brought to the porch a straw bed was brought out from the house, and after that I do not think he was raised at all, unless for the purpose of giving him water or whiskey. I remember now that he once asked to be turned over on his back.

Q. Did he send any other message to his mother, or to any friend?

A. No, sir.

Q. Did he say anything about any person having been engaged with him?

A. No, sir.

Q. Did he speak of any person except Jett?

A. No, sir.

Q. Did he say anything of his mother having knowledge of what he was doing?

A. No, sir.

Q. Did he not tell Baker, in your hearing, that he had no idea of assassination until a day or two before it was done?

A. No, sir.

Q. Did you hear him say there was no design of killing Lincoln by anybody but himself?

A. I did not. I did not hear him say anything with regard to that or any thing at all except what I have stated.

Q. Did you hear him say he did not intend to do anything wrong or hurt anybody until a day or two before?

A. I did not.

Q. Can you say whether he talked with Baker when you did not hear him?

A. I cannot say.

Q. You stated in answer to a question by the Chairman, that your impression was that this memorandum book read differently from what it does now. State your impression as to how it read.

A. My impression with regard to its commencement was, that what was written on the first page was dated at a later period.

Q. The Chairman read to you the first sentence, and it was in answer to that that you said you thought it did not read in that way.

A. I had no reference to the first sentence read by the Chairman, except as to the date. My impression, however, was that it read something like this, "Here I am waiting cold and hungry, hunted like a dog, with every man's hand turned against me."

Q. Is not that in it now?

A. There is nothing exactly like that in so many words.

Q. Is that the only difference you find between your impression and the reading of it now?

A. I see no material difference from what I expected to find. It is not worded exactly as I thought it was.

Q. Where were you when you copied what was written in the book?

A. On the steamer coming from Belle Plain to Washington.

Q. Did you copy everything that was written in it?

A. I am not certain. I have an indistinct recollection that I did not, but what prevented me I don't now remember.

Q. I understood you to state, yesterday, that if you did not copy it all that it was a mistake, that you intended to copy it?

A. I intended to copy it all when I started, but I have an impression that for some reason I did not quite get through.

Q. What part of it did you not copy?

A. The last part of it. I commenced at the beginning.

Q. Did you copy the first page?

A. Yes, I think so; but am unable to say where I left off.

Q. Did you copy what was written on the loose sheet?

A. No, sir; I saw the sheet at the time.

Q. Do you remember that distinctly?

A. I had read it, but I do not think I copied it.

Q. Were these photographs in the book?

A. Yes, sir.

Q. How many were there?

A. I am unable to say.

Q. Could you remember if any were taken away?
A. I could not. I can remember that some were there.
Q. Was there anything in this memorandum book at the time you took it from Booth that is not in it now?
A. Not that I know of.
Q. Did he have a wallet besides this, in which there was money?
A. That I do not remember; I do not remember whether the greenbacks were taken from this or not.
Q. How much money did he have?
A. I could not say.
Q. Do you remember the number of bills or their denominations?
A. I do not; I paid very little attention to the money.
Q. Did you carry the book immediately to Mr. Stanton?
A. I went to Colonel Baker's office first, and from there to Mr. Stanton.
Q. Did you not give the book to Colonel Baker?
A. No, sir.
Q. Are you sure about that?
A. Yes, sir.
Q. Did Baker have it in his possession before Stanton had it?
A. No, sir.
Q. Did he examine it in your presence before you delivered it to Mr. Stanton?
A. No, sir; the things were tied together in a handkerchief, and the handkerchief was not opened after I went to Colonel Baker's office until it was given to Mr. Stanton.
Q. Did Baker know you had the book?
A. He knew I had some things that were taken from Booth's body; that was all.
Q. When you carried it to Stanton did you undo it or did you hand it to him folded up?
A. I am not certain about that.
Q. You untied it on the boat and examined the articles?
A. Yes.
Q. Did you examine it with any one?
A. No, sir.
Q. Can you undertake to swear with any definiteness that all these leaves were out when you handed it to Mr. Stanton?
A. My impression is that it is in the same condition now that it was then.
Q. Can you undertake, from the examination you have made, to swear that it is?
A. I say that, to the best of my knowledge, it is.
Q. Did you count the number of leaves cut out?
A. I did not.
Q. Did you see it examined in Mr. Stanton's presence?
A. I did. He looked at it and passed it over to General Baker.
Q. Did he ask you anything about these leaves?
A. No, sir.
Q. Did Baker take it away with him?
A. I should think not. Stanton looked at it; handed it to him; they looked over the figures together, and Mr. Stanton retained it in his possession.
Q. You did not express any opinion as to how these leaves came to be out?
A. I did not. I have no opinion upon that subject at all.
Q. Did you see that memorandum book after you gave it to Stanton, until you saw it yesterday?
A. No, sir.
Q. Who gave it to you yesterday?
A. General Holt.

Q. Did you examine it carefully with him?

A. Yes, sir. He gave it to me and I looked it through carefully.

Q. And since you looked at it your opinion is, that it is in the same condition as when you gave it to Stanton?

A. My impression after reading it was that, to the best of my recollection, it was in the same condition.

Q. Were you sworn before the military commission that tried Mrs. Surratt?

A. Yes, sir.

By Mr. BOUTWELL:

Q. Have you any knowledge or information that Booth had this diary at Dr. Mudd's house during his flight?

A. No, sir; I have no information about it.

By Mr. ELDRIDGE:

Q. Have you mentioned all the things you took from the person of Booth?

A. I believe I have.

Q. What was the amount of the bill of exchange?

A. I think £50; I have forgotten. They were drawn in favor of J. Wilkes Booth on some bank in Canada. There were three of them, but marked 1st, 2d, and 3d, all for the same amount.

Q. Did you find any gold on him?

A. No, sir.

Q. Have you any better recollection now as to the amount of money you took from him?

A. I am unable to say. It was not very much. I know we thought he had not got rich if that was all he had.

Q. Did you deliver that to Mr. Stanton?

A. Yes, sir.

Q. Was there anything else you took from Booth which you have not mentioned?

A. I hardly know what I did mention. I took his diary, these bills of exchange, money, keys, compass, shavings, tobacco, and a little knife.

Q. Were there any papers upon his person?

A. Only the papers in this book; no others that I remember.

By Mr. CHURCHILL:

Q. How long was this diary in your possession?

A. From the time I took it from Booth until about 4 o'clock the same afternoon.

Q. You observe in the entry now the printed page, headed December, 1864, and that on the next leaf is the entry commencing April 13th and 14th. Do you remember whether these pages were opposite each other when you first saw the diary?

A. I have no remembrance about that.

Q. Was it in your mind in looking over the diary to discover whether it might give any clue to Booth's movements before the assassination, or of persons who were acting with him?

A. Yes, sir; that was in my mind.

Q. Was there anything in the book giving any clue to his movements before the assassination, or to the persons who acted with him?

A. Nothing that gave me any idea or any information whatever on these subjects. I took this copy because of what seemed to me its peculiar character. I thought it was something I would like to keep.

By Mr. ELDRIDGE:

Q. Do you know what became of the copy you took?

A. I do not.

Q. When did you give it to General Baker?

A. It was some time afterwards, I do not know how long. It may have been five or six weeks. I do not think I kept it very long.

Q. Why did you give it to General Baker?

A. After having it in my possession I felt as if I had no right to retain it without permission. I told General Baker of it, and asked him to ascertain from Mr. Stanton if I might retain it. Subsequently he said that Mr. Stanton did not want that I should have it, and I gave it to him. I do not know what he did with it.

Q. Did you ever say anything to Mr. Stanton about it?

A. I did not.

Q. And you do not know whether he knew that you had it, except what General Baker told you?

A. No, sir.

Q. Did you read that copy over after you had surrendered the book to Mr. Stanton?

A. I presume I did, although I do not remember any definite time when I read it.

Q. Did you read it to any one?

A. I read it to one man.

Q. To whom?

A. To George Emerson.

Q. Where is he?

A. He is dead. I do not think I read it to any one else, and I have no recollection of any particular time of reading it all, although I have no doubt I read it over, and I presume I read it several times.

Q. At the time you handed it to General Baker, did he read it?

A. I do not think I saw him read it. I just handed it to him and he put it away.

By the CHAIRMAN:

Q. You stated that the diary was not in Baker's possession at all until after you handed it to the Secretary of War, and that the Secretary examined it himself at that time.

A. Yes, sir.

Q. Did Baker have it in his hand and examine it at that time?

A. Yes.

Q. How long did he have it in his possession?

A. Long enough to read it. He looked it over while Mr. Stanton was looking at some other things.

Q. Do you think Baker read all the entries in the book at that time?

A. I do not know.

Q. You are positive you delivered the book yourself to the Secretary of War?

A. Yes, sir.

Q. Do you remember any pencil sketch of a house in the book at that time?

A. I do not.

Q. Did you have any conversation with General Baker about a pencil sketch of a house upon a piece of paper, in order to determine whether it was the house in which Mrs. Surratt lived?

A. No, sir.

Q. Do you remember seeing a sketch which seemed to mark roads, &c., now in the book?

A. Yes, sir; that was in it.

Q. Did you ever talk with Baker about that?

A. No; General Baker has since stated it was his recollection that there was a sketch of a house in the book.

Q. When did he state that, and where?

A. I think, in Philadelphia, about three weeks ago. I went there to see General Baker.

Q. At whose request?

A. At my own instance, in reference to a purely business transaction.

Q. Had you command of all the troops that were engaged in the search of Booth's party on the line of his escape?

A. I had only command of the men that were with me, twenty-six or twenty-seven in number.

By Mr. ELDRIDGE:

Q. Did you go, after returning to Washington, directly to Mr. Stanton with Colonel Baker?

A. Yes, sir.

Q. Were any orders or directions given to you about the book or of the other things by Mr. Stanton?

A. He said, "Baker, you take care of these things," referring to the money and bills of exchange.

Q. Did he give them into his possession?

A. Yes, sir; but he retained the memorandum book himself. The money and bills of exchange were lying on the table, and Colonel Baker gathered them up and took them away with him.

Q. Was there any direction given to Colonel Baker to give the book to Judge Holt?

A. No, sir.

Q. Where did you and Baker go from Mr. Stanton's office?

A. Back to Baker's office.

By the CHAIRMAN:

Q. Do you know General Eckert?

A. Yes, sir.

Q. Was he present at the Secretary's house?

A. No, sir.

Q. Did he come in while you were there?

A. No, sir.

Q. Did you go immediately to Mr. Stanton's house from Baker's office?

A. We went first to the War Department and then to the Secretary's dwelling house.

Q. Did you ever have any conversation with Baker about the pencil sketch of a house, except the one you mentioned in Philadelphia about three weeks ago?

A. I do not remember that I did.

Q. Are you one of the persons whose services were recognized in the capture of Booth in the distribution of rewards?

A. Yes, sir.

Q. What amount was awarded to you?

A. Fifteen thousand dollars.

WASHINGTON, D. C., *May* 13, 1867.

Hon. ALEXANDER W. RANDALL sworn and examined.

By Mr. WILLIAMS:

Q. In your answer to the House resolution calling for information in regard to appointments to office, you designated as causes in a great many cases, thirteen or fourteen hundred in all, "political reasons." The term is a very vague one, and I will be obliged to you to state more distinctly what you mean by it.

A. There were about twelve or fourteen hundred in all, and part of them were for political reasons.

Q. Referring to your printed answer, I find that you state the whole number of removals to be 1,604, and that of these 1,283 were for "political reasons;" and you state afterwards that eight were for "political reasons and neglect of duty," thereby implying, I suppose, something more than mere neglect of duty?

A. In those cases there were charges against the individuals as well as political reasons; perhaps inattention to duty. I do not remember the particulars in these cases. I suppose the statement which you have read is a correct statement. I will answer that "political reasons" embrace a good many things. Removals for that cause have been frequent in almost every administration. When we began, we turned out men because they did not vote for Lincoln; that was a political reason, and it was so stated. If men voted the democratic ticket or were opposed to the policy of Mr. Lincoln, they were removed for that cause—it was designated "political reasons."

Q. I am speaking now of the removals made by the President in office, and the removals to which you refer in this answer.

A. I was proceeding to state that opposition to the policy of the present administration, which is understood to be the policy of Mr. Lincoln, was a cause for which many of these men were removed. It was opposition to Lincoln's policy, which Mr. Johnson was trying to carry out, and the general term "political reasons" was used, that is the general term used to cover a great variety of circumstances. A man may have been very abusive of Mr. Johnson, denouncing him on the street as a traitor; he would be turned out of office, and it would be stated "for political reasons." If he was abusive of the Postmaster General, denouncing him in the same way, we would turn him out and assign the reason for it as "political."

Q. I wish you would state, in the cases referred to in this answer, whether "political reasons" were not difference of opinion with the Executive in regard to his policy in the reconstruction of the southern States?

A. Not altogether; these questions entered into it. It went both ways; for instance, Republican members of Congress would come into the department and complain of a man as having been opposed to the war, as denouncing Lincoln and Johnson, and wanted me to turn him out. I would turn him out and assign as cause "political reasons." On the other hand, complaint would come that a man was abusing Mr. Johnson, calling him a traitor for carrying out his policy in opposition to Congress. He would be turned out and the cause assigned "political reasons." Without my attention being called to particular cases, I can only state the meaning of the term in this general way, and I have simply intended to give you a general idea.

Q. I wish you would state whether, in a majority of cases, these removals were not made simply from the fact that the persons harmonized in sentiment with Congress in the matter of reconstruction?

A. In a great many cases it was so, but I cannot say in a majority. I could not from memory, undertake to say with accuracy what proportion.

Q. Let me ask whether any of these parties were turned out because they differed in opinion with Congress or spoke disparagingly of it?

A. I do not remember any complaint made of that kind. Some republican members would complain of men that they were opposed to the war and opposed to Mr. Lincoln, and wish me to turn them out, which in many cases I did.

Q. Did you turn out any men because of complaints of their disparaging the Congress of the United States?

A. I do not remember any case of that kind.

Q. Would you have turned any man out because of such complaint?

A. If a man was very abusive of any branch of the government, and it was brought to my attention, I would turn him out. I acted myself, personally,

upon pretty near all the cases reported in this answer. Very few of them were investigated by the President or acted upon by him, except to approve my recommendation.

Q. In the cases of what are termed "Presidential appointments," the appointing and removing power was with the President?

A. It was.

Q. In the list furnished here, one of which designates the Presidential appointments, you have given the reasons for action, so that you seem to be aware of the reasons upon which the President acted in cases where the appointing power was exercised by him?

A. I have stated the reasons in all cases. But the attention of the President was rarely called in any case, except in a few instances where there was dispute and in reference to the large offices. He nearly always took my judgment in each case, and approved my action without any investigation on his part.

Q. Were there any cases falling within his jurisdiction where he did not make the appointments?

A. He made all appointments, but upon my investigation, and in accordance with my recommendation, in most cases, except in the large offices and in cases of controversy.

Q. State, if you please, the process by which the appointments are made in cases where the appointing power is lodged with the President?

A. We make up at the department a brief of each case; for instance, if in the Pittsburg case there are two or three applicants and a large number of letters and recommendations, for or against each, a brief is made in the department stating the nature of each letter or recommendation for or against each applicant. After looking them over, I select the one which seems to me it is proper to appoint, and place his name on the outside. The case then goes to the President, who simply endorses his initials, "A. J.," upon the papers. It is considered as an order for the appointment, and the papers are again filed in the department; that is done in ninety-nine cases out of a hundred without the President ever taking out the documents at all.

Q. Please go back a little further and state the inauguration of the procedure; in those cases where are applications lodged?

A. Sometimes the petitions come through the President, and sometimes through the department. When they come to the President, they are immediately sent to the department, and go on our files with the papers in the same case coming direct to the department. The President himself keeps no file of such papers. When they come to him originally, they are referred immediately to the department.

Q. I wish to ask you whether the President ever makes appointments without consulting you, and where there are no papers on file?

A. I have no recollection of any such case. Sometimes he sends down a direction to appoint such a man to such a place, or a request that he be appointed, when the case is made up in our department and goes on our records.

Q. Does he make any appointments in cases where the power is lodged with you?

A. No, sir; he sometimes sends down recommendations. The applications originally come to him in cases of these appointments as frequently as in Presidential appointments, but I make them up.

Q. I wish to know whether in some cases he has not directed the appointment of postmasters in cases that fall within your jurisdiction?

A. No, sir; I do not recollect any such case. It is possible there may be a case where it has been done; I do not, however, remember any. Memorandums sometimes come down from the President requesting certain parties to be appointed.

Q. When an individual has been designated in a case falling within the ap

pointing power of the President, what is the next step; what disposition do you make of the case?

A. We brief the case, and the President directs the appointment, usually, of the parties selected by me and whose name is placed on the outside of the papers. The case in that shape comes to the President, who indorses his initials on the outside of the paper. It is then returned to the department and constitutes a part of our record. I then send out an appointment signed by myself, certifying that the President has appointed John Doe, postmaster of Pittsburg, requiring him to execute and return to the department the necessary bonds and oaths. When this is done and properly certified, they go on file and I certify to the Secretary of State that such a man was appointed at such a time by the President, that his bond has been executed and oath returned to the department. I ask him to cause a commission to issue; he makes out a commission in form, which is signed by the President and sent back to the Department of State, and countersigned and sealed by the Secretary.

Q. Do you make out the list of appointments that are made during the vacation of Congress to be sent to the Senate?

A. I have never made out a regular list. I say to the President that there are ten or twenty cases ready to be sent to the Senate. I take them up as it seems to me proper, and as fast as they are sent to the President he transmits them to the Senate, and his clerks keep a record in his office of the nominations made.

Q. The President, then, through his private secretary, keeps a record of commissions issued in vacation also, does he not?

A. He does, and also a record of the confirmations and rejections by the Senate.

Q. I find in this letter some seventy-five cases of appointments made during the recess of the Congress commencing on the 4th of March, 1865; will you please state whether these names were sent in to the President by you?

A. Some of them were; quite a number of them were not. Quite a number of them—I think forty or fifty—should have been sent by Mr Lincoln, and failed to be sent in this way: On the last day of the session of the Senate Mr. Lincoln went down stairs to a reception of Mrs. Lincoln. I was there waiting for him to get through with the reception, in order to send in these cases, but before they had been sent in, the Senate had adjourned. That, as a matter of history, was the reason why this number of cases were not sent in. During the recess, I think, most of these men were reappointed. Mr. Lincoln took the ground that if a case went over he had the right to appoint, as had always been done before. And I think in most cases the same persons were again appointed. I do not remember in respect to every case.

Q. As a general rule his appointments would expire in 1865, would they not, having been made at the beginning of his administration and for four years?

A. Some of them would, and a good many of them would not. Quite a considerable number of them were made at the called session of the Senate, immediately after the 4th of March, when Mr. Lincoln came into office, and would therefore expire early in March, 1865, while others would expire along during the summer.

Q. Did you call the attention of the President to those cases which were omitted in the session of 1865–'6?

A. No, sir; I was not Postmaster General then. I called his attention to the matter, and he complained that they had not been sent to the Senate before, and told me to have everything in readiness for the purpose of having names sent for every office during the last session.

Q. When were you appointed Postmaster General?

A. In July, 1866. In the session of 1865–'6 Mr. Dennison was Postmaster General. I do not know whether he called the attention of the President to them or not. The papers were all filed in my bureau as First Assistant Post-

master General, and it was, perhaps, as much my fault as it was Mr. Dennison's. It may have been my business, probably, to have called Mr. Dennison's attention to it, but I had a great deal of business to do in campaigning that fall, and did not give as much attention to the duties of the office as, perhaps, I ought to have done.

Q. Will you please bring before the Committee, when you next appear, the papers in the case of Pittsburg, and that of Lancaster, Pennsylvania?

A. I will. I do not think, however, there has been any removal in Lancaster. If there was an appointment, I think it was not perfected, but that Mr. Stevens' man has been in office all the time.

By the CHAIRMAN:

Q. Are the reasons upon which these removals were made given on the papers on file in every case?

A. In most of the cases they are; it depends very much on circumstances. Frequently appointments were made in this way: A member of Congress would come in, make a verbal statement to me, and ask me to remove some postmaster in his district and appoint another man, giving his name. I would give the order for the removal and appointment and merely indorse a memorandum upon the papers myself. During the administration of Mr. Lincoln, removals and appointments in hundreds of cases were made in that way merely upon the verbal statements of members of Congress. Recently we have been more careful to keep our files more full. Until a resolution had passed Congress allowing every member to see the papers relating to offices in his district, our democratic friends did not as a general thing have a chance to see the papers in cases called up by them, while republican members in every instance were allowed to see them. Under that resolution they are shown to any member of Congress on his request.

By Mr. ELDRIDGE:

Q. You stated you removed a great many men in Mr. Lincoln's time on the application of members of Congress; I desire to know if you did that upon the application of democratic members?

A. I never did, and I do not think Mr. Kasson ever did. It was very rare to find a democratic member in whom we had political confidence during that time.

By Mr. WILLIAMS:

Q. Have not all, or nearly all, the removals made by you since you have been in office as Postmaster General, been made at the request of democratic members of Congress?

A. No, sir; I have had republican members come to me and say they wanted such or such a man removed in their district, and that they did not care to go on record as asking it, and I have had the men turned out. It is proper, perhaps, to say that I have turned out more men upon application of republican members in this way, than I have put in on their recommendations.

By Mr. WOODBRIDGE:

Q. Have you appointed any man who you knew had opposed the war, as postmaster?

A. No, sir; and whenever I have ascertained that any such man has been appointed I have turned him out.

Q. Have you appointed a man who could not take the test oath of 1862?

A. No, sir; not a man has ever received a commission until the proper oaths required by law have been received at the department, so far as I know.

Q. Has that been the case in the lately rebellious States?

A. Always. There has never been a case in the Post Office Department

where a commission has been issued without the proper oaths in full having been required, that I am aware of.

Q. Have you any mutilated oaths on file, such as they have in the revenue department.

A. Yes, sir; I think there are two or three. I do not remember the cases. In these cases we never sent the commission. If they cannot take the entire oath, without mutilating it, that is enough for us to reject them.

Q. In every case you have required the oath prescribed by law?

A. In every case. I had a conversation or discussion upon that point, in which I insisted upon adhering in every case to the rule.

By Mr. LAWRENCE:

Q. Where was that conversation?

A. In the department.

Q. With whom?

A. There was a time when there was a serious question raised whether men could be found who could take the oath for all the offices in the South which it was desirable to open, and whether these offices could be opened unless we modified the oath. On one occasion, at some kind of a meeting, a proposition was made that the oath should be modified. For this reason I insisted that it should not be; that, as we had kept our records clear so far, we should continue to keep them clear. There were a good many cases in which they were very anxious to have post offices, where they stated they could not find any man to take the oath. I told them if they could not find a man, to find a woman; to get anybody who was qualified by law to be commissioned as postmaster.

Q. With whom was this discussion?

A. It was a consultation with Governor Dennison. He became at one time impressed with the idea that there was a necessity that the oath should be modified, and I believe so reported to Congress.

Q. Have any contracts for carrying the mails been made with parties who did not take the test oath?

A. Not that I know of. It is possible that there may have been something of the kind that escaped my attention. I have required it to be done in every instance, although I do not think that the law does require it. I do not think a contractor is an officer or an agent within the meaning of the law.

Q. Are you acquainted with Bryan Tyson?

A. I have seen him.

Q. How many contracts have you let to him?

A. I could not tell; I suppose wherever he has been the lowest bidder. I do not examine personally into many of the contracts. I merely sign them as a matter of form.

Q. Have you any knowledge of a circular which he issued and sent South?

A. I saw it in the department; that is the only knowledge I have of the thing.

Q. Will you state what its contents were?

A. I cannot tell you that; it contained a great many foolish things. Perhaps I can find the circular in the department; if so, I will bring it to the Committee.

Q. Does Tyson hold any position under the government?

A. Not that I know of; I do not know if he ever did. He ought to have been kicked out if he did, and probably has been; he is a crazy fellow on some things.

Q. There were certain officers appointed during the recess of the Senate whose names were not submitted to the Senate; were they paid their salaries during the time they continued to act?

A. I presume so; they should have been. The form usually in which they

receive their compensation is this: They make return to the department of the proceeds of the office—so much expenses, so much salary, &c. The salary is deducted by them from the proceeds of the office, and they pay over the balance. The accounts of these men may not all have been settled, but they have, I do not doubt, retained their salaries in their own hands, as they were entitled to do.

Q. Do you remember now the number of appointments which were not sent to the Senate, which, under the statutes, should have been sent during the last two sessions of Congress?

A. I do not think there are any cases in which nominations have not been sent to the Senate this last session. I think that the name of some man has been sent to the Senate for every office. The President directed that every vacancy should be filled, so far as he was concerned, by sending a nomination for every office to the Senate.

By Mr. WOODBRIDGE:

Q. I want to understand this: Do you say that there are any cases of Presidential appointments requiring the confirmation of the Senate that were not sent to the Senate for confirmation during the last session?

A. None that I am aware of; we intended that every one should be sent. It may be that cases have been overlooked. The President, as I said, complained that his attention had not been called to such cases previously.

Q. Do I understand you to say that during the first session of the thirty-ninth Congress there were some Presidential appointments that were not sent to the Senate at all?

A. Yes, sir; some which ought to have been sent.

Q. Did the President know of that fact?

A. I do not think he did.

Q. When he ascertained the fact what did he say?

A. He complained that they had been left so long, and said that cases must be made up and nominations sent to Congress during that session.

Q. How many of these had been overlooked to your recollection?

A. I do not know; probably forty or fifty.

Q. Whenever the President's attention has been called to that fact has he directed nominations to be sent?

A. I called his attention to that fact last fall, before the commencement of the second session of the Thirty-ninth Congress, and he complained that his attention had not been called to the matter before.

Q. Why were they left over?

A. Through carelessness, I suppose; I do not know. We had generally good men in the offices, I believe.

By Mr. MARSHALL:

Q. During the first session of the Thirty-ninth Congress you were not Postmaster General?

A. No, sir; although it was perhaps through my carelessness that I did not call Governor Dennison's attention to these cases.

By the CHAIRMAN:

Q. Were any nominations held back by design in any case?

A. No, sir; never. It was merely carelessness of the department, either of myself or of Governor Dennison. When we came to look the cases over, there was a much larger number than I had supposed.

By Mr. WOODBRIDGE:

Q. Were any of these nominations retained from the Senate under an apprehension that they would not be confirmed?

A. Not that I know of; I never heard of such a thing.

By Mr. WILLIAMS:

Q. I understand you that the President keeps a record of all the names sent in by him, and also of all the commissions issued during the recess; had not then the President the means within his own possession of ascertaining where vacancies existed, and of what commissions had been issued during the recess?

A. The names were on the books in his office, I suppose.

Q. Was not the reason why many of these appointments, made in the recess of 1865, were not sent because the men did not harmonize with the President in regard to the reconstruction policy of the government?

A. I never heard of it.

Q. Did he intend to send them in?

A. Of course, I cannot say as to that. I do not suppose he knew anything about it, unless the information came to him from the department. I do not suppose he reads one letter in a thousand that he receives in regard to these political matters. It would be physically impossible for him to do so. I do not read myself but a small portion of the letters that come to me as Postmaster General.

By Mr. MARSHALL:

Q. I ask you whether it would not be utterly impossible for the President to give his personal attention to these things, and to know personally in regard to all these appointments, although the information may be on the books in his office?

A. It is impossible for him to do it, and it is impossible for the head of a department to do it. The number of the departments of the government will have to be multiplied before long to enable the head of a department to attend properly to the business coming within his charge.

Q. You have given us the practice of sending in names to the President; I wish to know whether or not the same practice prevailed since Mr. Johnson became President as before?

A. Yes, sir; Mr. Lincoln did the same thing, although I was not then Postmaster General. I went to him nearly every week with a number of cases, and he would say, "Is this right?" and then put his initials on them without ever looking at the details of the cases.

Q. Were not nominations sent to the Senate that were not confirmed, but left in the Senate—not acted upon?

A. Yes, sir; there were quite a number of nominations which the Senate failed to confirm, and left the offices vacant, in some cases rejecting three or four successively for the same place; and there were also cases in which they failed to act at all. I have one or two in mind now. Finley, Ohio, Tecumseh, Michigan, and Milton, Pennsylvania, were, I think, in that class of cases. At Milton there were one or two rejections; and then another name was sent up, and they did not act upon it at all.

Q. You stated that you had made removals for political reasons; do you know of cases sent to the Senate where the nominations were rejected for political reasons?

A. I know what Senators have said; I do not know what took place in executive session of the Senate, of course.

Q. I wish to know if, during the period at which the President and Congress have differed in policy, you have removed and made appointments upon representations of republican members of Congress?

A. Yes, sir; a good many; and so has the President in the case of Presidential appointments.

Q. I wish to know whether that is the case with men who agreed with Congress and differed with the President?

A. Yes, sir; the papers will show that.

Q. I wish to know whether you have appointed anybody to office upon the recommendation of the Senators of a State, in any case, who has been rejected by the Senate?

A. Yes, sir; the President nominated a man to the office at Litchfield, Illinois, who was recommended, among others, by the two Senators of that State, and who was rejected by the Senate, I believe, twice.

By Mr. WILLIAMS:

Q. State whether you recollect any case where Mr. Lincoln failed to send in the names of parties to the Senate who had been appointed during the vacation.

A. I do not know about that; their terms just began to expire about the last part of Mr. Lincoln's time.

By Mr. WOODBRIDGE:

Q. How long have you been connected with the Post Office Department officially?

A. I went in there in 1862. I was appointed in October of that year, I think, and commenced my duties immediately after the election in November.

Q. State whether it has been the practice of the department to remove for the reasons assigned here ever since you have been connected with the department.

A. Yes, sir; it has always been done. There have been fewer removals and appointments of that kind since Mr. Johnson was President than before, I think.

Q. Since there has been a difference between the President and Congress, has there been a greater number of changes than when Mr. Lincoln came into office?

A. No; they were removed then three or four thousand in a year.

By Mr. MARSHALL:

Q. Were not nearly all the changes made by Mr. Lincoln made for political reasons?

A. Yes; I believe removals and appointments were made in nearly every office considered worth having. This is always the case when a new administration comes in.

By Mr. WILLIAMS:

Q. Do you know of cases where there was a difference of opinion between President Lincoln and the majority in Congress, in which removals were made because the parties favored the majority in Congress against the President?

A. I do not know. There was a time when a majority of both houses appeared to be opposed to Mr. Lincoln, but he continued to make appointments upon the recommendations of republican members, although they were opposed to him.

WASHINGTON, D. C., *May* 15, 1867.

Hon. ALEXANDER W. RANDALL appeared, and his examination was continued as follows:

By Mr. WILLIAMS:

Q. If you have the papers before you in the case of the city of Pittsburg, I desire you to state what are the recommendations for the appointment of Mr. Wade Hampton.

A. From the brief in that case, it appears that Mr. Wade Hampton was recommended by the National Union Club of Alleghany county, Pennsylvania, signed by the president and secretaries, and endorsed by Hon. Edgar Cowan, asking that Mr. Hampton's nomination be sent in.

Q. Please give the date.

A. There does not seem to be any date to the letter to the President. It is filed April 23, 1866. The letter is as follows:

Hon. ANDREW JOHNSON,
President of the United States, Washington, D. C.:

SIR: The National Union Club of Alleghany county, Pennsylvania, respectfully recommend the appointment of Wade Hampton, esq., for postmaster of Pittsburg, Pennsylvania. In making this recommendation, the name of a true and warm friend of your administration is presented for your consideration.

(Signed) NATHANIEL R. SAWYER, *President.*

(Signed) HALL PATTERSON,
JAMES BLACKMORE,
Secretaries.

Mr. Hampton's nomination was rejected by the Senate. Mr. McClellan was then nominated. These are the recommendations, so far as I have any knowledge of them. Charles Knap recommends Mr. McClellan, and the recommendation is endorsed by Mr. Moorhead. Mr. Knap was secretary of the National Union Club, and Mr. Moorhead a member of Congress from that district. Mr. McClellan was confirmed by the Senate.

Q. Be good enough now to turn to the Philadelphia case, and state what papers are on file in reference to that.

A. I have found considerable material in that case. Mr. Walborn was removed, and Hall appointed, September 18.

Q. Please state what papers are on file for his removal.

A. That was done on the order of the President. What papers he had I do not know; I do not find any, except a communication signed by the private secretary of the President, requesting the removal of Walborn and the appointment of Hall. I may say that I was sorry to have Walborn removed; he was a liberal man, and a good friend of our cause.

By Mr. ELDRIDGE:

Q. I desire to enquire whether he contributed more liberally for that cause than he did for the Lincoln campaign, 1864?

A. Postmasters came down very liberally all over the country in 1864.

By Mr. WILLIAMS:

Q. Were they asked to contribute?

A. Certainly they were asked. It was not exacted of them; they were asked to contribute, if they were so inclined.

Q. Were there any removals upon the ground that they did not contribute?

A. None that I know of. Many were removed because they wrote very impudent letters, but none because they did not contribute.

By Mr. ELDRIDGE:

Q. Was the invitation sent to them to contribute the same as in the campaign for Mr. Lincoln?

A. Substantially; I do not know as to language. They were asked, if they felt inclined to sustain the principles held by Mr. Lincoln, to contribute—that was all.

By Mr. WILLIAMS:

Q. Be good enough to turn to the case of Chambersburg, and state what papers are on file in relation to that.

A. At Chambersburg, Diehl was removed upon the petition of citizens stating that he was a member of the Philadelphia convention, but subsequently denounced it and the friends of the administration. The petition was enclosed by Hon. Montgomery Blair, who recommended the appointment of Welsh. On these papers Welsh was appointed in place of Diehl, but was rejected by the Senate.

Hampshire was then appointed, and rejected by the Senate. Mathew R. Welsh was again appointed, and confirmed on the 23d of April.

Q. Read the petition referred to.

A. It is as follows:

To the Postmaster General of the United States:

The undersigned, supporters of Andrew Johnson's policy, residing in Chambersburg, Pennsylvania, and vicinity, would respectfully recommend Mathew R. Welsh, of said place, for appointment to the post office of the said borough.

Mr. Welsh was one of the supporters of Abraham Lincoln for President of the United States, and adhered to that party until the advent of Mr. Johnson; and when the latter announced his policy, Mr. Welsh endorsed it, and has ever since given it his warmest advocacy. Mr. Welsh is in every way fitted for the position. We respectfully request that he may be appointed.

(Signed) JOHN K. ARMSTRONG,
(and eighteen others.)

By Mr. ELDRIDGE:

Q. Were these nominations made upon the express order of the President, or in the ordinary way?

A. In the ordinary way. I took the case up to him, and I do not think he ever saw the papers.

By Mr. WILLIAMS:

Q. Is not the order of the President necessary for an appointment in all Presidential cases?

A. He puts his initials to it, as I explained the other day, but without taking up the paper at all.

Q. Please turn to the case of West Manchester, and state what papers are on file.

A. That is a case within my jurisdiction. I did not know of the change until it was made. It was made by General Skinner. The papers are as follows:

1. Petition of nineteen citizens against Ross, and for the appointment of Johnston.

2. Dr. Armstrong says the office is conducted by a boy who is unfit for his duties, and great inconvenience results from his mismanagement. He recommends Miss Wallace, and has thirty-three copied names attached.

3. N. R. Sawyer, editor of the Pittsburg Republic, for Johnson's administration, recommends Johnston for Ross's position.

4. Petition of four hundred and two citizens for Mrs. Stewart, *vice* Ross, who neglects his duty.

5. Application of Mr. Johnston. Postmaster at Pittsburg recommends Johnston, under letter received October 20, 1866, referring to this and other appointments.

6. Petition of thirty-eight citizens for street letter-boxes and cars, sent by postmaster, to which is added a request for the removal of the postmaster, and appointment of Johnston. General J. Bowen Sweitzer recommends and endorses the removal of Ross, and the appointment of Johnston.

Q. Please read the letter of Mr. Sawyer in this case?

A. It is as follows:

OFFICE OF THE REPUBLIC,
Pittsburg, August 9, 1866.

RESPECTED SIR: I desire to call your attention to the appointment which was asked by me some time ago for the post office of West Manchester, of this county. W. B. Ross, the present postmaster, is an active and bitter opponent of President Johnson and his policy, and it is very desirable to have a man of different political views in his place. We have such a man in the person of Mr. Johnston, an active and energetic young man of good character and standing, and who would be a valuable auxiliary in our cause in this important borough. In appointing Mr. Johnston postmaster, instead of Mr. W. B. Ross, you would subserve our cause, and much oblige,

Yours, respectfully,

NATHANIEL R. SAWYER,
Editor of Republic.

Hon. ALEXANDER W. RANDALL,
Washington, D. C.

Q. Turn now, if you please, to Sharpsburg, and state what papers are on file in this case.

A. There is a petition of thirteen citizens for Cline. N. P. Varry says Cline is a friend of the administration, and Barker politically opposed. This is not a Presidential office.

By Mr. ELDRIDGE:

Q. Did the President know anything personally of that?

A. No, sir

Q. Please state upon whose recommendation the officer at Pittsburg, who was removed, was appointed, and by whom the appointment was made.

A. The appointment was made by Mr. Lincoln. I believe I wrote to Hon. J. K. Moorhead whether it was proper to appoint Van Bonhurst. There is an endorsement to that, "Mr. Moorhead says it is all right."

By Mr. WILLIAMS:

Q. Turn now to Lancaster.

A. In that case an order was made for removal. The case was then suspended by direction of the President, who said that Mr. Stevens was very bitter towards him, and it would look as if he had made a personal fight with Stevens on his postmaster, and he would have nothing done in reference to it. The same man, therefore, has remained in office ever since. The order stands for his removal, but action on it was suspended.

By Mr. ELDRIDGE:

Q. Who made the order for the removal?

A. It is made by the President.

Q. Who directed it to be suspended?

A. The President.

By Mr. WILLIAMS:

Q. Upon whose recommendation was the order for removal made?

A. I find by the brief that twelve prominent citizens recommend Mr. Caldwell, and that the Hon. Edgar Cowan says, "make this at once, as all the friends of the administration have harmonized on this name." I may say that each case is peculiar to itself. There are all sorts of things said about a great many of these men politically, as well as charges against them. There are a great many charged with inefficiency in the discharge of the duties of their office —neglect, children interfering, persons under a legal age interfering with the handling of the mail, &c., &c. Sometimes these charges came alone, and sometimes in connection with political charges; sometimes political charges came alone.

Q. Please read the petition in the Lancaster case.

A. It was as follows:

DEAR SIR: Deeply interested in the success of the present movement to overthrow the radical element of the country, which has arrayed itself against you and your policy, we believe that the most effective way to destroy its influence is to remove those who hold the offices, and use the political power of office against you, to further the interests of your opponents. In our opinion great good will result from prompt action on your part in making a change in the post office in this city; and after a fair investigation of the matter we have come to the conclusion that no better man can be appointed to fill the place than J. Caldwell, esq., who has already made application, endorsed by prominent men, who have no other interest in the matter than sincere desire to see your wise policy trample on the mad schemes of the bold, bad men who control the majority in Congress.

Hoping that you will view this matter as we do, and promptly act, we are, very respectfully, yours,

SAMUEL H. REYNOLDS,
(and twelve others.)

To his Excellency ANDREW JOHNSON.

Q. Where there have been charges of inefficiency, you have noted it in your statement to Congress, have you not?

A. Yes, sir; I have intended to do so.

By Mr. LAWRENCE:

Q. What papers have you in the case of Finley post office, Ohio?

A. Wilson was appointed postmaster November 10, and his nomination was sent to the Senate on the 18th of March and 19th of April, but no action was reported upon it from the Senate.

By Mr. ELDRIDGE:

Q. How is the office held now?

A. I think that is a case where I sent a special agent to take charge of the office.

WASHINGTON, *May* 15, 1867.

ALFRED R. SPEER sworn and examined.

By the CHAIRMAN:

Q. State all you know respecting the pardon granted to Clarence J. Howell by the President of the United States.

A. I know that General Baker got Mr. H. H. Hine to represent Clarence J. Howell in making application for pardon. He went to Mrs. Cobb, who agreed to furnish a pardon for $300 within a specified time, I forget the time—I think two or three days. He paid her a hundred dollars in cash; the balance was to be paid when the pardon was produced. He called on Mrs. Cobb at the time agreed upon, but did not get it. She said she would have it by the next evening certainly. He called the next evening and the pardon was there, but she could not deliver it to him because he had not taken the oath, which was necessary. She had the pardon ready for him if he would go and take the necessary oath. She said she got it on her own word that he would make the proper oath. I went down the same evening with General Baker to get back the money he had advanced to Hine to pay for the pardon. He made a demand for it; she refused. He then invited her to accompany him up to his headquarters. After a great deal of delay she consented to do so. Her husband also accompanied her there. When she arrived at Baker's headquarters, I believe she was asked where the pardon was. She stated it was down in her room at the Avenue House; that her husband knew where it was; that he would go with me and get it. We went down in a carriage together and got the pardon; I opened it and read it. The pardon was for Clarence J. Howell, whose name I believe never appeared on any record in the department as having anything criminal charged against him. I then delivered the pardon to General Baker. That was the last I saw of it. There was also a note addressed to the Secretary of State, enclosed in an envelope, sealed. I did not open it, but delivered that also to General Baker.

Q. Is your opinion in regard to the arrangements between Baker's detectives and Mrs. Cobb derived from him, or from your personal knowledge?

A. It is derived from Baker and from Hine.

Q. You were not present when the arrangement was made?

A. No, sir; I think no one was present but Hine and himself when the arrangement was made in reference to Mrs. Cobb.

Q. Were you present at any of the interviews between Mrs. Cobb and Hine?

A. No, sir; I think not.

Q. Then all you know in regard to it is from hearsay?

A. That is all.

Q. How do you know the amount that was agreed to be paid for the procurement of the pardon?

A. I got it from Hine, and before the last $200 were paid I saw the bills and marked them myself. I knew from Baker that it was going to be done. He called me up in his private office and asked me to mark the bills so that I would know them when I saw them.

Q. Do you know whether Mrs. Cobb applied to the President for this pardon?

A. I do not know whether she did or not.

Q. Do you know what papers were presented to the President when the pardon was obtained?

A. No, sir; I do not know anything about that.

Q. I understand, then, that all the facts of which you have personal knowledge are those that occurred after the pardon was granted.

A. Yes, sir; after the pardon was granted. I saw the pardon, and had it in my own hands and read it, as I have stated, and I also saw a note to the Secretary of State.

Q. Did you recover the bills which you had marked?

A. General Baker did. I saw them afterwards.

Q. Who delivered these bills to Mrs. Cobb?

A. Hine.

Q. How do you know that?

A. I do not know it personally. I knew the bills, and that General Baker and myself went down within a half a square of Hine on his way to the Avenue House. When the bills were recovered from Mrs. Cobb I saw them, and they were the same bills.

Q. Did you see them taken from Mrs. Cobb?

A. No, sir; she delivered them to General Baker after she went to his headquarters.

By Mr. BOUTWELL:

Q. How do you know she delivered them to him after she went to the headquarters?

A. I heard her say so, and heard General Baker say so.

Q. Was there any conversation between General Baker and Mrs. Cobb in reference to these bills?

A. Yes, sir; in the shape of a demand. General Baker demanded the money in my presence, down at the hotel. She refused to give it to him.

Q. During this conversation at the Avenue House did she admit that she had these bills?

A. Yes, sir.

Q. Did she say from whom she received them?

A. She said she received them from Mr. Howell, as she called him, (Mr. Hine.)

Q. Where is Hine; what is his full name?

A. At Lafayette, Indiana. His name is Henry H. Hine.

By the CHAIRMAN:

Q. Do you know whether the President had a knowledge of the character of Mrs. Cobb at the time she received this pardon for Mr. Howell?

A. I do not know of my own knowledge.

Q. Do you know whether she had a personal interview with the President in regard to this pardon?

A. No, I do not. I have seen her go into the President's reception room a great many times. I mean the room where the President receives everybody, up stairs.

Q. Do you know to whom she delivered the papers, and from whom she received the pardon?

A. I do not.

Q. Do you know whether she was to give any portion of the $300 to any person to aid her in procuring the pardon?

A. I do not know, except what I have heard.

By Mr. WILLIAMS:

Q. You say you have seen Mrs. Cobb go into the President's reception room on several occasions; can you state whether she was announced formally or not, or went in without ceremony?

A. She went in without ceremony on the last occasion. I saw her go in. It was when the doors were thrown open and everybody who was there went in.

Q. How was it on the other occasion of which you speak?

A. She was let in by the attendant at the door.

Q. Was that immediately upon her application?

A. No, sir.

Q. State whether she was let in in preference to other persons who had been waiting.

A. I do not know that she was.

By Mr. ELDRIDGE:

Q. What is your profession or business?

A. My business is railroading.

Q. What do you mean by railroading—traveling on railroads?

A. Yes, sir; I have been traveling for twelve years.

Q. As brakesman, conductor, or what?

A. No, sir; as general agent for railroads.

Q. For what company?

A. I have traveled for the Quincy and Chicago company, at that time called the North Cross road, running from Galesburg to Quincy, Illinois. I have traveled for the Chicago and Northwestern; for the Cleveland, Columbus, and Cincinnati; and for the Ohio and Mississippi. I first commenced as agent for the New York and Erie.

Q. What were your duties?

A. Looking after the ticket and passenger business, and generally visiting the ticket offices and seeing that bills were properly posted, and that no partiality was shown to other roads as against ours.

Q. What has been your profession for the last few years?

A. I think in 1862 I quit railroading in St. Louis. I then went with contractors in the army, and was in that business for two years.

Q. What do you mean by that?

A. I had charge of their beef contracts to supply the army with beef.

Q. How could you supply beef?

A. I would drive the cattle, and then on the proper requisition would have them slaughtered.

Q. Then you were a drover?

A. No, sir; I simply executed the contracts.

Q. In whose service were you?

A. In that of Parmer & Hascall, at one time. Then with Worth. Then I got one or two contracts of my own to fill with beef, which I did not fill, however, but sold them out.

Q. What did you do then?

A. Then I came to New York, and from there came to Washington, where I made the acquaintance of General Baker.

Q. How long ago is that?

A. I think about three years ago.
Q. Where did you make his acquaintance?
A. Here in Washington.
Q. In what way?
A. I stopped at the same house he did, on G street, back of the avenue, near Thirteenth street.
Q. What was your business here at that time?
A. I was here with Major Hascall, at that time as clerk for him. I came on with him from New York.
Q. Was he one of the beef men?
A. He was, and came on with the expectation of getting the contract for the District here.
Q. What time was that?
A. I think, February, 1864. I am not positive about the year.
Q. Was it that year or the year before?
A. I am not positive; I think it was in 1864.
Q. What profession did you then adopt?
A. General Baker one evening came into Major Hascall's office and got to talking about cotton frauds that were going on down South; Hascall said to him, that as he had not obtained this contract, I would be just the man to investigate the frauds. On the strength of that, General Baker hired me to investigate these frauds.
Q. At what price?
A. At $150 per month and my expenses paid.
Q. Your board paid?
A. While I was traveling. I paid my own board here in Washington.
Q. What did you call your profession?
A. I do not know exactly what to call it. It was to investigate cotton frauds, and I suppose it might be called an investigator.
Q. Did you have any other commission, except from Mr. Baker?
A. No, sir.
Q. The President or Mr. Stanton gave you no commission?
A. No, sir; I was simply employed by Mr. Baker.
Q. Where did you get your pay?
A. From General Baker.
Q. How long did you investigate cotton frauds?
A. I was down at Norfolk for about two months, I suppose.
Q. Did you, yourself, make any money out of that investigation?
A. No, sir.
Q. Did you make anything for General Baker out of it?
A. No, sir.
Q. Did you not make your wages?
A. No, sir; I made a report, however.
Q. Do you say you did not make anything out of that investigation?
A. I did not.
Q. Did not ever state to Mr. Hascall that you did?
A. No, sir.
Q. How long did you follow it?
A. I made my report, and then went with Mr. Washburne, who was on the Committee of Commerce here, down to Norfolk.
Q. In what capacity did you go?
A. In no special capacity. I went to post him up.
Q. Were you employed by General Baker still?
A. Yes.
Q. At whose request did you go?

A. Mr. Washburne requested me to go, and I refused. He then made the request of General Baker, and General Baker ordered me to go.

Q. Did you get any pay from the Committee?

A. No, sir.

Q. What then did you do?

A. I went to New York to investigate bounty-jumping frauds.

Q. What part of New York?

A. The city. I was at the Astor House.

Q. Who sent you?

A. General Baker telegraphed me to go.

Q. Did you dive into that pretty deep and get out some frauds?

A. I did.

Q. Did you make any money out of it?

A. No, sir.

Q. Did you make any money for General Baker?

A. No, sir.

Q. How long did you follow that?

A. I cannot say how long. I was then sent out to Chicago by General Baker to investigate frauds out there.

Q. What frauds?

A. Bounty-jumping frauds, &c. I remained in Chicago until the assassination of President Lincoln.

Q. Did you smell out any frauds there?

A. I was in a fair way of doing it when the assassination took place and our operations were suspended. I should have done it had I been permitted to carry it through.

Q. Did you make any money out of it?

A. No, sir.

Q. Did you make anything for General Baker?

A. No, sir.

Q. Did you make a report?

A. I did.

Q. In writing?

A. Yes, sir; all my reports were in writing.

Q. What did you do then?

A. I sent it to General Baker.

Q. What then did you do?

A. I was then telegraphed to come to Washington by General Baker.

Q. In all this time did you get the sum of $150 a month?

A. Yes, sir; and my traveling expenses.

Q. After you returned here, in what were you employed then?

A. I was then sent to various parts of the country to look after paymasters, quartermasters, &c., &c.

Q. When did you first become acquainted with Mrs. Cobb?

A. The first time I ever got acquainted with Mrs. Cobb was the night I called with General Baker at the Avenue House. That was the first interview and the last.

Q. Did you know what General Baker was going to do with Mrs. Cobb, or that he had made the bargain with her you spoke of?

A. Not until I went up to mark these bills. Captain Hine told me General Baker wanted me to mark these bills so that I would know them again when I saw them.

Q. Was that the first you knew about it?

A. It was.

Q. And you had not seen Mrs. Cobb until that time?

A. Yes, sir; I had seen her before.

Q. Then you had some acquaintance with her before?
A. I had seen her before, about the city, but I had not any interview with her.
Q. When was she first introduced to you?
A. I was not introduced.
Q. How did you come to find her out without being introduced?
A. I went down there, and General Baker introduced himself.
Q. How did you know her before?
A. By her being pointed out to me as a somewhat notorious character.
Q. How did you find her out, or know her from any other woman?
A. I cannot tell you how. She must have been pointed out to me, or I certainly would not have known her.
Q. What did you call your profession when you engaged in this business of Mrs. Cobb and General Baker?
A. I was on General Baker's force then. I belonged to the War Department.
Q. Did General Baker tell you, previous to this, about Mrs. Cobb procuring pardons?
A. No, sir.
Q. Had you not been told that Mrs. Cobb was dealing very largely in pardons?
A. No; not by General Baker. I had returned from some place only the night before. The scheme for employing Captain Hine to apply to Mrs. Cobb for a pardon was already concocted when I was away.
Q. Who is this Captain Hine?
A. He was once assistant provost marshal general of Missouri. He is a very intelligent man.
Q. How long had you known him?
A. I had probably known him four or five months previous to that occurrence.
Q. Is he a respectable man?
A. A very respectable man.
Q. An honest man?
A. I think so, as far as I have had dealings with him.
Q. Did he always tell the truth?
A. Always to me; I never caught him in any lie in my life.
Q. Do you think he told the truth to Mrs. Cobb?
A. I do not know; I do not think he did.
Q. Was he part of General Baker's force attached to the War Department?
A. I do not know whether he was or not; I never saw his name on the pay-roll.
Q. Please tell the Committee who General Baker's force were at the time when you were here.
A. I can give you the names of some of them; I could not of all. There were a great many There was a man by the name of Odell.
Q. Where is he now?
A. At Cleveland.
Q. Was he here at that time?
A. I could not say. He was, like myself, traveling.
Q. Was he traveling on the same pay and expenses you were?
A. Yes, sir. There was a man by the name of Samuel Jones.
Q. Where is he?
A. The last I heard of him he was in New York.
Q. Is he located in New York?
A. He was, but was talking of going away.
Q. Was he getting the same pay and expenses?

A. I do not know what pay he was getting.

Q. Did he belong to the War Department too?

A. He belonged to General Baker's force, and General Baker represented the War Department, as I understood.

Q. Who else?

A. John B. Hubbard. He came, originally, from California, but since that time has lived in Connecticut. He was, a week ago, in New York. He has now gone South—left for there on Saturday.

Q. Where has he gone?

A. He has gone down to Charleston to report to General Sickles for some special duty.

Q. In whose employ is he?

A. If he is employed by General Sickles, I suppose he is employed by the government. I do not know in whose special employ he is.

Q. Who else?

A. A man by the name of Trail; I do not recollect his first name, and I do not know where he is.

Q. Was he getting the same pay you were?

A. I do not know. There was also a man by the name of Isaac Reynolds. I have not seen him for a long time.

Q. Was he attached to the War Department too?

A. He was attached to General Baker's force.

Q. What did he get?

A. I do not know. There was another man by the name of Thomas Bowles. He was not here, however, at that time. He was located in New York. There was also a man by the name of Collins, of Philadelphia. I do not know his first name, and do not know where he is now.

Q. Was he attached to the War Department?

A. He was on General Baker's force. There was also a man by the name of Roberts. I think he is here in the Capitol on duty. I have not seen him on duty, but I heard that he was here. These are about all I remember. There were others, but I do not call them to mind.

Q. You say that you and Baker got this money from Mrs. Cobb?

A. No, sir, I did not say so. I stated that General Baker got it; at least General Baker said so, and I heard him swear to it in court.

Q. Did you hear General Baker say that?

A. I did.

Q. Do you know that she recovered a judgment against him in court?

A. Not for this money.

Q. Were you sworn on that trial?

A. I was.

Q. Did you swear to the same thing you have here?

A. I believe so, to the best of my knowledge.

Q. You stated Mrs. Cobb went up to General Baker's office with you after some little delay. Did she go readily with General Baker?

A. Not very readily, but she concluded to go.

Q. Did you not tell her she would have to go?

A. No, sir.

Q. Did she not remonstrate about going?

A. She did not want to go.

Q. Did she not tell you she would not go, at first?

A. No, sir; she wanted to know what authority he had for requiring her to go.

Q. When did you first have a conversation with Mrs. Cobb?

A. I have never had a conversation with Mrs. Cobb.

Q. When did you first hear a conversation between Mrs. Cobb and anybody else?

A. In her room at the Avenue hotel.

Q. Who was in her room?

A. A man represented to be her husband, General Baker, and myself.

Q. Did you go in when General Baker did?

A. I did.

Q. What did you tell Mrs. Cobb you had come there for?

A. I did not tell her anything.

Q. What did General Baker tell her?

A. He told her he had come there for his money.

Q. Was that the first thing he said to her?

A. That was the first thing, I believe.

Q. By what authority did he claim to demand it?

A. As being his own.

Q. What did she say?

A. I think she said she did not have any of his money, or something to that effect.

Q. What did he say to that?

A. He said she had, because it had just been paid to her by Captain Hine or Howell, I think he called him.

Q. This man's real name you say was Hine?

A. Yes, sir; Henry H. Hine.

Q. And his pretended name Howell?

A. Yes, sir; Clarence J. Howell.

Q. What did she say to that?

A. She did not deny it, I believe.

Q. When did she give up the money?

A. When she went to General Baker's headquarters, I was told.

Q. What do you mean by "General Baker's headquarters?"

A. At his office and place of business.

Q. Where was it?

A. On Eighteenth street, I think.

Q. You took Mrs. Cobb and her husband and carried them up to General Baker's headquarters?

A. No, sir; Mrs. Cobb was invited to accompany General Baker to his headquarters.

Q. Do you say that Mrs. Cobb went there on a simple invitation?

A. She was invited to go there. No threats were used.

Q. Do you mean to tell the Committee that she went there voluntarily on mere invitation, or because you took her there?

A. She went there on his invitation; no hands were laid on her.

Q. Did not you tell her she must go?

A. No, sir; I told her nothing.

Q. Did not General Baker tell her so?

A. No, sir.

Q. Did not General Baker give her to understand she must go?

A. No, sir.

Q. She went on a simple invitation to go to General Baker's office?

A. She did not, as I said before, go at first. Then when she concluded to go she wanted to have her husband go with her. The General said he could go.

Q. He first wanted her to go without her husband?

A. No, sir.

Q. Was there any controversy about that?

A. No, sir.

Q. You speak of a pardon that you saw, signed by Andrew Johnson; did you ever see Andrew Johnson write?

A. No, sir.

Q. How do you know the pardon was signed by President Johnson?

A. I have seen what purported to be his signature.

Q. Do you undertake to swear that he signed it?

A. I could not swear positively that it was signed by him, for I did not see him sign it, and never saw him write.

Q. Did you read that pardon?

A. I did at the time.

Q. How do you know that it was not a bogus pardon gotten up by Baker?

A. I do not believe it was.

Q. Do you know it was not?

A. No; I could not swear it was not.

Q. Was not Baker in the habit of playing that sort of trick on persons?

A. Not getting up bogus pardons.

Q. Did he not get up a bogus application for a pardon for Mrs. Cobb to obtain?

A. I do not think he did.

Q. Did he not suggest that?

A. I do not think he got up any application.

Q. Was not all that plan his?

A. I do not know.

Q. Did he not tell you so?

A. He did not tell me that they had made an arrangement with Mrs. Cobb to get a pardon.

Q. Did he not tell you that it was a plan of his to catch her in reference to this pardon business?

A. He never went into the details of it at all.

Q. Did he not tell you that?

A. No, sir; I do not think he did.

Q. Did he not tell you, in substance, that?

A. I do not know, really, what he did say.

Q. Did you not understand that it was Baker's pardon?

A. Yes, sir; I construed it that way.

Q. You played your part in it with that understanding?

A. I had no part to play; I simply went down with General Baker to get his money.

Q. Supposing Mrs. Cobb had not given up the money, did not Baker intend to take it from her?

A. If he did I did not know anything about it.

Q. Did not Baker accuse her of getting the money wrongfully?

A. I do not remember whether he did or not.

Q. Did he not tell her that he would have her arrested?

A. He might have said so; I do not think he did.

Q. Did he not tell her he would have her arrested if she did not go voluntarily to his office?

A. I did not hear him tell her so. I do not think she would have gone if she had not wanted to.

Q. What were you there for?

A. I cannot say. I was requested by General Baker, my superior officer, to go there.

Q. When you got to his office, you say she first told you where the pardon was?

A. No, sir; she did not tell me.

Q. Did she not tell you and Baker?

A. No, sir. She did not tell Baker, and I did not see her after she went up into his private office till she came down.

Q. Who was in that private office into which General Baker took her?

A. A young man by the name of Jacob Smith, I believe, his private secretary.

Q. Was he sworn on this trial?

A. Yes, sir.

Q. Where is he?

A. He is in New York city, I believe. That is his place of residence.

Q. Did you say you were not present when the conversation took place between Mrs. Cobb and General Baker?

A. No, sir; I was outside of the building.

Q. Did not you go into his office?

A. No, sir; not into his private office.

Q. How long did he leave Mrs. Cobb there?

A. I think an hour and a half or two hours; I could not say positively.

Q. Where were you when you heard Mrs. Cobb tell General Baker that she had the money?

A. Down at the Avenue hotel; she said she had received it for a pardon.

Q. Where did you hear her say that the pardon was in her bureau drawer, and that her husband knew where it was?

A. I was out in the hall at General Baker's office. General Baker's main office is down stairs; his private office is up stairs.

Q. I understood you to say that you did not see her after she went into his office?

A. I did not see her after she went into his private office.

Q. Did he take her immediately to his private office?

A. No, sir; she stopped down stairs for five minutes perhaps, and then went up stairs to General Baker's private office.

Q. Did not you say once that she acknowledged in General Baker's office that she had this money?

A. I said I heard her acknowledge that at the Avenue hotel.

Q. When and where precisely did you hear her say the pardon was in her bureau drawer?

A. I will tell you how I came to hear her say that. While I was down stairs the porter told me that General Baker wanted to see me. I went up stairs; General Baker was standing in the door. I had not got quite to the door when he told me to go down after the pardon. She spoke then in my hearing, and said that the pardon was in the bureau drawer, and that her husband would go with me to get it. Whether she addressed General Baker or myself I do not know, but I supposed she spoke to me, although I was outside of the door, and did not see her. I went down stairs and told her husband where she said it was. He went with me, got it out of the bureau drawer, handed it to me, and I read it.

Q. Did General Baker allow her husband to go into his private office?

A. No, sir; he took her alone.

Q. Did he forbid her husband from going?

A. No, sir; he did not ask him to go; he did not say anything about it.

Q. Did he permit him to go?

A. I do not suppose he would have done so. Mr. Cobb did not make any demand to go, but I do not suppose the General would have allowed him to have gone even if he had.

Q. Can you tell the purpose General Baker had in getting her into his private office alone?

A. I do not know.

Q. Did he not declare it to you?

A. No, sir.

Q. You have no idea?

A. I might guess; but you say I have no right to guess.

Q. Her husband remained down stairs?

A. Yes, sir; he and I once went out together and took a drink.

Q. It was your business, then, to take care of her husband down stairs while General Baker was taking care of his wife up in his private office?

A. I had nothing to do with him at all. It was a little chilly, and I invited him to go out and take a drink.

Q. It was cool, and you took the husband out while Baker took Mrs. Cobb in?

A. No, sir.

Q. You intended to make him as comfortable as you could?

A. No, sir; I had no idea about it.

Q. But you think he would not have been permitted to go in where General Baker and his wife were?

A. No, sir.

Q. Did not you understand what the arrangement was?

A. No, sir.

Q. You had no sort of understanding about it?

A. None whatever.

Q. You left the plan to be arranged as it came up?

A. I had nothing to do with the arrangement.

Q. What was this man Smith doing all this time?

A. He was up there in his private office with Mrs. Cobb and General Baker.

Q. How much money was paid over?

A. Three hundred dollars.

Q. How much money had been paid to her in all?

A. I think $100 at first and $200 afterwards; I am not sure.

Q. When was the $200 paid?

A. $100 I understood to have been paid in advance, and the $200 when the pardon was obtained.

Q. Was the $100 the money that you marked?

A. No, sir; the money I marked was what was to be paid when the pardon was delivered.

Q. Do you know when the bargain was made?

A. No, sir.

Q. When were you first let into the secret?

A. I think the night before; I think I had just returned from a trip to Portland, Maine; I will not be positive, however.

Q. Will you swear that Hine paid her $100?

A. I swear that he said he paid it.

Q. Where were you when it was paid?

A. I think I was in the Avenue hotel.

Q. I understood you to say you were a block and a half off.

A. No, sir; I said General Baker and myself started after Hine, and were within a block and a half of him all the way to the hotel. When Hine went to Mrs. Cobb's room General Baker and I went into the office of the hotel, and I think it probable that the money was paid while we were sitting there.

Q. Did not you swear, in answer to a question by the Chairman, that you were a block and a half off when the money was paid?

A. No, sir; I said we followed, a block and a half off.

Q. What is the reason the pardon was not delivered when you made your first visit?

A. It was not procured.

Q. At what time was that?

A. That was, I think, the day before it was delivered.
Q. Had you anything to do with Mrs. Cobb about that?
A. No, sir.
Q How do you know then?
A. I heard Hine say so; I heard him say that the reason why he had not got it was because she had not received it.
Q. Do you know that he had been to see Mrs. Cobb?
A. Yes, sir.
Q. How do you know?
A. I saw him go there.
Q. When?
A. The night before the pardon was delivered. I went through the same performance that night as on the night the pardon was delivered.
Q. You had marked the bills before?
A. Yes, sir; the bills were all marked, but she had not the pardon and he did not pay the money. She agreed to have it the next evening.
Q. You say the pardon purported to be signed by Andrew Johnson; was it signed by anybody else?
A. Yes, sir; I think it had the Secretary of State's name on it.
Q. Do you recollect the date of it?
A. No, sir; it was some time in May; it may have been the 6th, 7th, or 8th.
Q. You said this man Hine's name did not appear on the records of the department anywhere; how do you know that?
A. I said Howell's name did not.
Q. Do you know that fact?
A. I heard Hine say so and heard General Baker say so. General Baker went to look, and I heard him say it was not there.
Q. You did not know it yourself then?
A. I did not know it positively; I know it from their statements.
Q. Where did you find this letter that was addressed to the Secretary of State?
A. Mr. Cobb took it, I believe, out of the top of a valise and handed it to me. It was not with the pardon.
Q. What did you do with it?
A. I delivered it to General Baker.
Q. What did he do with it?
A. I could not tell you that.
Q. How came you to get that if it was not with the pardon?
A. I was ordered to get it by General Baker.
Q. Did she say anything about the letter?
A. No, sir.
Q. Did you tell her husband anything about the letter?
A. I did.
Q. You have not mentioned that she said anything about the letter before.
A. She did not.
Q. Then how did you know about it?
A. When she showed the pardon to Captain Hine she showed him the letter.
A. And you told her husband to get it?
A. I did.
Q. By whose authority?
A. I said to him, "There is a letter somewhere," and he said there was and he would get it. It appeared to have been hidden away.
Q. In whose handwriting was it?
A. It was in Mrs. Cobb's, I guess; but I would not be positive. It looked like a lady's writing.
Q. Did you ever see Mrs. Cobb write?
A. No, sir.

Q. What makes you guess it was in her handwriting?
A. It looked like a lady's handwriting.
Q. Did she say it was written by her?
A. No, sir.

By Mr. MARSHALL:

Q. I believe you said you had arrived here just the night before you went down to the Avenue hotel?
A. Yes, sir.
Q. There were two trips to the hotel?
A. I arrived the night before the first one. I think I returned here about the 6th of May. I am not positive.
Q. When did this occur?
A. It must have been about the 8th, if I returned on the 6th.
Q. From where did you arrive here?
A. I think I had been to Portland, Maine. I had been absent for some time. I went from Portland to Augusta, and from there around to New York.
Q. How long did you remain in Washington after this occurrence?
A. I could not be positive in regard to that. I suppose probably a week.
Q. Where did you go to from here?
A. I do not recollect. I think I went to New York.
Q. Were you ever employed in any special business here in Washington?
A. No, sir; I was always here in Washington when I had not business away. My headquarters were at Washington.
Q. What proportion of your time did you spend here?
A. I suppose I would spend about a quarter of it. Sometimes I would be here three or four weeks.
Q. Was this in May of last year?
A. No, sir; in 1865.
Q. You stated in your examination that you never met Mrs. Cobb till you went there with General Baker.
A. I never met Mrs. Cobb for her to know who I was until that time. I have met her on the street and at the White House before.
Q. Did you not make the statement that you had never met her before?
A. I have seen her on the street and at the White House—had her pointed out to me.
Q. Do you deny that you stated that you never had seen her before?
A. If I said so I did not say what I intended to say.
Q. Did you call on the President at the time you saw her at the White House?
A. No, sir.
Q. Did you ever have an interview with her at the Executive mansion?
A. No, sir; I have never spoken to her in my life. I have seen her frequently.
Q. How many times did you visit the Executive mansion during the summer of 1865?
A. I could not say how many times?
Q. What was the character of your business there?
A. Nothing; I would just drop in. In coming from the Treasury Department I passed by the White House.
Q. What business did you have at the public offices and at the White House?
A. None whatever. I went there as a citizen, supposing everybody had a right to go there.
Q. Was it a matter of curiosity that took you there?
A. As much that as anything else.
Q. I ask you again how many times you frequented these public offices?
A. I recollect certainly two or three times.

Q. Are you certain you were there as often as twice?

A. Yes, sir.

Q. Who went with you?

A. I am certain that I went more than twice. I had friends who came to Washington, and I went there with them, among other places.

Q. Who went with you?

A. I went once with a brother, and again with a gentleman from Long Island.

Q. Did they both go with you at the same time?

A. No, sir; at different times. I once went there with Mr. Wright, of California, who used to be a member of Congress. He stepped in to see President Johnson, and I stopped with him.

Q. When was that?

A. It was about that time.

Q. Was that the last occasion when you were there?

A. No, sir. I recollect Mrs Cobb was there at that time.

Q. Who was with you when you went the first time?

A. I do not recollect.

Q. When you went there with this California gentleman you saw Mrs. Cobb. Did you see her when you went with the gentleman from Long Island?

A I do not recollect. I recollect she was there when I went with Mr. Wright, because he wanted to know who that pretty black-eyed woman was. I recollect that circumstance distinctly.

Q. You knew her then?

A. Yes, sir; I knew her as Mrs. Cobb.

Q. Can you remember any other time?

A. I presume I have been there at other times. I cannot specify distinctly.

Q. Why do you presume that? What is your recollection about it?

A. I think I have.

Q. Can you state on your oath that you have?

A. I think I have.

Q. At what time.

A. I cannot say at what time.

Q. What was your business; did you just drop in there to loaf?

A. No, sir; I did not loaf anywhere.

Q. Was it a favorite place of resort with you?

A. No, sir; not at all. It was on my way from the War Department to my lodgings, and I would just drop in to see whether there was any one there whom I knew. I recollect these three times, and I may have been there a half dozen times, but I could not give you the dates.

Q. Under what circumstances did you see Mrs. Cobb at that time when with Mr. Wright?

A. She was in the lobby leaning over the balustrade, talking with the porter. She staid there while Mr. Wright went in to see President Johnson. When Mr. Wright came out the door was thrown open, and Mrs. Cobb went in.

Q. Was there anybody else there at the time?

A. I do not suppose there were more than three persons there.

Q. You could have gone in then if you had wished to?

A. I could, but I had no desire to.

Q. And you only remember those three times when you went there?

A. Yes; I recollect I went there once to see Mr. Jones, who was one of Baker's men. He was stationed there.

Q. When was that?

A. I do not recollect. I think he was stationed there at the request of President Johnson. I do not know that fact. I know when I went there he was in with Mr. Johnson. I told the doorkeeper I wanted to see him, and he went in and spoke to him.

Q. Mrs. Cobb was there then?

A. She was there in the lobby trying to get in.

Q. Did she get in?

A. No, sir; the doorkeeper did not admit her.

Q. That makes four times, then. Do you remember any other time?

A. I suppose I could, if I could take time to think. I do not recollect of any other cases specially now.

Q. Have you talked with any one in regard to your evidence in this case, what it was to be?

A. I told Mr. Ashley that I did not know of anything which would be of any service to him, and wondered why I had been subpœnaed.

Q. How many times have you talked with Mr. Ashley?

A. Only once.

Q. Have you been informed by any one what General Baker's testimony was?

A. No, sir.

Q. Did you state what your evidence would be?

A. I told him what I knew about the Cobb matter. I did not think it was worth coming here for at all.

Q. You have not stated these matters to any one else?

A. Yes, sir; I spoke to the clerk of the Committee here about the time when Mrs. Cobb was brought to General Baker's headquarters. I had forgotten the date, although I have a memorandum of it at home.

Q. When did you see General Baker last?

A. I should say about four months ago, in New York.

Q. Did you have any talk with him about this matter?

A. Not the slightest.

Q. You have not been informed by any one what your testimony should be?

A. No, sir.

By the CHAIRMAN:

Q. Do you say that this Howell pardon was procured in May?

A. I think it was in May—about the eighth of May, or it may have been April; I am not positive in regard to the date.

Q. Were you here at the time of the review of the Army of the Potomac and Sherman's army?

A. I was.

Q. Was it before or after that review?

A. After.

Q. Do you remember at what time the review took place?

A. No, sir.

Q. How long after the review was it?

A. It was a long time after. I know that I was in Elmira when the review was to come off, and that I came to Washington to see it. I think it must have been the next spring after the review. I know it was a long time after when this pardon was procured.

Q. Then it was in 1866?

A. I do not think it was in 1866, but I am not positive about it. I could be positive if I could see my memorandum at home. I kept a regular diary.

Q. What causes you to believe it was in the spring of the year?

A. I recollect that it was quite chilly that night. That was the reason why I invited Mr. Cobb out to drink.

By Mr. ASHLEY:

Q. When were you mustered out of the service?

A. I drew my pay up to the 15th of May, 1866.

Q. Was General Baker then mustered out?

A. He was mustered out before that as a Brigadier General, but when he was mustered out as a Brigadier General, he was not mustered out of his position.

By Mr. ELDRIDGE:

Q. What do you mean by being mustered out? Were you in the military service?

A. No, sir. When my services were no longer required, I suppose I was mustered out?

Q. Did you ever tell Mr. Ashley you were in the military service?

A. No, sir.

Q. How did you lead him into that error?

A. I do not know.

Q. Are you sure you were not in the military service?

A. No, sir. I was not in the regular or volunteer service. General Baker's force was not in the military service. I presume you know as much about that as I do. General Baker's men were paid by the War Department.

Q. Did you wear a uniform and have a commission?

A. No, sir; I had no regular commission, except one from General Baker; I have shown that to a great many Brigadier Generals, and to one Major General, and they have always respected it. I never exhibited it to one without being able to go under it wherever I pleased. It used to make them shake.

Q. What Brigadier General shook when you showed your commission from General Baker?

A. I remember one who did. He was tried subsequently for robbing a safe, and convicted here in this city.

Q. Who was he?

A. General Briscoe.

Q. And when you showed him your commission he trembled?

A. He did.

Q. Did you show your commission to Mrs. Cobb?

A. No, sir.

Q. Did she tremble when she saw it?

A. No, sir.

Q. She was not one of the shaking kind?

A. I should say not.

Q. Did you show your commission to anybody else who trembled?

A. Oh, yes, sir.

Q. To whom?

A. Major Ladd.

Q. Your commission was a terror to the Generals in the army?

A. It was to those who had any occasion to fear it.

Q. But those who were straightforward in their conduct were not afraid of it?

A. They were not.

Q. Were you armed?

A. No, sir; I never carried any arms; I never had any occasion to carry any.

Q. Did you make the rebel generals tremble?

A. No, sir; I never came in contact with them.

By Mr. WOODBRIDGE:

Q. At what time was it that you marked this money?

A. I took the number of bills, and also made pin-holes through them.

Q. What were the bills?

A. They were fifty-dollar bills—greenbacks,

Q. Who was present when you marked them?

A. General Baker and Captain Hine.

Q. Who came down to General Baker's office in the carriage that night?
A. Mr. Cobb, Mrs. Cobb, General Baker, and myself.
Q. Was there any other mark on these bills except what you have stated?
A. No, sir. I took the number of the bills.
Q. Did General Baker put any mark on them?
A. Not that I know of.
Q. Did Mrs. Cobb complain of General Baker's treatment?
A. Not to me; I did not hear it.

(The witness subsequently corrected his testimony by giving the date of Mrs. Cobb's visit to Baker's office, as November 8, '65, instead of April 8.)

WASHINGTON, D. C., *May* 16, 1867.

SAMUEL J. ANDREWS sworn and examined.

By the CHAIRMAN:

Q. Where do you reside?
A. At Harper's Ferry.
Q. Where does your father reside?
A. At Harper's Ferry. He does business in Berkley county.
Q. What is his full name?
A. E. W. Andrews.
Q. Was he, at any time, editor of the Era, published in Berkley county, and a candidate for Congress last year?
A. Yes, sir.
Q. Do you know Dr. Matthew McEwen?
A. I met him once only.
Q. When did you meet him?
A. I believe it was last October, just previous to the election.
Q. Did he seek the interview with you?
A. Yes, sir.
Q. State what occurred at that interview.
A. Dr. McEwen came to Martinsburg, as he told me, for the purpose of seeing my father. My father was absent, in the upper part of the county, canvassing his district. The doctor stated that he was very anxious to see him; that he wanted to get a letter from him to the President of the United States. This was about three or four days before the election. He wished to get a letter recommending the pardon of one hundred and ninety-three deserters, I believe that was the number, in that Congressional district, and in father's absence he asked me to write a letter in father's name. I declined to do so for some time. I told him I did not feel justified in using his name. He urged me, and I finally told him I would call in a friend of mine to consult with him, and if he advised me to do it, I would do it. I called in Mr. Logan, now the editor of the New Era; I consulted with him, and he advised me to do it. Dr. McEwen stated, I think, that he had got, or would get, a letter from Benjamin H. Smith, who was then running for Governor, to the same effect, asking for the pardon of these men. Dr. McEwen sat down and wrote off in pencil a letter which I copied, and then signed father's name to it and gave it to him.
Q. Did you inform your father of what you had done?
A. Yes, sir; I believe I did, afterwards.
Q. When did you inform him?
A. I told him, after he returned, that I had written a letter to the President for Dr. McEwen, recommending the pardon of one hundred and ninety-three

deserters. Father did not get home until after the election. I forget the date of the election. This was a day or two after.

Q. What did he say when you told him what you had done?

A. I do not recollect of his saying anything.

Q. Did he approve or disapprove of what you had done?

A. I am not able to say.

Q. Do you remember what that letter contained?

A. As near as I can remember it requested a pardon for one hundred and ninety-three deserters. I think it said the list was enclosed—I did not see any list—that the district was going to be pretty close, or something to that effect, and in all probability these deserters, if they were pardoned, would have the effect of carrying the election. I think that was about it, as near as I can recollect; I did not pay much attention to it.

Q. If you should hear the letter read do you think you would remember it?

A. I might; (letter produced by witness McEwen read.) It is some time since, and I did not pay much attention to it; I hardly think I should recognize it as the same letter. I may be mistaken, however.

Q. You asked for the restoration of these men to citizenship for the purpose of getting their votes in the election, did you?

A. Yes, sir; I think I did.

Q. You stated that the election would be close?

A. Yes, sir; I am pretty sure I did.

Q. And that their votes would probably determine the result?

A. I am not so sure about the latter part of it.

Q. Did McEwen offer you anything as a reward or compensation for giving this letter?

A. No, sir.

Q. He held out no other inducement than a probability that it might result in the election of your father?

A. That is all. That is the only ground upon which I wrote the letter.

By Mr. ELDRIDGE:

Q. Did you give the letter to Dr. McEwen the first time he called on you?

A. He made a draft of the letter in pencil on a piece of paper at the desk, which I copied, and signed father's name to.

Q. Did he tell you what kind of men these were—whether they were, in fact, deserters, or men who had become detached, accidentally or otherwise, from their regiments, straggled off?

A. I do not recollect that he stated that circumstance. He seemed to be in a great hurry; he said he had to go back to Washington, that Mr. Tom. Florence would help him with the President.

Q. He told you that a letter of this sort would help him with the President?

A. I do not recollect that he said that. He wanted the letter, and said that Mr. Florence was going to help him to get these men restored; he said it was of great importance for him to have the letter.

Q. Did you know any of these men?

A. No, sir.

Q. Did you ever see the list of them?

A. No, sir.

Q. Were you in the United States service, or have you been?

A. No, sir. I had been in the quartermaster's department. I was maimed before the war, and not able to go into active service; I was in the quartermaster's department as citizen clerk not sworn in.

Q. Are you certain that you mentioned this to your father?

A. Yes, sir; I am pretty certain, because I should hardly do such a thing as that without mentioning it to him.

Q. But you do not remember that he made any reply?
A. He may have made a reply; I do not recollect what he said.
Q. Do you know that he understood you at the time you told him?
A. I suppose he did, if I told him.
Q. Do you know it?
A. I do not know that he did, of course.
Q. Have you seen your father since he was here?
A. Yes, sir.
Q. Did you talk with him about this matter?
A. We had a few words about it.
Q. Did you tell him that you informed him of it?
A. Yes, sir.
Q. What did he think about it?
A. He thought that I had not. He said if I had, that he had entirely forgotten it. It is something that I did not think much of at the time.
Q. At what place did you meet Dr. McEwen?
A. At my father's office. He came there to see my father, as he said to me.
Q. You stated, when this letter was read, that you did not recognize it as the one to which you signed your father's name?
A. I would not like to say it was not. I simply made a copy of what was written, and have no very distinct recollection of the language used.

By Mr. BOUTWELL:

Q. You feel sure that Dr. McEwen only called on you once?
A. Yes, sir.
Q. And that the letter was written by him, and copied by you, and delivered at the same interview?
A. Yes, sir.
Q. And that he took the letter away with him?
A. He did.

By Mr. ELDRIDGE:

Q. You are sure you did not send the letter afterwards to him at Washington?
A. I am sure of it, and Mr. Logan can affirm what I say.
Q. What is Mr. Logan's full name?
A. William T. Logan.
Q. Did you receive any telegraphic despatches at any time from Dr. McEwen?
A. Yes, sir; I forgot about that. A telegraphic despatch came, before he called, enquiring when my father would be home. I telegraphed back that he would be on Saturday; he was not home, however, on that day. He was in the upper part of the district.
Q. Are you sure that this telegraphic despatch was not in reference to sending the letter written by you for your father?
A. No, sir; it was simply making an inquiry whether father was at home, and if not, when he would be at home; I think that was it.
Q. How many telegrams did you receive?
A. One. That was addressed to father. I opened it, and answered that father would be back on Saturday.
Q. You are sure you did not receive but the one?
A. That is all.
Q. And that was simply inquiring when your father would return?
A. Yes, sir.
Q. You are sure it did not relate to the sending of the letter?
A. No, sir; it did not.
Q. You are sure that the letter written by you, in your father's name, was handed by you to the doctor?
A. Yes, sir; he took it immediately after I had finished copying it.

By Mr. BOUTWELL:

Q. Did you retain a copy of this letter?

A. I thought, for a while, I did, but when I came to look for it again I could not find it, and I came to the conclusion that I did not keep a copy. My father searched for it when I spoke to him about it.

Q. Have you since seen the draft McEwen made for you?

A. No, sir; he took it away with him.

By Mr. ELDRIDGE:

Q. Dr. McEwen states that he received the letter three or four days after he saw you.

A. I am positive that he took it away with him

Q. Was Mr. Logan present when you delivered the letter to him?

A. I think he was.

Q. Did Mr. Logan read the letter himself?

A. Yes, sir; I think he did.

Q. Did he advise you in regard to it that day?

A. He did. I wished to consult about it with Mr. Logan. Dr. McEwen went out down street, and was gone for three-quarters of an hour; when he came back I told him I had concluded to write it, and he then sat down and wrote the draft.

Q. Did you really think the district was very close?

A. There was a great deal of talk about that time on that subject, and I heard that opinion expressed.

Q. Did you think that one hundred and ninety-three votes would change the result?

A. That was Dr. McEwen's opinion. I really did think at the time that the district was pretty close, but I also thought at the time that these men would not be able to vote, it was so near the day of the election. I thought they would not be pardoned in time to vote.

By Mr. BOUTWELL:

Q. Did Mr. McEwen state that Florence had had an interview with the President in regard to pardoning of these men?

A. I think he did.

By Mr. ELDRIDGE:

Q. You say that you did not know these men; what reason did you have for supposing they would vote for your father?

A. Mr. McEwen represented so to me; that is all. I had never heard of the deserters before he came into the office, nor ever afterwards. I never saw or heard of one of them.

WASHINGTON, D. C., *May* 16, 1867.

Major General E. R. S. CANBY, sworn and examined.

By the CHAIRMAN:

Q. Have you had any occasion to examine any cases of alleged cotton frauds practiced upon the government?

A. A great many cases came under my examination when I was in command in the southwest.

Q. In any of these transactions were any officers belonging to the executive department of the government involved or implicated?

A. Not directly, I think.

Q. Indirectly?

A. Some of the subordinate officers were suspected of complicity in frauds.

Q. Do you remember a claim in which a man by the name of Violet was involved?

A. That did not pass directly under my examination. I was summoned as a witness in that case. It was in the district court of the United States for the eastern district of Louisiana. The control of the matter had passed out of my hands. It had been transferred by me to the Treasury Department, under instructions of the Secretary of War.

Q. Can you state the circumstances connected with that case?

A. Mr. Violet was a citizen of New Orleans—a refugee, or sent out by General Butler, I am not sure which. He was himself in Mobile, and had a contract with the rebel government for the transportation of cotton and the importation of supplies. I ascertained that from correspondence captured from the rebel government, which I used in connection with a lot of captured cotton, which was claimed by Violet as property belonging to him. The Secretary of the Treasury and the Secretary of War directed that all captured property, except so much as was required for the army, and as came under the proviso to the first section of the act of March 12, 1863, should be turned over to the agents of the Treasury Department. That was done, but some time subsequent to that transfer I learned in New Orleans that a portion of this captured cotton had been released by an agent of the Treasury Department, and was then in the city, about to be shipped to a foreign port. I caused that property to be seized and turned over to the civil authorities, and the case was tried before the court in the eastern district of Louisiana.

Q. Do you know what was the result of the case?

A. I left New Orleans while the case was still pending.

By Mr. ELDRIDGE:

Q. Who was that suit instituted by?

A. By the District Attorney, I think. I turned the case over to the District Attorney, and furnished him with the evidence. I think the suit was instituted by him in behalf of the United States.

By the CHAIRMAN:

Q. Was an order given in that case directing you to return the cotton over to Violet?

A. No, sir.

Q. Or in any other case in which Violet was interested?

A. I think not. Property of that kind did not remain under the control of the military commanders. The law of March 12, 1863, instructs the War (and Treasury) Departments to have it turned over to the agents of the Treasury Department, and after that transfer I did not interfere with it, except upon very positive evidence or suspicion of fraud, or at the request of the agents of the Treasury Department. I interfered in the case of Violet because the history of the case had been known to me more than a year before, and because the captured correspondence I had referred to showed that he had a contract with the rebel government for the exportation of cotton; and there was evidence that a part of this cotton was obtained by him directly from the rebel government.

Q. You say there was no officer of the executive branch of the government except subordinate officers who were at all compromised in this case?

A. No, sir, I think not.

By Mr. WILLIAMS:

Q. Did you see Mr. Covode in New Orleans when he went there to investigate these matters?

A. I saw him in New Orleans.

Q. Did you assist him in any way in making his investigations?

A. I gave him whatever assistance he asked for.

Q. Did he investigate the Violet case?

A. I do not know that he did. I do not know what his instructions were.

Q. Under what did Violet claim to be carrying on this trade?

A. Under a contract with the rebel government. That is my recollection. He was not within our lines.

Q. By whose permission did he claim to be acting on this side?

A. There was no claim that he was acting under orders on our side of the lines. He was himself within the rebel lines, and his transactions were within their lines.

Q. Did he not claim to have permission to go through our lines?

A. No, sir; I think not. He was, as I said, either a refugee, or compelled by General Butler to leave upon his refusing to renew his allegiance to the United States. He was either away from New Orleans before its occupation by the United States forces, or else when called upon by General Butler to renew his allegiance he refused to do it and was sent out of the lines.

Q. How was he enabled to furnish the confederates with the supplies?

A. By running the blockade.

Q. Had he vessels of his own in which he was running the blockade?

A. I think not of his own. I think he had associates who furnished the vessels.

Q. Who were his associates?

A. That I do not know. There were one or two persons associated with him in New Orleans, who were arrested by me on the charge of furnishing aid to the enemy.

By Mr. BOUTWELL:

Q. Do you recollect the whole name of this man Violet?

A. W. G., I think, are his initials.

Q. Do you know anything about the restoration of his property in New Orleans?

A. I do not. All had passed from under my control soon after the termination of hostilities.

Q. Were you in New Orleans when General Fullerton was there?

A. Yes, sir.

Q. And you had no personal or authentic knowledge in regard to the restoration of any property by him?

A. Only in incidental cases. Sometimes appeals were made to me from his decision, and the matter came under my supervision as his superior military officer.

Q. Upon what grounds were appeals taken from him to you?

A. Upon the ground that he had either exceeded or fallen within the limits of his instructions. There were one or two cases where complaints were made to me by parties interested that persons to whom property was restored were excluded under the President's amnesty proclamation.

Q. Do you recollect whether or not complaint was made in the case of Violet?

A. I do not recollect.

By Mr. ELDRIDGE:

Q. Do you know of a man called Colonel Broadwell, of New Orleans?

A. I think not.

Q. Or Colonel Dillon?

A. No, sir.

Q. Do you know a man by the name of John S. Clark?

A. Not by those initials; there was a man by the name of Clark, of the firm of Clark & Fowler.

Q. Do you know of their having been engaged in furnishing supplies to the confederates, or either one of them, and getting cotton in return—carrying on their business on the Pearl river?

A. No, sir; I do not. I know the firm was always under a cloud; were always suspected, and were, I think, twice under arrest, and some of their cotton at one time seized.

Q. Were you at New Orleans when General Butler was there?

A. No, sir.

Q. Do you know of any persons carrying on their business on Pearl river, supplying confederates and receiving cotton in return, claiming to act under orders of General Butler?

A. No, sir.

Q. Did you hear of such transactions there?

A. I had very good evidence that a great deal of contraband trade was carried on.

Q. Carried on under the claim of an order from General Butler?

A. No, sir; I never heard of that. There were charges of that kind made before I went to New Orleans. I know nothing of them except from the public records.

Q. What knowledge have you from these?

A. I could not state in detail without referring to the records again. There were several vessels seized, I recollect, for violation of the internal as well as external blockade, and some of these cases came before the district court.

Q. What are these records to which you refer?

A. To the public records, military as well as civil. I know the fact that there was a good deal of that trade carried on; I know that officially from the capture of records, in which records there were the names of parties engaged within our lines.

Q. Do you know under what pretense of authority they claimed to act on our side?

A. The parties engaged on our side had no authority except that of Treasury permits, under the authority of the President to give such permits or license.

Q. You know of no authority given by General Butler only in the way I state?

A. I have knowledge from the public records of persons presenting themselves to the rebel authorities, claiming to have the authority of General Butler to trade, and asking for a similar permission from the rebel government.

Q. Where are those records?

A. Some of them are at New Orleans, and some have been sent to the War Department.

Q. Can you furnish those records?

A. No, sir; they are not within my control.

Q. Can you give the Committee such knowledge as will enable them to ascertain where they are?

A. They are in the War Department proper, or among the rebel archives of the War Department.

Q. Can you mention any particular case?

A. The case of John A. Stevenson was one of the cases I refer to. There were two or three French houses that were so engaged; I do not recollect the names.

Q. Do you remember what particular record was captured in regard to either of these firms you have in your mind?

A. In some cases it was an application for authority to carry on this trade;

in other cases it was the authority of the rebel government to carry it on, and prescribing the conditions under which it should be carried on.

Q. Did persons having such authority claim also to have authority from the federal government?

A. The application generally stated that fact.

Q. Did you capture any papers of that sort?

A. There were some; I do not remember the number.

Q. In relation to the firm of John A. Stevenson, will the records show these facts in relation to them?

A. I think there were such papers captured in reference to that firm.

Q. Do you recollect in reference to the firm of which Clark was a member, and which you have mentioned?

A. No, sir; I do not recollect.

Q. How long after General Butler left New Orleans before you were in command there?

A. Rather more than one year. General Butler left about the middle of December, 1862, and I did not go down until May, 1864.

Q. Who was your predecessor?

A. General Banks was my predecessor in command of the department. My command, however, extended over two or three departments.

Q. Was your command the same in extent as that of General Butler's?

A. It had a much greater extent.

Q. Was there any one preceding you with a like command?

A. No, sir; it was a new command, created in the spring of 1864.

Q. Who commanded at New Orleans immediately before your going there?

A. General Butler was the first commander; General Banks succeeded him. General Banks continued in that command for some time after I had command of a division.

By Mr. BOUTWELL:

Q. Do I understand that among these captured papers there is any other evidence that General Butler issued orders for the trade of which you have spoken, than the application of the parties to the rebel government, in which they asserted it?

A. Nothing but these papers.

By Mr. ELDRIDGE:

Q. You can mention no other parties in this connection except Stevenson?

A. That is the only case I recollect. I can furnish other names if the Committee desire it.

WASHINGTON, D. C., *May* 16, 1867.

Hon. WILLIAM H. SEWARD sworn and examined.

By Mr. WILLIAMS:

Q. You seem to have been charged with the relations of this government with the rebel States, and you were therefore requested to bring with you any orders you may have prohibiting individuals elected in the rebel States from a discharge of their official duties, and any orders setting aside enactments of rebel States, suppressing newspapers, &c. I wish you to state whether you have any such papers on record in your office? and if so, whether you have brought them?

A. Without admitting or demurring to the recital in the question, I have had a

careful examination made in my department, by the chief clerk, and by the late chief clerk, and I find that there are no copies of orders or records, or records of orders, prohibiting individuals elected in rebel States from entering upon a discharge of their official duties; and no orders setting aside enactments of legislatures of said States, and no order for suppressing newspapers therein. And under the word "orders," I include directions, commands, and every other form of process, mandate, or direction. I have no recollection of any such papers.

Q. Have you a recollection of the case of Semmes, elected, I believe, to the office of judge of probate for the city of Mobile, whether there was any order made by the government in that case?

A. I remember there was an election of Semmes, as a historical fact, and that he had been captain of the "Alabama;" and after his election to office I seem to remember that he was not allowed to take his office. There were, however, no orders made in my department, or any direction given by me. What was done by any other officer of the government I cannot state. I remember a conversation about the case in the government, but my memory is not charged with it. I have no knowledge of any proceeding, officially, in regard to it.

Q. I see that in a report to the President, which accompanies his message of March 6, 1866, in relation to a resolution of the Senate requesting information in regard to the provisional governors of the States, you remarked that it appeared thereby that all the persons appointed were required to take the oath prescribed by the act of Congress, except Mr. Holden, appointed provisional governor of North Carolina; that he, however, took the amnesty oath subsequently, and that there is no record in your department of the oaths which were taken. Governor Sharkey, I believe, and perhaps also Governor Parsons, state that they were furnished from the State Department with a form of oath which was not the test oath, as it is generally called, the oath prescribed by act of Congress. Be good enough to state what you know in regard to the preparation of any such oath?

A. I have no recollection of the case at all, and I have no knowledge or recollection in regard to the subject; I barely remember, since your reference to that report, that I ascertained the facts which were stated in my report, and stated them as I then ascertained them to be, but I have no recollection of any form of oath being prepared in the department, nor have I now any recollection about it. I remember causing an inquiry in regard to it, so as to give the information required. Except as my memory is now refreshed by the reading of the report, I should have no recollection of any such oath being prepared or delivered.

Q. State whether there was any consultation with the President at any time in regard to modifying the oath.

A. I have no recollection of any conversation with the President upon the question of what oath should be taken, and no belief that any was had, because I have no recollection of it; I think I should remember if there had been.

Q. When an oath accompanies a commission, is it not your practice to require it to be returned and filed in the archives of the department?

A. That I cannot answer, because, I am sorry to say, I do not understand the details of the administration of the department in that respect. It has never come to my knowledge, that I now remember, what form of practice is used in the delivery or return of an oath in any of these cases. I suppose the oaths are filed somewhere.

Q. How is it in regard to foreign ministers; are not their oaths filed in the department?

A. No, sir; not necessarily. The law requires the person shall take an oath; and whether he does take it or not, I suppose some of the records will show, but it does not come to my knowledge that it has been done. There is no rea-

son why such an oath should be submitted to me; it would be merely a matter of routine.

Q. Be good enough to direct an enquiry as to whether the provisional Governors did take the oath prescribed by act of Congress?

A. I will not only direct the enquiry, but I will put the entire office under the direction and examination of the Committee. There is nothing I desire to conceal in relation to it. The commission was not, of course, prescribed by any law. The commission referred to in this message of the President, if I remember rightly, was a short letter addressed by me, by direction of the President, to the provisional Governor. After that, I have no knowledge or recollection upon the subject of their appointment. I have not a clear recollection about these details. As I now remember, the first provisional Governor appointed was Andrew Johnson, Governor of Tennessee, and the question was raised how he was to be appointed. I remember distinctly conversing with him about taking the office, and consulting with the Secretary of War and the President on the subject. He was finally appointed, as I suppose, by some letter signed either by me or by the Secretary of War, I do not recollect which. I have no distinct recollection that the authority emanated directly from me; I rather think it did, because we adopted that form subsequently.

By Mr. LAWRENCE:

Q. Was not Governor Johnson, of Tennessee, made a Brigadier General before he was made provisional Governor?

A. He was made a Brigadier General.

Q. The other provisional Governors were not made military officers?

A. Not that I remember. These transactions were fresh in my mind when I drew this report, or caused the necessary search to be made, required for the information, and if you desire further search to be made on the subject I will cause it to be made immediately.

Q. I will now direct your attention to the case of Governor Sharkey. He states that he took an oath of office which was administered to him in this office; that he does not recollect precisely the phraseology of it, but that it did not contain the substance of what was known as the "test oath;" that there was nothing of that sort in it; that it was administered by Judge Wylie, and the form made out by the Secretary of State. I understand you to say that there is no such oath on file in the State Department, so far as you remember.

A. I said I had no recollection about it. So far as this report is concerned, it was made upon an examination of the office. I do not state anything that is in the office upon my recollection of it. I know that at the time I directed the examination to be made which was required to enable me to answer the questions propounded, and I suppose the information there stated was correctly ascertained.

Q. You have no recollection in this case of the preparation of any oath?

A. None whatever. I will cause search again to be made in the department. I should say that if any oath was drawn in the State Department, as Governor Sharkey states he remembers there was, it would be drawn, prepared, and delivered by the chief clerk, Mr. Hunter, now assistant Secretary of State, and I have no reason to believe that in any such case such an oath would come to me for examination, because it would be presumed to be properly prepared.

By Mr. ELDRIDGE:

Q. Would it have gone to the President?

A. In no case, that I can conceive, would it have gone to the President. My own oath of office I do not think ever went to him, nor that of any other officer, unless there was some particular occasion for it. I have no recollection of any such case.

By Mr. WILLIAMS:

Q. But this being not a matter of form, but a matter of substance, relating to a subject of great importance, might you not have had personal cognizance of it?

A. I might have had at the time.

Q. Will you state, if you please, whether there have been any consultations in regard to the surrender of Jefferson Davis, in reply to a habeas corpus by the circuit or district court of the United States for the State of Virginia, as to the form of the writ, or as to the question of discharge on bail?

A. Whether it has been the subject of consultation or conference with the President and those who are generally called his advisers or Cabinet officers in regard to these particular points, I am not able to say. Some months ago there were consultations with the President with regard to the holding of Jefferson Davis, his place of confinement, and the disposition to be made in regard to his surrender to the civil authorities. The result of the consultation, if I remember rightly, appeared in a correspondence between the Attorney General and the district attorney for Virginia, published at the time. If there were any consultations with the President with reference to the recent procedures on the discharge of Jeff. Davis, they were to this effect, and I am not quite clear about the fact that when the writ of habeas corpus should be issued, or when it was announced that it would be issued by a judge of one of the United States courts, it was decided that the Secretary of War should be directed to surrender Jefferson Davis on the demand of the marshal of the district, or of the proper civil authorities. Nothing further, to my knowledge, has been consulted with the President on the subject.

Q. There was no direction, if I understand you, either as to the manner of the return of the writ, or as to his discharge on bail?

A. Nothing of the kind.

By Mr. ELDRIDGE:

Q. Do you know Lafayette C. Baker?

A. Very well; yes, sir; he is General Baker, the detective.

Q. Do you know anything of his being engaged in writing a book on his experiences during the last four years?

A. Nothing.

Q. Are you acquainted with a firm in New York by the name of Derby & Miller?

A. I am; at least there was such a firm. I do not know whether it exists under that name now or not.

Q. Are you acquainted with the fact of that firm being engaged in the publication of a book descriptive of Baker's experience during the war?

A. No, sir.

Q. Have you interfered with, or attempted to prevent the publication of any such book by Baker, or by any publishing house?

A. An Irishman, when he wanted to vote for General Jackson, was asked whether he could take the prescribed oath, and the qualifications required were described to him in a way intended to terrify him. His reply was, "Faith, and I should like to see the oath I couldn't take." I can say I think I never interfered with Baker in any publication he proposed to make, nor with anybody else, unless it may be a man who, during the war, proposed to publish the constitution of the confederate States for sale in New York. I think I gave him notice that if he did he would come to grief, or something of that sort.

Q. I base this question upon statements made by General Baker in his testimony.

A. If he makes such a statement it is a misapprehension upon his part. I think it possible there may be some truth in his statement so far as his appre-

hension was concerned. There has been no such thing so far as I am concerned. Derby & Miller were booksellers in Auburn for many years before I came to Washington. They were old friends of mine, and excellent men. I may be said to have been a patron of them. Certainly they were kind patrons of me. After they removed to New York, the firm failed several years ago. Mr. Derby was appointed despatch agent for the State Department, which office he still continues to hold. Mr. Miller is in business with an express company in New York. I think it likely that they still continue some connection with book-making, but I do not know the fact. They are very earnest friends of mine, both of them, and they have many friends in the State Department. I can imagine it very well that Lafayette C. Baker has carried on with Mr. Derby, or with some subordinate in the State Department, some such conversation as he states, but not with my knowledge or authority, nor with that of anybody else authorized to speak for the State Department. I perhaps owe it to Mr. Baker to say that I have always thought him to be a patriotic, loyal, earnest, zealous man. I had him in the detective service, and always thought well of him. I thought him a very zealous and perhaps indiscreet man, but supposed him to be a truthful man.

Q. This statement of his, then, so far as you are concerned, had no foundation in fact?

A. Certainly not. You can very well conceive, however, that a person coming to the State Department, and having conversations with the subordinates in the State Department, may go away with the impression that he has obtained his answer, encouragement, refusal, or position officially, when in fact the party with whom he has been talking has no authority and knows nothing about it, and the head of the department was perhaps himself too much occupied to be even consulted about it.

Q. Please state, directly, whether the President has, to your knowledge, ordered or directed any modification of the oath prescribed by law to be administered to any of the officials appointed by him?

A. I cannot say what the President may have ordered or intended to do. During an early stage of the return to peace, after we got into the southern States, there was great difficulty about finding persons who could take the oath, and who were proper persons to be entrusted with duties of postmasters and revenue officers in the southern States. It was represented that there were places where no persons could be found able to take the oath, and who were responsible and able to assume the performance of these duties. The question was brought up once or twice by the gentlemen connected with these departments, "If you can find nobody, what then?" I remember to have urged that the revenue of this government should not be permitted to suffer, nor the postal service at important points be discontinued, for want of an oath. I remember advising to fill the offices and then submitting the facts to Congress, and let them determine what was best to be done. Whether that was done, or whether directions were given by the President, I am not sure.

Q. In giving this advice, did you give it on your own responsibility, or by direction of the President?

A. I gave it on my own.

By Mr. LAWRENCE:

Q. Did you give that advice to the President?

A. I gave it in presence of the President to the officers having these responsibilities upon them.

Q. In executive document No. 81, first session Thirty-ninth Congress, there is a communication to the President from the Secretary of the Treasury, under date of March 19, 1866, in which he says:

SIR: Herewith I hand you the names of collectors of internal revenue, assessors, assistant assessors, collectors and surveyors of customs, &c., &c., appointed since the overthrow of the rebellion in the southern States, who have not been able to take, literally, the oath of

office prescribed by the act approved July 2, 1862. Besides these officers, a considerable number, perhaps the larger proportion, of those holding subordinate positions in the revenue departments have been also unable to comply with the requirements of the statute.

* * * * * * * * *

As the country was passing from a state of war to a state of peace, and the emergency seemed to be too pressing to admit of delay until the meeting of Congress, it was thought that the test oath might, in view of the great objects to be attained, in some cases be dispensed with; or rather, that persons might be permitted to hold revenue offices who could take it only in a qualified form. No one could have regretted more than yourself and the members of your Cabinet the necessity which existed for this course.

Was the advice which you have given to the President in Cabinet consultation what is probably referred to in this communication?

A. I suppose it is; that agrees with my recollection.

Q. Did other members of the Cabinet advise the same course, or have you any recollection on that subject?

A. I should rather be excused from stating the opinions of other members of the Cabinet, although I should have no hesitation in doing so if I was certain in my recollection of what was said.

Q. Did the President assent to the view taken by you?

A. I do not remember any decision having been come to on the subject, or the President having expressed any opinion or decision on the subject. What I do remember is what I have told you, that the question occurred and was debated from time to time, and that I expressed that opinion. It does not often happen that the President debates or decides these questions. Each head of a department will state some question that has arisen. Suggestions will perhaps be made and it will pass off. They are not all cardinal questions; there is no record of the proceedings, and you cannot tell always exactly what was concluded.

Q. On the 6th of March, 1866, the President sent to the Senate what is published as executive document No. 26. On page fifty-five there is a letter dated "Department of State, Washington, June 18, 1865," and which is as follows:

SIR: The President directs me to inform you that he has appointed you provisional Governor of the State of Mississippi. A copy of his proclamation, of this date, for the reorganization of the government of that State, is herewith communicated, and also an official oath, which you will cause to be administered to you by a magistrate competent for that purpose.

Your compensation will be at the rate of three thousand dollars a year, from this date. You may draw for it as it may become due, monthly or quarterly, directing your draft to this department.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

W. L. SHARKEY, Esq., *Washington*.

State, if you please, whether that letter was written by the authority of the President?

A. Yes, sir, it was.

Q. And the other letters corresponding to this, written to the other provisional Governors, were also by his authority?

A. Yes, sir.

Q. How were the payments made of compensation to these provisional Governors?

A. From the beginning of the appointment of provisional or military Governors these expenses were paid by the War Department; and although they were directed in this case to be paid by draft on the State Department, they were in fact, I believe, paid by direction of the President through the War Department. They were reported to the State Department, but the contingent fund or proper fund of the War Department was the only one from which they could with propriety be paid.

Q. You have said that these provisional Governors appointed by President Johnson were not military officers?

A. I do not remember that any provisional Governor held a military office, except Mr. Johnson.

Q. By what mode was the amount of salary fixed?

A. I have a general recollection that in the beginning, if I am correct in saying that Tennessee was the first case where we appointed a provisional governor, I made an enquiry of the Secretary of War, and that the amount was based upon that allowed by the constitution and laws of Tennessee to the Governor of that State. If I am right in that recollection, the amount was fixed in that way on the analogy of the duties of the office corresponding in some measure to those of Governor, the compensation was regulated by that allowed to the Governor. That was believed to be a reasonable sum, and not extravagant.

Q. Was not the salary of Governor Johnson, of Tennessee, fixed by the amount he was entitled to receive by virtue of his holding the office of Brigadier General?

A. That may have been so. At the same time I remember to have inquired what the Governor of that State was entitled to receive under their constitution and laws. We made him a Brigadier General in order to make him Governor. It was thought he would need some military power or authority to be vested in him, and very likely his compensation as Governor was fixed with reference to that pertaining to the office of Brigadier General.

Q. Was not Governor Johnson confirmed a Brigadier General by the Senate?

A. I believe so. I remember very well at the time he was appointed that he was in the Senate; that I saw the Secretary of War, compared opinions with him, and proceeded to the lodgings of Mr. Johnson. He was not then prepared to decide as to his acceptance of the office. We got in some of his friends, and he finally determined to accept; and I know that it was then considered necessary, if he was to go into a revolutionary State as Governor, that he should go with some military power or prestige in order to be able to enforce his authority.

Q. These other provisional Governors, however, had not military authority?

A. There was a provisional Governor in North Carolina, Mr. Stanley, who had not, I think. Since the administration of Mr. Johnson, none of them, I think, have been officers of the army.

By Mr. ELDRIDGE:

Q. How many of these provisional Governors did Mr. Lincoln appoint?

A. He appointed, I think, a provisional Governor in Louisiana, and one in North Carolina. It seems to me that during the administration of Mr. Lincoln, Hamilton was appointed over Texas, though I do not think he succeeded in getting into the State at that time. He was again sent there after Mr. Johnson became President.

Q. How many of these Governors were clothed with any military offices other than such as this appointment of Governor would confer?

A. I do not remember that any other was, except Governor Johnson. Military Governors were appointed during the war and provisional Governors after that.

Q. In respect to taking the test oath, I ask you whether it was not notorious that Governor Parsons, of Alabama, had been a member of the rebel legislature?

A. I cannot answer that. I do not remember the history of Governor Parsons; at least I don't remember what was then known of it.

By Mr. BOUTWELL:

Q. Did you have any consultation with President Johnson with regard to the appointment of Holden, of North Carolina, or Parsons, of Alabama, previous to their appointment?

A. I cannot answer that question with precision. Some of these provisional Governors I did have conversation with him about and recommended; others

were designated by him, and I was directed to appoint them before having any such consultation. With regard to Governor Holden and Governor Parsons, I am not clear whether I knew beforehand either was to be appointed or not. It was a matter of accident whether I would or would not be consulted.

Q. Do you recollect whether at any time the loyalty of Holden and Parsons, or the course they had pursued during the rebellion, was a subject of conversation between you and the President?

A. No, sir; I only remember that they were understood at the time they were appointed to be loyal men, and earnestly desirous of the restoration of the government. I do not recollect any conversation with the President upon that subject.

Q. Had the President, within your knowledge, any policy as to whether the previous conduct of persons during the rebellion should be considered in making appointments, or whether reference should be had solely to what was then understood to be their state of mind in reference to the restoration of the Union?

A. All that I can say about that is, that when a provisional Governor was to be appointed we endeavored to get a loyal man, in favor of the restoration of the government upon the principles we proposed, and, if practicable, one who had been consistent in his loyalty to the Union throughout. That was our endeavor, whether we succeeded or not.

Q. Is it within your knowledge whether the President, in the case of Holden and Parsons, instituted any inquiry as to the conduct of these men during the rebellion?

A. No; I have no knowledge that any such inquiry was instituted. The record or history of these prominent men in the South was public, and I suppose each person, in relation to them, acted upon what he understood himself to be their course of action.

Q. Is it within your knowledge or not that the fact that a man had been engaged in the rebellion was, in the judgment of the President, a bar to his appointment to office, if it was understood at the time when the appointment was made that the person under consideration professed to be loyal?

A. It was not a bar in the President's judgment if he was then loyal and qualified to perform the duties of his office.

Q. If his participation in the rebellion was known to have extended so far as to render him unable to take the test oath, was he thereby disqualified in the judgment of the President for appointment to office?

A. I do not think I ever heard that question discussed, or ever heard him express an opinion thereon.

Q. State whether, other than the arrest of Surratt, in reference to which you have testified heretofore, any steps have been taken by the State Department, or persons acting under its authority, since the execution of Payne and his associates, for the purpose of discovering who the persons were that contrived the plan which resulted in the assassination of President Lincoln. If so, what steps?

A. Colonel Sharp, who was provost marshal of the army of Virginia, Grant's army, was sent to London to see whether he could there procure any evidence from persons connected with the rebellion, or sympathizing with it, that would affect any persons other than those who were tried and convicted. He went to London last winter, and has been there since, and is now, as I learn, in Rome, thus far having succeeded in obtaining no material information. Mr. John A. Bingham was by me, upon consultation with Judge Holt, invited to assist the district attorney in the trial of Surratt. He conferred with me, and told me of a paper which he thought threw some light upon the subject, and which he represented as having been published in the Baltimore Sun during the time of the trial of the conspirators, I think. At his instance I sent a confidential person to Baltimore, obtaining the paper referred to, no file of it having been found in

this city, and communicated it to him or to the district attorney. At his suggestion Mr. Riddle, of this city, was requested to assist in the trial. I know of no other proceedings that have been taken by the State Department in the direction you speak of beyond what I have heretofore communicated to Congress or the Committee on the Judiciary.

Q. When did Colonel Sharp go abroad for that purpose?

A. I think about the time I was last before the Committee. I think I mentioned, informally, the last time I was before you, that an agent had been sent or would be sent.

Q. Was he sent upon your own suggestion, or upon the suggestion of any other person?

A. My own.

Q. Since the time of the execution of Payne and his associates, have you received from the President any advice or suggestion in reference to the discovery of persons who originated the plot for the assassination of the President, Mr. Lincoln?

A. I do not think I have had any conversation with the President on the subject, other than what occurred when I reported to him what proceedings I was taking, and to which he assented. I have never had any advice or direction, or suggestion from him.

By Mr. LAWRENCE:

Q. Were any of the appointments by President Lincoln of military Governors, who held military offices, made after the passage of the Act of Congress of February 9, 1863?

A. That is a historical or chronological fact easily ascertained from the records; I cannot answer from memory.

Q. Can you state whether either of these provisional Governors, who held no military office, was paid any salary?

A. I cannot say affirmatively that they were, because, if I remember right, they were not paid by me. I have no doubt that they were paid by the War Department. I have no doubt that all military Governors were paid.

Q. Can you state why the correspondence with the provisional Governors appointed by President Johnson was entrusted to the State Department rather than to the War Department?

A. I do not know that I can state the reason. I can state a reason why it was or why it might have been done. The theory of the State Department, as I have always understood it to be, is, that it is charged specially with correspondence and the conduct of the political affairs between the United States and foreign nations, and between the United States and the several States of the Union. That is the theory upon which we have proceeded. By illustration: the Governor of a Territory is a political officer; the Secretary of a Territory is a political officer. The appointment of these officers and the conduct of these affairs are vested in the Department of State upon the ground that they are political officers in inchoate States, so the correspondence with Governors of States is legitimately through the Department of State. I do not know that this is the reason, but is a reason why that might have been so.

Q. Was there any reason why all this business of reorganization under President Johnson was regarded as the exercise of a civil power rather than a military power; and if it were military power, would not the charge of it properly belong to the War Department?

A. I cannot answer what was thought by anybody on that subject. I can say that, in my own judgment, the proper direction in that regard was taken. When the State of Tennessee was first organized the matter fell within my province—it being the reorganization of the State of Tennessee, at least provisionally—but we had no money in the State Department, and we required the

strong arm of the military for the purpose of carrying out efficiently the organization. Therefore the supervision of that organization was in the Department of State, although the military support and the payment of the Governor's salary was in the War Department.

Q. Did not your department regard this matter of reorganization after the surrender of the rebel Joe Johnston as the exercise of a civil power?

A. I regarded it as the exercise of the civil power in co-operation with the military power.

Q. And the military subordinate to the civil?

A. In co-operation. I cannot say that I regarded it as subordinate; I do not now.

Q. The reorganization of Tennessee commenced, did it not, in a movement of the people themselves?

A. I cannot answer as to that fact. I should think not. You may be more familiar with the subject than I am. All that I remember is that I was anxious to have a Governor appointed, and that he should be invested with military power sufficiently to enable him to enforce his acts.

Q. Have you examined the report of the Reconstruction Committee in regard to the State of Tennessee?

A. No, sir; I have not examined the report of the Reconstruction Committee at all, upon any subject.

By Mr. ELDRIDGE:

Q. Were all these appointments made substantially in the same form both by President Lincoln and President Johnson?

A. They were all intended to be; I cannot say whether they were or not. I think no appointment was ever made without my drawing it or causing or directing it to be drawn; and so far as I remember, there was no departure from the policy or principle originally decided upon in regard to their functions, power, responsibility, or anything else. I thought I was doing the same thing, but I am not very much a slave to forms, and very likely one case may differ in phraseology from another. I may say this: that there was no one of these Governors ever commissioned that I did not write or dictate the terms of the commission, and that not one word was altered or changed by the President or any one.

Q. And in principle you followed the Tennessee appointment?

A. In principle I thought I did.

By the CHAIRMAN:

Q. Is the plan of reconstruction applied by the President to the rebel States a system of his own creation, or how was it agreed upon?

A. I think it grew during the administration of Mr. Lincoln and the administration of Mr. Johnson, and it was modified from time to time by the circumstances as they occurred. The first act of reorganization, as I have mentioned, was in the case of Tennessee. I think I am the author of that. I think, so far as I know, that plan of reconstruction was pursued, at least until the time I was taken sick and went to my bed, in the month of April, 1865. When I came out of the sick room, the first day I went to the Cabinet, I think the draught of the President's proclamation, or a plan of proclamation, was submitted to me. I found that it substantially accorded with what I had understood to be my own plan, and I accepted it as being the same.

Q. Do you refer to the proclamation now in the case of North Carolina?

A. I refer now to the general proclamation of amnesty and reconstruction of Mr. Johnson. How far it differed from other plans submitted I do not remember. When this question came up before the President and in Cabinet, it was discussed and adopted during my sickness, and was understood and stated, I

believe, as one which harmonized with what had previously been done, but modified by the circumstance of the close of the war, and other things.

By Mr. LAWRENCE:

Q. Was there not this difference, that Mr. Lincoln's plan was adopted during the war as a war measure, while Mr. Johnson's plan was adopted after the war had ceased?

A. There was a difference both of time and circumstance.

By the CHAIRMAN:

Q. I find the proclamation for the organization of a provisional government of North Carolina was dated May 29, 1865; was that proclamation considered in Cabinet before it was published?

A. That and the other proclamation referred to were all subjects of frequent discussion and very careful deliberation before any one was issued. I think that when the proclamation was reduced definitely to the form which it now has it was submitted to the whole Cabinet, but I cannot certainly say as to the fact that it was. My recollection is that all the provisions contained in it were carefully considered by the President in Cabinet. I am not able to state, however, positively about that. I see, by looking at the date, that at that time I had only partially recovered, and I was unable to be in Cabinet in all its meetings. I remember, when I arose from my sickness, that I took the papers then presented to me, and made some suggestions to it in the way of amendment, which were accepted.

Q. Was there any suggestion within your recollection, at or before the time the proclamation was agreed upon, as to the convocation of Congress, or the necessity of borrowing the aid of the legislative power in carrying out this design?

A. I do not remember that there was.

Q. Was not the object of the administration, or of the President, to hurry through and to consummate his process or project of reconstruction before the meeting of the next Congress?

A. No; the object was to proceed with the work of the restoration of the Union as speedily and effectively and wisely as possible, having no reference as to whether Congress would be in session or not.

Q. Did not he urge these parties to be prepared to be at the doors of Congress by the time of its next meeting?

A. Very likely he did. I do not know the fact. I know I was very anxious that these States should be represented in Congress, and that he was equally so that they should be provided with representatives who could be admitted.

Q. You stated in reply to a question put by Mr. Lawrence, as to the reason why these matters have been committed to your department, that it has been the usage to refer the relations between the general government and the Territories to that department; do you remember any precedents as to States and correspondence between the general government and the States?

A. Yes, sir; the whole correspondence from the beginning, as I recollect, has been with the State Department; that is the political relations of States.

Q. Do you recollect any case of controversy between the general government and some State?

A. I do not remember a case of controversy precisely of that description. I remember correspondence relating to the rights of citizens of States quite abundant; where, for instance, the rights of a citizen of the United States or of the State of Pennsylvania is affected by some particular action, in which it becomes necessary that there should be correspondence in reference to it between the general government and the government of that State, and that such correspondence has been carried on by the Secretary of State and the Governor of the State in question.

Q. Is not that because it relates to the foreign relations of the government?

A. No; not exclusively. I do not say that other departments may not correspond with the States. I say that correspondence affecting our political relations is carried on by the President through the State Department.

Q. You stated that there had been a consultation in reference to the disposition made of Jefferson Davis. Be good enough to say whether in the course of that consultation any reference was had to the fact that he was held in military custody by virtue of the proclamation under which he was captured, on charge of complicity in the assassination of the President?

A. My recollection is that before that question occurred the Secretary of War had withdrawn the proclamation issued, and that, therefore, no such state of facts existed.

Q. Was there not a reward offered by proclamation for the capture of Jefferson Davis, on charge of complicity in the assassination, and was not that reward paid?

A. I have heard that it was. I was sick at the time and knew nothing of it. I remember a time when the Secretary of War, under whose sanction the proclamation was issued, came into Cabinet and recommended the withdrawal or discontinuance of it, and that it was withdrawn or discontinued; and I have reason to suppose, as every one else has who has read the public prints, that there were claims for the rewards offered by that proclamation for the arrest of the offenders. Whether they have been paid, or what disposition has been made of them, I only know from the newspapers, and not from any special information in my possession.

Q. There was a withdrawal of the proclamation in the case of Surratt about the time of his arrival in England, and before he had been captured; was that the case in respect to Davis and the others enumerated?

A. I ought to be guarded in speaking of these proclamations, for I was too ill to know anything about them when they were issued, and since then it has not been within my province to know anything about them except what I have seen in the ordinary newspaper reports.

Q. You do not, then, undertake to say positively that this proclamation for the arrest of Davis was withdrawn?

A. I know nothing about it except historically.

Q. Are we to understand you, then, as saying that no reference was had to the fact of his being held under military arrest at this time, upon the hypothesis, as you suppose, that proceedings of that character had been withdrawn and discontinued?

A. No; there was not any such conversation that I ever had or heard of with the President. Jefferson Davis was then in Fortress Monroe, in custody of the military authorities, and the simple and only question was whether he should be surrendered to the civil authorities if they should demand him, and it was decided or understood that he should be.

Q. There was nothing said as to his being held in the way I speak of, or upon that charge?

A. Nothing. I never had it in my view, or heard it alluded to at all. My own theory about Jefferson Davis has been simple and continuous that, until that proclamation was withdrawn and peace was proclaimed by the President, Jefferson Davis was amenable to, and ought to have been tried for, the alleged complicity with the assassin in the assassination of Mr. Lincoln, if there was evidence in the judgment of the authorities who had charge of the administration of military justice to put him on trial, and that in any case he ought to be tried before a military commission for treason; but that when he was not tried, contrary to my advice, by the military authorities, he then ought to be tried for treason by the civil authorities, and the sooner he was tried the better. I, perhaps, ought to state that from the beginning I have never heard or seen any

indication on the part of the President to prevent a trial. On the contrary' every time the question has been raised in his presence, within my knowledge' he has always been anxious for the trial of Jefferson Davis by a civil tribunal' after it was decided that he should not be tried by a military tribunal—and that decision was reached very early in Cabinet—in which I was overruled.

Q. Was that decision ever made public?

A. No, sir; it was not necessary to make it public. It was the opinion of the Attorney General, and upon his recommendation the decision was made.

Q. Was the question made at that time as to his complicity in the assassination?

A. There was a talk at that time as to his complicity, but they failed to procure evidence of it. I remember at one time one or two witnesses were examined before the President and myself upon that subject, and that I examined one or both of these witnesses, or heard what they said. Some time after that, as I supposed, the testimony of these witnesses was discredited and destroyed by transactions in which Sanford Conover appeared, and the evidence of the alleged complicity of Jefferson Davis thereupon failed.

By Mr. LAWRENCE:

Q. Do you know what directions were given to the District Attorney in Richmond, recently, in regard to the question as to whether Mr. Davis should be allowed his liberty upon bail?

A. I do not know that any directions were given to him. I have no knowledge or information that any were given whatever, or what they were if there were any. The matter fell within the province of the Attorney General as the judiciary officer of the government, and it was never discussed in my presence, in the Cabinet or elsewhere, with him or anybody else.

By Mr. ELDRIDGE:

Q. You spoke of putting him on trial before a military commission, and for alleged complicity in the assassination of the President. I wish to know if you can state any other reason why that was not done?

A. I do not know. I only know that it was not done, that we were inquiring about these witnesses, and that was the last I remember to have heard of it in connection with any officer of the government. I afterwards heard of proceedings in connection with Sanford Conover, which, as I understood, destroyed the testimony of the witnesses examined by me.

Q. It was destroyed then because the evidence was insufficient?

A. You require me to draw an inference. I do not know anything about it.

Q. Was not that the reason you dismissed the subject?

A. The reason why I dismissed the subject was that my attention was never drawn to it again. It would be only accidental that my attention would ever be called to that subject. It would be only fair to imagine that, having been myself a sufferer in that business, the subject would be a delicate one for me to pursue without seeming to be over zealous or demonstrative.

By Mr. WILLIAMS:

Q. Have you any knowledge of a confession made by Payne before his execution in regard to his attempt to take your own life?

A. Yes, sir; I have.

Q. There was such a confession made?

A. I will tell you what I know of that. Major Eckert, Assistant Secretary of War, at the time of these prosecutions, was a very kind friend of mine and a frequent visitor at my house. He told me that Payne made some statements of confession to him before his conviction, I think it was; whether before his trial or not I do not remember; that he took it down in short-hand, if I recollect

right, (I think he wrote short-hand) He told me the substance of it, or at least so much as I then supposed to be material or pertinent to the subject. . Some question, as I understood, arose, whether that confession of Payne could be put in evidence on the trial, or whether, after the trial, it should be given to the world as justifying the punishment. I think that Major Eckert told me it was not made use of chiefly because there was proof enough without to satisfy the minds of all persons, and that it might seem to weaken the power of the conviction or judgment to make use of a confession made by one of the parties convicted. Major Eckert told me after that time that he meant to draw out Payne's statements for my own use and satisfaction. I told him I would be pleased to have it. When I have seen him since I have asked him, and he said he was going to do it. The last time I saw him he repeated that he would draw it out and give it to me, but I have never seen it.

Q. Did you understand whether that confession in any way implicated any of the rebel authorities?

A. If I am correct, and it is a pretty important question to speak to, it did not. I think I understood that Payne utterly and absolutely refused to implicate even the parties that the proof implicated. He declined to give any information even as to his known confederates. At least that is the impression left upon my mind, that he was obstinately determined to go to the grave without breaking the confidence he was supposed to have held.

By Mr. ELDRIDGE:

Q. In any consultation with President Johnson did he ever advise against, or in any other way attempt to prevent the prosecution of Jefferson Davis for complicity in the assassination?

A. He never advised against his prosecution for anything. He was most strenuous in insisting upon the prosecution and trial of Jefferson Davis for whatever could be laid to his charge.

By Mr. MARSHALL:

Q. Has that been so at all times?

A. Always, when it has been the subject of discussion or debate. With the lapse of time this got to be an old affair, and is not often referred to.

Q. Did I understand you that his trial by a military commission was abandoned upon the advice of Attorney General Speed?

A. It was not abandoned because it was never determined on. I urged it, or at least I was willing to see it done, but in that I was not sustained by the advice of the Attorney General. Three counsel were chosen to prosecute, and we reported our proceedings from time to time. We then held conversations from time to time about the selection of counsel. Mr. Clifford, of Massachusetts; Mr. Evarts, of New York, and Mr. Rousseau, of Kentucky, were appointed, and I always supposed they were going on to prosecute the case, until after awhile I saw that Governor Clifford had dropped out; and Mr. Rousseau, I do not know how he got out, or whether he is yet out. Mr. Evarts is still retained.

By Mr. CHURCHILL:

Q. How recently have you heard the President express an opinion that Jefferson Davis should be tried?

A. I cannot say how recently, because I cannot remember that it has been the subject of conversation in that connection for some time. At various times I have heard it discussed, and while it remained as a practical or living subject of debate, that was the expression of the President.

Q. Have you heard him express any opinion since this question of *habeas corpus* has been before the country?

A. I have not. The Cabinet meets twice a week, but I do not remember to have heard any conversation on that subject since the *habeas corpus* was issued,

unless it was our discussion of the question whether we should deliver him to the civil authorities on the *habeas corpus*, or subsequent to the issuing of the writ, which, I cannot tell. I can say very safely that I never heard any intimation from the President that Jefferson Davis should not be tried just as soon as it was practicable.

By Mr. WILLIAMS:

Q. You state that the President has been, so far as you know, very solicitous to bring him to trial. Has it been his idea that he should be tried before a court sitting in Virginia?

A. No, sir. The advice of the counsel was followed when that question was considered. Many months ago that question was under consideration. There were various suggestions, that he should be tried in Tennessee, in Virginia, in Maryland, and in Pennsylvania. The President always required the law officer of the government to see that he was tried at the place where the best possible case could be made.

Q. Was it not the opinion of the Attorney General that he might be tried in some of the loyal States and convicted of treason?

A. I do not know what the opinion of the Attorney General was, for I do not remember to have heard that question discussed by him. I remember the question generally was discussed during the administration of the previous Attorney General, and what his opinion was upon this point I could not now tell you. I rememder being in Philadelphia, and having a conversation with Mr. Meredith upon the subject, and that he was very decided in his opinion that there would be a conviction, and, I think, he was of the opinion that he could be convicted in Virginia I know it was debated in the presence of lawyers, and in the presence of the Attorney General. I am not now a lawyer and have no opinion upon the question.

By Mr. LAWRENCE:

Q. On the 23d of July, 1865, Provisional Governor Sharkey sent a communication to you, as appears by Executive Document No. 27, second session Thirty-ninth Congress, which he asked you to lay before the President, and to which you replied as follows:

[Telegram.]

WASHINGTON, *July* 24, 1865.

W. L. SHARKEY,
Provisional Governor of Mississippi, Jackson:

Your telegram of the 21st has been received. The President sees no reason to interfere with General Slocum's proceedings. The government of the State will be provisional only until the civil authorities shall be restored, with the approval of Congress. Meanwhile military authority cannot be withdrawn.

WILLIAM H. SEWARD.

Q. Was that by direction of the President?

A. That telegram was written by me, and was sent by authority of the President, but I have some recollection that in the haste in which the business was then transacted the language used was stronger than he understood it to be. It was not his dictation, but my own. It was sent probably with his approval, but I do not think it was considered thoroughly by him.

Q. There were other telegrams to the other provisional Governors, saying substantially that their proceedings respecting reorganization would be subject to the approval of Congress. Were they also sent by direction of the President?

A. They were all sent in the same way. They were written by me, and not disapproved by him.

Q. On page 17 of this document, is a communication from the State Department, to provisional Governor Holden, in which you say: "The amount thus reasonably estimated will be paid at the War Department as an expense incident to the suppression of the rebellion. The estimates, however, will carefully exclude all expenses which may arise from the administration of the civil government of the State, including the charities thereof. It is understood here that, besides cotton which has been taken by the Secretary of the Treasury under acts of Congress, there were quantities of resin and other articles, as well as funds, lying about in different places in the State, and elsewhere, not reduced into possession by United States officers as insurgent property. The President is of the opinion that you can appropriate these for the inevitable and indispensable expenses of the civil government of the State during the continuance of the provisional government. He is also of the opinion that you can levy taxes or assessments for these inevitable and indispensable expenses, and enforce their collection. Should you adopt this course, and find yourself impeded or embarrassed in the execution of the measure, you will then report to this department, and orders will be given by the War Department to the military authorities to take charge of the matter." Are you able to state what kind of cotton, resin, and other property was taken in pursuance of this letter?

A. I am not able to state how much was taken in pursuance of that letter. I remember that Governor Worth and others from North Carolina came up here and made representation that they could not carry on any government without some help or relief; that there was property in North Carolina belonging to the State as distinct from the confederacy; and amongst other things, I think, they said that there was cotton that was claimed as belonging to the State, which had made separate and distinct contracts for it; that the subject was one of careful examination, lasting a day or two, or three. And the conclusion was, I think, on consultation with the Treasury and some others of the departments, or officers of government, that if there was property there of that kind, it was in such small quantities and lying in such condition that it could never practically be realized for the government, while the State, having the necessity upon it, might be able to make something out of it. What was done I do not know. I remember since then to have seen one or two facts throwing some light upon the subject. I think I have seen a statement in a rebel book of a gentleman who went to London for the State of South Carolina, and that cotton was sold for that State and accounted for; also reference made to some litigation arising in London upon the question whether, in the case of property owned by the State of North Carolina, and to be used for the prosecution of the war, the State had now a valid claim to that property. The amount was small, but I remember that question was raised.

Q. You never required a report of the amount so used in North Carolina?

A. No, sir; I remember there was a careful consultation with the Secretary of the Treasury about it, and that the letter was modified before being sent, to meet the views of the Secretary of the Treasury in regard to one or two points.

Q. And no report was ever made to you or to the government on the subject?

A. None to me.

By Mr. WILLIAMS:

Q. I see it stated in the same communication that he may levy taxes for the purpose of meeting these necessary expenditures. Governor Sharkey, in his testimony before the committee, refers to the same subject. Be good enough to state whether any report was ever made to any department of the government of proceedings taken by the provisional Governors of any of the rebel States in that direction?

A. Not to my knowledge. I have no recollection or knowledge about it.

By Mr. WILLIAMS:

Q. When the proclamation was issued, after the re-establishment of a provisional government in North Carolina and the other States, and provisional Governors were appointed, was it a matter of consultation with the President and his Cabinet?

A. The proclamation was the result of many consultations and conferences.

Q. If it is proper, will you be good enough to state whether the action of the President in these proclamations met with the approval of his Cabinet officers?

A. I have no recollection that there was any dissent from the proclamations by anybody.

Q. Will you state, so far as you know, what the motives were which actuated the President of the United States in issuing these proclamations?

A. It was to bring the country to its normal condition, the States into their constitutional relations with the United States, preserve peace, and reduce the expenses of the government as rapidly as possible.

Q. Was the question discussed as to the power of the President, without the sanction of Congress, to go on and re-establish these State governments?

A. I do not remember that there was ever any discussion about it. I never had any doubt about it.

Q. Your own opinion was that he had that power?

A. I thought so; I think so still. Since my attention has been called to the fact that Governor Sharkey says he was authorized to levy taxes, and indemnify himself, it refreshes my recollection upon the subject of the pay of provisional Governors. I now recollect the fact, which I did not remember when I stated that all the Governors were paid by the War Department.

WASHINGTON, D. C., *May* 25, 1867.

Upon these notes being submitted to me, I desire to say that I have now obtained information that Major Eckert does not write short-hand, and that the statements made to him by Payne, as mentioned by me, were, probably, not reduced to writing at all, but mentioned to me by Major Eckert from memory.

WASHINGTON, D. C., *May* 17, 1867.

JAMES L. SELFRIDGE sworn and examined.

By Mr. WILLIAMS:

Q. State your residence.

A. Bethlehem, Pennsylvania.

Q. State if you were appointed to any office in the Congressional district in which you reside.

A. In the latter part of June, 1865, I was appointed assessor of internal revenue of the eleventh district of Pennsylvania, to fill a vacancy.

Q. How long did you continue to hold that office?

A. I held it until the 20th of November, 1866.

Q. State, if you please, whether you held a commission in the usual form.

A. Yes, sir; I held a commission from the Secretary of the Treasury until the adjournment of the Senate.

Q. Now state, if you please, whether your name was sent in to the Senate for confirmation?

A. So far as I know, it was not sent in.

Q. Did you bring the matter, at any time during the session of the Senate, to the notice of the Treasury Department?

A. I came down here the 5th of June, I think; I do not recollect distinctly

whether I saw the assistant Secretary that day or the next day; the 5th or 6th of June I called at the Treasury Department with the view of urging him to send my name in.

Q. You know, then, that it had not been sent in?

A. I so understood. I was unable to see the Secretary, and saw assistant Secretary Chandler, who, after a moment, referred me to the Commissioner of Internal Revenue. He seemed to be aware that my name had not been sent in. Mr. Rollins could not be seen, and I saw Mr. Whitman, the deputy Commissioner. I told him that I had been over to the Secretary's office and stated my business there, and that they had referred me to the Commissioner's office. I inquired why the name had not been sent in; he replied that Mr. Cowan had charge of the Pennsylvania appointments, and that when Mr. Cowan said the name should go in it would go, and not until then.

Q. State whether you called at any time upon the President himself in regard to it?

A. No, sir; I called on Mr. Cowan, and stated to him what I had learned at the Department. He replied that he supposed that was so.

Q. Did he give you any advice?

A. He told me to go home and support the President and his policy, and he would attend to the matter. I saw him before the adjournment of Congress on the 3d day of July, in the city of Philadelphia. He there intimated to me that the name would not be sent in. He told me that if I stopped taking radical papers, and supported the President and his policy, the President might reappoint me, but he would appoint no one who took radical papers.

Q. You had no conversation with any officers connected with the Treasury Department in regard to the matter after that?

A. I saw the Secretary of the Treasury subsequently, I think about the 25th or 26th of February, and I inquired of him how the matter was. He said he supposed it was an omission. I told him I knew how it was; that the matter had been left entirely with Mr. Cowan. He made no reply.

Q. Did Mr. Cowan state to you, as if by authority, what was the President's policy?

A. He stated very emphatically that, so far as I was concerned, unless I stopped taking radical papers, and supported the President's policy, I would not be reappointed. I held the office after the adjournment of the Senate until November. I have a letter here from the Fifth Auditor of the Treasury Department, dated May 8, 1867, in which he speaks of there having been an omission in sending in my name, and they refused to pay my salary and commissions after the adjournment of the Senate. I wrote to him about the matter, and he replied that there seemed to be an omission to send in my name, and that I therefore ceased to be entitled to receive compensation as assessor on the 28th of July, 1866.

By Mr. ELDRIDGE:

Q. On whose recommendation were you first appointed?

A. I was in the army at the time I was appointed. There were several applicants for the position. I was recommended by a number of citizens of Philadelphia and my own district.

Q. Who recommended you?

A. Judge Knox, of Philadelphia, was one; the entire Congressional delegation from Philadelphia, with the exception of the first district; Judge Kelly, Mr. O'Neil, Mr. Myers, Mr. Thayer, and Colonel Thomas, the collector of the district, and Mr. Milward, the marshal, recommended me.

Q. Were you the first assessor of the district?

A. No, sir; the first assessor was Samuel Oliver. He resigned, and I was appointed to fill his place.

Q. Were you originally recommended by Mr. Cowan?

A. No, sir; I do not think that Mr. Cowan knew I was appointed until the appointment was announced.

Q. Were you recommended by Senator Buckalew?

A. No, sir.

Q. You never saw the President about the matter at all, and had no communication with him?

No, sir.

By Mr. WILLIAMS:

Q. When were you superseded, and by whom?

A. In September a man by the name of Charles Glantz was appointed to relieve me. Charges were preferred against him that he was a brewer at the time, and not eligible to the position, and his commission was withdrawn. I held over until the 20th of November, when David H. Neiman was appointed. He was rejected by the Senate, and William Mutchler was appointed and confirmed.

Q. Was the man who was appointed immediately after you engaged in brewing at the time, or immediately before?

A. Yes, sir.

Q. Who made charges against him?

A. A number of citizens.

Q. Did you make them?

A. No, sir.

Q. Did you get them to be made?

A. No, sir; I knew nothing about them until they were made.

Q. Who is this Neiman?

A. He was editor of a paper in Easton.

Q. What are his politics?

A. He is a democrat.

Q. Always a democrat?

A. Yes, sir; his press was destroyed in 1861.

Q. By whom?

A. By returned soldiers from the three months' service.

Q. Did you have any part in that?

A. No, sir; I was in Harrisburg raising a new regiment at that time?

Q. Who was his successor?

A. William A. Mutchler.

Q. What is his business?

A. He has been an office-holder ever since I knew him. He has been deputy sheriff, and has been prothonotary for that county.

Q. Was he always a democrat?

A. Yes, sir.

Q. Is this a democratic district where you live?

A. Yes, sir; it is called "the tenth legion of democracy."

Q. Who represents that district in Congress?

A. Mr. Van Auken. Philip Johnson was the representative, but died toward the latter part of his term.

Q. What was the reason of the attack of the soldiers on Mr. Neiman's press?

A. His opposition to the war.

By Mr. ELDRIDGE:

Q. What were your politics at the time you were appointed?

A. I was a republican—always a republican.

WASHINGTON, D. C., *May* 17, 1867.

SAMUEL S. JONES sworn and examined.

By the CHAIRMAN:

Q. Were you on duty at the White House in 1865?
A. Yes, sir.
Q. In what capacity?
A. As an officer.
Q. What kind of officer?
A. I was employed by General Baker as an officer.
Q. A police officer, or detective, or what?
A. A detective officer, I think they term it.
Q. Who assigned you to duty at the White House?
A. I think Colonel Assmosson sent me there.
Q. Who is he?
A. He was employed by General Baker.
Q. How long were you on duty at the White House?
A. I could not tell; two or three weeks I reckon I was there.
Q. What time in the year was it?
A. I could not tell you that. It was about the time that they had the news that Surratt was coming here to assassinate the President in the winter.
Q. What Surratt?
A. John Surratt, I suppose.
Q. Was that in the winter of 1865–66?
A. Yes, sir.
Q. Was it the time that Baker caused the arrest of Mrs. Cobb?
A. Before that time.
Q. Did you know of any improper influences that were used by persons having cases at the White House, in order to obtain pardons?
A. No, sir.
Q. In the way of the payment of money, or any other improper or unlawful influence?
A. No, sir.
Q. Were you acquainted with any of the persons who were understood to be in the pardon brokerage business in this city at that time?
A. No, sir.
Q. Did you ever see any of those persons about the White House?
A. Yes, sir.
Q. Who?
A. I saw a lady engaged in that business, by the name of Mrs. Cobb, a great deal.
Q. How often did you see Mrs. Cobb?
A. Sometimes two or three times a day.
Q. Was she there every day?
A. No, sir; I did not see her there every day. She would be there in some days two or three times, and the next day she would not be there at all. She was there more or less every day or two.
Q. Did you know what her business was on those occasions?
A. Nothing more than that I heard it said she was there after pardons.
Q. Who did you hear state that?
A. I heard a man by the name of Dunn, who staid at the door of the White House, and she told me herself that she was in the pardon business.
Q. Did you ever know of her obtaining any pardons?
A. Yes, sir; I believe she did obtain one, to my knowledge.
Q. Was that in the Howell case?

A. His is the only case that I ever knew that she had got pardons in?

Q. Did she seem to have free access to the house?

A. Yes, sir; whenever I saw her.

Q. And to the audience room of the President?

A. Yes, sir.

Q. Did you know whether she was there for any other business connected with the official acts of the President, besides the granting of pardons?

A. No, sir.

Q. What other pardon brokers did you ever see about the White House?

A. I know a man—I could not tell you his name. I have seen him about here to-day. He was engaged in the pardon business and had an office.

Q. Would you know his name if you were to hear it?

A. I do not think I would. He was, I think, a colonel in the rebel army.

Q. Was he an agent for the State of Alabama?

A. I think he was.

Q. Where did he have his office?

A. I think he had an office opposite Willard's Hotel.

Q. Do you know whether he was acquainted with Mrs. Cobb?

A. I do not.

Q. Was he there frequently?

A. Yes, sir.

Q. Do you know of his obtaining many pardons?

A. I used to see him with a great many papers in his hand. I know nothing about what was in them.

Q. What was your official duty as an officer at the White House?

A. I was sent there to see if any of those parties came. I knew Surratt, and I was there to see who approached the President. I remained with the President in his private office when the doors were thrown open for common receptions, and when he walked about the grounds I usually remained near him.

Q. Were you in his room when he was receiving the public?

A. Not when members of Congress and others were received privately; but when the doors were thrown open I usually stood near the table by him.

Q. Are these the only two persons engaged in the pardon business that you know visited the White House frequently?

A. I could mention Mrs. Washington.

Q. Did you know whether she obtained any pardons?

A. Only one, to my knowledge.

Q. In what case was that?

A. Captain Kelly.

Q. State what you know about that case?

A. I only know that she obtained a pardon for him.

Q. Do you know of any cases of pardons being granted, in which there was any improper or unlawful inducement offered or given to the President, or any officer about the White House?

A. No, sir; nothing of the kind.

Q. During the three weeks you were there on duty, were you about the house all the time?

A. Most of the time, except when I went to get my meals. It was my business to be there from the time they opened until the police came around and relieved me, at night, about eight or nine o'clock in the evening. The doors were closed at three o'clock, and no one was admitted unless he had a card to the President.

Q. Did you report to General Baker any improprieties that you saw going on about the White House?

A. No, sir; I did not.

Q. Did you report to him about any woman, or other persons being about the house, acting in an improper manner?

A. I do not know but I may have said at the time that it was a great place for men to assemble to pick up women. I do not know that I ever said anything else that I can recollect at the present time.

Q. Did you report that there were any improprieties which you saw there with the President?

A. No, sir.

Q. So far as you know, if there were any improprieties there he had no knowledge of it?

A. I do not think he did.

Q. Did you ever report to Baker, or any other person, that any money was being used in the pardon business?

A. No, sir.'

Q. Did you have any reason to believe that any was used?

A. None, except what Mrs. Cobb said to me, that she had to use money with the heads of the departments to get these things through, and that is merely hearsay, of course.

Q. Were you sent to the White House with the knowledge of the President of the reason of your being there?

A. I told the President why I was sent there. He used to speak with me almost every day; asked me if I saw anything. I told him that I did not.

Q. Was Baker absent from the city at the time?

A. Yes, sir; I think he was in Philadelphia.

Q. On his return did he send for you?

A. He recalled me from the White House.

Q. Who was on duty with you at the White House?

A. A man by the name of William R. Speer went there with me first.

Q. Do you know a man by the name of John Odell?

A. Yes, sir.

Q. Was he on duty with you?

A. Not there.

Q. Did you have an interview with Baker, at which Odell was present, at any time while you were on duty at the White House?

A. Not to my knowledge; I do not remember. We were often in the office together, but I do not recollect any special interview.

Q. Were you directed by Baker's assistant to call on him after his return?

A. General Baker sent a note to me requesting me to come from the White House back to the office.

Q. Were you on duty after that at the White House?

A. No, sir. You asked me about improper conduct. There was an officer who gave an affidavit which I reported to Baker. I never knew anything of the kind myself; my name may have been used to the Committee in connection with that.

By Mr. ELDRIDGE:

Q. What was your business before you were on duty as an officer with General Baker?

A. I was in the United States Marshal's office, in New York city—there and with General Dix.

Q. What position did you hold there?

A. Deputy United States Marshal.

Q. How came you to be connected with General Baker?

A. I knew of a fraud that was committed on a soldier in New York, who got beat out of money by a man, and I went and told him.

Q. Did you get employed immediately by General Baker?

A. No, sir; I was not out of the situation then.

Q. How long after that before you were employed by him?

A. Some time, I am not sure how long. I used to do work for him occasionally when I was in the office in New York.

Q. Did you know him before that?

A. Yes, sir.

Q. When did you first know Baker?

A. Three or four years ago.

Q. While he was in the employment of the government?

A. Yes, sir.

Q. When you were employed by Baker, what reward did you get for your services?

A. $145 a month.

Q. And your board besides?

A. No, sir; I boarded myself.

By the CHAIRMAN:

Q. Was there any other man by the name of Jones in Baker's employ in the city at that time?

A. Not that I knew of.

Q. Did you tell the President that you were on duty there by order of General Baker?

A. No, sir; I do not think I did. I merely told him I was sent there to keep a lookout; I presume he had heard what we were sent there for. There was a common report about it. Some one telegraphed to the War Department that Surratt was coming to assassinate the President, and we were sent there.

Q. Did you carry a message, either verbal or written, from the President to Baker to the effect that he wanted to see him?

A. Yes, sir; the President told me one day to go and tell General Baker that he wanted to see him.

Q. Do you know what he wanted to see him for?

A. No, sir; he did not tell me.

Q. When the President told you that he wanted to see Baker, was he angry?

A. I do not know whether he was angry or not; he spoke rather quick.

Q. Did you tell General Baker that the President was furious and a little drunk?

A. No; I do not know as I did.

Q. Did you?

A. Not to my knowledge.

Q. Suppose you had told him that, would it have been true?

A. I should have told him the truth if I told him anything.

Q. Was he drunk at the time?

A. I never saw the President drunk.

Q. Then you did not tell General Baker that he was drunk?

A. No, sir; it is a hard thing to tell when a man is drunk.

Q. Did you tell Baker that the President was furious?

A. I told General Baker—says I, "the President wants to see you;" I think that was all I said. I just walked over from the President's House and told General Baker that, and then went down to the hotel where I was stopping; that was all I said.

By Mr. ELDRIDGE:

Q. Where did you see General Baker when you told him the President wanted to see him?

A. In his office. I then went to the hotel where I was stopping—Willard's.

Q. Did you meet General Baker when he was going down to the President's House after you had told him?

A. I did not see him until the next morning.

Q. On or after he had been to the President's House, did you have any conversation like that inquired about by the Chairman?

A. No, sir.

Q. You did not talk to Mr. Baker at all about the President being drunk?

A. No, sir; I never told him, for I had no reason to tell him. I never saw the President drunk. He always treated me like a gentleman all the time I was there.

Q. When you were first in the employ of Baker, what business were you engaged in?

A. I think I went out and picked up a couple of bounty jumpers.

Q. How long after that before you were sent to the President's House?

A. It was more than a year.

Q. Did you say you were acquainted with Surratt?

A. I had seen John Surratt.

Q. Had you ever seen any of the other Surratts?

A. I had seen the daughter and the mother.

Q. Was the Surratt you had seen the one lately brought back from Europe?

A. Yes, sir; I suppose so. I do not know that he was; I suppose he is the same one who is here under arrest. They sent a telegram that he was coming on h re to assassinate the President. I thought it was a very foolish thing to send a despatch. If it was true they should have followed him and arrested him.

Q. Did you remain at the President's House, when you were on the watch, all the time?

A. I staid in the house. I would go out sometimes and stand around the door, e else up in the room with the President. I had free access everywhere except in his private apartments.

Q. Did you ever see Mrs. Cobb go into the room where he receives people?

A. Yes, sir.

Q. How many times?

A. I do not know.

Q. Did you ever see her go in alone?

A. I have seen her at the door, and she would go in. I never saw her open the door and go in. She would go up stairs and go to the door, and if the President was not busily engaged she would be admitted. Very often she would go to another door, where a man by the name of Colonel Browning was, I think, and she could have gone into the President's room from that room.

Q. Was it her practice to go in that way, or was she let in when the door was open for everybody?

A. Sometimes she would go in one way, and sometimes another. She came sometimes quite early in the morning, as soon as eight or nine o'clock.

Q. Were you not there expressly to watch Mrs. Cobb?

A. No, sir; not especially for that.

Q. Did not General Baker tell you to watch Mrs. Cobb?

A. Not until the day the President sent for him.

Q. Did not he tell you to watch Mrs. Cobb the day the President sent for him?

A. Yes, sir.

Q. Were you in the room with the President when Mrs. Cobb was there?

A. I do not believe I ever was more than once.

Q. Were you ever in the President's room when Mrs. Cobb and the President were the only persons there?

A. No, sir.

Q. Were you ever in the President's room when she was there with others?

A. With people who came in?—yes, sir.

Q. What was her business on these occasions?
A. I do not know.
Q. Did she have papers with her?
A. Not to my knowledge; she may have had them, however, and I not seen them.
Q. Did you know, when Mrs. Cobb went into the room where Colonel Browning was, that she saw the President at those times?
A. I did not.
Q. Then you mean to be understood by that merely that she may have gone there?
A. Certainly; I do not know whether she did or not.
Q. Did you know that she and Colonel Browning were acquainted?
A. I have seen them walking together on the street, and I have seen her speak to him in the house.
Q. Did you ever introduce anybody to Mrs. Cobb?
A. Yes, sir.
Q. Who?
A. Captain Howell.
Q. The man who got the pardon?
A. Yes, sir.
Q. Where was that?
A. At Willard's Hotel.
Q. At what place at Willard's Hotel?
A. Up stairs in the parlor.
Q. How came you to do that?
A. Mrs. Cobb asked me to do it, and Captain Howell asked me to do it.
Q. Where were you when Mrs. Cobb asked you to give her that introduction?
A. I think she was in Georgetown.
Q. Where was Mr. Howell when he asked you?
A. At Willard's Hotel.
Q. Was he stopping there?
A. Yes, sir.
Q. Was Mrs. Cobb in the habit of going to Willard's Hotel into the parlor?
A. Yes, sir.
Q. Did you go there with Howell at the time you introduced him?
A. Yes, sir.
Q. Was that previous to his getting the pardon which she obtained?
A. Yes, sir.
Q. Did you know of that plan to get her to procure a pardon before it was carried out?
A. I knew that Captain Howell wanted a pardon?
Q. Did he actually want one, or was he after a bogus one?
A. I always thought he wanted one.
Q. Why?
A. I believe he used to live in the rebel States; I thought so.
Q. Did he tell you he needed one?
A. I am under the impression that he did.
Q. Was that on the occasion of introducing him to Mrs. Cobb?
A. No, sir; he made the remark that he wanted a pardon.
Q. Do you recollect at what time he told you that?
A. No, sir; I could not tell you. It was in the winter season some time.
Q. How long before the pardon was procured by Mrs. Cobb?
A. A week, I think, or somewhere in that neighborhood.
Q. You say that was in the winter—which winter?
A. A year ago last winter, I think.
Q. Was Captain Howell in the employment of Baker?

A. I could not answer that question, I never knew. He was around there and was off a good deal.

Q. Do you know what his purpose was?

A. No, sir; I never asked. He was a man I never had much to say to in any shape or fashion.

Q. Did you hear the interview between the President and Baker when he came back?

A. Oh no, sir; I did not go to the White House; I went to Willard's Hotel.

Q. Baker says that when he came back he met you and came back with you?

A. I could not say whether he did or not. I was thinking I did not see him until the next morning; I may be mistaken.

Q. You did not hear the conversation between him and the President?

A. No, sir; I did not go to the President's House at all.

Q. Why did Baker recall you from that service?

A. I guess the President did not want any more of his men around there.

Q. He did not recall you because he was not satisfied with the manner in which you had conducted yourself?

A. No, sir; there was no fault found with me. I think he found out that the President did not want any of the men there?

By Mr. MARSHALL:

Q. You spoke of seeing Mrs. Cobb at different places in the White House frequently. I wish to ask you whether the White House was not open to the public?

A. To every one who wished to go there.

Q. Nobody is excluded?

A. No, sir; not to my knowledge. The doors are open at fixed hours, and everybody has a right to go into the rooms which are public rooms.

Q. Were there not several offices in the Executive mansion besides the President's rooms—rooms where his assistants were?

A. Yes, sir; there were two on the side of his private office, and two on the opposite of the hall.

Q. Are there not a great many persons who go there who have business in these offices who do not see the President at all?

A. Yes, sir; a great many. Perhaps she may have gone in there to see some one of his subordinates rather than the President. I do not pretend to say about that, for I know nothing about it.

Q. I ask you if hundreds do not go there to the Executive mansion that the President never sees, and knows nothing of their presence?

A. Certainly, thousands of them. They are going there every day.

Q. I ask you whether objectionable persons might not go there without his knowing anything about it, or having any control over it?

A. He would not know anything about it.

Q. At the time Mrs. Cobb came there and had interviews with the President, was it when he was receiving other persons?

A. Yes, sir.

Q. You never saw her go in there to the exclusion of other persons entitled to go in?

A. No, sir.

Q. Is not the custom of the President, as far as he can, to see every one who calls to see him on business?

A. Yes, sir; I have been there when the doors were thrown open, and twenty-five or thirty or forty people would come in. He would shake hands with them and answer a great many foolish questions that I thought nobody ought to detain the President to ask. He would then ask if there were any more. If he was told that there were twenty-five or thirty more waiting, he would say, "Let

them come in," and he would go through the same performance of shaking hands and answering their foolish questions.

Q. I ask you if, during the time you were there, you ever saw any impropriety of any kind whatever on the part of the President?

A. I never did.

Q. And you also state that you never saw him intoxicated or under the influence of liquor?

A. I never did. I never saw any liquor in the house, nor anything approaching to intoxication. He always treated me very kindly. He took me down once to see a new carriage that he had just purchased. I never saw anything on his part that was not gentlemanly and proper.

WASHINGTON, D. C., *May* 17, 1867.

JOHN B. HUBBARD sworn and examined.

By the CHAIRMAN:

Q. Where do you reside?

A. My home is in Connecticut.

Q. Were you in this city in the spring of 1865, about the time of the assassination of the President?

A. At the time of the assassination of the President I was in Chicago, having just come there from Springfield, Illinois. I left that afternoon for Washington.

Q. Were you in the city during the time of the trial of the assassins?

A. I was.

Q. What was your business at that time?

A. I was with General Baker.

Q. Were you on duty at the arsenal during the trial?

A. I was there, I think, from the 29th of April until about the 12th or 13th of July, when I was discharged from there.

Q. What was your business there?

A. There were four of us on duty, which was to watch. We were each on six hours every day.

Q. Do you know whether any of these prisoners made confessions?

A. I do not know that any of them made a confession. I do know that Atzerodt, after the sentence or death warrant was read to them the day before they were to be hung, made a confession or a part of a confession. Colonel Fredericks, who was in command, under General Hartranft, was writing down what I supposed to be a confession, but a priest came in and it was broken off before it was finished.

Q. How do you know that?

A. I only know that Colonel Fredericks was there writing, and that it was broken off. I should suppose it was a confession. I have no means of knowing other than that.

Q. You do not know that it was a confession?

A. No, sir; I never saw it afterwards.

Q. Do you know whether Payne made a confession?

A. I do not know that he did. I rather think that he did not.

Q. Do you know where Colonel Fredericks is?

A. He lives in Gettysburg, Pennsylvania, or did at that time.

Q. Did any of the other prisoners make a confession?

A. I never saw or heard of any confession being made by any one except the one I have mentioned.

By Mr. ELDRIDGE:

Q. How long had you been in Colonel Baker's employ?
A. From the 25th of March until his force was disbanded.
Q. What pay did you receive?
A. One hundred and fifty dollars a month.
Q. Were you in the army?
A. No, sir.

WASHINGTON, D. C., *May* 18, 1867.

Hon. E. M. STANTON sworn and examined.

By Mr. LAWRENCE:

Q. In executive document No. 26, first session Thirty-ninth Congress, page 3, it appears that payments were made to provisional Governors Perry, Holden, Parsons, and Johnson; will you state by whose direction these payments were made?

A. The payments specified in my letter of January 8, which forms part of that document, were made by my order.

Q. On page 11, from the same document, is a letter from the Secretary of State to provisional Governor Holden, notifying him of his appointment, fixing his salary at $3,000. I desire you to state how that amount was fixed—whether it was in pursuance of that letter, by direction of the President, or otherwise.

A. I cannot state from recollection. I remember that some claim of some Governor was referred to me by Mr. Seward. I could not tell, without looking at the papers in my office, whether I fixed it myself as a reasonable compensation for the service which he rendered, or whether it was fixed with any reference to this paper or not. I had no order from the President in regard to it that I now remember. My recollection is that the bills came to me, and either were presented by the Governors individually, or transmitted by mail, or transferred to me from the State Department. Some of them, I think, were presented individually. Governor Parsons presented his bill in person. I think Governor Perry also presented his in person, and I think Governor Johnson did. I recollect I had some conversation with them in regard to their bills. Whatever may have taken place in regard to them, if there was any improper payment out of army contingencies, I am the proper party to be held to account, because I would not pay a claim out of army contingencies at the request of Mr. Seward or anybody else if I did not think it was right—at least, without the order of the President.

Q. Do you mean to say if Mr. Seward, by direction of the President, fixed the amount of their compensation, and notified them that it should be paid, that if you, in pursuance of that notification made by the President, had afterwards paid it, you alone would be responsible?

A. I did not mean to express an opinion on that subject. That would be a matter of law as to who would be responsible. I mean that I would not exonerate myself by saying that I paid it out of my department at the request of anybody else.

Q. In executive document No. 81, first session Thirty-ninth Congress, page 2, there is a letter from the Secretary of the Treasury to the President, in which he says, in speaking of the condition of the country, that as the country was passing from a state of war to a state of peace, and the emergency seemed to be too pressing to admit of delay until the meeting of Congress, it was thought that the test oath might, in view of the great objects to be attained, in some cases be dispensed with, or rather that persons might be permitted to hold revenue offices

who could take it only in a qualified form; and it is stated that no one could have regretted more than the President and members of the Cabinet the necessity which existed for this course. Were you present at the Cabinet meeting when that subject was discussed?

A. He did not say that it was discussed in Cabinet meeting.

Q. Were you present at any Cabinet meeting when the subject of dispensing with the test oath was discussed?

A. I was present at several Cabinet meetings when that subject was discussed.

Q. State, if you will, what directions were given by the President in relation to it.

A. I do not know of any directions that were given by the President. I do not recollect that I ever heard him give any directions in regard to it.

Q. Did you hear him express any opinions or sentiments in regard to it?

A. I do not think I did; I do not recollect having heard him express any opinion upon the subject. It was discussed by members of the Cabinet.

By the CHAIRMAN:

Q. Have you any recollection as to who first proposed a modification of the oath so as to permit parties who could not take it literally to enter upon the discharge of official duties?

A. I have not.

By Mr. WILLIAMS:

Q. Be good enough to state whether any orders passed through your department in reference to the release of Jeff. Davis on the return of the writ of habeas corpus by the officer who held him in custody?

A. Yes, sir; an order was issued from the War Department to General Burton upon that subject.

Q. What was the tenor of that order?

A. The papers will show the tenor of the order and all the facts within my knowledge in regard to it. I will state that application was made to me by the District Attorney, Mr. Chandler, for an order directing the officer commanding at Fortress Monroe to turn over Mr. Davis upon any process that might be issued by the Federal court. I referred that to the President for his instructions. He sent it back to me with directions to issue the order to General Burton to turn over Mr. Davis upon such process. I directed the Adjutant General to issue the order and to transmit a copy of it to the District Attorney and to General Burton. That was done. I know nothing more of any other order; but I will furnish copies of these papers to the Committee and they will show what they contain.

Q. Is that all the official knowledge you have in relation to his discharge?

A. That is all. Since that time General Burton has made a report of the order, as I understood, to the Adjutant General. I have not seen it.

Q. There were no instructions as to the form of return?

A. None at all.

Q. Was it for his absolute delivery?

A. It was, as requested by the District Attorney.

Q. Were you present at any consultation of the President with his Cabinet in reference to the disposition to be made of Mr. Davis?

A. Yes, sir. It was, I think, a few days before that the subject was mentioned. My impression is that I had seen a notice of an application for a writ of habeas corpus, or that the habeas corpus had been granted. The question was mentioned in Cabinet. The President asked for the opinion of the members of the Cabinet as to what should be done. Without stating the opinions of other members of the Cabinet I advised compliance with the writ.

Q. Was there anything said about the effect of his being held in military custody by virtue of his arrest under the proclamation of the President?

A. There was nothing said about it. The only question discussed was what should be done with the process if the writ of habeas corpus should be granted.

Q. There was nothing said about the alleged complicity of Mr. Davis in the assassination of Mr. Lincoln?

A. The only question discussed, as I recollect, was what should be done with the process if the writ of habeas corpus was granted, and I think I advised that he should be turned over to the civil authorities. The whole history of the case, so far as I know anything about it, if the Committee desire it, is this: At the time of the capture of Mr. Davis those immediately engaged in the assassination of Mr. Lincoln were either on trial or about to be put on trial before a military commission. It was thought expedient by me to withhold any proceedings against Mr. Davis until developments should be made on that trial. After the trial the question of the disposition of Mr. Davis was the subject of frequent consultation in the Cabinet. There was a great diversity of opinion in the matter as to whether Davis should be tried first for the crime of high treason. That subject, as I said, was discussed frequently in the Cabinet as to what was proper to be done in regard to it. After several consultations it was referred to the Attorney General, Mr. Speed, by the President, for an opinion, as to how, when, and where Davis should be tried. Mr. Speed mentioned that the case was one in which he thought he ought to have assistant counsel. We all agreed that he should have any assistance he wanted. Several counsel were mentioned. I recommended the employment of Governor Clifford, of Massachusetts, who had been a distinguished criminal lawyer. Mr. Seward recommended Mr. Evarts. Mr. Speed himself expressed a desire to retain for his assistance General Rousseau, and he was authorized to employ those three or any others as counsel that he chose, and consult with them upon the subject, and report to the President and Cabinet upon these questions. Considerable time elapsed before any report was made. My impression is that I was informed that there was a consultation in New York between these counsel upon the subject. At all events, Mr. Speed made a report, in which he gave it as the opinion of himself and his associates that Davis ought to be tried by a civil tribunal. There had been discussions, and different places were named, as to where he was to be tried with best prospect of a fair trial—whether it should be in Virginia, in East Tennessee, in the District of Columbia, or elsewhere. Mr. Speed, I recollect, was of opinion himself that he could get a fair trial in Kentucky. On his report coming in and being considered by the Cabinet, a vote was taken as to what tribunal he should be tried before. I voted for the report, believing that Davis ought not to be tried before any tribunal whose jurisdiction was seriously questioned or disputed, but that he should be tried in such a manner as should be most satisfactory to the national sense of justice. I voted for his trial before a civil tribunal, if a fair trial could be had. The matter was then, according to my recollection, referred back to Mr. Speed for such action as he might think proper for the purpose of bringing on the trial. The subject was occasionally mentioned in Cabinet, but no action was taken or reported by Mr. Speed, that I have any recollection of, during his continuance in office. In answer to calls from Congress I made two reports, I think, to the President, or two to Congress, which were transmitted to Congress, as to the circumstances under which Mr. Davis was held. They will probably be found among the public documents. Some time last fall, I should think it was, the subject was again brought up, and some correspondence was had between the President and the Chief Justice, which appeared in the public papers at the time, in regard to the holding court in Virginia, or the trial of Mr. Davis. I think, but I am not certain, that this correspondence was transmitted to Congress. From the period that it was determined Davis should be brought to trial before a civil tribunal, I was anxious to be relieved from his military custody. My recollection is that there was some correspondence with the Attorney General and District Attorney, in which the District Attorney

thought Mr. Davis could be more comfortably provided for at Fortress Monroe than he possibly could be by being taken to Richmond. That is the only reason, I think, why he was suffered to remain at Fortress Monroe. The matter continued undisposed of until the recent action of Judge Underwood in granting the writ of habeas corpus.

Q. Did the consultation to which you refer have any reference to a trial for any other crime than that of treason—or, in other words, to his alleged complicity in the assassination of President Lincoln?

A. The conversations and reference to Mr. Speed related to the whole subject of Mr. Davis's liability to the laws of the United States for any crime. It was left him to determine for what crimes he should be arraigned and brought to trial.

Q. Do you know whether, after the report of the Attorney General, any direction was given to him or his subordinates, upon the part of the Executive, for the purpose of bringing him to trial?

A. I do not know anything that passed between him and the Executive.

Q. Have you a recollection of a despatch of General Baird, of New Orleans, on the 28th of July, 1866?

A. I recollect that despatch; I cannot now recollect the date. It will appear in the report of the committee on the New Orleans riot.

Q. Referring to the despatch of the 28th of July, by General Baird, I ask you whether that despatch, on its recept, was communicated?

A. I received that despatch on Sunday forenoon. I examined it carefully and considered the question presented. I did not see that I could give any instructions different from the line of action which General Baird proposed, and made no answer to the despatch.

Q. I see it is stated that this was received at 10.20 p.m. Was that the hour at which it was received by you?

A. That is the date of its reception in the telegraph office, Saturday night. I received it on Sunday forenoon, at my residence. A copy of the despatch was furnished to the President several days afterwards, along with all the other despatches and communications on that subject, but it was not furnished by me before that time. I suppose it may have been ten or fifteen days afterwards.

Q. The President himself being in correspondence with those parties upon the same subject, would it not have been proper to have advised him of the reception of that despatch?

A. I know nothing about his correspondence, and know nothing about any correspondence except this one despatch. We had intelligence of the riot on Thursday morning. The riot had taken place on Monday. The despatch to which you refer is in these words:

NEW ORLEANS, LA., *July* 28, 1866.

To Hon. Edwin M. Stanton, Secretary of War:

"A convention has been called with the sanction of Governor Wells, to meet here on Monday. The Lieutenant Governor and city authorities think it unlawful, and propose to break it up by arresting the delegates. I have given no orders on the subject, but have warned the parties that I could not countenance or permit such action without instructions to that effect from the President.

Please instruct me at once by telegraph.

A. BAIRD, *Brevet Major General.*

Q. You recollect, I suppose, that there was complaint made by General Sheridan that a part of one of those despatches was suppressed. Do you recollect what despatch that was?

A. I think the despatch of August 1, found on page 9 of this report.

Q. Did you mark, or can you recollect now, what part was suppressed?

A. I cannot now with certainty say. I only remember to have read the despatch, and to have seen a discrepancy in it, as first published and as published afterwards.

Q. Do you recollect how it got to the public?

A. I have no knowledge upon that subject. The despatch was given by me to the President as it was received from General Sheridan. As to how or by whose authority the newspaper despatch was published I have no knowledge. I know it was not by me, or by my sanction or knowledge.

By Mr. LAWRENCE:

Q. Recurring to the subject of these appointments, do you remember that in one of the Cabinet consultations in relation to appointments, and in relation to the test oath, Mr. McCulloch expressed a purpose to the President or any of his advisers to appoint revenue officers who could not take the test oath, unless in a modified form?

A. I cannot; I could not undertake to recall what any member of the Cabinet said about it.

Q. If you remember any dissent expressed by the President, you may state it.

A. I do not recollect whether he expressed any dissent or not. I do not recollect about it.

By the CHAIRMAN:

Q. Was that the course agreed in by the Cabinet?

A. I cannot say anything about that. I do not know whether it was or was not. I have no recollection of any Cabinet vote on the question. I expressed no dissent, that I recollect. I was called on by a letter from the Chairman of the Judiciary Committee to furnish to the Committee certified copies of all military orders setting aside rebel State governments or prohibiting officers from discharging their duties. In answer, I have to state that all the rebel authorities were overthrown, as I understood it, by the war and by the capture of their States. I do not know of any military orders other than those relating to the prosecution of the war, from time to time, setting them aside. There were one or two instances of orders, perhaps more, after the President's proclamation for reconstruction, prohibiting certain individuals from exercising functions under the reconstructed government. One of these cases, I think, was at Richmond—I have not been able to recall the name of the party or the circumstances—in which General Terry gave such an order. One was in the case of Raphael Semmes, who, being an unpardoned rebel on parole, was elected probate judge at Mobile, and the inquiry was made by the military commander of the department, or district—which I cannot tell certainly now—as to whether he should be permitted to exercise the functions of that office. I instructed him that Semmes should not be permitted to exercise that function while he was an unpardoned rebel. These papers we have, and will furnish them to the Committee. I cannot now remember any other questions. It is possible there may have been others.

The Committee also desire copies of papers and all correspondence relative to what was called the Johnston-Sherman arrangement and treaty, and a copy of the arrangement itself. I have these papers now here, but not entirely complete, and will, as soon as copies have been made of all of them, furnish them entire to the Committee.

I am also requested to furnish to the Committee copies of all despatches sent by the President relative to the action of the Tennessee legislature in regard to the Constitutional amendment, and to the members of that body, relative to the same. I have no knowledge of any such despatches, and have never seen any. Indeed, I do not know who the members of the legislature of Tennessee were, and, unless I had some clue to their names, I could not tell whether despatches were sent to them or not. I have no knowledge of any despatches sent by the President on that subject.

By Mr. WILLIAMS:

Q. I have an impression that there were some cases in which Governors elect, under the President's plan, were prohibited from entering upon the duties of

their office; and also of other orders setting aside enactments of legislatures convened in pursuance of that plan; and of others suppressing the press in those States. Have you any such orders in your department?

A. None that I know of. All that business is is managed through the State Department. There was never any such order made through my department at all, of which I have any knowledge.

By Mr. LAWRENCE:

Q. From publications made during the progress of the war, and subsequently to the surrender of the rebel armies, there appear to have been orders as follows: On May 21, 1865, an order by Major General Canby to Major General Warren, commanding the district of Mississippi, directing and warning him not to recognize any officer of the confederate or a State government within the limits of his command; and a similar order of May 14, 1865, by General Gilmore, annulling the proclamation of Governor Brown, of Georgia, calling an extra meeting of the legislature; and a similar order from Major General Gilmore, of May 14, 1865, annulling the acts of Governor Magrath, of South Carolina; also, an order sent by President Lincoln, April 12, 1865, to General Weitzel, commanding at Richmond, prohibiting the meeting of the rebel legislature. Will you furnish to the Committee these and similar orders, if any?

A. I do not know whether these orders are on file at the War Department; but, if they cannot be obtained there, I will endeavor to procure them from the respective headquarters from whence they were issued. The order of Mr. Lincoln, of April 12, is on file in the War Department, and was the last order he ever made, of which I have any knowledge. It was made the last time he was in the War Department. The circumstances relating to that order, and which probably led to the other orders, were these: Immediately after the capture of Richmond, Mr. Lincoln went to that city, and some intercourse took place between him and Judge Campbell, formerly of the Supreme Court of the United States, and General Weitzel, which resulted in the call of the rebel legislature to Richmond. Mr. Lincoln, on his return from Richmond to Washington, reconsidered that matter. The policy of undertaking to restore the government through the medium of rebel organizations was very much opposed by many persons, and very strongly and vehemently opposed by me. I had several very earnest conversations with Mr. Lincoln upon the subject, and advised that any effort to reorganize the government should be under the federal authority solely, and to treat the rebel organizations and governments as absolutely null and void. On the day preceding his death a conversation took place between him, the Attorney General, and myself, upon the subject at the Executive mansion. An hour or two afterwards, and about the middle of the afternoon, Mr. Lincoln came over to the War Department and renewed the conversation. After I had repeated my reasons against allowing the rebel legislatures to assemble, or the rebel authorities to have any participation whatever in the business of reorganization, he sat down at my desk, took a piece of paper and wrote a telegram to General Weitzel, and handed it to me. "There," said he, "I think that will suit you." I told him no, it did not go quite far enough; that the members of the rebel legislature would probably come to Richmond; that General Weitzel ought to be directed to prohibit their assembling. He took up his pen again and made that addition to his telegram, and signed it. He handed it to me. I said *that*, I thought, was exactly right. It was transmitted immediately to General Weitzel, and was the last act that was ever performed by Mr. Lincoln in the War Department. Some of the other rebel States, after the surrender of the armies of the rebel government, called together their legislatures, and, either pursuant to instructions from the War Department, or pursuing, on their own motion, the policy which was indicated by the order of the President to General Weitzel, the commandants prohibited the assembling of those bodies.

By Mr. THOMAS:

Q. Was there any conference or consultation to your knowledge between President Johnson and any member of his Cabinet as to the policy of convening Congress after the surrender of Lee's armies?

A. I do not recollect of any; I cannot affirm that there was or was not. I do not remember any conversation upon that subject.

Q. Did any one of the Cabinet express a doubt of the power of the executive branch of the government to reorganize state governments which had been in rebellion without the aid of Congress?

A. None whatever. I had myself entertained no doubt of the authority of the President to take measures for the organization of the rebel States on the plan proposed during the vacation of Congress, and agreed in the plan specified in the proclamation in the case of North Carolina. It may be proper to add, in regard to the history of this subject, that on the day succeeding the date of the telegram to General Weitzel, and on the last day of Mr. Lincoln's life, there was a Cabinet meeting, at which General Grant and all the members of the Cabinet except Mr. Seward were present. General Grant at that time made a report of the condition of the country as he conceived it to be, and as it would be on the surrender of Johnston's army, which was regarded as absolutely certain. The subject of reconstruction was talked of at considerable length. Shortly previous to that time I had myself, with a view of putting in a practicable form the means of overcoming what seemed to be a difficulty in the mind of Mr. Lincoln as to the mode of reconstruction, prepared a rough draft of a form or mode by which the authority and laws of the United States should be re-established and governments reorganized in the rebel States under the federal authority, without any necessity whatever for the intervention of rebel organizations or rebel aid. In the course of that consultation Mr. Lincoln alluded to the paper, went into his room, brought it out, and asked me to read it, which I did, and explained my ideas in regard to it. There was one point which I had left open; that was as to who should constitute the electors in the respective States. That I supposed to be the only important point upon which a difference of opinion could arise—whether the blacks should have suffrage in the States, or whether it should be confined for the purposes of reorganization to those who had exercised it under the former State laws. I left a blank upon that subject to be considered. There was at that time nothing adopted about it and no opinions expressed; it was only a *project*. I was requested by the other members of the Cabinet, and by Mr. Lincoln, to have a copy printed for each member for subsequent consideration. My object was simply to bring to the attention of the President and Cabinet, in a practical form, what I thought might be possible means of organization without rebel intervention. Mr. Lincoln seemed to be laboring under the impression that there must be some starting point in the reorganization, and that it could only be through the agency of the rebel organizations then existing, but which I did not deem to be at all necessary. That night Mr. Lincoln was murdered. Subsequently, at an early day, the subject came under consideration, after the surrender of Johnston's army, in the Cabinet of Mr. Johnson. The *project* I had prepared was printed, and a copy in the hands of each member of the Cabinet and the President. It was somewhat altered in some particulars, and came under discussion in the Cabinet, the principal point of discussion being as to who should exercise the elective franchise. I think there was a difference of opinion in the Cabinet upon that subject. The President expressed his views very clearly and distinctly. I expressed my views, and other members of the Cabinet expressed their views. The objections of the President to throwing the franchise open to the colored people appeared to be fixed, and I think every member of the Cabinet assented to the arrangement as it was specified in the proclamation relative to North Carolina. After

that I do not remember that the subject was ever again discussed in the Cabinet.

By Mr. WILLIAMS:

Q. In this connection be good enough to state who prepared that proclamation.

A. I do not know who prepared it.

Q. Was it submitted by the President to the Cabinet?

A. Yes, sir. The *project* I had was different in this respect—that mine was in the form of an order. I proposed as an order, "Ordered" so and so. The President modified it by certain recitals which I thought an improvement, and it emanated from the State Department.

By Mr. BOUTWELL:

Q. Do the Committee understand that in your *project* you provided that all loyal male citizens twenty-one years of age should vote, and all disloyal persons should be excluded, or how otherwise?

A. My own position was in favor of that; the plan I proposed left it in the alternative. I stated it both ways, considering it a question on which there would be difference of opinion. How it was printed I do not now remember.

Q. Did Mr. Lincoln ever see the printed copy?

A. No; the manuscript of it was only given to him the last day of his life. He produced the paper and asked me to read it and explain it to the members of the Cabinet. That night he was murdered.

Q. The North Carolina proclamation excluded the colored people from suffrage did it not?

A. That is my recollection of it.

Q. And permitted a portion of those who had been in rebellion to vote?

A. The proclamation itself will show that.

Q. Did Mr. Lincoln express any opinion in regard to your *project* upon the point of suffrage?

A. No, sir; I think there was no opinion expressed by anybody. I do not think I myself expressed an opinion; I only stated the question. I had only prepared it as a *project* for discussion. My principal object was to convince the President that there was no necessity for what he thought should be the starting point—that the first measures taken should be sanctioned by the rebel legislatures.

Q. As I understand the form of your draft, it was that of a military order?

A. It was in the form of an executive order.

Q. Was it a military order, or not?

A. That was a question I had not myself determined—from what department it should issue; whether it should issue from the military department or from the State Department. The only change in form that I remember is the recital which prefaces the North Carolina proclamation.

By Mr. ELDRIDGE:

Q. Had any States been organized or been in process of organization before this?

A. In Louisiana, in Tennessee, and in Arkansas there had been organizations.

Q. How did the plan proposed before differ from that?

A. I never knew, and am unable to state now what the plan of organization for Louisiana was. It was a matter managed by Mr. Lincoln. In Arkansas I do not know what the plan was; and the plan in Tennessee was under the direction of Governor Johnson, the details of which I cannot undertake to say.

Q. Are you aware of the difference in any of these plans adopted from that which was adopted in regard to North Carolina?

A. As I do not know what they were, I cannot say whether they were different, or whether they were the same. I do not know exactly what the plan of organization for Louisiana was, and I do not know whether there was any plan, or how it grew up. There has always been a dispute about that, I believe. I took no part in these organization measures, and I have not a distinct recollection either in respect to Louisiana, Arkansas, or Tennessee, as to the system or plan on which they were organized.

Q. Were you not consulted in regard to these matters by Mr. Lincoln?

A. No, sir; not that I know of. I made an appeal to him not to require me to look into matters outside of my own department unless it was absolutely essential. My time was all occupied in carrying on the war, and I had no opportunity or occasion to busy myself about matters not coming specially under my charge.

By Mr. MARSHALL:

Q. After the surrender of Lee's army and the virtual suppression of the rebellion, what was Mr. Lincoln's plan for the reorganization and restoration of these States as far as it was developed by his conversation?

A. I do not think that I can state. There are some papers, some correspondence, I believe, between him and General Weitzel, in regard to it, but I cannot, without reference to these papers, state precisely what it was. All I know is, that it included an organization preliminarily through the medium of rebel legislatures. How they were to assemble, or what they were to do, as he had it in mind at that time, I do not remember.

Q. The organization was to be through that medium?

A. That was the claim; I think Mr. Lincoln insisted that he had never given authority to that extent.

Q. I am not asking what his authority was, but what his plan was?

A. That we did not discuss. I do not know that he had himself matured any plan.

By Mr. ELDRIDGE:

Q. You state that there was difference of opinion between you and Mr. Lincoln?

A. That was in regard to the preliminary steps for an organization.

Q. And Mr. Lincoln's idea was to act through the rebel legislatures?

A. That was the impression I derived from him.

Q. You understood that the rebel legislature of Virginia was to assemble in pursuance of the encouragement or advice which he had given?

A. He denied that he had given authority to that extent I think that his permission was simply that it might assemble, and revoke all their laws and all their ordinances of disunion; nothing beyond that. In other words, they might undo all that they had done hostile to the government, but I do not think he contemplated anything beyond that. I thought it ought to be placed on the ground of overthrow by the power of the United States; that their troops had been conquered, and their authority overthrown by the authority of the United States and by the war.

By Mr. MARSHALL:

Q. You say you do not think Mr. Lincoln had finally matured any plan which he had determined positively to carry out at the time of his death?

A. When I say that, I mean he never expressed any to me. He made a speech a day or two before his death, but I do not remember whether he indicated anything as to a plan of organization. In his conversation with me he did not detail any plan.

Q. I will ask you whether it did not seem to be his conviction up to the last

that it was necessary to commence this restoration or organization by assembling the rebel legislature?

A. No, sir; after consultation on that subject he was satisfied that the rebel legislature of Virginia ought not to assemble.

Q. You think, from his conversation with you, and his order prohibiting the rebel legislature of Virginia to assemble, that he abandoned that idea?

A. Entirely, if he entertained it. I do not think his conversation with me suggested it, or that he entertained it, except to undo what had been done. I think that the conclusion stated in his telegram to General Weitzel, not to permit the rebel legislature of Virginia to assemble, indicated his intention not to use the rebel organization in any form whatever.

Q. You think it was not intended as a temporary suspension of that plan, but that it was a revocation and abandonment of it?

A. I do not think it was the abandonment of any plan, for I do not know that he had any such plan, except to accomplish a temporary organization and to permit them to revoke certain things they had done, such as their ordinance of secession and the laws passed by them hostile to the United States.

By the CHAIRMAN:

Q. Was it not his plan that that action being taken by the rebel legislature of Virginia, recognized by the rebel citizens of Virginia as legal authority, it would induce the rebel soldiers still in arms to retire from the rebel army?

A. This call of the rebel legislature of Virginia was made before any rebel army had been withdrawn from the field except that of Lee. Johnston still remained in the field; Kirby Smith and his army remained in the field; and a very large force at different points in the South still remained in the field in hostility to the United States. Mr. Lincoln expected that a recall by the legislature of their troops would prevent the protraction of the war, and that he explained as the only motive or inducement in his mind by which the assembling of that legislature could be justified at all; that it would tend to shorten or prevent the protraction of the war.

Q. It looked, then, rather to the putting an end to the war than to reconstruction?

A. It was a measure looking to the withdrawal of rebel troops, and to that extent to reconstruction.

By Mr. LAWRENCE:

Q. Did Mr. Lincoln during his administration ever submit to his Cabinet any plan for the reorganization of the rebel States, or did the Cabinet ever agree upon any plan of reorganization?

A. Not to my knowledge.

By Mr. ELDRIDGE:

Q. The Cabinet did agree unanimously, as I understood you to say, on the North Carolina proclamation?

A. Yes, sir; that is, Mr. Johnson's proclamation; and when I say unanimous I mean all who were present. I wish to say this: that I do not desire here to state what other people agreed to; that is what I agreed to, and I do not know of any dissent by any member of the Cabinet.

Q. That was a plan of reorganization, was it not?

A. Yes, sir; strictly a plan of reorganization. The war was then over.

By Mr. MARSHALL:

Q. I ask you whether, from the time of the surrender of Lee's army to the time of his death, Mr. Lincoln did not give a great deal of his mind and thought and express a great anxiety about the adoption of some plan for the reorganization of those States?

A. I cannot say as to that. Mr. Lincoln was alive only a few days after the surrender of Lee's army. The news reached here on Sunday night, and was communicated to him by me about the hour of ten o'clock that night. He was killed on the Friday night following. The only times I saw him during that period, various subjects were discussed in regard to the reduction of the forces and the general affairs of the government, and in reference to the assembling of the Virginia legislature. His mind appeared to be devoted to the general interests of the country in adapting the operations of the government to the new condition of things which then existed, and which were to be apprehended as soon at hand. I cannot say how much time he devoted to the consideration of the subject.

Q. How did you get the impression that Mr. Lincoln had a conviction upon his mind that it would be necessary to use the existing governments in the rebel States as a basis of reorganization?

A. I think it is too strongly stated to say that he had any such conviction on his mind. In his conversations with me it seemed to me that while at Richmond, in conversation with Judge Campbell, he had received an impression that these organizations might be advantageously used for reorganization to some extent as well as for the suspension of hostilities, and to prevent the protraction of the war. This is my impression derived from him in conversation.

By Mr. ELDRIDGE:

Q. I understood you to say that when you held a conversation with him and the Attorney General upon the subject you vehemently opposed him?

A. If I did I stated incorrectly. I vehemently opposed that view of the question. I opposed making any use of the rebel legislatures. I do not think in that conversation he himself presented any view; I think he only listened.

Q. He presented the subject?

A. No; I think I presented the subject. I think he only listened to the discussions that took place.

By Mr. LAWRENCE:

Q. You stated that you prepared a rough draft of an order upon the subject of reorganization, and that it was not determined whether it should issue from the War Department or from the State Department. Will you state whether the orders which issue from the State Department are regarded as belonging to the civil administration of the government, and those from the War Department as belonging to the military administration of the government?

A. I cannot say how the people regarded them.

Q. How are they regarded by the Cabinet?

A. I believe Mr. Seward at one period of the war, prior to my becoming Secretary of War, exercised some considerable military power. I consider myself, as Secretary of War, as in charge of the military department, and Mr. Seward in charge of the civil department.

Q. In executive document No. 6, first session Thirty-ninth Congress, there is a telegram under date of July 24, 1865, from the State Department to provisional Governor Sharkey, in which it is said that the government of the State will be provisional only, until the civil authorities shall be restored with the approval of Congress. On page 205 of the same document there is a telegram from the State Department to provisional Governor Marvin, of Florida, in which it is said that it must be distinctly understood that the restoration to which his proclamation refers will be subject to the decision of Congress. Will you state whether the opinions expressed in these telegrams were approved by the Cabinet, and whether they expressed the opinions which have been entertained by the Cabinet in relation to the work of reorganization?

A. I do not know anything about these telegrams, and never saw them until I saw them in public prints. I do not know by whom they were approved.

Q. You have expressed an opinion as to the power to issue proclamations for reorganization. Do you mean by the opinion you have expressed to include any opinion as to the final legality of the organizations to be accomplished under such plan of reorganization; in other words, whether that reorganization would be final and conclusive, and that Congress would have no right to regulate and control it?

A. My opinion upon that point is only the opinion of an individual citizen. My opinion is, that the whole subject of reconstruction, and the relation of a State to the federal government is subject to the controlling power of Congress; and while I believe that the President and his Cabinet were not violating any law, but were faithfully performing their duty in endeavoring to organize provisional governments in those States, I supposed then, and still suppose, that the final validity of such organizations would rest with the law-making power of the government. That, however, as I said, is but the opinion of an individual.

By Mr. ELDRIDGE?

Q. Do you mean to be understood that the question of legality of your acts in the past are to be determined by Congress, or does that belong to the courts?

A. I think it has got to be determined by Congress, and is properly determined by them. What the jurisdiction of the Supreme Court may be over the political power of Congress is a question upon which I do not feel called upon to swear.

By Mr. WILLIAMS:

Q. Can you state whether the North Carolina proclamation was adopted in the shape in which it was presented by the President, or whether it was modified in any way?

A. I do not know of any modification. There could not have been any material modification without my observing it.

Q. Then that is the project which came from the President originally?

A. Yes, sir; that is my recollection.

By Mr. BOUTWELL:

Q Have you any official knowledge, and if so, what, of the pardon of one Kohnstamm, who was sent to Sing Sing, New York, under conviction upon the charge of fraud against the government?

A. I have read in the newspapers that Kohnstamm had been pardoned and been released. I do not know it officially. I do know officially that several applications were made within the last year, all of which I opposed. They were very strongly recommended by very excellent men, good citizens. They succeeded and I was defeated.

Q. When you say you opposed the application, do you mean in Cabinet meeting, or to the President, or both?

A. To both. I have understood from some source that his pardon was determined on in Cabinet. If that was so, I was not present at the time.

Q. How recently was the subject considered in the Cabinet in your presence?

A. Two or three months ago; I do not remember the exact date.

Q. Did you at any time state, in the presence of the President, the reason you had for opposing the pardon of Kohnstamm?

A. I did.

Q. Substantially what reasons were presented?

A. I stated that I regarded Kohnstamm as a great malefactor, who had organized a system of fraud against the government with deliberation and great ability, by means of which it had been plundered of large sums; that he had been tried before a learned judge, defended by able counsel, and was fairly convicted; that I could not perceive any circumstances of mitigation whatever that would operate on my mind in his favor. Strong circumstances were urged,

however, by those who advocated the pardon, as for instance his ill-health, his long imprisonment, his threatened insanity, and other arguments of like character.

By Mr. ELDRIDGE:

Q. Was it urged that he paid any considerable portion of the sums charged as having been obtained by him fraudulently?

A. This was before the sums were paid. I do not remember that the matter came up in my presence after the judgment was paid. It was urged, however, by his friends that a large sum of the money lost had been paid back, I believe.

Q. Did you make any statement to the President as to the number of indictments, and the extent to which the government had suffered by Kohnstamm's frauds, and detail to him the means by which the frauds had been perpetrated?

A. No. I do not think I ever knew the number of indictments that were found against him. The extent of the frauds was variously estimated. It was urged on his behalf that he was a man of education, wealth, and good repute before his conviction, which I thought was rather an aggravation of the offence than a mitigation.

By Mr. MARSHALL:

Q. Do you know upon whose recommendations the pardon was granted?

A. I do not know. I do know that a number of the members of the bar and persons occupying high positions in society recommended it.

Q. Do you recollect whether Governor Fenton did?

A. I have seen in the newspapers that Governor Fenton recommended it. I do not remember seeing the name among the papers.

By Mr. WILLIAMS:

Q. Is it the usual practice of the President to take the advice of members of the Cabinet in the exercise of his function of the pardoning power?

A. He often consults me in cases pertaining to my department. I do not know how it is with the other members of the Cabinet. I suppose he does in cases pertaining to theirs. I know the President showed a great deal of hesitation for a long time in this case. This matter was pressed upon him long before the pardon was granted.

By Mr. BOUTWELL:

Q. Were the frauds committed by Kohnstamm upon the War Department?

A. Yes, sir; I made a representation on that account, and probably by his invitation.

By Mr. ELDRIDGE:

Q. In your examination before this committee some time about the first of April, the subject of the pardon and restoration of quite a number of soldiers from West Virginia was under examination, and a letter was inquired for as having been written by Mr. Andrews to the President. Have you made examination for that letter since?

A. Yes, sir; I think it was never sent to the department; I have no recollection that way.

Q. No such letter is to be found on the files of the department?

A. No, sir; I think it never came to the department; I examined the files myself, and it could not be found among them.

By the CHAIRMAN:

Q. Is it customary in such cases for all the papers to be filed in the department?

A. Yes, sir; such as are transmitted for its action, and these papers were

taken and sent down to the Adjutant General at the time. There is no reason why it should have been withdrawn at all.

By Mr. WILLIAMS:

Q. When the President refers an application of that sort to you, does he send all the papers along?

A. I cannot say what papers the President sent; I know what papers I received.

Q. What is the general custom in that respect when the President refers a case to the department for action?

A. I should consider that he only desired my action upon the papers he sent to me. I should never think of inquiring whether he had other papers in the case or not.

By Mr. ELDRIDGE:

Q. You were also inquired of at that time in reference to a memorandum book found upon the body of Booth. How long did you retain that book in your hands after it was presented to you?

A. I should suppose half or three-quarters of an hour.

Q. Did you retain it sufficiently long to examine it carefully?

A. I did examine it carefully, and read every word that was written in every page in it.

Q. Was your attention called at the time to leaves being torn from the book?

A. I noticed the fact that leaves had been torn from the book?

Q. Did you count the number of them?

A. I think I did.

Q. Do you recollect what number was absent?

A. I do not now recollect the number. I should say somewhere from fifteen to twenty.

Q. Do you recollect distinctly who presented to you that book?

A. Two persons came together—Baker and an officer, who I think now was Lieutenant Colonel Conger. I do not remember whether the book was given to me by Colonel Conger or General Baker. I know they came together to my house, and that the book was handed to me by one of them.

Q. Have you conversed with Colonel Conger since your examination?

A. I have not seen him.

Q. Have you been informed what he testified to?

A. No, sir; though I have heard through Judge Holt or somebody else that Conger had stated that he brought them here and handed them to me. I think I may have heard that fact, and that, probably, it was as stated.

Q. Do you know anything of an article spoken of by Booth in that memorandum book as having been left for publication in the Intelligencer?

A. I know nothing about such an article.

Q. Has no such article been presented to you?

A. None. I never heard of the article except the mention of it that is made in the memorandum book.

Q. Did you see Booth's body after his death?

A. I do not know that I ever saw him, alive or dead.

Q. Have you any reason to believe that Booth is not dead?

A. None whatever. I had a board to inspect and examine his body when it was on the iron-clad, consisting of the Surgeon General and some officers whose names I cannot now mention. Dr. May, who knew Booth personally, was also with the board. They reported that it was the body of J. Wilkes Booth.

Q. Was Dr. May a member of the board?

A. Dr. May was not on the board, but he was examined by the board. I believe that that was the body of Booth, upon the testimony as given at the time, as certainly as I believe I am now in existence.

Q. What was done with the body of Booth?

A. I did not see him interred. I gave directions that he should be interred on the premises of the Ordnance Department; and the officer to whom I gave the directions reported that he was so interred.

Q. Did you give directions as to the particular manner in which he should be interred.

A. I gave directions that he should be interred in that place, and that the place should be kept under lock and key.

Q. What was the occasion of mystery about his burial?

A. I do not know that there was any mystery about it other than this: I thought the body should be interred, so that if there was any disposition to do so, the body might not be made the subject of glorification by disloyal persons and those sympathizing with the rebellion. I thought it would be a source of irritation to the loyal people of the country if his body was permitted to be made the instrument of rejoicing at the sacrifice of Mr. Lincoln; and that it would help to keep up the feeling of excitement and animosity on the part of those who sympathized, if they did not participate, with him in the act of Mr. Lincoln's murder.

Q. There was nothing about the identity of Booth that entered into your consideration in making the burial a secret?

A. Nothing whatever. It was done simply and solely for the purpose of preventing him from being made the subject of rebel rejoicing.

Q. Who were the officers that buried him?

A. The officer in charge, to whom I gave my directions, was Colonel Benton, of the Ordnance Bureau.

Q. Did he report to you?

A. He reported that he had buried him.

Q. Do you know who else besides Colonel Benton were employed?

A. He employed some persons in his department. I was not present, and do not know who was present. He reported that he had acted in accordance with my orders.

Q. Was there anything buried with the body of Booth?

A. Nothing whatever, so far as I have any knowledge. Colonel Benton can tell.

Q. Was there any purpose in so burying the body of Booth that no history could ever give an account of the spot where he was buried?

A. None whatever. The only object was to place his body where it could not be made an improper use of until the excitement had passed away, and then, I supposed, at the proper time, it would be given to his friends.

Q. There was a rumor published in the papers that he was dropped into the sea.

A. That was a story gotten up for sensation. There was not a particle of truth in it.

Q. You did not cause it to be given out?

A. Certainly not. I was disgusted with it.

Q. Is there any record in the department of the place where he was buried which could remain as a historical record of the place?

A. I do not know whether there is or not. I know, verbally, that the place of burial is in a vault which is under lock and key ever since.

Q. Is there anything which would preserve an evidence of the place in the department?

A. I think very likely there is; I cannot tell positively whether there is or not. I do not remember what reports were made on the subject.

Q. Were the remains applied for by his relatives?

A. I do not think his remains have been applied for. The remains of Mrs.

Surratt have been applied for, and I think the remains of one or two of the others have been.

Q. Did not Edwin Booth apply for the remains of his brother?

A. I do not know; it is very possible he may have done so; if he did, it is very probable that he received the assurance that at the proper time it would be delivered to him.

WAR DEPARTMENT, ADJUTANT GENERAL'S OFFICE,
Washington, May 21, 1867.

I hereby certify that the annexed documents are true copies of the originals on file in the War Department.

E. D. TOWNSEND,
Assistant Adjutant General.

Be it known that Edward D. Townsend, who has signed the foregoing certificate, is an assistant Adjutant General of the army of the United States, and that to his attestations as such full faith and credit are and ought to be given.

In testimony whereof, I, Edwin M. Stanton, Secretary of War, have hereunto set my hand and caused the seal of the Department of War of the United States of America to be hereunto affixed, on this twenty-first day of May, one thousand eight hundred and sixty-seven.

EDWIN M. STANTON,
[SEAL.] *Secretary of War.*

GENERAL ORDERS No. 63.

HEADQUARTERS DEPARTMENT OF THE SOUTH,
Hilton Head, South Carolina, May 15, 1865.

I. The proclamation of A. G. Magrath, styling himself Governor of South Carolina, dated at headquarters, Columbia, South Carolina, May 2, 1865, declaring that all subsistence stores and the property of the Confederate States within the limits of the State should be turned over and accounted for by the agents of the State appointed for that purpose, and directing that the subsistence and other stores shall be used for the relief of the people of the State; and the proclamation of Joseph E. Brown, styling himself Governor of Georgia, dated at the capital of the State, on the 3d day of May, 1865, requiring the officers and members of the general assembly to meet in extraordinary session at the capitol, in Milledgeville, on Monday, the 22d day of May, 1865; and the proclamation of A. K. Allison, styling himself acting Governor of Florida, dated at Tallahassee, on the 8th day of April, 1865, giving notice and direction that an election will be held on Wednesday, the 7th day of June, 1865, for Governor of the State of Florida, are, each and all of them, declared null and void, it having become known to me, from trustworthy information, that the aforesaid A. G. Magrath, Joseph E. Brown, and A. K. Allison are disloyal to the United States, having committed sundry and divers acts of treason against the same, in adhering to their enemies, giving them aid and comfort.

The persons and peoples to whom the proclamations herein above referred to have been respectively addressed are, therefore, enjoined and commanded to give no heed whatever thereto, or to any orders, proclamations, commissions, or commands emanating from persons claiming the right to exercise the functions and authority of Governor in either of the States of South Carolina, Georgia, or Florida, unless the same shall have been promulgated by the advice or consent of the United States authorities.

II. The policy and wishes of the general government towards the people of these States, and the method which should be pursued by them in resuming or assuming the exercise of their political rights, will doubtless be made known at an early day.

It is deemed sufficient, meanwhile, to announce that the people of the black race are free citizens of the United States; that it is the fixed intention of a wise and beneficent government to protect them in the enjoyment of their freedom and the fruits of their industry, and that it is the manifest and binding duty of all citizens, whites as well as blacks, to make such arrangements among themselves, for compensated labor, as shall be mutually advantageous to all parties. Neither idleness nor vagrancy will be tolerated, and the government will not extend pecuniary aid to any persons, whether white or black, who are unwilling to help themselves.

III. District and post commmanders throughout this department will at once cause this order to be circulated far and wide by special couriers or otherwise, and will take such steps to secure its enforcement as may by them be deemed necessary.

Q. A. GILLMORE,
Major General Commanding.

Official copy:

E. D. TOWNSEND,
Assistant Adjutant General.

HEADQUARTERS ARMY AND DIVISION OF WEST MISSISSIPPI,
Mobile, Alabama, May 20, 1865.

By direction of the President you will not recognize any officer of the confederate or State governments within the limits of your command as authorized to exercise in any manner whatever the functions of their late offices. You will prevent by force, if necessary, any attempt on the part of the legislature of any of the States in insurrection to assemble for legislative purposes, and you will arrest and imprison any member or other person who may attempt to exercise these functions in opposition to your orders, reporting your action through these headquarters for the information of the President. The civil officers of the confederate and State governments are not included in the capitulation of the military forces, but in notifying them that military commanders have no authority to entertain any question touching political relations of the seceded States to the general government or the *status* of citizens, I have advised them to return to their posts, taking with them the archives and other property in their charge, and to report to the military authorities to await the action of the government in their cases. When this is done in good faith, you can allow them to remain at their houses without molestation by the military authorities, so long as they conduct themselves with propriety, and there is no attempt to evade the legal responsibilities they have incurred. This, of course, does not include the high officers of the confederate or State governments. It is of great importance to the government and to the people that all judicial, law and other records affecting the title to property and other private interests should be secured and preserved, and you will spare no exertions to get possession of them.

E. R. S. CANBY, *Major General Commanding.*

Major General WARREN,
Commanding Department of Mississippi, Vicksburg, Mississippi.
Major General A. J. SMITH,
Commanding Army Northern Alabama, &c., Montgomery, Alabama.
Major General GORDON GRANGER,
Commanding Thirteenth Army Corps, Mobile, Alabama.
Brigadier General E. D. OSBAND,
Commanding United States Forces, Jackson, Mississippi.

Official copy:

E. D. TOWNSEND, *Assistant Adjutant General.*

[Special Orders No. 63.]

HEADQUARTERS DEPARTMENT OF LOUISIANA,
New Orleans, Louisiana, March 18, 1866.

It appearing that John T. Monroe and James O. Nixon, who received, respectively, at the late municipal election a majority of votes for the offices of mayor and alderman, may come within the classes of exceptions mentioned in the President's proclamation of amnesty, neither having received a special pardon, they are suspended from the exercise of any of the functions of those offices until their cases can be investigated, and the pleasure of the President be made known; but they will be allowed to take the oath of office, and the mayor elect will be allowed to administer the usual oath to the persons elected.

The remaining persons elected will, upon complying with the requirements of the constitution and laws of the State, be inducted into office, and the municipal government of the city as thus constituted, and with the two exceptions above mentioned, is declared to be organized and in full force and vigor.

* * * * * * * * * * * *

By order of Major General E. R. S. Canby:

WICKHAM HOFFMAN,
Assistant Adjutant General.

Official:

NATHANIEL BURBANK,
First Lieutenant, Acting Assistant Adjutant General.

Official copy:

E. D. TOWNSEND, *Assistant Adjutant General.*

HEADQUARTERS DEPARTMENT OF LOUISIANA,
New Orleans, Louisiana, March 20, 1866.

Hon. JOHN T. MONROE, *Mayor of New Orleans, Louisiana:*

SIR: You have been suspended from the exercise of the functions of the office to which you have been elected, upon the following charges:

1. For a violation of the laws of war in inciting, by incendiary letters, speeches, and proclamations, the populace of New Orleans to acts of violence and resistance to the authorities of the United States, after the defence of that city had been abandoned by the confederate army, to which it had been entrusted. This in April and May, 1862, while in exercise of the office of mayor of the city of New Orleans.

2. That by declining the amnesty, and refusing to take the oath of allegiance offered by the Commander of the Gulf, you have voluntarily brought yourself under the tenth (10th) exception to the President's proclamation of May 29, 1865.

The evidence in support of these charges will be forwarded to the War Department for the information of his Excellency the President, and if you desire it I will forward at the same time any evidence or statement that you may wish to make in relation thereto.

Very respectfully, your obedient servant,
(Signed) E. R. S. CANBY,
Major General Commanding.

A true copy:
(Signed) DE WITT CLINTON,
Brevet Lieutenant Colonel, Judge Advocate.

Official copy:
E. D. TOWNSEND,
Assistant Adjutant General.

[Mr. Lincoln's telegram to General Weitzel.]

WAR DEPARTMENT, ADJUTANT GENERAL'S OFFICE,
Washington, May 21, 1867.

I hereby certify that the annexed document is a true copy of the original on file in the War Department.

E. D. TOWNSEND,
Assistant Adjutant General.

Be it known that Edward D. Townsend, who has signed the foregoing certificate, is an assistant Adjutant General of the army of the United States, and that to his attestation as such full faith and credit are and ought to be given.

In testimony whereof, I, Edwin M. Stanton, Secretary of War, have hereunto set my hand and caused the seal of the Department of War of the United States of America to be hereunto affixed on this twenty-first day of May, one thousand eight hundred and sixty-seven.

[SEAL.] EDWIN M. STANTON,
Secretary of War.

[Copy of telegram.—Cipher.]

WAR DEPARTMENT,
Washington, D. C., April 12, 1865.

Major General WEITZEL, *Richmond, Virginia:*

I have just seen Judge Campbell's letter to you of the 7th. He assumes, as appears to me, that I have called the insurgent legislature of Virginia together, as the rightful legislature of the State, to settle all differences with the United States I have done no such thing. I spoke of them not as a legislature, but as "the gentlemen who have *acted* as the legislature of Virginia in support of the rebellion." I did this on purpose, to exclude the assumption that I was recognizing them as a *rightful* body. I dealt with them as men having power *de facto* to do a specific thing, to wit, "to withdraw the Virginia troops and other support from resistance to the general government," for which, in the paper handed Judge Campbell, I promised a specific equivalent, to wit, a remission to the people of the State, except in certain cases, of the confiscation of their property. I meant this, and no more. Inasmuch, however, as Judge Campbell misconstrues this, and is still pressing for an armistice, contrary to the explicit statement of the paper I gave him, and particularly as General Grant has since captured the Virginia troops, so that giving a consideration for their withdrawal is no longer applicable, let my letter to you, and the paper to Judge Campbell, both be withdrawn or countermanded, and he be notified of it.

Do not allow them to assemble; but, if any have come, allow them safe return to their homes.

(Signed) A. LINCOLN.

[Sent 6 p. m.]

True copy:

A. E. H. JOHNSON,
Major and Assistant Adjutant General.

[Jefferson Davis.]

WAR DEPARTMENT, ADJUTANT GENERAL'S OFFICE,
Washington, May 20, 1867.

I hereby certify that the annexed documents are true copies of the originals on file in the War Department.

E. D. TOWNSEND,
Assistant Adjutant General.

Be it known that Edward D. Townsend, who has signed the foregoing certificate, is an assistant Adjutant General of the army of the United States, and that to his attestation as such full faith and credit are and ought to be given.

In testimony whereof, I, Edwin M. Stanton, Secretary of War, have hereunto set my hand and caused the seal of the Department of War of the United States of America to be hereunto affixed, on this twentieth day of May, one thousand eight hundred and sixty-seven.

[SEAL.] EDWIN M. STANTON,
Secretary of War.

OFFICE OF U. S. DISTRICT ATTORNEY FOR VIRGINIA,
Norfolk, May 4, 1867.

SIR: The United States circuit court for the district of Virginia will meet at Richmond, Monday next. Will you be pleased to give me an order upon the commandant at Fortress Monroe, directing him to surrender Jefferson Davis to the United States marshal, or his deputies, upon any process which may issue from the federal court?

I have the honor to be, with great respect, your obedient servant,

(Signed) L. H. CHANDLER,
United States District Attorney for Virginia.

Hon. EDWIN M. STANTON,
Secretary of War, Washington.

[Endorsements on the foregoing letter.]

Respectfully referred to the President for his instructions.

MAY 4, 1867. (Signed) EDWIN M. STANTON.

Referred to the honorable the Secretary of War, who will at once issue the order requested by District Attorney Chandler.

MAY 7, 1867. (Signed) ANDREW JOHNSON.

Referred to the Adjutant General to issue order as above directed by the President, one copy to be addressed to the commandant of Fortress Monroe, another under cover to the United States district attorney.

(Signed) EDWIN M. STANTON,
Secretary of War.

Official copy:

E. D. TOWNSEND,
Assistant Adjutant General.

WAR DEPARTMENT, ADJUTANT GENERAL'S OFFICE,
Washington, May 8, 1867.

SIR: The President of the United States directs that you surrender Jefferson Davis, now held in confinement under military authority at Fort Monroe, to the United States marshal, or his deputies, upon any process which may issue from the federal court in the State of Virginia.

You will report the action taken by you under this order, and forward a copy of any process which may be served upon you to this office.

By order of the President:

(Signed) E. D. TOWNSEND,
Assistant Adjutant General.

Brevet Brigadier General H. S. BURTON, *U. S. Army,*
or Commanding Officer Fort Monroe, Old Point Comfort, Va.

Official copy:

E. D. TOWNSEND,
Assistant Adjutant General.

RICHMOND, VA., *May* 15, 1867.

GENERAL: I have the honor to report that, pursuant to instructions from the President of the United States, under date of May 8, 1867, I obeyed the writ issued by the United States Circuit Court in session in this city, under date of May 1, 1867, to produce before said court, on the second Monday of May, 1867, the body of Jefferson Davis, a prisoner in my custody at Fort Monroe, Va.; and that on that day, the 13th instant, I was released from further custody of the prisoner Jefferson Davis, by the Hon. John C. Underwood, District Judge.

A copy of said writ, and of my return, is herewith enclosed.

Very respectfully, your obedient servant,

(Signed) H. S. BURTON,
Colonel Fifth Artillery, Brevet Brigadier General U. S. A.

Brevet Maj. Gen. E. D. TOWNSEND,
Assistant Adjutant General, Washington, D. C.

Official copy:

E. D. TOWNSEND,
Assistant Adjutant General.

[Copy.]

The President of the United States to Brigadier General Henry S. Burton, and to any other person or persons having the custody of Jefferson Davis, greeting:

We command you that you have the body of Jefferson Davis, by you imprisoned and detained, as it is said, together with the cause of such imprisonment and detention, by whatsoever name the said Jefferson Davis may be called or charged, before our circuit court of the United States for the district of Virginia, at the next term thereof, at Richmond, in the said district, on the second Monday of May, one thousand eight hundred and sixty-seven, at the opening of the court on that day, to do and receive what shall then and there be considered concerning the said Jefferson Davis.

Witness, Salmon P. Chase, our Chief Justice of our Supreme Court of the United States, this the first day of May, in the year one thousand eight hundred and sixty-seven.

[SEAL.] (Signed) W. H. BARRY,
Clerk of the Circuit Court of the United States for the District of Virginia.

A true copy:

(Signed) W. A. DUNCAN,
Deputy Marshal.

In obedience to the exigency of the within writ, I now here produce before the within-named circuit court of the United States for the district of Virginia the body of Jefferson Davis, at the time of the service of the writ held by me in imprisonment at Fort Monroe under the military authority of the United States, and submit and surrender the said Jefferson Davis to the custody, jurisdiction, and control of the said court, as I am directed to do by the order of the President of the United States, under date of May 8, 1867.

H. S. BURTON,
Colonel Fifth Artillery, Brevet Brigadier General U. S. A.

UNITED STATES CIRCUIT COURT, *District of Virginia:*

I certify the above to be a true and correct copy of the return of General H. S. Burton on the original writ, of which the within is a copy, now on file and of record in this office.

Witness my hand and the seal of said court, at the city of Richmond, in said district, this 14th day of May, A. D. 1867.

[SEAL.] W. H. BARRY, *Clerk.*

Allowed May 1, 1867.

JOHN C. UNDERWOOD, *District Judge.*

Official copy:

E. D. TOWNSEND,
Assistant Adjutant General.

WASHINGTON, D. C., *May* 18, 1867.

Brigadier General HENRY S. BURTON sworn and examined.

By Mr. WILLIAMS:

Q. Be good enough to state whether you were the officer in charge of Jefferson Davis at Fortress Monroe.

A. I have been during the last eight months.

Q. You made a return of the writ of *habeas corpus* issued by the district court of the eastern district of Virginia; be good enough to state if you had any instructions under which you made that return.

A. I had.

Q. State from whom those instructions were received.

A. They were by order of the President of the United States, coming through the War Department, signed by an assistant Adjutant General of the army.

Q. Had you any special instructions in regard to the form of return?

A. No, sir, I had not.

Q. Had you any instructions or advice in regard to any other charge upon which he was held, except that of treason?

A. I had not.

Q. Did you prepare the return yourself?

A. I did; but at the same time it is proper to say that I had the assistance, in preparing the legal document, of United States District Attorney Chandler.

Q. In your conversation with the district attorney, was there anything said in regard to the fact of Davis being held as a military prisoner by virtue of his capture under the proclamation of the President?

A. No, sir; it was simply upon the fact that he was held by military authority.

Q. Was there anything said in regard to the necessity of returning to the court the causes of detention or the charges upon which he was held by you?

A. Yes, sir.

Q. Did you return anything of that sort?

A. No, sir; I returned that I held him by a military order—nothing further.

Q. Was that by the advice of the district attorney with whom you consulted?

A. Yes, sir; I had never received any instructions as regards his detention other than that I was to confine him as a military prisoner in Fort Monroe.

Q. There was nothing in the shape of a military commitment—nothing coming into your hands as to why he was detained?

A. No, sir; I received no confidential papers of any kind or description as regards Mr. Davis.

Q. Were not you advised by the district attorney of the necessity of stating the causes of detention?

A. The writ required me to do that, but I could only state that I held him, by order of the President of the United States, as a military prisoner.

Q. Have you a copy of your return?

A. No, sir; it is in the Adjutant General's office. The writ is also there.

Q. You say, then, if I understand you correctly, that you had no other instructions than those you state, from the Secretary of War, or from any department of the government?

A. I have not.

By the CHAIRMAN:

Q. Did you apply to the district attorney for advice?

A. Yes, sir, I did; he being the United States attorney, and I, as a military officer, not understanding the form in which that return should be made, asked him how it should be done. I thought he, being an officer of the government, was the proper person to apply to.

Q. Was that entirely on your own motion, or had you been advised by some other person to apply to him for counsel?

A. It was entirely on my own motion.

By Mr. WILLIAMS:

Q. Did he say anything to you of the fact of his being held on the charge of complicity in the assassination of the late President Lincoln?

A. No, sir; he did not.

By the CHAIRMAN:

Q. Did you have any information of the causes of detention other than the order of the President that you were to hold him as a military prisoner?

A. No, sir; I did not.

By Mr. ELDRIDGE:

Q. Where were you when you made your return of the writ?

A. I was in Richmond, in the court-house, before the district court of the United States.

Q. When you found it necessary to make a return, not being acquainted with the form, you applied to the district attorney to ascertain what would be the legal form; you had no orders from anybody to do that?

A. None at all.

Q. No communication with the President on the subject?

A. Not a word, except that I was told to obey the writ.

Q. In holding Jefferson Davis there, you simply held him as an officer under the orders of your superiors?

A. Certainly, sir. General Miles received Jefferson Davis at Fortress Monroe; what instructions or papers he may have had I do not know. He took them from the post, all of them, to Washington. He did not turn over to me a scrap of paper for my guidance, and I held no special orders in regard to him.

Q. Had you any orders from anybody, in case a writ of *habeas corpus* was served on you, what to do?

A. My orders were to obey the writ.

Q. Do you know that that order came from the President of the United States in any other way than that it purported to be signed by order of the President?

A. That was all.

Q. If you have a copy of that order please read it to the Committee.

A. It is as follows:

WAR DEPARTMENT, ADJUTANT GENERAL'S OFFICE,
Washington, May 8, 1867.

Brevet Brig. Gen. H. S. BURTON, U. S. A., *or Commanding Officer Ft. Monroe, Virginia:*

SIR: The President directs you to surrender Jefferson Davis, now held in confinement by military authority in Fort Monroe, to the United States marshal, or his deputies, upon any process which may issue by the federal courts in the State of Virginia. You will report the action taken by you under this order, and forward a copy of any process served upon you to this office.

By order of the President:

E. D. TOWNSEND,
Assistant Adjutant General.

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

Hon. HENRY STANBERY sworn and examined.

By the CHAIRMAN:

Q. You were requested to bring with you the papers in the case of the pardon of Joseph R. Anderson, of Richmond; have you them with you?

A. I have them here.

Q. State the contents of the paper in that case, by whom the pardon was recommended, and upon what grounds.

A. This pardon appears to have been granted on the 22d of September, 1865, about a year before I was made Attorney General. I know nothing of the case, or of the circumstances attending the pardon, except what appears in the papers on file in the office of the Attorney General, which I now present. They consist of a petition for a pardon, a letter from Hon. J. K. Moorhead, two letters from Governor Pierpoint of Virginia, a letter from William H. Marbury, Dilworth, Porter & Co., of Pittsburg, Asa Snyder, John W. Duncan, A. A. Lockrum; indorsed by James Johnson, C. L. Moseby. I have also the President's order for the pardon.

Q. Furnish to the Committee, if you please, copies in full of the papers in the case.

A. I will do so.

Q. Have you a knowledge of any facts relative to the pardon of Anderson, other than those which are in the papers presented to the Committee?

A. I have not. I do not know that I had ever heard of the case until I received notice from this Committee.

Q. Have you the papers in the case of the pardon of Solomon Kohnstamm?

A. I have.

Q. Please state the facts within your knowledge relative to the pardon in that case.

A. Shortly after I became Attorney General my attention was called to this case, the petition for the pardon and the various papers relating to it being then in my office. From time to time I made examination of the case, and held it under consideration before arriving at a definite conclusion for several months. On the 30th of April I came to the conclusion that it was a proper case for executive clemency, and so reported to the President. While the matter was pending it was more than once the subject of discussion, and from time to time additional papers and recommendations were furnished. The facts and considerations upon which I finally arrived at the conclusion which I have stated I will attempt to state as briefly as possible. It appeared that the petitioner had been engaged in mercantile and banking business in New York for many years, and had acquired a high standing as a man of integrity. In the early part of the rebellion he took a decided stand in favor of the government, and contributed, among other things, the gratuitous use of a large and valuable building or warehouse to the government for a period of more than a year. Being a German, he came to be interested in German regiments which were organized in New York, and made advances towards these organizations, and was involved, as it was charged, in the presentation of forged vouchers upon which he received large sums of money; that he was arrested by orders from Washington in the fall, I think, of 1862, and under these charges imprisoned for a time in Fort Lafayette and in the Old Capitol prison at Washington, but was released finally from that imprisonment; that when so released he returned to New York and remained there, making no attempt to escape, expressing a readiness at any time to meet the charges that had been made; that at some subsequent time, either in the fall of 1863 or early in 1864, he was again arrested by the civil authorities, and indicted in the United States court at New York for obtaining payment of

fraudulent vouchers. He was tried upon one or more of these indictments at the May term of 1865, found guilty, and sentenced to the penitentiary at Sing Sing. His conviction was founded mainly upon the testimony of parties who admitted their participation in the frauds. In the year 1865 his petition for a pardon appears to have been presented, and was referred to the then Attorney General, Mr. Speed, who made a report unfavorable to the application. After I came into office the application was again renewed; additional papers were presented, and the following case upon the application was made out: That his confinement in the prison was gradually undermining not only his general health, but that his mind was giving way, and physicians of great eminence, such for instance as Doctor Van Buren and Doctor Grisom, concurred in the opinion of the attending physicians of the institution, that if his imprisonment continued it would inevitably result in a total destruction of his intellect. The warden of the prison also reported that he had never known an instance of any prisoner so confined upon whom the confinement had operated with so much severity. Among other things stated as to the amount of punishment, even for the time in which he had been confined, the warden thought he had suffered more than convicts usually would have suffered during the whole period of their sentence. In addition to this, the recommendations for his pardon were numerous, and from gentlemen of the very highest standing and intelligence. Among these petitioners are the following senators and representatives: Ira Harris, E. N. Hubbell, James M. Marvin, Hamilton Ward, C. T. Hulburd, John W. Chanler, H. Van Aernam, Stephen Taber, Henry J. Raymond, Robert S. Hale, Thomas T. Davis, Burt Van Horn, John H. Ketcham, D. Morris, Roscoe Conkling, W. A. Darling, W. E. Dodge, John A. Griswold, Teunis G. Bergen, A. H. Laflin, C. H. Winfield, G. W. Hotchkiss, James Humphrey, Demas Hubbard, jr., Roswell Hart, William Radford, Charles Goodyear, Reverdy Johnson, and J. M. Howard; and also a letter from Senator Morgan, accompanying, dated United States Senate Chamber, December 23, 1865, addressed to the President. The letter is as follows:

* * * * * *

Other recommendations were also filed from Robert J. Walker, James T. Brady, Senator Nye, E. S. Van Winkle, Augustus Schell, Mrs. Moses Odell, James Bates, J. W. Hoffmann, William M. Evarts, Governor Fenton, Simeon Draper. The letters of Governor Fenton, dated 17th November, 1865, and that of Simeon Draper, dated ———, are as follows:

* * * * * *

There is also a letter, under date of "December 22, 1865," from Mrs. Stephen A. Douglas. The letters from Germany, introducing Mrs. Bergher, and the letter from Robert J. Walker, are also of the same character, and express the opinion that it is a case for clemency. There are also recommendations and letters from merchants and citizens of New York city, as follows:

* * * * * *

While the matter was under my consideration, I received letters from Mr. Edwards Pierrepont, of New York, who was the special agent of the government, retained as such in prosecuting the indictments against Kohnstamm, and the civil suit brought against him to recover the money which he had obtained from the government by these fraudulent vouchers. Mr. Pierrepont knowing that there were applications for pardons pending, advised me of the pendency of proceedings to recover back the money, and expressed his opinion that the Executive ought not to extend pardon to Kohnstamm until restoration was made. On the 5th of January, 1867, I received this letter from Pierrepont on the subject:

* * * * * * *

On the 14th of January, 1867, I received this further letter from Mr. Pierrepont:

* * * * * * *

When, after this, I was advised of the payment of the money, I hesitated no longer, but concluded to recommend the pardon to the President I had, during the pendency of the case, received recommendations from Mr. Evarts, who was counsel for Kohnstamm, and have his letter, written shortly before the pardon was granted, in which he urges it as an act of proper clemency. I can only say that, as far as I was concerned, I felt authorized to make the recommendation.

By Mr. ELDRIDGE:

Q. Do you entertain that opinion now, or have you seen any reason to change it?

A. I have seen no reason to change it, and entertain that opinion now.

By the CHAIRMAN:

Q. Was your attention directed to this case by the President, by verbal or written request that you should examine it?

A. I have no recollection that at any time the President specially called my attention to the case. My attention was particularly called to it by Mr. Van Winkle and by Mr. Evarts, and finally by the application of Mrs. Bergher, the sister of Kohnstamm, who came here just before the pardon was granted.

Q Have you any reason to believe that a pardon would have been granted in this case, had your report upon it been adverse?

A. No, sir; I am satisfied the President would not have granted it, had I not recommended it. I never heard the President express any opinion with reference to it, except to acquiesce in my report.

By Mr. WILLIAMS:

Q. What was the extent of the pardon? Did it go to all indictments, whether tried or not?

A. Yes, sir. There was no other prosecution then being carried on against him; it was, as I suppose, a general pardon.

Q. I saw it stated in a report that there were nearly fifty indictments against him of a like character.

A. Yes, sir; but I did not know that there was any continued prosecution, or intended prosecution. The suit brought against him was for the recovery of the whole amount, and the judgment against him was for the whole amount covered by all the indictments which the proof made out against him, I may also state, in his absence.

Q. There was an appearance for him in his absence, was there not?

A. I suppose so. Mr. Van Winkle was his trustee, and no doubt appeared for him, and he is a lawyer of eminence.

Q. Do you remember how much was claimed by the government in that case?

A. I do not. Mr. Pierrepont, who represented the government, states in this letter that the amount received was not, in his judgment, sufficient.

By the CHAIRMAN:

Q. On or about the 11th day of October, 1866, an article appeared in the Philadelphia Ledger, from which article I read as follows: (Questions alleged to have been propounded by the President to the Attorney General, copied in the testimony of the witness Flint.) Will you please state whether there is any truth in that statement that such question, or questions of similar import, were ever submitted to you?

A. Not a word of truth in it. No such questions, or anything like them, were ever sent by the President to me.

Q. Were any such question, or questions of similar import, discussed between you and the President?

A. Never. My attention was called to that publication at the time, and I denied it at once by telegraph to various places. It created a great sensation over the country, and I at once denounced it as a fabrication.

By Mr. ELDRIDGE:

Q. Is there anything within your knowledge out of which that report originated?

A. There is not. I should have been startled at any such questions from the President.

Q. Then the whole report is a pure fabrication?

A. Entirely so.

By Mr. WILLIAMS:

Q. Will you be good enough to state whether, as the chief law officer of the government, you ever instituted or directed proceedings, either in person or *in rem*, for the purpose of enforcing the acts of Congress in relation to confiscation of the property of rebels, or for the punishment of crimes of a political character?

A. I have no recollection of directing any proceedings for confiscation. I must speak with some reservation, however, as the question covers the entire period of my official action for the last ten months. There is no case within my recollection that now occurs to me.

Q. Have you ever had instructions from the President to proceed with any case for confiscation?

A. I do not remember it.

Q. Has he ever called your attention to confiscation proceedings, or proceedings of a criminal nature, against men who were implicated in the rebellion?

A. I do not now recollect any instance, unless it may be in relation to Mr. Davis. He has spoken to me about that case.

Q. It has been stated here by a witness, who was the district attorney for the district of North Carolina, that there were some cases instituted, arising under the laws in regard to confiscation of rebel property, which were brought to your notice, and in reference to which you instructed him he should not take any further proceedings at present. Was that a fact?

A. Yes, sir; that, however, enters upon a new field. The other question was as to instructions from the President.

Q. State, if you please, whether you have adopted any policy in regard to cases of that sort?

A. My views in regard to proceedings for confiscation are these: That after pacification and the establishment of peace, these laws which were, during the continuance of hostilities, war measures, practically ceased to be operative; and, unless proceedings had gone to the extent that the rights of third parties had intervened, my instructions were that these cases should not further be carried on.

Q. That is to say, you discontinued proceedings which had already been commenced?

A. Yes, sir, where they had not proceeded to condemnation and sale. There were all over the southern country, in Missouri and other States, a host of suits prosecuted and commenced, either just before, or after the termination of the rebellion, against parties implicated in it, which involved immense costs, and did not promise anything even if they were carried on, but in which vast amounts of costs had accumulated in the way of publication and otherwise. I stopped proceedings in all such cases when they were brought to my notice.

Q. I understand that you did that, and under instructions from the President?

A. I recollect no instructions from the President. It was in accordance with my own views. I should not have gone to the President for instructions in

reference to it. It occurred in the course of my correspondence with the district attorneys for the several districts, and in this I think I followed the precedent set by my predecessor, Mr. Speed. I do not think I adopted any new policy; that was my impression.

Q. Are we to understand, then, that you did not conceive it to bey our duty as the law officer of the government to enforce these laws; that you considered them no longer applicable?

A. According to my construction of these laws, it was not my duty to prosecute under them after pacification.

Q. Did you entertain the opinion that the restoration of peace amounted substantially to a repeal of the laws, or that they ceased to operate?

A. My opinion, from the tenor of the laws, was that they were war measures, and where the rights of third parties had not intervened, and no judgment, condemnation, or sale had taken place, I did not consider it wise to continue the prosecution. I did not interfere with cases that had proceeded thus far.

Q. Were there cases in which you consented to a revocation where judgment had already been pronounced?

A. I do not recollect of any. I cannot speak very accurately, however; I have had a great deal of correspondence with the district attorneys.

Q. Do you recollect whether such was the fact in respect to the property of Pierre Soulè, in which the property was restored to him after judgment and condemnation?

A. That was before my time, I presume; I have no recollection of the case.

Q. Do you know of any instructions having been given by the President to Mr. Speed, your predecessor, upon that subject?

A. I do not.

Q. Be good enough to state whether you gave any instructions to the District Attorney of Virginia in regard to the question of discharging Jefferson Davis on bail?

A. The District Attorney and Mr. Evarts, the counsel employed by the government, were in my office before going on the day fixed for the return of the *habeas corpus*. The *habeas corpus*, issued by Judge Underwood, was made returnable on Monday, May 13. We had a general consultation, first as to the question whether the offence was bailable, and whether the government should resist the application for bail under the circumstances. I think we all agreed in the opinion that under the present statutes of the United States the offence is bailable.

Q. What section of the statute was he indicted under?

A. I have never seen the indictment, but I understood it was under the act of 1862.

Q. You supposed it to be bailable under the first section of that act, which prescribes the alternative of death?

A. If the first section of that act had been the only law upon the subject it might have been more questionable.

Q. What was your understanding in regard to the indictment?

A. I understood that it was a prosecution under a section prescribing the punishment of death or imprisonment, in the discretion of the court.

Q. Was that your opinion as a lawyer, having reference also to the act of 1793, prescribing that bail shall not be taken where the punishment may be death?

A. Yes, sir; I am of opinion that treason has always been bailable, in the discretion of the district court of the United States, since the act of 1789.

Q. And you gave that advice to the District Attorney?

A. I concurred with him and Mr. Evarts in the opinion that Mr. Davis was bailable.

Q. Did you instruct him to make any objection to Mr. Davis being set at liberty on bail?

A. I can hardly say that I gave any instructions at all. The question was whether it was a bailable offence, and whether application for bail should be resisted upon that ground. I did not see how such an application could, under the circumstances, successfully be resisted, and I gave them my opinion about it.

Q. Did you give any advice in regard to the return to be made to the writ of *habeas corpus*, having reference to his alleged complicity, under which he was arrested, in the assassination of Mr. Lincoln?

A. I did not. Mr. Evarts took charge of that, and I think wrote the return to the writ himself. I have so understood it.

Q. Was there anything said in this conversation in relation to the fact that Jefferson Davis was held as a prisoner by the military authorities under the proclamation by the President offering a reward for his capture on the charge of complicity in the assassination?

A. I think not; it was well understood that he was not so held.

Q. Was he not arrested upon that charge?

A. I so understand.

Q. Was he not held under that charge?

A. No, sir.

Q. Why not?

A. I came into the Cabinet long after his arrest, but I know that in making up a report to Congress upon the subject, which report was made by myself, and transmitted through the President to Congress in answer to a resolution calling for the reason why he was held in military custody, it was stated that he was held ready to answer any writ that should issue by the proper civil authorities?

Q. He was held in the military custody of Brigadier General Burton?

A. Undoubtedly; but I do not think he was held under any such charge as complicity in the assassination.

Q. Was not that the original cause of his detention?

A. I have always understood something of that sort. I have myself no personal knowledge on the subject. Long before I came into the office, Mr. Speed gave to the President a written opinion that it was not a case for trial by military commission; that he ought to be held for prosecution for treason by the civil authorities. I have here the letter of Mr. Speed, dated January 6, 1866, to the President on that subject, which is as follows:

[Copy.]

ATTORNEY GENERAL'S OFFICE,
January 6, 1866.

SIR: I have the honor to acknowledge the receipt from you of a copy of the resolution of the Senate of the United States, of date the 21st December, 1865. In that resolution the Senate respectfully requests to be informed upon what charges, or for what reasons, Jefferson Davis is still held in confinement, and why he has not been put upon his trial.

When the war was at its crisis, Jefferson Davis, the commander-in-chief of the army of the insugents, and other prominent rebels, were taken prisoners by the military forces of the United States. It was the duty of the military so to take them. They have been heretofore, and are yet, held as prisoners of war. Though active warfare has ceased, a state of war still exists over the territory in rebellion. Until peace shall come, in fact and in law, they can rightfully be held as prisoners of war.

I have ever thought that trials for high treason cannot be had before a military court. The civil courts have alone jurisdiction of that crime. The question then arises, where and when must the trials thereof be held?

In that clause of the Constitution mentioned in the resolution of the Senate it is plainly written that they must be held in the State and district "wherein the crime shall have been committed." I know that many persons of learning and ability entertain the opinion that the commander-in-chief of the rebel armies should be regarded as constructively present with all the insurgents who prosecuted hostilities and made raids upon the northern and southern borders of the loyal States. This doctrine of constructive presence, carried out to its logical consequences, would make all who had been connected with the rebel armies liable to trial

in any State and district into which any portion of those armies had made the slightest incursion. Not being persuaded of the correctness of that opinion, but regarding the doctrine mentioned as of doubtful constitutionality, I have thought it not proper to advise you to cause criminal proceedings to be instituted against Jefferson Davis, or any other insurgent, in the States or districts in which they were not actually present during the prosecution of hostilities.

Some prominent rebels were personally present during the invasion of Maryland and Pennsylvania, but all or nearly all of them received military paroles upon the surrender of the rebel armies. Whilst I think that those paroles were not ultimate protection against prosecutions for high treason, I have thought that it would be a violation of the paroles to prosecute those persons for crimes before the political power of the government has proclaimed that the rebellion has been suppressed.

It follows from what I have said that I am of the opinion that Jefferson Davis and others of the insurgents ought to be tried in some of the States or districts in which they in person respectively committed the crime with which they may be charged. Though active hostilities and flagrant war have not for some time existed between the United States and the insurgents, the peaceful relations between the government and the people in the States and districts in rebellion have not yet been fully restored. None of the Justices of the Supreme Court have held circuit courts in these States and districts since actual hostilities ceased.

When the courts are open, and the laws can be peacefully administered and enforced in those States whose people rebelled against the government: when thus peace shall have come in fact and in law, the persons now held in military custody as prisoners of war, and who may not have been tried and convicted for offences against the laws of war, should be transferred into the custody of the civil authorities of the proper districts, to be tried for such high crimes and misdemeanors as may be alleged against them.

I think that it is the plain duty of the President to cause criminal prosecutions to be instituted before the proper tribunals and at the proper times against some of those who were mainly instrumental in inaugurating and most conspicuous in conducting the late hostilities.

I should regard it as a direful calamity if many whom the sword has spared the law should spare also; but I would deem it a more direful calamity still if the Executive, in performing his constitutional duty of bringing these persons before the bar of justice to answer for their crimes, should violate the plain meaning of the Constitution, or infringe in the least particular the living spirit of that instrument.

I have the honor to be, very respectfully,

JAMES SPEED, *Attorney General.*

To the PRESIDENT.

Q. There seems to be no reference made there to the charge made in the proclamation to which I refer of complicity in the assassination of President Lincoln. Will you state whether you had any conversation with the President upon that subject?

A. I do not recollect any.

Q. Did you receive any instructions from him in relation to the disposition of Davis, or did you consult with him upon the disposition to be made of him by the court?

A. I had no such instruction or consultation whatever. I will state that the matter of issuing an order to the military authorities at Fortress Monroe to hold Davis subject to any writ of *habeas corpus* or *capias* to be issued from the court at Richmond, was an order directed in Cabinet, having been submitted by the President to his constitutional advisers there.

Q. Was it your understanding then that he was to go at large if released on bail under this indictment?

A. I feel myself, and have frequently said so, that we were in a false position so far as Jefferson Davis was concerned; that he was captured by us and held as a prisoner of war, and continued to be so held in time of peace, with no charges against him, subject to jurisdiction by any military court. The charges on which he was arrested were limited as early as January, 1866. I felt that we were in a false position in holding him in military custody; and that it was proper, when an opportunity offered, to surrender him to the civil authorities to be dealt with by them.

By Mr. ELDRIDGE:

Q. Have you, as the law officer of the government, in your hands, or is there within your knowledge, evidence which would warrant you in putting Jefferson Davis upon trial for complicity in the assassination?

A. Nothing has come to my knowledge which would warrant such a prosecution.

By Mr. BOUTWELL:

Q. Have you at any time considered the matter of having another indictment against Jefferson Davis found either in Virginia, Alabama, Tennessee, or otherwise?

A. No, sir. He is now answerable to the present indictment in Virginia.

A. Have you considered the statute of '62 in connection with the original statute covering treason, with reference to the possibility of indicting him in such a manner as that he would not be permitted to give bail?

A. No, sir, I have not. I was of the opinion that under the circumstances of the case as he was indicted it was a bailable offence. I may be in error about it, but that is my opinion.

By Mr. WILLIAMS:

Q. Do you know whether any indictment for treason was made against Jefferson Davis in Washington, in this District?

A. I do not; I think I have heard of something of the sort. I have some impression of that sort, but I have no official information of it.

Q. Have you any doubt as to his being triable here—as to the fact of his actual presence here at the outset of the rebellion?

A. I might say this in regard to the opinion given on the subject of constructive presence by my predecessor: I was hardly satisfied that he was right in saying that Jefferson Davis would not properly have been held to have been constructively present in Pennsylvania, at Gettysburg, or in Maryland, at Antietam.

Q. Did the President give any direction in regard to Davis being held on bail, or as to the form of return of the officer having him in custody?

A. I do not recollect the slightest communication between the President and myself either verbally or in writing. It was a matter that pertained to my office. I will simply state, that so far as the question of official duty was concerned, I did not consider it then my duty as Attorney General to intervene in the case any further than to give advice upon questions asked; that it was not a part of my duty to go to Richmond and prosecute in person, was plain, as I am directed to be here and argue cases in the Supreme Court. I have not considered it as coming within my province to do any more than to give advice or instructions upon such questions as are presented.

Q. In any opinion you gave upon this subject of Davis being admitted to bail, were you guided by any advice or instruction from the President?

A. None whatever. The President left me entirely to the exercise of my own discretion upon the subject.

Q. Mr. Evarts was employed by the government to prosecute this case?

A. Mr. Evarts and Mr. Clifford, of Massachusetts, were employed. Mr. Clifford, however, retired from the case; Mr. Evarts remained.

Q. Mr. Evarts was present at the time he was held to bail?

A. Yes, sir.

By Mr. BOUTWELL:

Q. What reasons existed, in your knowledge, which led Mr. Chandler to state to the court that the government was not ready to proceed with the trial of the case?

A. I am not aware what were the reasons, except as stated to me by Mr. Chandler.

Q. I will ask you whether, as far as you know, the government was ready to proceed with the trial of Jefferson Davis?

A. That was a question for the District Attorney to decide.

Q. Was there any fact within your knowledge indicating that the government was not ready?

A. I do not know of any, except from the District Attorney.

Q. You know of no reason why the government might not have gone on with the trial last Monday?

A. I do not know of any reason, except what I have from the District Attorney?

Q. What reason did he give?

A. He thought it was not a proper time to proceed with the trial, and I understand he was not then prepared to go on with it.

Q. Did he state any particulars in which he was lacking in his readiness to go on with the trial?

A. He mentioned, among other things, that he was not satisfied with the present indictment. He thought it would be better to have a further indictment; that he had prepared the present indictment for the grand jury in great haste, under instructions to have the matter started, and that he was not entirely satisfied to go to trial upon that indictment.

Q. When did he make that statement to you first?

A. Some time before the meeting of the court.

Q. Was not the grand jury is session at this term of court prior to last Monday, in Richmond?

A. I do not know whether they were in session prior to that day or not.

Q. Did you give the District Attorney any instructions as to whether he should or should not obtain a new indictment?

A. I told him by all means to take care that he had an indictment he could rely upon. I have never seen his indictment.

Q. When did you make that statement?

A. I suppose at the time he was in the city prior to the meeting of the court. I do not recollect the particular day.

Q. It was some time prior to the recent session of the court?

A. Yes, sir. I do not know whether he had had an opportunity for preparing any other indictment or not.

Q. Did he say whether he required any assistance in the preparation of the indictment?

A. No, sir; he seemed to express the opinion that he was competent to frame an indictment. Of course he would have Mr. Evarts with him, and I think he said he would consult with Mr. Evarts about the indictment, and under any circumstances he would hardly ask for my assistance in framing the indictment. It would not be usual for a District Attorney to do that.

Q. Is it your opinion or expectation that Jefferson Davis, if he presents himself in November next, is to be tried?

A. I hardly know what expectation to express. I do not know what circumstances may arise.

Q. I ask you for your own expectation, opinion, or desire.

A. It is a case pending against a party who is bound to be there. I have no idea of instructing the District Attorney to enter a *nolle prosequi*, or to relieve him from the duty of prosecuting Mr. Davis.

Q. Do you know whether it is the purpose of the District Attorney to procure any other indictment against Mr. Davis in any other State?

A. He has never mentioned to me that he expected such a thing.

Q. Is not this case one of such character in reference to its history and the reputation of the country that it ought to be taken especially in charge by the first law officer of the government, so far as it needs special instructions as to how it is to be managed?

A. As to that, as a matter of course on the application of the District Attorney, I should take very great care to give him the best instructions I could.

Q. Was not the case of such magnitude that it would seem to be the duty of the administration to assume the general conduct of it, without waiting for the District Attorney to make application?

A. Counsel of the first eminence were employed to manage the case. I have not considered it my duty to interfere in the case, except to give such instructions or advice as may be called for during its progress.

By Mr. ELDRIDGE:

Q. The government have employed eminent counsel, specially with reference to this case, have they not?

A. Yes, sir; I have so stated.

By Mr. WILLIAMS:

Q. When you gave an opinion upon the subject of bail in a case of that sort, say in this case, was your attention called to the provisions of the acts of '93 upon that subject?

A. Not specially.

Q. I ask you to look at it now, and say whether, in view of that act specifically, without reference to any other legislation, he would be bailable?

A. I have stated my opinion that under the act of 1789 he would be bailable; but in this case I took into consideration the subsequent legislation.

Q. What subsequent legislation?

A. The act of 1862, which prescribes the punishment as death or imprisonment for life in the alternative.

Q. Taking that act in connection with the act of '93, which prescribes that offences shall not be bailable where the punishment is death, would you still think the party ought to be admitted to bail?

A. What I mean to say is, that under the statute of 1862, under which, I learn, Mr. Davis is indicted, I believe he is bailable by a court of the United States, not to say anything of a commission.

Q. Nothwithstanding the act of '93?

A. Certainly.

Q. Supposing the offence to have been bailable, I ask you whether, under the hypothesis that he was arrested by virtue of a proclamation, charging him with complicity in the assassination of Mr. Lincoln, it was not the duty of the government to surrender him to the civil authorities for trial under that charge, and not allow him to be set at large under another charge?

A. I am not advised that Davis was held under a charge of complicity in the assassination.

Q. What would be the duty of the government upon such a state of facts? Would it not be to surrender him to the civil authorities upon that charge, in order that he might be discharged in due course of law from military custody under the proclamation; and would it not be right and proper to make a return, stating the causes of detention, and not allow him to go at large upon bail?

A. I can only say, speaking for myself and the President, that I cannot imagine in what way he or I could interfere with the return of that officer, or give any instructions about making his return.

Q. The President is by the Constitution commander-in-chief of the army, and that officer is his subordinate. Davis was virtually in the custody of the President, and the act of the officer was virtually his act, as I understand it?

A. As to that, as a matter of course the officer holding him in custody was subordinate of the President; but the President did not order him to be discharged; he caused him to be handed over to the civil authorities, to be dealt with by them. I do not know that the President gave any instructions or had

ground for giving any instructions for having him prosecuted for complicity in the assassination. I never heard from him, however, in regard to that subject.

Q. Suppose a sheriff held a party under arrest, whether in consequence of executive proclamation or otherwise, would it not have been proper for him in making his return to call the attention of the court to that fact?

A. Undoubtedly, a sheriff who has a prisoner in custody states in his return by what authority he holds him. If he says he holds him on a charge of complicity in an assassination, I suppose that would be a proper return. If he says he holds him by authority of a writ, that would be his return.

Q. Would it be a proper return to say that he held him by virtue of a warrant?

A. I will only state that according to any knowledge or information that I have, going as far back as January, 1866, Mr. Davis was simply held as a prisoner of war, and was expected only to be indicted for treason. At that time the legal officer of the government did not seem to be under the impression that he was held on any charge of complicity in the assassination, and since I have been in office I have never been advised that he was held otherwise than as a prisoner of war.

Q. Were you not aware of the fact that an inquiry was pending before the Judiciary Committee of the 39th Congress upon the very subject of the charge referred to in the proclamation under which Jefferson Davis was arrested?

A. I think I have heard by rumor that there was such an inquiry.

Q. Has it not been a matter of public notoriety that there has been?

A. I think so; and I suppose that if any matter of that kind had come to the notice of a committee of Congress, we should at least have had some report or resolution upon the subject. Resolutions were passed upon the subject and referred to the Attorney General, but they were in reference to his trial for treason rather than anything else, and we have had several resolutions from Congress desiring to know upon what ground he was held. Congress did not seem to know. We have again and again reported that he was held as a prisoner of war, and that we were ready to deliver him up at any moment to the civil authorities. Congress has seemed to take no action upon these resolutions.

By Mr. THOMAS:

Q. Referring back to a point under consideration a little while since, are we to understand that you entertained the opinion that Mr. Davis is liable to be tried in Maryland or Pennsylvania, although he was not personally present in either of the battles in those States; that he could be properly tried as commander-in-chief of the rebel army?

A. That is a very grave question. My impression is that he would be triable in either of those States, supposing that the acts committed there were incited by him.

Q. Have you advised the officers of the law in Maryland or Pennsylvania that there is such a power in them to try him there?

A. I have not.

Q. Do you propose to advise the officers of the law as to that?

A. I do not. There is a prosecution already pending against him.

Q. Have you advised the President of the United States of your opinion on that subject?

A. I have not.

Q. Do you propose to advise the President of that fact?

A. I do not know that I do.

Q. Would it not be proper for you to advise the District Attorneys, who are your subordinates, upon a question of that sort?

A. Yes, sir; it is my duty to give advice whenever they require it.

Q. You never volunteer it?

A. Not unless some inquiry is made.

Q. Referring again to your opinion, do not you think that a trial could be had in Maryland or Pennsylvania with less embarrassment than in Virginia?

A. I do not know that I have formed any opinion upon that subject.

By the CHAIRMAN:

Q. Have you any knowledge as to whether C. C. Clay, jr., was or was not indicted for treason in the United States court in Alabama?

A. There have been proceedings against Mr. Clay, but I would like to refer to my office before answering the question definitely.

Q. I ask you to refer to the letters on file in your office, and ascertain whether you have any record of that fact; and whether any instructions have been given by you or by your predecessor relative to indictments against Clay; and if so, to furnish copies to the Committee.

A. I will do so.

By Mr. ELDRIDGE:

Q. Is there to your knowledge any civil warrant or other process by which Jefferson Davis was held until he was surrendered to the civil authorities?

A. My impression is that there was not. I think he was not held in custody upon any civil or criminal process.

By Mr. THOMAS:

Q. Did the records about your office show that instructions were given to the District Attorney of Maryland in reference to indictments pending there for treason?

A. They will show if any such instructions were given.

Q. I would be obliged to you to furnish any such instructions to the Committee.

A. I will do so.

[Copy.]

MONTGOMERY, ALA., *February* 21, 1867.

Hon. HENRY STANBERY, *U. S. Attorney General, Washington, D. C.:*

RESPECTED SIR: Your communication of the 15th instant, directing me to suspend all further proceedings in the case of the United States *vs.* a large quantity of old iron, brass, and machinery, pending now in the district court, wherein one A. K. Shephard is the claimant, and report as early as practicable the grounds of prosecution; and also to suspend action and make report in like manner in the cases of the United States *vs.* thirty acres of land at Selma, and the United States *vs.* Naval foundry, rolling mills, and iron-works lots, has been received by me on yesterday, and, in reply, I will state that the directions in reference to the two latter cases come too late, as the sale of the property under condemnation and decree of court took place on the 18th instant at Selma.

No steps are being taken at present in the case where A. K. Shephard is claimant, except that the proceeds of the sale are ordered to be deposited in the registry of the court, to await further proceedings at the next term of the court, in May. I enclose, as requested, a statement of each proceeding, from which it will be seen that the facts are different from the "judicial record and other documents which have been filed in your office."

I have the honor to be, your obedient servant,

(Signed) JAMES Q. SMITH,
United States District Attorney.

[Copy.]

UNITED STATES DISTRICT ATTORNEY'S OFFICE
FOR NORTHERN AND MIDDLE DISTRICTS OF ALABAMA,
Montgomery, Alabama, , 186 .

(93.) United States of America, *vs.* Naval foundry, rolling mills, and iron-works lots, and appurtenances, in Selma.

The land in this case was purchased by the agents of the late so-called confederate States during the rebellion, who erected thereon a naval foundry, rolling mills, and iron works, for the manufacture of cannon, shot, shell, and other warlike materials. On the capture of Selma, in April, 1865, by the United States forces, commanded by Major General Henry Wilson, all the buildings were burned and destroyed; and on the 15th of September, 1865, I filed a libel of information, under the act of 6th August, 1861, against the land and appurtenances, consisting of brick, old iron, brass, old machinery, and scrap iron. A warrant of seizure issued from the district court, and on the 10th of October the marshal made seizure, and on the warrant the following return:

"Came to hand September 10, 1865, and in obedience to the within warrant I have arrested one lot of land, and a large quantity of brick, boilers, engines, scrap iron, old iron, and many other appurtenances thereon—the land commencing fronting Sylvian street, extending and lying immediately between the Burnsville road and the Alabama and Tennessee railroad track, to the lot of land belonging to F. A. Woodson, in the city of Selma, being the same mentioned in the warrant, in the district aforesaid; and I have cited all persons having, or pretending to have, any right, title, or interest therein, to appear at the next term of the United States district court, as I am by this warrant commanded to do. October 10, 1865.
"JOHN HARDY, *U. S. Marshal.*"

On the 15th of October, 1865, the above property was advertised by the marshal, and all persons notified to appear and show cause why the same should not be condemned—a copy of which notice is attached, with the notice of other property seized in other cases. This notice brought into court several claimants for the land, who were represented by able counsel, who prosecuted for the respective claimants until the May term of court, 1866, when the claims were withdrawn and a decree of condemnation rendered, and an order of sale made directing the marshal to sell the land in the manner therein ordered, which order, as before stated, had been carried out before the receipt of the Attorney General's communication.

Some time after the seizure by the marshal of the property in this case, and the seizure of a large quantity of other property, representations were made to me by the assistant commissioner of freedmen for Alabama, General Swayne, and his agent, a Colonel Gardner, at Selma, that there were large numbers of freedmen who had no places to reside on, or to erect huts, and asked me to direct the marshal to permit them to use property libelled for confiscation during the pendency of the proceedings of confiscation in court. I directed the marshal to permit the assistant commissioner of freedmen to use the houses and lands libelled for confiscation for the freedmen, during the pendency of proceedings in court, as a matter of humanity, which was done. The land libelled in this case was used and occupied under this distinct understanding. But, nevertheless, the assistant commissioner of freedmen, in *bad faith*, unknown to the marshal, and during my absence from the district, and without consulting me, sold, *privately*, large quantities of the brick, and other materials on the naval foundry lots—sold, as is alleged, to one A. K. Shephard, all the old iron, scrap iron, brass, and machinery on the naval foundry lots, for half the value of what would have been obtained at public sale, and actually attempted to sell the land to this same Shephard, who for some time claimed to be the owner thereof. The houses which were permitted to be used, at the request of the assistant commissioner of freedmen, by the marshal, were rented out, and the rents collected—*the poor freedmen did not occupy them*—and what part of the rents were used for this charitable purpose I do not know.

It will be noticed that the marshal's seizure, under warrant, and his published notice thereunder, was in October, 1865. Yet this supposed sale took place in May, 1866, eight months thereafter. Shephard had full notice of all the proceedings in the district court, so did the assistant commissioner, but paid no attention to them: the sale and purchase being made, as before stated, in private, without the marshal's knowledge, and while I was out of this district. It is stated in the Attorney General's communication, founded on "records and other documents filed in his office, that subsequently to said sale a libel was filed by (you) me in the United States district court for the confiscation of a lot of such debris, of which nearly the whole consisted of a part of what had been so purchased by Shephard." The subsequent libel here referred to was filed under the following circumstances: The sale and purchase to Shephard being unknown to either myself or to the marshal, and the old iron, brass, and scrap iron having been moved to a private warehouse by Shephard, the transaction passed for some time unnoticed, until I received information that a large quantity of old iron, brass, and other materials liable to confiscation, were in a warehouse in Selma. Warrant was issued for its seizure. This done, Shephard appears as claimant, and it is developed that this is the same old iron, brass, and scrap iron seized under the warrant of 15th Septem-

ber, 1865, and was upon the naval foundry, rolling mills, and iron works lots, where the assistant commissioner was permitted to take charge of the land during the pendency of proceedings in court, and which permission on the part of the marshal and myself has been abused. I hold the old iron, brass, and scrap iron under the proceedings of the 15th September, 1865, and not under the proceedings subsequent to the purchase by Shephard. The later proceedings were commenced under the circumstances before stated.

I have thought it best to be thus particular, so that from a full statement, this matter may be understood by the Attorney General, stripped of all the interested representations of Mr. Shephard and the assistant Commissioner of Freedmen for Alabama, from which it will appear that the cases of the United States *vs.* Naval foundry, rolling mills, and iron-works lots and appurtenances, and the United States *vs.* A large quantity of old iron, brass, and scrap iron, represented by Shephard, are one and the same transaction, and compose but one case.

(Signed) JAMES Q. SMITH,
United States Attorney.

[Copy.]

UNITED STATES DISTRICT ATTORNEY'S OFFICE,
FOR THE NORTHERN AND MIDDLE DISTRICTS OF ALABAMA,
Montgomery, Alabama, 186.

(85.) United States of America *vs.* Thirty (30) acres of land and improvements, in the city of Selma.

Part of the land mentioned in this proceeding was purchased by the late so-called confederate States for the purpose of using it as an addition to a naval foundry and rolling mill. The other part was used for rebel purposes, in various ways. On the 20th of September, 1865, a bill of information was filed in the district court for the confiscation of the land, under the act of August 6, 1861. On the 10th of October, 1865, the marshal seized the land, and made publication thereof, which will be seen attached to the statement of case 93, forwarded with this to the Attorney General. Various claimants appeared by able counsel, and contested the question of liability for three terms of the court, on the grounds of want of consideration, (confederate notes having been paid therefor,) and decrees in the sale of land, at the May term, 1867. It appearing that the owner of that part of the land not sold was specially pardoned by the President, the proceedings were dismissed as to so much of the land as proceeded against for the use thereof, and the case proceeded with as to the balance. After a lengthy trial and full argument of all the questions involved, a decree of condemnation was rendered against eight acres and a fraction of an acre of land, embracing all the land deeded to the rebel government. An order of sale was issued, which order was executed by the marshal on the 18th instant, as will appear from his notice, enclosed with letter to the Attorney General, and sent with this statement. The decree of condemnation was appealed from to the Supreme Court, but the appellants failing to execute the necessary bond to effect a supersedeas within the ten days prescribed by the statute, the decree was executed. The appeal, nevertheless, I understand, will be prosecuted.

Some time after the seizure of the land, and after the publication by the marshal of such seizure, the assistant Commissioner of Freedmen for this State, through the special request of his under-agent in Selma, was permitted to use the land during the pendency of the proceedings for condemnation in the United States district court for the benefit of *destitute freedmen*, then in large numbers in that city; and whilst the land was thus to be used for a humane purpose by the permission of the marshal and myself, and whilst we supposed it was being used to benefit destitute freedmen, without the knowledge or consent of either, the assistant Commissioner of Freedmen attempted to sell this land to one A. K. Shephard, (who for some time claimed ownership) and pretended to pass a valid title therefor, when he knew that the rights of various claimants were being investigated in the district court as to whether the property was liable to condemnation. The houses on this land, instead of being used for the destitute freedmen, as contemplated under the circumstances, were rented to parties who paid rents, and various lots divided off and sold to freedmen for money by the assistant Commissioner of Freedmen's agent in Selma. This was certainly bad faith to the officers of the court, bad faith to the government, and worse faith to take money from freedmen, when it was known no titles could pass to them.

Under all the circumstances, and under the bad faith and unwarranted acts of the assistant Commissioner of Freedmen and his under-agent, I was not disposed, if possible, to have any conflict, and to this end addressed a communication to the Hon. James Speed, then Attorney General, setting forth the whole facts, asking his instructions, and stating if no instructions were received by me, I should not consider any act done by the assistant Commissioner of Freedmen, but proceed as if nothing had been done by him. I received no instructions, but was afterwards informed by him in Washington that no title to lands could pass through or from the Bureau, and I learn the assistant Commissioner of Freedmen was

so informed at the time, and that a sale of lands by him, if not ratified by Congress, would pass no title to the purchaser. After it became manifest that no power to sell lands was invested in the Bureau, the assistant Commissioner of Freedmen for Alabama claimed to act under an order issued by the President. The President told me, however, which was very manifest from its language, that this order was not intended, nor could it be construed to do anything more than permit the Bureau to use property whilst it should be in progress of condemnation in the courts.

I have been thus particular to explain fully matters which I know are misrepresented to the Attorney General, in order that he may clearly see the position of the cases inquired about, and every step taken in their progress to condemnation.

The assistant Commissioner of Freedmen in Alabama has also, I understand, sold to the same A. K. Shephard & Co. the Brierfield iron and coal lands, 3,690 acres of land, valued at from three to five hundred thousand dollars, for $45,000 at private sale. This land was libelled by me in September, 1865, and publication made thereof, and the case now pending with various claimants, the facts fully known to the assistant Commissioner of Freedmen; and yet he sells this land without notice to the marshal or myself, and without even making provision for expenses incurred by the seizure and proceedings, and fees for officers of the court.

(Signed) JAMES Q. SMITH,
United States Attorney.

[Copy.]

ATTORNEY GENERAL'S OFFICE,
Washington, D. C., September 22, 1865.

JAMES Q. SMITH, Esq., *U. S. Attorney, Montgomery, Alabama:*

SIR: The Central Bank of Alabama has informed this office through its counsel in this city, W. D. Davidge, esq., that certain cotton belonging to that corporation has been seized at Selma by the marshal of your district, acting under your order, with a view to the institution of proceedings to confiscate the property under the act of July 17, 1862.

This office has heretofore been, and is now of the opinion that a proceeding will not be and cannot be sustained in law under that statute to enforce the confiscation of the property of a corporation for any acts done by the directors or agents of the corporation in contravention of the statute. Such acts can only render the directors or agents personally responsible to the law. They cannot render the corporation liable to the penalties of the confiscation act. The directors, being but attorneys, could do no act, unless within the scope of their authority, to bind their principals. Were the rule different, the loyal stockholders and creditors of the corporation, including those who may never have been in the rebellious States, would lose their property without having been in any way in fault. If the law were otherwise, the property of every town and city whose officers may have applied any part of the corporation funds in aid of the rebellion would be liable to confiscation; and thus loyal citizens as well as rebels might be punished for acts in which they had no personal share or sympathy.

You are authorized, in the case of the Central Bank of Alabama, to govern your official action by this opinion, and to abandon the seizure. If, however, you should be of a contrary opinion, and do not concur in the view of the law here stated, you will report your reasons to this office, and await its further decision of the question. But pending its action on your report, you will not take any further steps in the case to the prejudice of the corporation.

Very respectfully, &c.,

(Signed) J. HUBLEY ASHTON,
Assistant Attorney General..

[Copy.]

ATTORNEY GENERAL'S OFFICE,
Washington, D. C., September 28, 1865.

SIR: Your letter of the 20th of September is before me. Pardons obtained in the manner mentioned by you, or in any mode, cannot cover property which does not rightfully belong to the party obtaining the pardon, and especially cannot cover property which belonged to the so-called confederate government. If the property mentioned in your letter belonged to the confederate government, you will take steps to have the same seized and confiscated.

Very respectfully, &c.,

(Signed) JAMES SPEED,
Attorney General

JAMES Q. SMITH, Esq.,
United States Attorney, Montgomery, Alabama.

[Copy.]

ATTORNEY GENERAL'S OFFICE,
Washington, D. C., October 2, 1865.

SIR: On yesterday the President received a telegram from a Mr. Parkman, complaining about the seizure of some cotton which he claims to own, and which he says is not subject to be seized, because of his pardon.

Of course, we can make no order or suggest anything until we hear from you. You will please to let me hear the facts at your earliest leisure.

I am, very respectfully, &c.,

(Signed) JAMES SPEED,
Attorney General.

JAMES Q. SMITH, Esq.,
United States Attorney, Montgomery, Alabama.

[Copy.]

ATTORNEY GENERAL'S OFFICE,
Washington, D. C., October 18, 1865.

SIR: A corporation cannot be guilty of treason, or of any of the acts denounced in the confiscation law of July 17, 1862.

You will not, therefore, seize the property of corporations; and release any that may have been seized.

Very respectfully, &c.,

(Signed) JAMES SPEED,
Attorney General.

JAMES Q. SMITH, Esq.,
United States Attorney, Montgomery, Alabama.

[Copy.]

ATTORNEY GENERAL'S OFFICE,
Washington, D. C., October 19, 1865.

SIR: You are hereby instructed to make no more seizures under the confiscation act of July 17, 1862, till further orders from this department.

You will report to this department, at as early a date as possible, an abstract showing the number of seizures made under that act, against whom made, and the grounds of seizure.

Very respectfully, &c.,

(Signed) JAMES SPEED,
Attorney General.

JAMES Q. SMITH, Esq,
United States Attorney, Montgomery, Alabama.

[Copy.]

ATTORNEY GENERAL'S OFFICE,
Washington, D. C., November, 23, 1865.

SIR: Take no steps to confiscate the property of Martin J. Crawford, of Georgia, which is in Alabama, till further orders.

I am, very respectfully, your obedient servant,

(Signed) JAMES SPEED,
Attorney General.

JAMES Q. SMITH, Esq.,
United States Attorney, Montgomery, Alabama.

[Copy.]

ATTORNEY GENERAL'S OFFICE,
Washington, D. C., April 23, 1866.

Do nothing more about the Turner cotton till you hear from me by mail.

(Signed) JAMES SPEED,
Attorney General.

JAMES Q. SMITH, Esq.,
United States Attorney, Mobile, Alabama.

[Copy.]

ATTORNEY GENERAL'S OFFICE,
Washington, D. C., May 2, 1866.

SIR: It is represented to this office that you have instituted proceedings to confiscate 749 bales of cotton, claimed as belonging to the Bank of Louisiana. It has been heretofore held by this office that proceedings for confiscation will not be, under the statute of 1862, against the property of a corporation, the view being that a corporate body is not capable of doing any of the acts denounced by the statute, and which subject property to confiscation.

If, therefore, the case to which I have referred comes within the application of this ruling, you will discontinue the present proceedings. If, however, the facts present a different case from the one supposed, you will suspend further action in the case, whether for sale or condemnation, until you shall have reported the facts of the case, and the grounds of condemnation, and receive further instructions from this office.

I am, sir, very respectfully, your obedient servant,

(Signed) J. HUBLEY ASHTON,
Acting Attorney General.

JAMES Q. SMITH, Esq.,
United States Attorney, Northern District of Alabama, Montgomery, Alabama.

[Copy.]

ATTORNEY GENERAL'S OFFICE,
Washington, D. C., May 14, 1866.

SIR: Your letter of the 9th instant is received This office does not at present see any reason to employ counsel to assist you in the cotton cases to which you refer. Under no circumstances, however, could this office consent to pay a commission to assistant or associate counsel upon the amounts realized in any suits to which the United States are concerned or have an interest, and for the very plain reason that it has no authority to make any such arrangement with anybody. Your application, therefore, cannot at present be allowed.

Very respectfully, &c.,

(Signed) J. HUBLEY ASHTON,
Acting Attorney General.

JAMES Q. SMITH, Esq.,
United States Attorney, Montgomery, Alabama.

[Copy.]

ATTORNEY GENERAL'S OFFICE,
Washington, D. C., May 19, 1866.

SIR: Your letter of the 7th instant, relative to the case of proceedings instituted in your district for the confiscation of certain cotton claimed by the Bank of Louisiana, has been received and considered. The proceedings being founded upon the act of August 6, 1861, and the facts of the case being somewhat different, according to your report, from what they were represented to be by the Treasury Department and the agent of the bank, you will proceed with the suit in due course.

I am, sir, very respectfully, yours,

(Signed) J. HUBLEY ASHTON,
Acting Attorney General.

J. Q. SMITH, Esq.,
United States Attorney, Montgomery, Alabama.

[Copy.]

ATTORNEY GENERAL'S OFFICE
Washington, D. C., June 7,

SIR: The President has received a letter from Mr. John M. Parkman, Alabama, [illegible] has referred to me with special instructions to have a report from you.

Will you, at your earliest convenience, report the condition of the case again [illegible], as also the facts!

Very respectfully, your obedient servant,

(Signed) JAMES SPEED, *Attorney General.*

J. Q. SMITH, Esq.,
United States Attorney, Montgomery, Alabama.

[Copy.]

ATTORNEY GENERAL'S OFFICE,
Washington, D. C., June 9, 1866.

Stop proceedings in case of cotton claimed by Bank of Louisiana—749 bales.

(Signed) JAMES SPEED,
Attorney General.

J. Q. SMITH, Esq.,
United States Attorney, Montgomery, Alabama.

[Copy.]

ATTORNEY GENERAL'S OFFICE,
Washington, D. C., June 11, 1866.

Stop proceedings in case of 192 bales cotton, and all claimed by Bank of Louisiana.

(Signed) JAMES SPEED,
Attorney General.

J. Q. SMITH, Esq.,
United States Attorney, Montgomery, Alabama.

[Copy.]

ATTORNEY GENERAL'S OFFICE,
Washington, D. C., June 18, 1866.

SIR: I have received your letter of the 11th instant, relative to the case of the United States *vs.* John M. Parkman. You have my approval in insisting upon the pleading in open court of the pardon, and the full compliance with all its conditions.

Very respectfully, yours,

(Signed) JAMES SPEED,
Attorney General.

J. Q. SMITH, Esq.,
United States Attorney, Montgomery, Alabama.

[Copy of telegram.]

ATTORNEY GENERAL'S OFFICE,
Washington, D. C., June 29, 1866.

SIR: You are directed, at the request of the Secretary of the Treasury, to suspend sale against fifty bales of cotton, claimed by Branch & Son, and report facts.

(Signed) JAMES SPEED,
Attorney General.

J. Q. SMITH, Esq.,
United States Attorney, Montgomery, Alabama.

[Copy.]

ATTORNEY GENERAL'S OFFICE,
Washington, D. C., July 2, 1866.

SIR: In the matter of the United States *vs.* 192 bales cotton, claimed by the Bank of Louisiana, you are instructed to consent to the substitution of a bond executed by claimants, and sufficient sureties for the value of the property, in the place of cotton: and on the filing of such bond, to direct the delivery of the property in the custody of the marshal to the claimants or their agent. An affidavit by J. C. B. Mitchell may be sent to you in regard to the facts of the case, as they will be sworn to by that gentleman.

You are instructed to take that affidavit into consideration, and to report your opinion as to the probability of the success of the government on the hearing on the merits. If you are of opinion, on the whole case, that the testimony under your control will not justify the con-

clusions stated to this office in your report of May 7th, you are authorized to discontinue the suit. It would seem that you relied on the supposed tesimony of Mr. Mitchell. It is not for this office to determine the weight of the whole evidence in your possession. This you will determine, and report your opinion in regard to it at your earliest convenience. It is not the purpose of the government to oppress any one, and unless such evidence is in your possession as would justify condemnation of the property, it is not desired that the claimants should be inconvenienced any further by delay.

Very respectfully, yours,

(Signed) JAMES SPEED,
Attorney General.

J. Q. SMITH, Esq.,
United States Attorney, Montgomery, Alabama.

[Copy.]

ATTORNEY GENERAL'S OFFICE,
Washington, D. C., July 30, 1866.

SIR: You are hereby authorized, in the case of the United States *vs.* A lot of land in the city of Selma, known as the school lot, to consent to the opening of the judgment of confiscation already entered, if the parties claimant shall, within a reasonable time, present an application to the court for an order opening that judgment, and letting them into a defence—stating such grounds therefor as in your judgment entitle them in justice to such an order.

This office does not intend to pass upon any question in the case. The object of these instructions is simply to convey to you authority in case the court thinks it has jurisdiction to open the judgment, and if the parties lay good grounds therefor, to consent that they shall have the opportunity to plead their defence before the court.

Very respectfully, yours,

(Signed) J. HUBLEY ASHTON,
Assistant Attorney General.

[Copy.]

ATTORNEY GENERAL'S OFFICE
Washington, D. C., October 24, 1866.

SIR: You are hereby instructed to dismiss the proceedings in confiscation instituted in the district court of the United States for the middle district of Alabama against certain property situated in Bibb county, Alabama, and known as the Bibb County Iron Works, claimed by Francis S. Lyon—the same having been sold to him by General Swayne, of the Freedmen's Bureau—unless Mr. Lyon should prefer that, for the purpose of securing and perfecting the title, they should be continued for his own use and benefit, and in that case the proceeding will be carried on in the name of the United States at the costs and charges of Mr. Lyon. In case of such dismissal it will be made without costs to Mr. Lyon.

Very respectfully, &c.,

(Signed) J. HUBLEY ASHTON,
Assistant Attorney General.

J. Q. SMITH, Esq.,
United States Attorney, Montgomery, Ala.

WILLARD'S HOTEL,
Washington, D. C., January 29, 1867.

RESPECTED SIR: My special business to Washington, from my home in Montgomery, Alabama, was to see you and have a conference with you. In this I have signally failed, in consequence of your great press of official business. I am compelled to be in Alabama to attend to matters connected with my office on the 3d of February, and I leave Washington to-day for that purpose. Under the circumstances I will respectfully ask you, before acting on any matter or charge preferred against me, to do me the justice and favor of furnishing me with a statement or copy of any matter or charge, in order that I may have an opportunity to explain or refute them. I certainly cannot be asking too much in this, for no person knows better than yourself how easy it is to assail one's character or position, when the *ex parte*

statements of malicious or interested parties are alone received. If furnished with the name or names of my accusers, I have no doubt in clearly showing that it is not the country's good they seek, but to gratify hatred and personal revenge.

I have the honor to be your obedient servant,

JAMES Q. SMITH,
United States Attorney, Alabama.

Hon. HENRY STANBERY,
Attorney General United States, Washington, D. C.

(Copy.)

ATTORNEY GENERAL'S OFFICE,
Washington, February 15, 1867.

SIR: From transcripts of judicial record and other documents which have been filed in this office, it appears that a large quantity of old iron, brass, and other debris of certain manufacturing establishments, the property of the late so called confederate States, was sold in May, 1866, at public sale, by a treasury agent, with the express co-operation of the assistant commissioner of freedmen for Alabama, one A. K. Shephard becoming the purchaser, and paying therefor $17,268 53; and that subsequently to such sale a libel was filed by you in the United States district court for the confiscation of a lot of such debris, of which nearly the whole consisted of a part of what had been so purchased by Shephard, and of which the treasury of the United States had already realized the proceeds. It does not appear that a final decree of condemnation has passed, but that the property or its proceeds are in court.

I have to direct you to suspend all further proceedings in this case until otherwise instructed from this office, and to report, as early as practicable, the grounds of the prosecution. You will also suspend action and make report in like manner in the cases following, which passed to condemnation:

United States *vs.* Thirty acres of land, at Selma.
United States *vs.* Naval foundry and rolling mill.

Very respectfully, &c.,

(Signed) HENRY STANBERY, *Attorney General*

JAMES Q. SMITH, Esq.,
United States Attorney, Montgomery, Ala.

[Copy.]

BALTIMORE, *April* 1, 1867.

SIR: There remain still on the docket of the circuit court (the April term of which commenced to-day) a number of treason cases growing out of the 19th of April, '61, riots, resisting passage of troops, &c.

These cases have been continued from time to time, and the parties are urging that some definite action should be had in them, and that they be finally disposed of.

There has been a good deal of correspondence between my predecessors in office and the government in regard to them, as I learn. The latter has not, heretofore, been disposed to try them.

I beg to be informed what is your pleasure in the premises.

Very respectfully, your obedient servant,

(Signed) ANDREW STERRETT RIDGELY,
United States District Attorney, Maryland District.

Hon. HENRY STANBERY,
United States Attorney General.

[Copy.]

BALTIMORE, *April* 4, 1867.

SIR: In a communication from your office of date yesterday, in reply to mine of 1st instant I am instructed to "dismiss all indictments for treason pending in this district based on acts committed by parties acting in a military capacity during the war."

There are on the docket some fifteen cases or more for treason, of which only three, so far as can be ascertained from the pleadings, were "committed by parties acting in a military capacity during the war." Most of the others grew out of obstructing the railways and the passage of troops to Washington, on and about the 19th of April, 1861. Some of the parties connected with these latter acts were acting in a pseudo military capacity, as patrol guards and auxiliaries to the police force, but can scarcely come within the limits of your instruc-

tions. They are anxious to have their cases disposed of, and the court is pressing me to take some final action in regard to them, they having been continued from term to term for the last four or five years, or since the November term, 1861. Many, or most of them, seem to me to have been the result of mere riotous excitement, highly discreditable, considering the character and position of those offending, yet scarcely at this late day, I think, demanding to be regarded or punished as treason.

They will be called up, seriatim, by the court, for final disposition, to-morrow, Friday, the 5th instant, and I desire to know the pleasure of the government in regard to them.

Very respectfully, your obedient servant,

(Signed) ANDREW STERRETT RIDGELY,
United States District Attorney, Maryland District.

Hon. HENRY STANBERY, *Attorney General.*

MONTGOMERY, ALABAMA, *September* 20, 1865.

RESPECTED SIR: I have the honor to lay before you, and through you, the President of the United States, the following facts just disclosed in this city:

A. D. Barnett, Isaac Micon, A. Kirk, and others, compose the firm of "Barnett, Micon, & Company," of Montgomery, and are the owners and proprietors of the Tallassa factory, situate in Tallapoosa county, in this State. This company is made up of men of known hostility to the United States government, and of active participants in the late rebellion, to which they have rendered the most material aid and assistance. They have had, since the commencement of the rebellion, large contracts for the manufacture of clothing for the rebel army, the cotton being furnished by the late confederate States for this purpose. I am informed this company have refused, during the late rebellion, to furnish the almost naked people with cloth from their factory, giving as a reason that, as contractors for the rebel government, they could alone furnish that government and the soldiers thereof with cotton cloth. At the close of the rebellion this firm found themselves in the possession of about 25,000 bales of cotton, with large quantities of other property, most of the cotton belonging to the rebel government, sent to the factory to be manufactured into clothing. The company immediately set about to find a means of protecting themselves and all the property in possession from condemnation as forfeited to the United States. Under the act of Congress they first set about procuring pardons for each member of the company, and proposed and contracted with a prominent lawyer in this city, (now dead,) named Seibles, to give him (Seibles) one-third of all the cotton if he would procure them pardons. The petitions were prepared, recommended, sent to the President, and the pardons returned. When the pardons were received the original contract was set aside, and $60,000 *paid to the lawyer for his services.* This company now boast of the handsome manner in which they procured pardons, thereby saving all the property in possession; and not satisfied, I learn they have filed with the Secretary of the Treasury a large claim for some damages sustained at the hands of the United States soldiers. The proof in the above matter can be made; it is the common conversation on the streets of this city. Other cases of a like kind are known. I present this one, however, for your consideration, and that of the President, in order that I may receive such instructions in the premises as will tend to reach such imposition on the President, and punish the parties concerned. Can pardons obtained in this manner be used to cover up property which, of right, ought to belong to the government of the United States?

I have the honor, sir, to be your obedient servant,

(Signed) JAMES Q. SMITH,
United States District Attorney.

Hon. JAMES SPEED,
Attorney General United States.

[Copy.]

UNITED STATES DISTRICT ATTORNEY'S OFFICE,
MIDDLE DISTRICT OF ALABAMA,
Montgomery, Alabama, September 22, 1865.

RESPECTED SIR: Your communication of the 22d instant, containing opinion in reference to the proceedings instituted by me against the "Central Bank of Alabama," of Montgomery, a corporation, is now before me, delivered by the president of that institution. In it you request the abandonment of the seizure made by the marshal, and state it as your opinion, a proceeding under the act of July 17, 1861, cannot be sustained against the Central Bank of Alabama, a corporation, for acts done by the directors thereof; and further, you state, after advising a discontinuance of proceeding, that if I should be of a contrary opinion to report the reasons to your office, and pending such report, to take no further steps to the prejudice

of the corporation. I see no reason whatever to have a contrary opinion to the one contained in the communication; the opinion is the law. But there is both a misunderstanding as to the facts and also as to the proceedings instituted by me against the Central Bank property. I have not instituted proceedings against the corporation as a corporation, nor under the act of July 17, 1862; the proceedings are against *property* used and employed for insurrectionary purposes, in *aiding, assisting*, and *abetting* an *insurrection* against the *laws*, and permitting the same to be used knowingly, and with the consent of the owners, in *aiding, abetting*, and *promoting persons engaged* in *rebellion*, under the act of August 6, 1861.

The facts are as follows: The Central Bank of Alabama has, at various times during the existence of the late rebellion, loaned the State of Alabama and the late so-called "confederate States of America," large quantities of gold and bank bills, to the amount probably of three hundred thousand dollars. For this loan the bank received State bonds issued for war purposes, and the bonds of the rebel government. The bank bills were converted into greenbacks and the greenbacks into gold, and sent through the blockade to purchase ships and munitions of war for the rebel navy. The bank was used as a circulating office for rebel currency and rebel bonds; the bank house was used and occupied, with the consent of the stockholders here and directors, as a confederate States depository, for receiving confederate currency, and the sale and distribution of confederate bonds, and for the receipt of cotton subscribed to rebel loan. The president of this bank was sent to Richmond as a delegate to a bank convention, the object of which was to devise ways and means to uphold and sustain the credit of the rebel government, and prevent rebel currency from depreciation. It appears to me the act of 6th of August, 1861, has no meaning unless the bank building of the Central Bank of Alabama, used, occupied, and employed as above, is liable to confiscation and sale. The "Central Bank of Alabama," during the late rebellion, has, with confederate currency and bonds, purchased large quantities of cotton, some of which, I am informed, was received from rebel cotton agents, and some from persons engaged in rebellion; all of which is confiscable as being *sold, purchased, acquired, and given* for rebel purposes, and in *aiding, abetting*, and *promoting* an *insurrection*. Cotton subscribed to the rebel cotton loan was delivered at this bank; the bank received it, and paid the rebel government its value in currency, keeping the cotton. This is the cotton seized by the marshal for condemnation under the act of 6th August, 1861, as being *sold, purchased*, and *acquired*, and as being *sold* and *given*, and suffered to be *used* and *employed* in *aiding, abetting*, and *promoting insurrection*. It strikes me very forcibly that this property is clearly covered by the act last stated; otherwise I do not see its object.

I cannot see how the wrong and injury referred to in your opinion can arise, as all persons having or claiming to have any cause why the property seized should not be condemned are notified to be and appear at the next term of the court and propound their claim. Innocent parties may show that they neither authorized nor ratified the act done which rendered the interest of the claimant liable. This would be a full defence to loyal stockholders. As for bona fide creditors having a lien, they are never affected by confiscation acts.

It is a sound legal proposition that the directors of a corporation or agents can do no act outside the line and scope of their authority which would bind the stockholders; but suppose, *as is the fact*, that the stockholders of Central Bank authorized the acts complained of, or assented and ratified them after they were done, I take it that in such a case the stockholders would be bound by their own direction and assent.

The Central Bank of Alabama at this time cannot be considered in existence; it has no habitation or place of business; its banking house is rented to other parties; the bills are valueless, refused as currency. What was known as the Central Bank of Alabama exists now only for the purpose of suits in law or equity; all the tangible effects of the bank are sold, exchanged, or given to the State of Alabama, or to the rebel States, for the purpose of aiding, assisting, and abetting the rebellion, except the bank building and the cotton seized by the marshal, and when this property is released, the proceeds thereof will be in the pockets of a few sharp officers of what was known as the Central Bank in thirty-six hours thereafter; in fact, it is said now to be transferred to a man of straw. Suppose proceedings to be instituted (as is the fact) against the individual stockholders of the corporation, what can be seized? Simply the interests of such stockholders in the proceeds of a bank building and cotton in the pocket of some agent of the bank, and which would be probably immediately distributed.

Innocent stockholders are not in a worse condition when the property of the corporation has been seized for some unlawful act; all the goods are seized in consequence of some act committed by a part. The honest shipper in this case must show the innocence of his goods, when they are released on "probable cause."

The most extensive and effective aiders and abettors of the late rebellion in this State are corporations; the foundries, factories, machine shops, rolling mills, coal and iron mines, belong to the corporations. All the clothing for the army, the shot, shell, cannon, and small-arms were made by corporations; many of the corporations have received large advancements of money from the late rebel government to build their foundries, factories, machine shops, and rolling mills; and men have been detached to work in those establishments, and to mine coal and iron. The rebellion being over, they find themselves in possession of extensive works and large quantities of material. They claim all as corporation property, and if,

according to your opinion, this kind of property, knowingly used and employed by the miners, with the consent of the owners thereof, in aiding, abetting, and promoting an insurrection against the government of the United States cannot be reached, then the great criminals in the late rebellion go unwhipped of justice, and property partly owned by the late rebel government itself cannot be reached by the act of August 6, 1861.

I have felt it my duty to lay this matter of the Central Bank before you fully, and my views thereon, as it is only one of more than fifty of a like kind under investigation; and having given the facts and circumstances, and my opinion, if the Attorney General should still be of the same opinion, and that the case *vs.* the Central Bank should be dismissed, and the seizure abandoned, it shall be done with pleasure; in the mean time no steps will be taken to the prejudice of the corporation.

I am, sir, with the highest consideration and respect, your obedient servant,

JAMES Q. SMITH,
United States District Attorney.

Hon. JAMES SPEED,
Attorney General United States, Washington.

[Copy.]

UNITED STATES DISTRICT ATTORNEY'S OFFICE,
NORTHERN DISTRICT OF ALABAMA,
Montgomery, Alabama, October 14, 1865.

RESPECTED SIR: Your communication of the 2d instant is just received, stating that "on yesterday the President received a telegram from a Mr. Parkman, complaining about the seizure of some cotton, which he claims to own, and which, he says, is not subject to be seized, because of his pardon."

This communication would have received an earlier reply only for the fact that it was directed to Selma instead of to Montgomery, and therefore was not received in proper time.

The marshal of this district has strict orders from me to seize no property of persons who have the President's pardon, and your letter contained the first intimation that any property of Mr. Parkman's was seized by the marshal, who is now in a distant part of the district. When he comes back, or if I can communicate with him, the property seized will be delivered up.

Cotton has been seized by the marshal in and about Selma, not as belonging to individuals, but as the property of the late so-called confederate States. This Mr. Parkman was an officer in what was called the Selma bank—not now in existence. This bank was a confederate States depository for bonds, and the paper currency of the rebel government. This bank acted as the agent of the rebel government in purchasing large quantities of cotton—to the amount, I am informed, of fifteen or twenty thousand bales. This cotton was stored on the plantations of the persons from whom he purchased, and was there at the time of the surrender of this department. Since the surrender, and while everything was in confusion, (and before the officers of the district court arrived here,) the greater part was shipped to Mobile and to New York, by F. W. Siddons, Washington Smith, and this same Parkman—all officers and agents of the rebel government—now pardoned. Each of those individuals having obtained pardon and amnesty, extending to person and property, are not satisfied, but have sold and claimed, and now claim, the confederate States cotton, which they, as agents, knew all about, its location, &c.

Under your directions, contained in communication of the 28th of September, cotton or other property belonging to the late rebel government has, and will be, seized—such property not being covered by pardon.

I am satisfied that the President will have various complaints from persons who state individual property has been seized after obtaining pardon; but let me assure the Attorney General, and through him the President of the United States, who he will please hand this letter to, that no property of persons pardoned by him shall be seized by the marshal; and when such representations are made, it will appear on investigation to be property attempted to be covered by pardon, when it was property belonging to the rebel government. And as an instance of my respect for the President's action, I herewith enclose copy of a notice inserted by me in the city paper.

I would further state to the Attorney General that I am at the original capital of the rebellion. They were all rebels here, and are yet, if circumstances would permit. Disloyal language is often made use of. This, in connection with being the fountain-head of precipitation, may also be considered the *last ditch*. As the rebels' territory became contracted, the property was concentrated mostly in Alabama. Vast amounts of rebel property, mostly cotton, are all over the country, in the hands of persons who either acted as agents of the rebel government, or were well posted in its location, or on the plantations of persons who sold it, or in the possession of manufacturing companies who received it to work into cloth. This

being the case, when the marshal seizes such property, the parties in possession will immediately claim it as individual property, covered by pardon.

I am satisfied, when the President understands the reason why such seizures are made, he will not permit persons to cover up the property of the rebel government, and which now, in fact, belongs to the United States.

I am, sir, with the highest consideration, your obedient servant,

JAMES Q. SMITH,
United States District Attorney.

Hon. JAMES SPEED,
Attorney General United States, Washington.

[Copy of a printed slip accompanying the preceding.]

UNITED STATES DISTRICT ATTORNEY'S OFFICE,
NORTHERN DISTRICT OF ALABAMA,
Montgomery, Alabama, October 3, 1865.

All persons having obtained pardons from the President of the United States, and whose property has been seized by the United States marshal of the middle district of Alabama, will have the same released by plea of pardon, made by counsel at the next term of the court.

All persons whose property has been seized as liable to confiscation, and who have applied for pardon, and whose applications have been recommended by the provisional Governor, but pardons not obtained, may have their cases continued at the next term of the district court, upon a proper showing of the facts by the counsel, for a reasonable time, in order to permit such persons to receive their pardons.

JAMES Q. SMITH,
United States District Attorney.

[Copy.]

UNITED STATES DISTRICT ATTORNEY'S OFFICE,
NORTHERN DISTRICT OF ALABAMA,
Montgomery, Alabama, October 26, 1865.

RESPECTED SIR: Yours of the 18th inst. was received, directing me to release any corporation property that may have been seized, and cause no more seizures of such property to be made.

On receipt of former letter, and before the receipt of your last, all such property has been released from seizure by the marshal, and none others have or will be made.

This I do not understand, however, to be a release of property owned by the late so-called confederate States, and in the possession of corporations now. Cotton, wool, iron, and other materials have been furnished by the late rebel government to corporation companies, and left in their possession when the rebellion closed. Am I to release this property, or refrain from seizing it?

I have the honor to be, sir, yours, very respectfully,

(Signed) JAMES Q. SMITH.

Hon. JAMES SPEED,
Attorney General United States, Washington, D. C.

[Copy.]

MONTGOMERY, ALABAMA, *December* 1, 1865.

RESPECTED SIR: I have just returned from North Alabama, (Huntsville,) and find two communications from you. I will, in reply, state that your instructions will be strictly followed, and your request complied with as soon as possible.

The district court is now in session here; no business except regulating future practice, and some routine matters, will be transacted.

I will write the Attorney General fully after court adjourns, and also expect to see him in Washington, where many matters concerning my proceedings will be fully and satisfactorily explained.

I have the honor to be the Attorney General's obedient servant,

JAMES Q. SMITH.

Hon. JAMES SPEED,
Attorney General United States, Washington.

[Copy.]

MONTGOMERY, ALABAMA, *March* 12, 1866.

RESPECTED SIR: Permit me to call your attention, and ask your advice and instructions on the following cases, many of which have arisen in this district:

During the existence of the rebel government, the planters subscribed largely to what was known as the confederate States loan, taking bonds or confederate scrip therefor, the cotton to be sent to warehouses, or kept on plantations until called for by confederate agents. When the United States army took possession of the country, much of this cotton was on plantations where purchased, but never moved. The original owners immediately cut from off the ends of the cotton bales *C. S. A.*, and in some instances repacked the cotton, substituting other marks; then selling the cotton and appropriating the proceeds to their own use. In some instances the planters will not sell the cotton themselves, but permit others to take it at a certain amount per bale, the purchaser agreeing to run all risks. The sharp cotton speculators, knowing where cotton was located, purchased with a full understanding of the facts. When the evidence is clear I intend to sue such parties for a conversion of this property, but would first like to get your opinion.

During the rebellion several companies were organized here and in Georgia, styled the "direct importing and exporting" companies, expressly for the sole purpose of purchasing cotton and running the blockade to Liverpool, and bring back necessary articles for sale. The members subscribed cotton as stock, and made fortunes by this direct trade. When the confederacy ended, this cotton was in various sections of the country—much of which can yet be found. These companies were formed for illegal purposes, and it appears to me that the cotton itself is liable under the act of March 6, 1861.

Under your instructions of November 24, 1865, (enclosing letter from the Secretary of the Treasury,) I have carefully abstained from seizing this cotton, and gave the whole matter up to treasury agents. I was, however, of the opinion then, and convinced now, that the Secretary of the Treasury made a grand mistake, as under this treasury cotton agency system the most glaring frauds have been committed. Through the court at least 15,000 bales could have been secured the government. The treasury agents, having concluded their operations, are leaving. I have some of the cotton subscription books, and some of the blockade subscription books, with evidence. I have caused some seizures, and would like to know whether I ought to proceed against this blockade cotton.

The principal cotton books used by the blockaders are in Columbus, Georgia, but I cannot reach them; the parties will not give them up. How could I get the books? The Secretary of the Treasury was under the impression that large quantities of cotton had been seized here. There was a large quantity—the property of persons engaged in the rebellion—seized under the act of July, 1862. The parties having been specially pardoned by the President, of course the cotton seized, with other property, was immediately given up.

Hoping to hear from you, I have the honor to be your obedient servant,

JAMES Q. SMITH,
United States District Attorney.

Hon. JAMES SPEED,
Attorney General United States, Washington, D. C.

[Copy.]

MONTGOMERY, ALABAMA, *March* 21, 1866.

RESPECTED SIR; Some time since I filed information and caused warrants to be issued against various pieces of property, (real estate,) which during the rebellion were purchased by the late rebel government for mining purposes, for the erection of gun factories, foundries, and machine-shops, deeds having passed from the owners, in most cases, to the rebel government. There are now, however, claimants intervening, and claiming to have interest in this property, and have complied with the rules of the court in doing so. General Swayne, Commissioner of the Freedmen's Bureau, during my absence in Washington, and knowing that the marshal had seized and advertised the property as prescribed by law, advertised and sold the same at public outcry, appropriating the proceeds thereof to the use of the bureau. This is done, I learn, under an order from the President, (a copy of which is attached,) but it appears to me the order in no way authorizes the sale of real estate, and certainly can have no reference to property in the charge of the marshal. I had directed the marshal long before this order was issued, to permit the bureau to have the use and custody of this property until the same was disposed of by law, but the sales and appropriation of the proceeds to the use of the bureau I did not anticipate.

I do not wish to have any conflict with the officers of the bureau; on the contrary I have done all in my power for them, but I cannot permit this unauthorized proceeding to pass. The President's order does not cover the case, and it simply amounts to this, that the officers of the United States court have performed services in the line of their duty, yet the officers of the bureau take and sell the property in court under warrant. What title is given under

such sale amounts to nothing. What would the Attorney General advise under the circumstances? As between the treasury cotton agents taking cotton out of the marshal's possession, under orders from the Secretary of the Treasury, and the officers of the bureau taking and selling the real estate in possession of the marshal, the United States court is a thing in name, but of no practical purpose, and the officers will have to get into the bureau or Treasury Department for subsistence.

I am, sir, very respectfully,

JAMES Q. SMITH,
United States District Attorney, Alabama.

Hon. JAMES SPEED,
Attorney General United States, Washington, D. C.

[Copy.]

EXECUTIVE OFFICE,
Washington City, November 11, 1865.

Ordered, That the civil and military agents of the government transfer to the Assistant Commissioner of the Bureau of Refugees, Freedmen and Abandoned Lands for Alabama the use and custody of all real estate, buildings, or other property held by them in that State, as belonging to the late rebel government, together with such funds as may arise, or have arisen, from the rent, sale or disposition of such property which have not been finally paid into the treasury of the United States.

(Signed) ANDREW JOHNSON, *President.*

ADJUTANT GENERAL'S OFFICE, *November* 11, 1865.

Official:

(Signed,) E. D. TOWNSEND,
Assistant Adjutant General.

MONTGOMERY, ALABAMA, *May* 7, 1866.

RESPECTED SIR: Your communication about certain cotton seized in this district and now claimed by the Bank of Louisiana has been received, to which I would respectfully reply as follows:

It is not true that 749 bales of cotton, as stated in your communication, has been seized. There have been seized by the United States marshal, under warrant founded on an information of an informer, under the act of August 6, 1861, 192 bales of cotton. This cotton was subscribed and sold in the year 1862, by one J. C. B. Mitchell, of this county, to one James A. Farley, agent for the late rebel cotton produce loan, "for the defence of the confederate States." I have now before me the original subscription lists, showing the subscription of Mitchell to said loan, headed "subscription of cotton for the defence of the confederate States." Mitchell was in my office on Saturday, 5th instant, and states to me that he did sell this cotton to the rebel cotton agent, Farley; that he is prepared to come into court and prove this fact; and, further, that it is the same cotton subscribed by him, which now of right should be condemned to the use of the United States, under Dick Taylor's surrender to General Canby, at New Orleans.

This cotton has not been seized as belonging to the Bank of Louisiana, but as cotton "knowingly used and employed, sold and acquired" in "aiding, abetting, and promoting an insurrection and resistence to the laws and authority of the United States." Upon these cotton sales and subscriptions "for the defence of the confederate States," the confederate States were enabled to obtain advancements on credit and all securities in Europe.

I will now state to the Attorney General how the agents of the Bank of Louisiana claim to have cotton in the State of Alabama. The Bank of Louisiana loaned the rebel government several hundred thousand dollars in gold before the capture of New Orleans. After the occupation of that city by General Butler, he issued an order prohibiting the further circulation of confederate notes or bonds. The President and other officers of the bank procured permission from the rebel government to come into Alabama and other rebellious States and receive cotton for the loan made by the bank, and also to purchase cotton with the confederate notes and other securities in the possession of the bank, then useless in New Orleans. This could not be done, however, without the consent of General Butler. This consent was obtained, the bank paying General Butler five thousand dollars for the necessary papers. Of course, I state the Butler part of this transaction not from my own knowledge of it, but from information of reliable persons who were so informed by the bank officers and agents, and who saw the papers after they were brought from New Orleans. Under this authority the bank agents received and purchased not less than ten thousand bales.

Whilst in Washington, in January, I had a conversation with the Secretary of the Treasury on this Louisiana bank cotton matter, and it was his opinion the cotton was manifestly liable to condemnation, but he would prefer that his treasury agents, then in Alabama, should seize and forward it for sale to New York, and requested me to assist them, if necessary. I have done so. But all the treasury agents have been withdrawn from the State, hence my action in the premises. I now am satisfied it was unfortunate for the treasury that all this cotton, ten thousand bales, were not seized under proper process, and have all this transaction investigated judicially. When all the facts and circumstances are disclosed, it will be difficult to see why the officers of the Louisiana Bank and agents could, under the circumstances, and at a time when, under the law and proclamation of the President, commercial intercourse was prohibited, receive, purchase, and acquire property in Alabama for paper currency issued by the rebel government for rebel purposes, and which was by military order prohibited in New Orleans from circulation, then brought for the purposes aforesaid to Alabama.

Under your order of November last I have released all property belonging to corporations, even where the chartered rights disclose that the corporation was organized with the special and particular intent and specified object of aiding and assisting the rebellion by the manufacture of shot, shell, and small-arms, and I have not since caused any seizure of such property, although Judge Busteed did not, nor does he now, hold to the opinion of the Attorney General, at least so far as property acquired for rebel purposes and the costs incurred in making seizures. I have, under said order, specially given, directed the marshal to release 1,300 bales of cotton in his possession, and claimed by the "Central Bank of Alabama," of this city, as property belonging to a corporation. The cotton has been shipped to Liverpool, the money distributed between the officers of an institution not in existence for twelve months; and in investigating other frauds I find that not *one* bale of this 1,300 bales was the bona fide property of the bank, and the only interest the bank ever had in said cotton was, that when the United States army, under General Wilson, had captured Selma and approached this city, and it having been stated that all the cotton would be destroyed, the bank chartered some steamboats and transported the 1,300 bales up the Alabama and into the Tallapoosa river for safety, where it was seized by the United States marshal, and released as aforesaid. This cotton was marked *C. S. A.* when stored in Montgomery, the marks afterwards torn off. It may be just to state, however, that the bank had cotton stored, probably to an equal amount, in the warehouses, but in the confusion of the occasion 1,300 bales of rebel cotton were substituted and taken by the bank. Is not the bank liable for the cotton, or the value thereof, *now?* The evidence is full and complete on the subject.

I will further state, in reference to the Louisiana bank cotton, that I am credibly informed all the interest the bank had has been transferred or assigned to one Josiah Morris, a wealthy cotton speculator of this city, who buys all sorts of property, "running all risks," and that the counsel engaged in Washington, who have no doubt called upon the Attorney General, are employed by him.

Having written fully on the subject inquired about, I have the honor to be, yours, very respectfully,

(Signed) JAMES Q. SMITH,
United States District Attorney, Northern District of Alabama.

Hon. JAMES SPEED,
Attorney General United States, Washington, D. C.

[Copy.]

MONTGOMERY, ALABAMA, *May* 9, 1867.

Under the act of August 2, 1861, 12 Stat., 268, I would respectfully ask that you authorize me to retain, in the name of the United States, assistant counsel to assist me in the prosecution of some large cotton cases, prepared for the present term.

The defendants are wealthy cotton speculators, and have retained several able attorneys in each case.

The act prescribes that you shall stipulate with such assistant counsel the amount of compensation. I do not see how this can be done, unless you are informed of the sum involved in each case where assistance is necessary.

With your permission and direction I can procure the services of Benjamin L. Whelan, esq., of this State, (now recommended for United States district attorney of the southern district of Alabama.) He is a lawyer of fine ability, and I can make the following arrangement with him:

Ten per cent. on amounts recovered in any case by the United States, and no fee or compensation where the United States is not successful, and no fee or compensation in any case where judgment is not for the government.

I consider this a good and reasonable proposition, and if acceptable to you I would be pleased to know it immediately, as our court opens 28th of May.

I have the honor to be your obedient servant,

JAMES Q. SMITH,
United States District Attorney, Alabama.

Hon. JAMES SPEED,
Attorney General United States, Washington, D. C.

[Copy.—Telegram.]

MONTGOMERY, ALABAMA, *June* 10, 1866.

JAMES SPEED, *Attorney General:*

No case in court of seven hundred and forty-nine (749) bales of cotton. There is one of one hundred and twenty-two bales subscribed cotton to confederate loan, about which see communication sent to assistant.

JAMES Q. SMITH,
United States District Attorney.

MONTGOMERY, ALABAMA, *June* 13, 1866.

RESPECTED SIR: I am in receipt of the following despatch, and would like to be informed if it was sent by you. The name signed is John M. Speed. I know of no such person as Attorney General.

"WASHINGTON, D. C., *June* 11, 1866.

("Received at Montgomery June 11.)

"To JAMES Q SMITH, *United States District Attorney:*

"Stop proceedings in case of 192 bales of cotton, and all claimed by Bank of Louisiana.

"JOHN M. SPEED, *Attorney General.*"

I cannot act on this despatch, and would be pleased to receive a letter on the subject. I will, of course, follow your instructions. I have suspended proceedings in the Louisiana bank case, and would like to know what course can be adopted as to costs incurred by the marshal, and information filed by informers under the act of August 6, 1861. I will respectfully request the Attorney General to give this matter his attention.

I have the honor to be your obedient servant,

JAMES Q. SMITH,
United States District Attorney.

Hon. JAMES SPEED,
Attorney General United States, Washington, D. C.

[Copy.]

MONTGOMERY, ALABAMA, *June* 12, 1866.

RESPECTED SIR: The case of the United States and an informer *vs.* 192 bales of cotton claimed by Josiah Morris, agent of the Bank of Louisiana, was set for hearing on the day after your telegram of the 10th instant, directing me to suspend proceedings in the case, was received. I have suspended further action until I hear fully what I am to do. Some three weeks since I received a communication from the assistant Attorney General on the subject of this cotton. I forwarded a full statement, setting forth the fact that 150 bales of the 192 was subscribed to the rebel cotton loan; that the balance was purchased by the agents of the Bank of Louisiana, at a time when by act of Congress and the proclamation of the President all commercial intercourse between States and parts of States in rebellion and insurrection was forbidden. The agents of the bank were permitted to leave New Orleans under passport from Major General Butler, he receiving $5,000 therefor, the object being to use the scrip and bonds of the rebel government in the purchase of cotton. This cotton is manifestly liable. The officers of the bank know this, and have refused to take any steps or file claims. This is done by a few sharp cotton speculators, who propose to give attorneys large portions if successful in obtaining its release. I will ask the Attorney General to examine the statement sent by me on this subject. Under the act of August 6, 1861, an informer is entitled to certain portions of property condemned. In the cotton cases instituted by me, and particularly the case of 192 bales, information has been filed by an informer, who has filed the necessary bond for prosecution. Much expense has been incurred. The proceedings are for an informer, as well as the United States. Can such cases be dismissed where the rights of third parties have accrued under the statute; and if so, shall the informer, acting under an act of Congress in good faith, have to pay large costs and lawyer's fees? It

appears to me that this would be real injustice, and the consequence will be that where much property can be secured to the United States under said act, if cases commenced under it are dismissed, after large expenses incurred in getting up a case, and providing and paying witnesses' fees, *no person would become an informer for the United States.*

I would respectfully ask the Attorney General to look into this matter. The counsel for informants deny the right to dismiss, where the proceedings are for an informer and the United States, when bond for costs is filed, and the United States under no costs or obligation whatever. I will await instructions, and if such cases are to be dismissed, I would like to be advised who should pay the costs and fees.

I have the honor to be your obedient servant,

J. Q. SMITH,
United States District Attorney.

Hon. JAMES SPEED,
Attorney General United States, Washington, D. C.

[Copy.]

MONTGOMERY, *June* 11, 1866.

RESPECTED SIR: Your communication of the 7th instant, asking for the facts in the case of the United States *vs.* John M. Parkman, of Selma, Alabama, has been received, to which I reply as follows:

In September, 1865, some of the property of Parkman was seized by the marshal, under information founded on the act of July 17, 1862, he being worth twenty thousand dollars, and having acted in the confederate States depository as an officer (civil) to pay the rebel employés, who built gunboats, cast cannon, and built ships. Just after the seizure I was informed he had obtained a pardon from the President, and without ever seeing the pardon, and only acting on general information, I caused the property seized to be released. The only question left was to inquire as to his liability for court costs. This could only be done by letting me see his pardon, letter of acceptance and oath, or produce the same in court, and have the proceedings dismissed. This, Mr. Parkman, an original precipitating fire-eater of the Yancey school, could not stoop to do. He could apply to the President for a pardon, but could not stoop to show that pardon to the law officer of the government, or in the usual way plead it in court, so that the case may be dismissed. This is all of Mr. Parkman's case, and you will see it is no case at all, nor even founded on the plainest principles of propriety or thankfulness for the President's favor.

No less than two hundred cases where persons have been pardoned have been dismissed last week by the court on my motion, the pardons having been produced in court, and copies filed in court. This universal course the rebel Mr. Parkman wishes to be an exception to, hence his letter to the President. I find that Mr. Parkman, like many others has, when filing his letter of acceptance, failed to take and subscribe to the oath prescribed in the President's amnesty proclamation, and did not do so until after proceedings commenced, and I am under the impression he would not have done so only for the steps taken.

You will please to present this letter as my report of Mr. Parkman's case to the President.

I have the honor to be your obedient servant,

JAMES Q. SMITH,
United States District Attorney.

Hon. JAMES SPEED,
Attorney General United States, Washington.

[Copy.]

UNITED STATES DISTRICT ATTORNEY'S OFFICE, FOR THE
NORTHERN AND MIDDLE DISTRICTS OF ALABAMA,
Montgomery, Alabama, August 4, 1866.

RESPECTED SIR: Yours of the 30th of July, instructing me to consent to the opening of a judgment in the case of the United States *vs.* School lot, claimed by the city of Selma, has been received.

I will consent to the opening of the judgment, so that the city of Selma may file claim, and put in defence, when application is made to the court for that purpose.

What defence the city of Selma can make I am at a loss to know, as by a vote of the common council, the proceedings of which I have, they direct the sale of the lot to the confederate States government for $4,000, to be used for an arsenal ground for making guns, swords, pistols, &c., &c. The city of Salem executed its deed of conveyance under the supervision of the city authority. The deed is now in my possession. I have not been informed

before that the city desired a defence put in. The lot was advertised by the marshal in the city paper, calling upon all persons having, or claiming to have, any interest therein to appear and show cause why the lot should not be condemned. This notice by advertising is dated October, 1865. Two terms of court have since passed, but no claim has been put in.

The sale takes place shortly, under the supervision of the marshal, who has the order of sale. The judge is absent from the State, and no steps can be had to set aside the order.

I am, sir, very respectfully,

(Signed) JAMES Q. SMITH.

Hon. J. HUBLEY ASHTON,
Assistant Attorney General, Washington, D. C.

[Copy.]

UNITED STATES DISTRICT ATTORNEY'S OFFICE, FOR THE
NORTHERN AND MIDDLE DISTRICTS OF ALABAMA,
Montgomery, Alabama, January 21, 1867.

DEAR SIR: Your favor, 16th instant, was duly received at this office, and contents noted.

Yours, truly,

JAMES Q. SMITH,
United States District Attorney.
Per N. W. NIMBLE.

Hon. HENRY STANBERY,
Attorney General United States, Washington, D. C.

[Copy.]

UNITED STATES DISTRICT ATTORNEY'S OFFICE, FOR THE
NORTHERN AND MIDDLE DISTRICTS OF ALABAMA,
Montgomery, Alabama, February 14, 1867.

RESPECTED SIR: On my return to Montgomery I find your letter, directing me to dismiss proceedings against the property of Clement C. Clay, jr., and to report my action to your office; and, in reply, I will state that at the next term of the United States court I will move to dismiss the proceedings, and in the mean time I have directed the marshal to deliver up the property seized.

I understand that Clement C. Clay has some paper signed by the President as to the proceedings against him generally, and, as he stands indicted for treason and conspiracy against the United States, I would like to know whether the indictments are to be *nolle prossed.*

I have the honor to be your obedient servant,

(Signed) JAMES Q. SMITH,
United States Attorney.

Hon. HENRY STANBERY,
Attorney General United States, Washington, D. C

[Copy.]

MONTGOMERY, ALABAMA, *March* 11, 1867.

RESPECTED SIR: Yours of February 21, instructing me to suspend the proceedings on the indictments *vs.* C. C. Clay for treason, and for carrying on correspondence with the late rebel government whilst in Canada, has been received.

No capias has yet been executed by the marshal, and Clay has not been arrested—in fact, I do not know that Clay is informed of the existence of the indictments, and I desire to know whether the proceedings are to be suspended before arrest, or after the cases are placed on docket for trial.

I have the honor to be your obedient servant,

(Signed) JAMES Q. SMITH,
United States District Attorney.

Hon. HENRY STANBERY,
Attorney General United States, Washington, D. C.

EBBITT HOUSE, *Washington, D. C., November* 1, 1866.

SIR: I have the honor to transmit to you herewith the petition of certain members of the bar, residing in the middle district of Alabama, for the removal of the United States Attorney for that district.

The petition is in duplicate, one copy signed at Selma, and one at Montgomery. The signatures comprise, I believe, an entirely reliable expression of the bar of that portion of the State, the names of Governor Watts, Chancellor Fellowes, Judges Heflin, Chilton, and Rice, and Hon. John A. Elmore, appearing among others of more local reputation.

The petitioners charge that the office of the District Attorney has been used to the great injury of the government and people, and its administration marked by gross ignorance and unfaithfulness.

They submit in proof certain statements, professional and otherwise, and record evidence bearing further upon the matters referred to, all of which accompany this note.

Many of the petitioners being personally known to me, and others by reputation, I consented to be their medium of communication with you, and also to express my own conviction of the fitness of their request, and its entire accord with universal public feeling in that portion of the State.

I am, sir, very respectfully, your obedient servant,

WAGER SWAYNE.

Hon. HENRY STANBERY,
Attorney General, Washington, D. C.

ATTORNEY GENERAL'S OFFICE,
January 24, 1867.

SIR: On the first of November, 1866, a petition for the removal of J. Q. Smith, United States Attorney for the northern district of Alabama, from members of the bar of Selma and Montgomery, was presented by General Wager Swayne, who endorses strongly the character of the petitioners, the fitness of their request, and its entire accord with the public feeling of that portion of the State. The petition is signed by nine members of the bar dating from Selma, fourteen dating from Montgomery, twenty State senators, and one member of the house of representatives. Governor Watts, Chancellor Fellowes, Judges Heflin, Chilton, and Rice, and Hon. John A. Elmore, are among the signers. The reasons assigned are, first, the habitual use of the office for the oppression of the people and the private emolument of Mr. Smith; second, ignorance and incapacity; and third, the exaction of irregular and excessive fees.

In support of the first charge, it appears from statements of Henry C. Semple and John B. Taylor, of Montgomery, that Mr. Smith obtained from the Governor's office, without labor or expense, a list of applicants for pardon under the thirteenth exception of the amnesty proclamation; that he filed informations against nearly all of those recommended by the Governor for pardon, (many of whom were already pardoned,) and through a rule, previously established by the court, costs were collected in each case of one per cent. on property amounting to $20,000, and an additional half per cent. on greater sums. These costs were collected without labor or responsibility. On their payment proceedings were at once dismissed by the sole authority of the District Attorney. They were exacted from the pardoned and unpardoned. They amount to at least $100,000 since the establishment of the court in 1865. Mr. Semple says he has several receipts for costs under such circumstances, and knows of many more.

2d. As to the charge of ignorance, Mr. Semple submits the record in the case of the United States *vs.* Morris and Johnson, and 120 bales of cotton: but as Mr. Semple admits this to be a matter of opinion, it is not considered necessary to examine here the questions presented.

3d. As to the exaction of illegal and excessive fees, the record in the case of the United States *vs.* Metcalf and Hatchell is submitted, from which it appears that the District Attorney insisted on $70 from each of the defendants, when the proper fee seems to have been only $20. This requires to be explained.

Mr. Semple charges that in many instances property has been released by order of the District Attorney after seizure by the marshal and information filed without any order of the court and in the absence of the judge, upon the claimants consenting that such a portion should be condemned as might be sufficient in the District Attorney's opinion for the payment of the costs of court. It is claimed that this proves that the proceedings were instituted solely for the benefit of the officers of the court, without regard to public justice or policy.

It may be proper to state that Mr. Smith was driven from Alabama for his adherence to the Union, and his property sequestrated. He went to Nashville and was recommended for the office he holds by United States District Judge Trigg, and United States Attorney H. H. Harrison, and other prominent Union men of Tennessee.

Respectfully submitted.

M. F. PLEASANTS, *Chief Clerk.*

The ATTORNEY GENERAL.

MONTGOMERY, ALABAMA, *January* 29, 1867.

SIR: Allow us to recommend for the appointment to the office of District Attorney, for the middle district court of the United States for the State of Alabama, Hon Francis Bugbee.

Most of us have known Judge Bugbee for many years, and we assure you that no one can be found whose purity, integrity, intelligence, and legal learning better qualify him for the position.

We further state that his appointment would be entirely satisfactory to all persons in the State, so far as our information extends.

We are, respectfully, your obedient servants,

R. M. PATTON,
Governor of Alabama.
A. J. WALKER,
Chief Justice of Alabama.
THOMAS J. JUDGE,
Justice of Supreme Court, Ala.
WALTER H. CRENSHAW,
President of the Senate, Ala.
GEORGE GOLDTHWAITE,
Judge Circuit Court, Ala.
THOMAS B. COOPER,
Speaker House of Representatives.
SAMUEL F. RICE,
Ex-Judge of Circuit Court, Ala.
JOHN D. PHELAN,
Ex-Chancellor of Alabama.
GEORGE W. GUNN,
Member of the bar.
JOHN T. HEFLIN,
City Solicitor of Selma.
A. B. COOPER,
Senator of Alabama.
W. M. BYRD,
Judge Supreme Court, Ala.
J. T. HOLTZCLAW,
Lawyer, of Montgomery.
W. C. McIVER,
Lawyer, of Macon County.
DAVID CLOPTON,
Lawyer, of Macon County.
BARNA McKINNE,
Lawyer of Montgomery.
GEORGE W. STORSE,
Ex-Judge Supreme Court.
J. A. ELMORE,
Member Constitutional Convention.
M. D. GRAHAM,
Lawyer, of Montgomery.
T. M. ARLINGTON,
Judge Montgomery City Court.
E. J. FITZPATRICK,
Solicitor Montgomery County.
J. H. WATTS,
Ex-Governor of Alabama.
A. M. ORLIN,
Lawyer, of Montgomery.
JACK SHORINGTON,
Lawyer, of Montgomery.
W. V. CHILTON, Jr.,
Lawyer, of Montgomery.
G. S. G. DOSTER,
Member Alabama State Senate.
W. P. CHILTON,
Lawyer, of Montgomery.
F. LE B. GOODWIN,
Member of Alabama House.
HENRY C. SEMPLE,
Lawyer, of Montgomery.

I cordially endorse the unflinching loyalty of Judge Bugbee, who, though living within the rebel lines throughout the war, can yet, as I am advised and believe, comply with the law requiring a "test oath," without contradiction either of its letter or spirit.

WAGER SWAYNE,
Major General United States Volunteers.

Hon. HENRY STANBERY,
Attorney General United States.

WILLARD'S HOTEL,
Washington, February 4, 1867.

SIR: I cordially unite in the above recommendation. I have known Judge Bugbee many years, and am confident a better appointment could not be made.

I have the honor to be, with great respect, your obedient servant,

LEWIS E. PARSONS.

Hon. HENRY STANBERY,
Attorney General United States.

ATTORNEY GENERAL'S OFFICE,
February 21, 1867.

SIR: The Attorney General directs me to say that you are instructed to suspend the proceedings on the indictment against C. C. Clay for treason and conspiracy until further advised by this office.

Respectfully yours,

M. F. PLEASANTS, *Chief Clerk.*

JAMES Q. SMITH, Esq.,
United States Attorney, Montgomery, Alabama.

ATTORNEY GENERAL'S OFFICE,
March 25, 1867.

SIR: In reply to yours of the 11th instant, the Attorney General directs me to say that he desires you to suspend all proceedings against Mr. C. C. Clay, and not to make the arrest.

Very respectfully yours,

M. F. PLEASANTS, *Chief Clerk.*

JAMES Q. SMITH, Esq.,
United States Attorney, Montgomery, Alabama.

ATTORNEY GENERAL'S OFFICE,
Washington, D. C., April 3, 1867.

SIR: In reply to your letter of the 1st instant, I am directed by the Attorney General to say that you are hereby instructed to dismiss all indictments for treason pending in your district, based on acts committed by parties acting in a military capacity during the war.

Very respectfully, your obedient servant,

M. F. PLEASANTS, *Chief Clerk.*

ANDREW STERRETT RIDGELY, Esq.,
United States District Attorney, Baltimore, Maryland.

ATTORNEY GENERAL'S OFFICE,
Washington, D. C., April 5, 1867.

SIR: In reply to your letter of the 4th instant, the Attorney General directs me to say that you are instructed to continue the cases referred to—those growing out of obstructing the railways and the passage of troops to Washington on or about April 19, 1861.

It is not desired that they should be tried before a single judge; and no assignment of judges having yet been made, the Chief Justice cannot hold the circuit court.

Very respectfully yours,

M. F. PLEASANTS, *Chief Clerk.*

A. S. RIDGELY, Esq.,
United States Attorney, Baltimore, Maryland.

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

L. C. BAKER sworn and examined.

By the CHAIRMAN:

Q. Have you in your possession or under your control letters written by Andrew Johnson?

A. I have not.

Q. Have you stated to any person that you had such letters in your possession or under your control since your former examination before this committee?

A. No, sir; I do not recollect that I have.

Q. Did you make any such statement as that to W. B. Matchett, either in this city, Philadelphia, or in any other place, since that time?

A. No, sir.

Q. Did you make any such statement, or report, to any one?

A. I do not recollect of making any such report to any person.

Q. Either by letter or verbal communication?

A. No, sir.

Q. Can you state whether you have or have not made any such statement?

A. I have stated this, that I thought these letters could be obtained.

Q. I speak of the letters in reference to which you testified when you were before the Committee on a former occasion. Do you know where those letters are?

A. I do not.

Q. Have you any reason to believe you could obtain them?

A. Yes, sir, I have.

Q. Have you any other reason than you had when you were examined before this Committe on a previous occasion?

A. I have no reason other than that stated in my previous examination.

Q. Have you made any effort since that time to obtain possession of them?

A. I have.

Q. What effort have you made?

A. I wrote to Nashville, Tennessee, to the party who originally had the letters.

Q. Who was that party?

A. J. W. Adamson.

Q. Did you receive any reply?

A. I did not receive any written reply. Some two weeks after I was examined here, I suppose in reply to that letter, a lady came to my house in Philadelphia, purporting to represent the parties who had these letters. I tried to persuade her to come before this Committee, but she declined to come.

Q. Did you learn her name?

A. She gave her name as Mrs. Sallie Harris. I never saw her before.

Q. Did she inform you of the place where she resides?

A. She did.

Q. Where was it?

A. She said she lived in Nashville.

Q. Did she give you the street and number of residence?

A. No, sir, she did not. I asked her that question and tried to find out, but she would not give me her address.

Q. What other efforts have you made to obtain possession of these letters?

A. I have made no efforts except through this person.

Q. Have you in your possession a copy of the entries in the diary of J. Wilkes Booth?

A. I have not.

Q. Was there a copy of these entries given to you by any person?

A. I do not recollect distinctly that there was. I have, however, an indistinct recollection that Colonel Conger handed me an envelope that he said contained extracts from J. Wilkes Booth's diary. He asked me if I would ask the Secretary of War to give him permission to retain it. I did ask that permission. My communications of that kind at that time were had generally with General Eckert, who was then assistant Secretary of War, and I do not recollect whether I applied to General Eckert or Mr. Stanton, but I understood that Mr. Stanton refused to allow any copy of the diary, or any extract from it to be retained.

Q. Did you so inform Colonel Conger?

A. I think I did.

Q. What was the result?

A. I suppose the result was he didn't get it.

Q. Did he then deliver to you what he said were extracts from Booth's diary?

A. I think he did. My recollection of the matter is very indistinct, as it is also in reference to many other matters that occurred at that time. A little explanation will perhaps be necessary here. At the time Booth was captured, and immediately after, I was intrusted by the Secretary of War with serving the subpœnas on the trial of the assassins. I suppose I served through my office 150 or 200 subpœnas on witnesses to appear before that commission. My time was taken up entirely, night and day, with that and other matters pertaining to that investigation. There are many things that occurred about that time of which my recollection is very indistinct. I never carefully read the diary, and I could not tell a single entry in it, except what I have heard some of my men say in

reference to his crossing the river, and things of that kind. It was a matter of general conversation about my office.

Q. Have you seen Colonel Conger recently?

A. I saw him within the last two hours.

Q. How long since has it been that you met Colonel Conger prior to to-day?

A. I have not seen Colonel Conger but twice since, for, I think it has been, six months. Some five or six weeks ago I was going west, and telegraphed from Philadelphia to Mansfield, Ohio, where Colonel Conger resides, that I wanted him to meet me there. He did meet me there. My business was entirely with reference to some pecuniary business matters between us. The matter of the diary and this investigation was scarcely referred to in our conversation.

Q. Have you seen him at any other place within the past six months?

A. On his way here, in obedience to a summons from this Committee, he came by way of Philadelphia, and came to my house.

Q. Have you seen him at any other point?

A. No, sir; I do not recollect that I have.

Q. When did you first get possession of the diary of Booth?

A. When Colonel Conger came up on the day of the capture from below, he came directly to my office, opposite Willard's. My recollection is that he came into the back office, and said to me he had got Booth, and that he had some things tied up in a handkerchief. I hesitated for a moment, and asked him some questions about it, when he showed me what he had—the effects taken from the body—and then gave me a very brief statement of the capture of Booth and Herold. I then went directly with Colonel Conger to the War Department, about five o'clock in the afternoon, as near as I can recollect. Mr. Stanton had gone home; we therefore went directly to Mr. Stanton's house. I jumped out of the buggy and went into Mr. Stanton's room. He was lying on the lounge. Mrs. Stanton was in the room at the time. I stated to him that we had got Booth. He got up from the sofa and came over to the centre table. Either I or Colonel Conger, I do not recollect which, handed him this little package, and he looked at the diary. He was at the side table, I was standing opposite; and after looking at it for some time, he handed it to me. I took the diary and looked at it. He took up a little pocket compass and some other things taken from Booth and examined them, and then gave me some instructions as to what I should do with the body.

Q. Did you examine the diary?

A. I did.

Q. Was that the first examination you had given of it?

A. No, sir; I think not. I think I looked at it at the office.

Q. Did you have it in your possession from that time until you handed it to Mr. Stanton?

A. I think I carried it out of the office. I was driving the buggy, and my impression is I handed it to Colonel Conger, who was sitting in the buggy with me, though I am not certain about it.

Q. State, to the best of your recollection, what were the entries in the diary of Booth when you first examined it.

A. I would not undertake to state positively anything. There was an entry in the diary about his being crippled, his leg being broken; and there was on a piece of loose paper something about his having been to Dr. Stewart's.

Q. Did you examine the loose leaf that was in the diary referred to when you were examined by this Committee before?

A. Yes, sir; I saw it. That, I think, referred to Dr. Stewart. I referred to it as one of the memoranda that I recollect.

Q. Do you remember any entries contained in it?

A. I do not recollect anything distinctly. My great anxiety at that time was to get hold of something that might in some way lead to the detection of other

parties who might be implicated. Mr. Stanton was very exacting; he was very particular. Every little thing that was brought to me I was directed to take to his office. General Eckert was the custodian of the articles taken from Booth's body. There was an opera glass, a diamond pin, and a great variety of little things. I recollect I spoke to the Secretary and asked him if I might retain some one of these articles as a relic. He said not a thing should go out of the office.

Q. Have you recently published a book?

A. I have

Q. A work called "The History of the United States Secret Service?"

A. I am the author and publisher of that book.

Q. Did you make any statements in that book as to what entries were taken in the diary of Booth?

A. I think reference is made there to an entry. I do not now recollect what it is. I could not tell unless I saw it. The material of that book was furnished to a man who compiled it, and he made just such use of the matter, subject to my revision, as he thought proper. I did revise the whole matter, and am responsible for everything that is there.

Q. How long since you gave directions as to that part purporting to contain extracts from Booth's diary?

A. I do not recollect the time. It was understood between the Secretary and myself that I was to have permission to incorporate the contents of the diary in my book. Mr. Derby, who at that time was to publish the book, was constantly applying to me to get the diary, and Mr. Headley came from New York for that purpose, and I went with him to the War Department. I think I introduced him to Mr. Stanton, and said to Mr. Stanton that I would like now to get the diary. He said that I could not have any part of it. I reminded him of his prior promise to me. He said that matters had changed somewhat now; that he was not disposed to let the diary or any papers go out of his possession. The parties who were to publish the book were very much dissatisfied at not obtaining these papers.

Q. Have you examined this book since it was published?

A. I never read it through, though I think I know what it contains.

Q. Will you please state what it contains in reference to entries in Booth's diary?

A. I cannot recollect the language.

Q. State the substance.

A. I think there is some reference made there to Booth's diary, obtained probably from the statements of the men. You see, Colonel Conger, who took a copy of this diary, was talking to the men about the office a great deal. It was a matter of conversation there at the time, and if there are any extracts, or what purport to be extracts, from it, they come from that source, for I positively swear that I never examined that diary sufficient to recollect anything in it.

Q. And you could not give the substance of any of the entries in the diary?

A. I do not think I could be positive of any.

Q. I see it stated in this book that the Secretary of War, without instructions of any kind, committed to Colonel Lafayette C. Baker, of the secret service, the stark corpse of J. Wilkes Booth; that the secret service never fulfilled its service more secretly than on that occasion. When asked to whom it was known where the body was, he answered, "To only one man living except myself." Were the instructions of the Secretary of War, concerning the body of Booth, given directly to you or some other person?

A. They were given to me. I do not know whether they came directly from the Secretary of War or from General Eckert. Many orders I got during that time came from General Eckert, and when I speak of orders from the Secretary

of War, I include one or the other of them, because I was just as much bound to respect the orders of General Eckert as I was those of the Secretary of War. You notice that the paragraph to which you refer is an extract from the correspondence published in the New York World, giving an account of the capture of the assassins. If you will read the entire article, I think you will see that the statement of facts is over the signature of George Alfred Townsend. It was inserted in that book because it was thought to be a very correct and graphic description of the capture.

Q. Is that statement of Townsend, as published, correct?

A. I think it is. The statement mainly refers to what occurred at the capture and burning of the barn.

Q. Then no one but you and he knew anything as to what was done with the body of Booth?

A. I took the body of Booth from the gunboat and carried it to the arsenal grounds. Colonel Benton had had some instructions from the Secretary of War as to where the body should be placed, I suppose, as he was there with General Eckert and myself during the evening. It was about four or five o'clock in the afternoon when the body was brought up there. During that evening we went back from the arsenal. The Secretary of War wanted to know where the key to the cell was. I had not brought up the key with me. I got a carriage and went back to the arsenal, got the key, and carried it and delivered it to the Secretary.

Q. Key to what?

A. Key to the cell of the prison where he was buried.

Q. The body was buried there in one of the cells?

A. Buried in the grounds of the arsenal.

Q. In the open grounds?

A. No, sir; inside of the arsenal walls.

Q. Inside—in a room?

A. Yes, sir. I do not now recollect the number of the room. I think it is given in that book. That is a correct report of it as I understand it.

By Mr. LAWRENCE:

Q. Was the body put in a box?

A. Yes, sir, it was put in a box.

By Mr. CHURCHILL:

Q. Was it in the arsenal building, or in the penitentiary?

A. I call it the arsenal building, because it was used for arsenal stores. It was properly the old penitentiary, though it had not been used for a penitentiary for some time. It was occupied at that time for arsenal stores for fixed ammunition.

By Mr. ELDRIDGE:

Q. You have been sworn once or twice before this Committee?

A. Once before.

Q. Did you ever represent to anybody that you or some of your assistants took the body of Booth out into the ocean, tied stones to it, and sunk it?

A. I do not know that I ever did directly. I have been questioned a great deal in reference to that matter, and used to reply to the reporters somewhat at random. Very likely I did make such a statement. I do not recollect.

Q. Why do you say very likely you did?

A. I say that because, at the time the body was disposed of, I was beset by correspondents and others who wanted to ascertain where it was buried. The Secretary did not want anybody to know.

Q. Is it a fact that the body was taken out into the ocean and sunk?

A. No, sir.

Q. Did you tell any lies about it?

A. No. I do not think that I made that representation. I might have done it.

Q. Then you say you did not lie about it?

A. I am not here before this Committee to be accused of lying. I know what my position is before the Committee.

Q. Do you say that you did not make any such statement?

A. I said I might have made the statement, and I have explained to you how the statement came to be made, if it ever was made.

Q. Did you ever represent that you alone, with one other man, disposed of the body, and that no other persons on earth knew where it was?

A. My previous answer applies to this question.

Q. You will answer this question if you please.

A. I might have made that representation.

Q. Is it true?

A. No, sir, it is not true. I have stated my reasons for making it.

Q. Did you represent to any one that the head of Booth was taken off and the body buried without the head?

A. Never in my life.

Q. Is it a fact or not?

A. It is not, so far as I know.

Q. Was the head buried with the body?

A. The last I saw of the body it was whole, excepting a section of the spinal bone where the bullet entered, taken by Doctor Barnes, Surgeon General, and which, I believe, is now in the Medical Museum.

Q. Did you represent that the heart was taken out, and in the possession of some one in Washington?

A. Never in my life. I will swear to that positively.

Q. Is it a fact, as far as you know, that the heart was buried with the body?

A. It was.

Q. You believe Booth's head and heart were buried with the body?

A. I believe they were.

Q. Did you see the body buried?

A. No, sir; I did not.

Q. Did you see the body carried into what is called the old penitentiary?

A. I did.

Q. Did you help do it?

A. I did not actually lift the body. I saw it taken.

Q. Who did carry it?

A. I think there were two soldiers there at the time, who carried it.

Q. Do you recollect who they were?

A. I do not.

Q. Were they under your command?

A. They were not.

Q. Were they under command of Colonel Benton?

A. I suppose they were.

Q. Was not the body, in fact, buried by Colonel Benton, or under his and not under your orders?

A. I did not consider that it was. Mr. Stanton gave me instructions what to do with the body, and I followed these instructions.

Q. The orders were given to you?

A. They were,

Q. From Mr. Stanton?

A. From Mr. Stanton directly, or from General Eckert.

Q. Did you, in fact, direct where the body was to be buried?

A. I considered that it was buried under my directions.

Q. Where were you when the body was actually put into the ground?
A. I do not know precisely where I stood at the time.
Q. In general, where were you?
A. I do not recollect where I was. I was there, about the arsenal.
Q. Did you superintend the digging of the grave?
A. Personally I did not.
Q. Who did superintend it?
A. I suppose the men who dug the grave were under the personal superintendence of Colonel Benton.
Q. Did Mr. Stanton tell you where the body was to be buried?
A. He gave me general instructions to take the body to the arsenal. He had a piece of paper containing the plan of the inside of the prison, which I furnished him, and he designated where the body should be put.
Q. That order was given to you?
A. That order was given to me.
Q. Who was present?
A. I do not recollect.
Q. Was Colonel Benton present?
A. No, sir; I do not think he was. He was there in the War Department, in the Secretary's office, the night previous to this.
Q. But not at the time the order was given?
A. No, sir.
Q. Did you point to those who dug the grave where it was to be dug?
A. No, sir.
Q. Who did that?
A. I suppose Colonel Benton got his orders also from the Secretary.
Q. Were the men who dug the grave under your command or under Colonel Benton's?
A. Under Colonel Benton's, I suppose. They were soldiers at the arsenal.
Q. Was the body buried in a cell?
A. I do not know whether it was properly a cell. It had a gate and a lock to it.
Q. How large was the room?
A. It was a large room.
Q. Was there a floor to it?
A. I think there was—of stone or cement. I am not certain about that.
Q. Was it taken up?
A. I suppose it was.
Q. Did you see it done?
A. I did not.
Q. Do you know it was done?
A. I only know what I understood at the time.
Q. Then you had no actual knowledge where the body was buried?
A. It was buried in the arsenal grounds.
Q. Do you know that from seeing the body buried, or otherwise?
A. I have stated that I was not present when the body was actually put into the ground.
Q. Were you present when the grave was dug?
A. No, sir.
Q. Did you see it after it was dug?
A. No; not at the time it was dug. I had it pointed out to me.
Q. Did you see it before the body was put in?
A. No, sir.
Q. Will you, then, undertake to swear, from your knowledge, where the body was buried?

A. I have already sworn that I saw the body carried within the walls of the penitentiary grounds. I have visited the place where the body was buried.

Q. Then you only know that fact from what you understood. Do you mean to say that you have any other knowledge or information than that?

A. I have said that I did not see the grave dug, and that I did not see the body dropped into the grave.

Q. Did you see the body carried into the room where it was buried?

A. I saw the body carried into the grounds.

Q. Did you see it carried into the penitentiary building?

A. I saw what I supposed to be the body carried inside the walls—not the building proper. The building is surrounded by a wall.

Q. Is not that body buried in a room with a lock on it?

A. It is not properly a room.

Q. Is not there a door to it with a lock and key?

A. There is; I carried the key to the Secretary myself.

Q. Why do you say it is not properly a room?

A. I did not say it was not a room. I saw the body carried through the walls that surround the penitentiary building, inside of which the body was buried.

Q. Was it buried inside of the room or not?

A. It was buried inside the prison walls.

Q. Are there rooms in that prison?

A. Oh, yes, sir.

Q. Was this body buried in one of these rooms?

A. I think it was.

Q. Then it was buried in exactly a room?

A. You and I might differ as to what would be considered a room.

Q. Well, I am trying to find out the fact.

A. I have answered the question, I believe.

Q. Was it buried in a room or not?

A. I say it was buried in a room; I call any enclosure in the penitentiary building a room.

Q. What is the reason you have any doubt about it? Describe the place where it was buried.

A. I will tell you the reason. I have stated to you, in the first place, that I did not see the body put into the grave; that I did not dig the grave myself. In the second place, the exact circumstances of the digging and the burying I have understood from other sources, and in that way have learned all the facts.

Q. Now, I want you to tell me why you do not call it a room—where the body was buried?

A. I do not call it a room because you and I might differ, or I and any member of the Committee might differ, as to whether it was a room or not. I say that the body was buried inside of the penitentiary walls; I saw it carried in there.

Q. How many rooms are there inside of the penitentiary walls?

A. I do not know; I never examined particularly. There are a good many, perhaps thirty or forty cells or rooms. The walls of the penitentiary building on the south side and on the west side come up to within about ten feet of the building. There is a temporary shed on the west side, which is enclosed, and may be called a room. On the south side the wall is further off, but with a shed adjoining.

Q. Was he buried in one of those sheds?

A. No, sir; I have no further answer to make, except that he was buried inside of the walls of the penitentiary.

Q. Do you mean by that that you will not tell whether it was buried inside of one of the rooms?

A. I have answered that question, and have no further answer to make.

Q. Then all you know about it is that you saw the body go into the building?

A. I have told you all I know. I believe I know where the body was buried, and I have tried to tell you.

Q. Where was the body put into the box?

A. I think it was put into the box or coffin inside of the prison.

Q. Did not you say it was carried into the building in a box?

A. I think I did not. I stated that I saw it carried inside of the walls.

Q. Where were you at the time?

A. I was standing at the entrance of the arsenal grounds.

Q. How far was that from the door where you supposed it went in?

A. It was a good ways—four or five hundred feet perhaps.

Q. Then you do not undertake to say that the body went into the building at all?

A. I stated that I saw it carried inside of the walls.

Q. Then all you know about it is that it went inside of the walls. You know nothing beyond that except what was told you by others?

A. I did not say that was all I knew. I say I saw it carried inside of the walls.

Q. Is that the last you saw of it?

A. Yes, sir.

Q. How far is the gate where it went in from the building?

A. Perhaps from twenty-five to fifty feet at that place.

Q. Did you ever tell anybody that the body was taken down on the bank of the Potomac, and the ground so covered over that no one could tell where it was?

A. I never told any one that in my life.

Q. Did you ever tell any one that the face of the ground was so smooth there that no living soul could tell where it was?

A. I do not recollect ever making any such statement.

Q. Did you deliver this memorandum book to the Secretary of War?

A. I do not recollect whether I or Colonel Conger carried it.

Q. You have talked this matter over recently with Colonel Conger, have you not?

A. Very little.

Q. Since Colonel Conger was sworn here?

A. I had some general conversation with him.

Q. Did you talk over the matter about the memorandum book with Colonel Conger since he has been sworn here?

A. I did. He referred to it within the last hour or two.

Q. Did he tell you that you did not carry it up, but that he did?

A. No, sir.

Q. Did not you swear, when you were before the Committee on a previous occasion, that you carried it yourself?

A. Oh, well, I drove the buggy and considered that I carried it. We were both sitting in the buggy together. Whether I actually had it in my hand, or whether I passed it to Colonel Conger and he had it in his hand while I drove up, or whether it lay in the seat or in the buggy, I cannot now swear.

Q. I ask you whether you did not swear that you carried it up?

A. Yes, sir.

Q. And now do you say that you carried it?

A. I swore that I did carry it in my buggy.

Q. Do you swear that you handed it to the Secretary of War?

A. Yes, sir.

Q. Then Colonel Conger is mistaken about that, is he?

A. Very likely. I do not know whether I handed it to the Secretary the

first time, or whether Colonel Conger did. The Secretary looked at it, read it over, and handed it back to me. I examined it myself and handed it back to the Secretary.

Q. Did you open the little package containing these things?

A. That I do not recollect. I do not recollect whether Colonel Conger undid the bundle or whether I undid it.

Q. In your previous examination did you swear there was not as much in the book as when you gave it to the Secretary?

A. I did.

Q. How is the fact now?

A. I still believe that that is the case. I do not desire to change my testimony in any particular at all.

Q. Did you talk that matter over with Conger about the leaves being gone?

A. I think it was referred to in our conversation.

Q. Did you talk with the Secretary of War about it?

A. No, sir.

Q. Did you talk with Judge Holt about it?

A. No, sir. I have not seen Judge Holt for several months.

Q. You are still of the opinion that the book is not now in the condition it was when you first saw it?

A. That is my opinion.

Q. Did you see the Secretary of War count the leaves at the time you and Conger were together at his house?

A. No, I think not.

Q. Did you count the absent leaves, or stubs?

A. No, sir; I never saw any stubs until I saw them here.

Q. Do you mean to say that at the time you gave the book to the Secretary of War there were no leaves gone?

A. I do.

Q. That is still your opinion?

A. That is still my opinion.

Q. Did you examine it pretty carefully?

A. I examined the book, and I am very sure that if any leaves had been gone I should have noticed it.

Q. Did you examine it carefully?

A. It did not require careful examination to discover the absence of so many leaves.

Q. I ask you whether you examined it carefully?

A. I ran it through and looked over it.

Q. Where did you examine it first?

A. I examined it at Mr. Stanton's house. My impression is I looked at the book at my office before I left, but I am not altogether clear upon that point. My impression is I did examine it at Mr. Stanton's house, and I am satisfied in my own mind that there were no leaves missing at the time.

Q. Were there any observations or remarks made on that subject when you and Mr. Stanton looked it over?

A. No, sir; that is the reason I think the leaves were not gone. I think Mr. Stanton would have asked me what had become of the missing leaves, if any had been missing.

Q. Did you take the book out of the package before Mr. Stanton made his appearance?

A. Mr. Stanton was there in the room when we entered it.

Q. Then unless you examined it at your office before going up, the first you saw of it was in his presence?

A. It was.

Q. Did you leave the book at Mr. Stanton's office?

A. I did.

Q. Did you leave the other things taken up in the bundles?

A. All except the bills of exchange and some money. I think Mr. Stanton handed me these.

Q. How much money was there?

A. I do not recollect how much—something over $100. There is an entry in my book of the amount.

Q. Was the money in greenbacks?

A. Yes, sir.

Q. How many bills of exchange?

A. There were some duplicates—first and second. I do not recollect what the amount was. My book will show exactly.

Q. Where is your book?

A. It is in Philadelphia. A little memorandum book kept by me as a cash book at the time. I think it was for £50 or £60.

Q. Do you know who it was drawn by?

A. That I do not recollect.

Q. Do you know who it was drawn upon?

A. Upon one of the banks of Montreal. I do not recollect which. It was produced at the trial of the assassins.

Q. Were you sworn on the trial of Mrs. Surratt?

A. I was not. I was not called as a witness.

Q. Were you present when Booth was shot?

A. No, sir.

Q. Was a brother of yours present?

A. A cousin of mine, L. B. Baker, sometimes called Byron Baker, was present.

Q. Where is he?

A. In Lansing, Michigan.

Q. What position had he at the time?

A. He was attached to my force. He had just been mustered out of the service as brigade quartermaster, some three weeks previously.

Q. Was he of the party you sent out to capture Booth?

A. Yes, sir.

Q. Did he return with the body of Booth?

A. Yes, sir.

Q. Did Conger come with the body also?

A. Conger came before—earlier in the afternoon. The body arrived about 12 o'clock at night, I think.

Q. The burial of Booth was intended to be kept a secret was it?

A. I inferred from Mr. Stanton's conversation that he did not wish it known.

Q. Were you ordered not to tell where it was buried?

A. Never; I took it for granted.

Q. What was your object in keeping it secret?

A. I do not know of any object, except I supposed the Secretary of War did not want it known. I did not know what his motives were.

Q. Was it talked over between you?

A. No, sir.

Q. You spoke about some letters in your previous examination, and also in your examination just now, written by Mr. Johnson, which you were desired to obtain, if possible. Can you repeat anything that was in those letters?

A. I do not recollect the contents.

Q. Can you repeat a sentence from any one of them?

A. I do not recollect anything that was in them. I did not attach much importance to them at the time.

Q. On your previous examination this question was put by some one: "State whether you have ever seen any letters showing the complicity of Jefferson

Davis in the plot to assassinate President Lincoln." You answered, "Yes, sir." Was your answer "Yes, sir," to such a question as that, when you cannot recollect a word in the letter?

A. I understood what the purport of the letters was.

Q. I ask you whether you answered "Yes, sir," to a question of that sort when you could not recollect a sentence in one of the letters?

A. I heard a statement made about the contents of the letters.

Q. Then your answer was based upon the statements you heard as to the contents of the letters?

A. I also saw the original letters.

Q. Was your answer based upon the letters, or what was told you about them?

A. It was based upon both. I had heard that these letters were in existence, and were considered important, and I examined them, but I do not now recollect what they contained.

Q. You were also asked at your former examination whether you knew the handwriting of Jefferson Davis, and you answered that the Secretary of War pronounced it a genuine letter. What letter did you refer to?

A. I referred to letters that I brought from Canada.

Q. Letters of which you had copies?

A. No, sir. I had the originals. I am not sure now whether the letters came from Canada or from the South.

Q. Did you show the original letters to Secretary Stanton?

A. I showed three or four original signatures of Jefferson Davis to the Secretary, and I suppose the papers are in his possession still. They are the letters I was examined upon when I was before the Committee on a previous occasion. There were some papers among them, I know, containing Jefferson Davis's signature.

Q. You are reported in your previous examination as saying that the Secretary examined the letters, and stated that he was satisfied the signature was genuine—that they were also examined by Judge Holt; and in the same answer you say you never saw the originals, but that they were satisfied they were genuine letters.

A. I guess that must be a mistake. My evidence was never read over to me or corrected. I was referring in that testimony to letters and papers I brought from Canada. The signatures which were pronounced genuine were some brought from the South. I had the originals of the Canada letters in my possession.

Q. You say you put your private mark upon every one of them, and made pin-holes through them, so that you could identify them when the question of the genuineness of the letters came up; and that both Judge Holt and Secretary Stanton said they were genuine letters?

A. That is not what I intended to say. When I brought the letters to the War Department, the question was raised as to whether they were genuine or not; whether that was Jefferson Davis's genuine signature—at least I had the commission of this man Young, signed by Jefferson Davis. I know that both the Secretary of War and Judge Holt pronounced the signature genuine. There was a letter, I remember, written by Davis, giving some instructions in reference to his children, and they pronounced the signature genuine in that case.

Q. You stated in your testimony that you began copying one letter when parties came into the room and declined to let you go on unless the letters were paid for. When did you make private marks upon them, and what letters did you refer to?

A. I referred to some letters in the hands of parties in Canada.

Q. For what purpose?

A. They were supposed to be in the hands of Tucker.

Q. In whose hands did you find them?

A. The man I was negotiating with for the letters was named Thompson. I do not know what Thompson. He claimed to be the representative of the parties who had the letters.

Q. Did not you know anything more about him than that?

A. I never inquired who he was.

Q. Where is he now?

A. He is in Toronto.

Q. Where did you meet him?

A. I met him in Toronto once, and at the Suspension Bridge once, at Windsor once, and in London. I do not recollect at which one of these points I first saw him.

Q. Is he a Canadian?

A. I do not think he is. I think he is an American.

Q. What was he trying to do—to make a speculation out of these letters?

A. I suppose so.

Q. He wanted through you to sell them to the government, did he?

A. I suppose that is what he wanted to do.

Q. What did he want for them?

A. He had various prices. At one time for all the papers he proposed to deliver, he wanted $20,000. I think his name is among my papers somewhere.

Q. Can you give the Committee any information to enable them to find him and bring him here?

A. I can find him and produce him here if he is wanted. I have seen him with the railroad men about the Suspension Bridge a great deal. I suppose by inquiring of them I could ascertain where he is. I have seen him with the conductors and brakemen frequently talking.

Q. Can you give us any description so that we could find him?

A. I do not think I could.

Q. Were the letters retained in his hands?

A. I saw them in his hands three or four times.

Q. Did anybody, except yourself, in the employment of the government see him, and see the letters, papers, and books?

A. I do not know that they did. I have been told that the Attorney General has had the letters in his possession.

Q. Did you put the Attorney General in communication with him?

A. No, sir. I do not know that he saw Thompson?

Q. You think Thompson is a real man; there is no humbug about him?

A. I suppose he is. That is my belief. I brought a brief of the letters he had with me.

Q. You stated in your testimony on your previous examination that he refused to let you copy them.

A. In the first place I made an arrangement to get them. After I begun copying them they stopped me. I supposed it was from some misunderstanding about the division of the money. They could not agree among themselves, I believe, as to how it was to be divided. One man claimed it, and then another man claimed it.

Q. Who were the men who claimed it?

A. Castleman and Young.

Q. What is Castleman's first name?

A. Ben., I think.

Q. Where does he live?

A. In Canada somewhere. I do not know where. There was a man they called "Greek-fire" there. I do not know what his name is. I know about him from hearing Thompson talk of him. His eyes had been put out in experi-

menting with Greek-fire, and he went by the name in Canada of "Greek-fire.' I understood from Thompson also that Tucker, Saunders, and all of them had an interest in it.

Q. That they were concerned in betraying Jeff. Davis?

A. I do not know whether they were or not?

Q. Did you understand that they were selling out genuine letters of Jeff. Davis, connecting him with the assassination?

A. I understood they were selling out genuine letters.

Q. Did you understand they were betraying him for this money to be received from the letters?

A. If the letters implicated Jeff. Davis, they sold them with the understanding that they would betray him.

Q. It was your opinion that they did implicate him?

A. That was my opinion?

Q. Is there anybody else connected with the government who ever went to Canada about them?

A. Nobody.

Q. Nobody in your employ?

A. No; I never allowed anybody to go with me.

Q. What pay did you get for your service?

A. The pay of a brigadier general.

Q. Anything else?

A. Not a dollar.

Q. Did you get any traveling expenses?

A. Not a dollar, except to cover my actual expenses.

Q. Did you get any secret-service fund?

A. Not a dollar, except what I actually paid out. If I went to Canada I had my expenses paid.

Q. Did you have the disbursing of a very large amount of money?

A. Not very large. My report to the Secretary of War will show.

A. About how much?

A. I think in the five years I expended, all told, not more than $400,000. The exact figures in detail are in my report to the Secretary of War.

Q. Does that include the pay the men received?

A. Everything—traveling expenses and everything.

Q. Did you spend money in buying this information that you were furnished by the department with?

A. Occasionally.

Q. Did you have any interviews yourself with Tucker or with Saunders?

A. I had an interview with Tucker.

Q. About these letters?

A. No.

Q. Where did you have an interview with him?

A. At St. Lawrence Hall, Montreal, Canada.

Q. Did he know who you were?

A. Yes. I carried a letter to him from Thomas J. Durant.

Q. Did you have any interview with Saunders?

A. I saw Saunders there.

Q. Was Saunders present while you were negotiating?

A. No, sir.

Q. What was the character of the letter you carried from Durant to Tucker?

A. That evidence was all given to the Committee on Commerce in reference to cotton operations. The letter to Tucker from Durant was advising Tucker to come on with me. They had an arrangement to get Tucker through the lines to assist them in getting cotton out. I had been applied to by one Haskell to assist them. I went to Mr. Dana, assistant Secretary of War, and told him

the facts. He told me I had better go on and ascertain what they were doing.

Q. You have stated in your former testimony that a son of Governor Brownlow wrote a letter from Governor Johnson's table while he was in Tennessee. Which son of Governor Brownlow was that?

A. It was the one they called the colonel. I do not know either of them personally. I have met him once, I believe, but once only.

Q. Who was it told you that?

A. I do not know. I think it was Adamson, in reply to my question as to how he got possession of these letters. That was the first interview I had with him, two years ago. I think he told me the letters were taken from Mr. Johnson's table by one of Governor Brownlow's sons, and I think it was the colonel.

Q. Do you know where he is now?

A. I do not. In Tennessee, somewhere, I suppose.

Q. You stated that that letter you had in your possession?

A. Yes, sir; twice.

Q. Where is it now?

A. I do not know. I gave it back to Adamson.

Q. Why did you not keep it?

A. I did not want to make any use of it. I did not believe the letter was genuine.

Q. Did you not finally believe that it was genuine?

A. I did, after I carried it up to the White House and submitted the signature to Colonel Browning.

Q. Why did you not keep it?

A. I had not any money to invest in it. The man evidently wanted to make money out of it.

Q. You had the power as a government officer to take as important a letter as that, had you not? You have taken as important steps as to have taken that in the course of the four years you were connected with the secret service, have you not?

A. I did not keep it because the man allowed me to see it, and to take it, with the understanding beforehand that I would return it to him.

Q. And so you would not betray his confidence. Had you never betrayed anybody's confidence during your connection with the department before?

A. You have no right to make any insinuation of that sort.

Q. You did betray the confidence of Mrs. Cobb on one occasion when she got a pardon for you, did you not?

A. No; I do not think I did.

Q. Why did you not keep that letter?

A. I have said that I was under obligations to the man who brought it to me; that if I did not think proper to make use of it I would return it to him.

Q. What did he want you to do with it?

A. There was a talk at one time about impeachment. He thought it might be used if it was genuine.

Q. Did he want money for it?

A. No; he did not ask for money directly. My impression was that he wanted to get money for it.

Q. In answer to a previous question you stated that you had no money to spend on it; what did you mean by that?

A. He did not ask me directly for money, but I presume he expected to be paid.

Q. What did you mean by the remark that you had not any money to spend on it?

A. I meant just what I have stated, that I had not any money to spend for it.

Q. And yet you say that he did not ask for any money.

A. He talked about a position. I do not recollect what the position was. I

drew the inference from his conversation that he intended either to get a position for him, or to give him money.

Q. When did you first see that letter?

A. It was a short time before the Cobb case came up.

Q. What was the occasion of your seeing it?

A. I do not know what his object was.

Q. Did he wish you to get him a place with it?

A. No; he probably thought that I would show the letter, and that if it was genuine he might be benefited with it in some manner; he did not know how. He did not make any demand at all. My impression was that he wanted to use it in some way for his benefit.

Q. Was he an old acquaintance of yours?

A. No, sir; I never saw him before in my life.

Q. Did he come to your room with it?

A. He did.

Q. Where were you when he came with it?

A. I was in my office.

Q. Did he make a bargain with you that you would not expose that letter before he showed it?

A. I told him that there should be no improper use to his detriment made of the letter.

Q. You told him that before he showed it?

A. Yes, sir; and then I asked him to let me see it. He did, and I had it in my possession for two or three weeks.

Q. Where was he during that time?

A. About the city here.

Q. Did you make a copy of it?

A. No, I think not. I did think I had a copy of it, and I have looked over my papers, but cannot find any.

Q. How many times did you read the letter?

A. I read it a good many times before I could understand it.

Q. Can you repeat that letter now?

A. No.

Q. Can you repeat any sentence of it?

A. No. I do not recollect any sentence in it.

Q. Can you repeat a word of it?

A. No; I do not think I can. I would not undertake to state what was in it.

By the CHAIRMAN:

Q. In your previous examination you spoke of a man by the name of Milburn who gave you information relative to certain telegrams. You also stated in answer to a question that you did not know his full name, but that you had it among some papers of yours, and would furnish it to the Committee. Are you prepared to furnish it now?

A. No. I had forgotten all about it, and do not recollect it. I have it among my papers, however. I think it is embodied in a report I made to the President.

Q. On your other examination you testified about a transaction with Colonel Sayres, late of the rebel army, a pardon agent for the State of Alabama, in which you said that you went with the agent into Adams & Co.'s express office in this city, and told him you wanted to look at his books; that he took you into his office, and introduced you to his clerk; that you found on examination of the books that a great number of pardons were sent between the 4th and 14th of November. How could you tell by an examination of those books that the packages sent contained pardons?

A. I will tell you how I could tell. H. D. Mears, who has an office in the same building with Adams's express company, opposite Willard's, and who, I think, is there now, came to me immediately after the Cobb difficulty, and stated that Colonel Sayres was getting a great many pardons, and making a great deal of money. I remarked that was not possible, because Colonel Sayres was appointed, at the instance of Governor Parsons, as the agent for the State, and that he would not receive money from individuals.

Q. How could you tell from Adams's express book that the packages sent were pardons?

A. As I stated in my previous testimony, I looked over the books with the clerk in the office. I asked him for the book containing the record of the packages sent C. O. D. He wanted to know for what time. I told him for the last ten or twelve days. I examined the book. It has printed head-lines, under which are to be written the name of the person sending the money, the name of the person to whom it is sent, the amount collected, and at the time there were lying right on the desk a package of large envelopes, with the stamp of the Attorney General outside. These envelopes he told me contained pardons, and they were all marked C. O. D.

Q. How many of that description did you see at that time?

A. I do not know. There were a good many.

Q. Will the books now show the same state of facts, and the number of pardons stated by you before?

A. They will. If the Committee will send for Adams & Company's package C. O. D. books, I think they will find the one to which I have referred correspond in its entries with my statements. I copied one leaf, which is published in my book, and you will find that the book corresponds exactly with the statement there.

Q. You state that you then went to the cash book of Adams & Co., showing the amount of money which came back, and to whom it was paid; and that you found bills collected of $100 for each pardon on some 1,300 or 1,400 pardons.

A. I said that was so, if he got paid for all the pardons sent.

Q. Could you now ascertain from these books, if you had an opportunity to examine them, the number of pardons he sent out?

A. That testimony—a portion of it—is based upon statements made to me by the clerk. By examining the books, however, you will see in the month of November the number of pardons sent.

Q. What books will show it?

A. In the first place, they have a book they call a collection book; that book is taken to the party to whom the money is sent, for his receipt. Then there is a package book, containing a list of all the packages sent, to whom sent. When the money is returned, after being collected, it does not go on that book; it goes on the cash book.

Q. These two books will show, then, what went out, and what money was returned for these packages?

A. Yes, I think so.

Q. And these are the books you examined?

A. I do not think I stated in my testimony that there were 1,300 or 1,400 entries.

Q. Do you know of any of these pardon cases, in reference to which any circumstances have come to your knowledge fixing upon the President of the United States any corrupt action in regard to them?

A. I do not.

Q. Did you give a great deal of attention to the pardon business while you were connected with the secret service?

A. I did after the difficulty with Mrs. Cobb. After that I began the investigation. Previous to that I paid no attention to it.

Q. In any of these cases, either before or after the difficulty with Mrs. Cobb, have you any reason to believe—and if so, state the ground of your belief—that the President himself acted corruptly in regard to it, or any facts that criminated other persons, or indicated corrupt practices on their part in regard to pardons?

A. The only thing I ever saw that would seem to implicate the President was in the pardon signed for Mrs. Cobb and Mrs. Cobb's statements to me, which, however, I do not think are very reliable, as to her connection with the pardon business. I do not know that the President ever received pecuniarily one dollar for granting pardons, or that he ever received any other benefit from it. I think he was imposed upon very often, and induced to do things on the representation of others in reference to pardons.

Q. You stated in your testimony, when you were before the Committee in February last, that a large number of persons who had been arrested by you, and convicted by military commissions and courts-martial, had been pardoned and appointed to offices under the government. You were requested to furnish a list of those pardons, and of the offices to which they had been appointed. Are you prepared to do so now?

A. I think I furnished a list then. There are in my book the names of seventy or one hundred.

Q. Will you make out a list, and attach it to your testimony, of those pardoned who were appointed to offices under the government?

A. I can recognize some of them now in looking at my book. John Cahill is one. He was convicted, the first one among the bounty-jumpers, of forging enlistment papers, and was pardoned by the President.

Q. Do you know who made the appointment?

A. I only know what he told me, that Mr. Randall, a member of Congress from Philadelphia, brought him here, and introduced him, and that got his appointment. John Devlin is another; I think he holds a position now as internal revenue inspector, after he was convicted and sentenced to five or ten years in the penitentiary, but I think never went. He was pardoned before he left this city, having been convicted of forging enlistment papers. This was in the summer of 1865. Colonel Chipman was the Judge Advocate of the court.

Q. They were all convicted after President Johnson came in as President?

A. Yes, sir.

Q. State where Devlin is now?

A. In Brooklyn.

Q. Do you know how he obtained his appointment?

A. I do not. I have never seen his commission. He has never told me himself that he held a position there, but I have understood from those who know him well that he is acting now as inspector of internal revenue. He was arrested in February, 1865, in New York, for forging soldiers' enlistment papers, was brought to Washington, brought before the court of which Colonel Chipman was Judge Advocate, convicted and sentenced to ten years in the penitentiary, and to pay a ten thousand dollars fine.

By Mr. ELDRIDGE:

Q. Was Devlin in the army previously?

A. He was an assessor of internal revenue.

Q. Was Cahill in the army?

A. No, sir. John Cahill was arrested in February on the charge of forging enlistment papers; was sentenced to five years in the penitentiary. He holds a position now, as he told me himself, as inspector of internal revenue. There are many names indicated in this book, of which the initials only are given, and

I cannot recollect the names. William Edson forged an appointment from the Secretary of War, and when he was arrested he had in his possession a commission purporting to be signed by the Secretary of War, authorizing him to act as inspector of the military camps, which was found to be a forgery.

Q. Where did he reside?

A. At Elmira, New York.

Q. Was he in the army?

A. No, I think not. I do not think he was a soldier. He was brought to Washington, convicted, and got—this memorandum says—ten years. He was sent to the Clinton penitentiary, and afterwards pardoned by the President. I have never seen his commission, but I am satisfied that he now holds the office of inspector of internal revenue; that is, he goes round and looks after the distilleries. He lives in Elmira, and I suppose he is operating in Brooklyn.

By the CHAIRMAN:

Q. Do you know who recommended him?

A. I do not.

Q. Do you know who made the appointment, or ordered it?

A. That I do not know. I know the appointments were made in the Treasury Department.

Q. Are any of these persons appointed to office other than by the Secretary of the Treasury?

A. I do not know that. There are one or two who are acting on the frontier as policemen, and all, or nearly all, of these appointments came from the Treasury Department.

Q. Do you know of any person, after conviction of crime, being appointed to an office by the President which required confirmation by the Senate?

A. I do not recollect any now.

Q. Then all you recollect are grades of appointment conferred by the department?

A. Yes, sir. Cahill said when he came here Mr. Randall introduced him to the President, that the President gave him a letter to the Secretary of the Treasury, from whom he got his appointment.

Q. Do you know whether the President had a knowledge of Cahill's conviction?

A. I do not.

By Mr. WILLIAMS:

Q. Do you know of persons employed in the Treasury or any other department of the government who were in the rebel army?

A. No, sir; I am not familiar with the present employés. I do not know any of them. I have been in Washington very little since I left the service—not more than three times, I believe.

By Mr. ELDRIDGE:

Q. Do you know whether any man whose name you have mentioned, or whose name is in your book, received an appointment by the President directly?

A. No, I do not.

By Mr. LAWRENCE:

Q. You say you believe the letter which the President is alleged to have written, and about which you have testified heretofore, can be procured. State how it can be procured, through what agency, and by what means.

A. I believe that the parties who have the letters in their possession could be induced to bring them here before this Committee.

Q. How?

A. I do not know how.

Q. Are you able to furnish to the Committee the means of getting them?

A. If I was going to procure the letters, I should send a man to subpœna Adamson, and if he would not come voluntarily, I would arrest him.

By the CHAIRMAN:

Q. What reason have you to believe that Adamson is a resident of Nashville?

A. Because he told me so.

Q. Have you ever had information of that kind from any other source, except from Adamson himself?

A. Yes; I have. I inquired about him from somebody, I don't know who it was, from Louisville, and he told me he knew such a man there.

Q. Do you know his business?

A. I think he told me he practised law.

Q. Have you ever had any correspondence with him?

A. I wrote him a letter after I was here, asking him to come here, but I received no reply. I heard from him, however, through the woman who purported to come from Nashville, that he was here.

Q. Did she profess to know him?

A. Yes, sir.

Q. And represented him as having these letters still?

A. Yes, sir.

Q. And proposing to dispose of them to you?

A. No; she did not propose to dispose of them to me, because I would not buy them; I would not have anything to do with the matter.

Q. What was the proposition?

A. The proposition was, that if she came here and brought the letter before the Committee, she wanted to know whether she would be questioned as to where she got it. I did not tell her, for I did not speak for the Committee.

Q. Did she want to make a speculation out of it?

A. She did not tell me she did; she would like to make her expenses, I guess.

By Mr. MARSHALL:

Q. Did Mrs. Harris tell you she was sent to you by the party who had this letter?

A. She said she was; I have seen her twice.

Q. Where does she reside?

A. She boards somewhere in 15th street, Philadelphia. I saw her in the parlor at the Girard House both times when I was there. I think if she had any guaranty that she would not be locked up in the event of her refusing to testify, she would come here and bring the letters. The Committee would then be able to determine for themselves whether they were genuine or not. I am satisfied in my own mind that she has control of them.

Q. I understood you to say that she lived in Nashville?

A. She did tell me so when I saw her a week ago last Sunday.

By Mr. ELDRIDGE:

Q. Did you believe the story?

A. I believe she has control of this particular letter.

By the CHAIRMAN:

Q. You knew the anxiety of the Committee to get possession of this letter; why, then, did you not inform the Committee of the state of facts, and enable them to take steps to obtain the letter?

A. I have never been called upon to do so. I received letters and telegrams from other parties about it.

Q. Who did you receive letters and telegrams from?

A. I received a telegram from a man by the name of Matchett, and I think one from my brother-in-law, who was here a few days.

Q. What's his name?

A. Baker. I think I also got a letter from Mr. Ashley, saying that I was wanted before the Committee.

Q. Did he state in that note that the Committee desired to examine you here?

A. No, sir.

Q. Have you that letter with you?

A. I do not think I have. It was a little note written from Toledo.

Q. How long ago?

A. It was while he was in the West, before the Committee met.

By Mr. WILLIAMS:

Q. Could you find Mrs. Harris in Philadelphia?

A. I have always stated that I could find these parties and produce the letters.

By the CHAIRMAN:

Q. Why, then, have you not done so before this time?

A. Because I have never received a dollar to pay my expenses, even for the traveling I have already done at the direction of the Committee.

Q. Have you not been paid your per diem as a witness?

A. Not a dollar.

Q. Why not?

A. I applied for it, and they would not pay me.

Q. Who did you apply to?

A. I went to the sergeant-at-arms when I was here before, and asked him for money to pay my expenses, and he told me he could not pay me.

Q. How far had you traveled?

A. They sent a man out to Lansing, Michigan, and brought me here, and I never received a dollar for it.

Q. Did he find you at Lansing?

A. No. I had received information that a subpœna was out for me, and I passed the messenger on the way. He came on to Philadelphia and found me there. When he arrived at Lansing he had not money even to pay his own expenses. A friend of mine furnished him money, which I have refunded to him since.

Q. Did you apply to the clerk of this Committee for your per diem and mileage?

A. I asked for a discharge, and the gentleman told me it was not necessary. I then went to the sergeant-at-arms, who told me he could not pay me.

Q. Do you intend that we shall understand that you did not furnish this information to the Committee because you did not receive pay for your attendance?

A. Not at all. I intended to say that I could not afford, at my own personal expense to go around the country to obtain this information. I was not disposed to go to Nashville at my own expense to endeavor to get possession of these letters.

Q. Would it have cost you any more to inform the Committee of the visit of Mrs. Harris to Philadelphia?

A. Oh, no; I did not suppose that she had the letter. I supposed that if she came here she could obtain it, or that she had control of it.

Q. Why did you not inform the Committee, so that they could subpœna her?

A. I was under some obligation from the way in which she came to me in the first place, and from the way in which Adamson came to me. She was not

willing to come on to Washington unless she had the assurance that she would not be questioned as to where she obtained the letters.

Q. Why was she not willing to give the letters to you and let you bring them on?

A. I do not know; she would not entrust them with me.

By Mr. WILLIAMS:

Q. You stated in your previous examination that there were other persons present when you were endeavoring to decipher this letter of the President. Do you recollect who they were, or can you state where these persons can be found?

A. I gave the names of the persons who had seen the letters.

Q. What are their names?

A. Matchett has seen the letters. There has never been a time during the whole of this investigation that I was not willing to undertake to get the letters or to bring parties before the Committee who had them, so that they could see whether they were genuine or not, but I had no means, as I have stated, and could not undertake to do it unless my expenses were paid. Mr. Ashley, who is supposed to have been managing this thing, has written to me several times, urging me to get these letters and to ascertain whether they were genuine. I wrote him a letter on the 15th of this month setting forth fully my views in regard to the matter.

Q. Was there a man here by the name of Jones when you were examined here before?

A. There was.

Q. Had you no understanding with him as to how these letters were to be obtained?

A. I have. The private memorandum I now hand you will explain how.

Q. It seems from this memorandum that money was furnished you, or to Jones, to go to Nashville.

A. It was furnished to me; but before I got ready to go, the parties seemed to have the idea that I was trying to swindle them out of the money, and I said to Jones he had better take the money back and give me a receipt for it.

Q. Was it not the understanding that you or Jones were to go to Nashville without delay, and was not this money given to you for that purpose?

A. It was not the understanding that I should go; I do not know what understanding there was with Jones.

Q. What did you give that money to Jones for?

A. I returned the money; that was the money he gave me. It was given, as I understood, for the purpose of paying my expenses to Nashville. He came back, however, before I was ready to go, and stated that there was some dissatisfaction here; that the parties who paid the money were dissatisfied, and were afraid they had been swindled.

Q. How long was that after the money had been paid to you?

A. It was a good while after; it must have been two months.

Q. Then what reason have you for not undertaking to get possession of that letter, after the money was in your hands to pay your expenses in going after it?

A. Immediately after I got that money I wrote to Nashville to this man Adamson for the purpose of ascertaining whether he was there. I do not want to go down to Nashville on a tom-fool's errand. I did not receive any answer. In the mean time Mr. Ashley became dissatisfied because the letters had not been obtained, and because there had not been anything done. I found there was so much dissatisfaction about it that I returned the money to Colonel Jones.

Q. Does this paper set forth the facts correctly in reference to the demand being made by Jones on you for the money?

A. I presume so. I do not know where he got the money except what the receipt says.

Q. This is simply a receipt for so much money, is it not?

A. It is a receipt for the return of a thousand dollars to Colonel Jones handed to me, and it states where the money came from.

A. And this money was given to you to pay your expenses to Nashville?

A. Certainly; I do not deny that.

Q. And it was not demanded from you for some months after it was understood you were to go to Nashville?

A. It was demanded from me within three days, but I did not pay it back. I did not wish to go to Nashville without knowing first whether this party was there, and spend the money required for the trip for nothing. I knew the parties would be dissatisfied and demand the money back, and I could not afford to lose the cost of the trip. Before I had a chance to do anything the money was demanded, and I paid it back.

By Mr. ELDRIDGE:

Q. Who did this money come from?

A. I got it from Colonel Jones.

Q. Who is he?

A. A gentleman living at Lansing, Michigan.

Q. Where did he say he got it?

A. I do not recollect. I think he got it from some friend of his.

Q. Who did he say he got it from?

A. I do not recollect now.

Q. Where did you understand it came from?

A. I do not know that I ever asked any question about it.

Q. Did you not understand where it came from?

A. No more than what is contained in the paper. It purports to come from E. B. Ward.

Q. Where were you when it was deposited with you?

A. It was left for me in Philadelphia in my absence.

Q. You said that Mr. Ashley was dissatisfied; what do you mean by that?

A. I only know that Colonel Jones told me that Mr. Ashley had stated to him that he was dissatisfied; that he was afraid the money had been paid and nothing done, and [illegible] efforts being made to get the letters.

Q. Did you understand that Mr. Ashley had anything to do with the money?

A. Oh, not at all.

Q. What business had he, then, to be dissatisfied about it?

A. That is a matter for him to state. What business he had, I do not know anything about it. I understood that he complained of nothing having been done.

Q. Complained of whom?

A. I do not know who he complained of.

Q. When was this money furnished to you?

A. I do not recollect; it must have been a month ago, and perhaps longer; I do not recollect.

Q. Did not you state that you had it nearly two months in your hands?

A. It may have been two months ago.

By Mr. WILLIAMS:

Q. You stated in your former testimony that this letter was seen by two other persons besides yourself. Who were they?

A. One was Charles H. Caruthers, and the other a man by the name of C. G. Watkins. Caruthers, I understood, was formerly a clerk in the Treasury Department, and was dismissed.

Q. How did he come to know anything about the letters?

A. He professed to be a friend of Adamson's. I do not know where he is now. I think I understood Watkins that he lived somewhere in Maryland.

WASHINGTON, D. C., *May* 21, 1867.

WILLIAM E. CHANDLER sworn and examined.

By Mr. WILLIAMS:

Q. Be good enough to state whether you were assistant Secretary of the Treasury during the first session of the Thirty-ninth Congress.

A. I was from June 17, 1865, to the present time.

Q. Has your attention ever been called to a list of the names of appointments reported to have been made in the internal revenue service during the recess of the Senate in 1865, not sent into that body during the next following session?

A. My attention has been called to the list, but only casually, since the subject has been investigated by Congress.

Q. Can you state the reason why those names were not sent in?

A. I have no doubt the names are those stated by the Secretary of the Treasury in his report on the subject to Congress. It was my impression, at the time my attention was first called to the subject, that the omission to send the names to the next session of Congress was entirely accidental.

Q. Were you not called upon during that session, by some of the parties embraced in the list, with the request that their names might be sent in, or for the purpose of enquiring why they had not been sent in?

A. I do not remember that my personal attention was called to the subject, as suggested.

Q. Are you acquainted with a man by the name of Selfridge, whose name you will find upon that list as one who was appointed revenue collector for the eleventh collection district of Pennsylvania?

A. I may have seen him at my office, but do not now remember. I recollect that the case of Selfridge and Peter McGough were the subject of conversation between the Secretary and Commissioner of Internal Revenue, in my presence; but all those cases, when attention was called to them, were attended to by the Secretary and Commissioner, and I had very little to do with them.

Q. You were present, then, at a conversation in regard to this very place, during that session, between the Secretary of the Treasury and the Commissioner of Internal Revenue, if I understood you correctly?

A. I remember such conversation, but when it was I do not now recollect. It is my impression that it was after Congress had called attention to the question.

Q. Mr. Selfridge states, upon examination before the Committee, that he called on you during the session of Congress, about the 5th or 6th of June, invited your attention to the case, and enquired why it had not been sent in, and asked whether it would be sent in, or something to that effect.

A. If he states that he called my attention to the case, I have no reason to doubt that he states the fact correctly.

Q. Would you thereupon have directed the attention of the Secretary to it?

A. I would have done so naturally, or else have requested him to see the Commissioner.

Q. State, if you please, what has been the practice of the department in case of appointments made to fill vacancies during the recess, in reference to their presentation to the Senate.

A. The general practice was for the Treasury Department to transmit the names with blank nominations for the President to sign, to the Executive mansion, where they were taken up by the President to the Senate at his convenience.

Q. Did you keep a record of the appointments made during the recess at your office?

A. Certainly.

Q. Does the President keep such a record himself, in case of appointments made by him?

A. I do not know positively. My impression is that he keeps a record of the names sent by him to the Senate, but I think he does not keep a record of the appointments made during the recess, but leaves that to the department. I am not certain, however, about the latter fact.

Q. *He* issues the commissions under the Constitution, does he not?

A. The commission is prepared at the department; he signs it and sends it back, and whether or not he keeps a record during the recess, I am not certain. I think he keeps a record of the commissions signed during the sessions of the Senate.

Q. Do you know whether he has the means of information in his own hands with regard to appointments made by himself in the revenue service?

A. With reference to appointments made during the recess, I am not certain that it is his practice to keep a record. I do not know whether he does or not.

Q. Why did you refer a gentleman, who called upon you in a case of this sort, to the Commissioner of Internal Revenue?

A. The Commissioner is executive head of the internal revenue department, and ought to take the chief management of questions relating to the appointment of assessors and collectors; my office being that of assistant to the Secretary, it was the natural direction for me to give a person making that inquiry.

Q. Has he anything properly to do with the question of sending in nominations, where appointments had been made during the recess of the Senate, for confirmation? Is there anything requiring him to refresh the memory of the President on that subject?

A. The old practice was for the record of appointments in the bureau to be kept at the Commissioner's office. Within a year the papers relating to appointments have been transferred to the Secretary's office. This was done for convenience, by direction of the Secretary of the Treasury—the same record, however, being kept at the internal revenue office. While these records were exclusively in the Commissioner's office, it was his duty to call attention to the omission of anything required to be done in reference to these appointments.

Q. Did you refer any parties from Pennsylvania, making such application, to Senator Cowan, as the controlling spirit, having the management of that branch of the business for the State of Pennsylvania?

A. Not to my recollection; certainly no one making such an enquiry as that made by Mr. Selfridge.

By Mr. LAWRENCE:

Q. In Senate executive document No. 3, and Senate executive document No. 33, first session of the Thirty-ninth Congress, are lists or statements of officers, assessors of internal revenue, and assistant assessors, who were permitted to enter on their duties without taking the oath known as the test oath. Will you furnish similar lists of the same officers, with a statement of the time each officer was permitted to continue in office, the time up to which each was paid, when paid, the amount paid each, the steps taken by the President and other officers to displace each of such officers, with the date thereof.

A. I will do so.

By Mr. WILLIAMS:

Q. Did you have any conversation with the Secretary in regard to any other of the officers named in that list about the appointments?

A. I do not remember that I did. I desire to say, in reference to my want of recollection in reference to the particular ten cases mentioned in the list before me, that when the subject was first called to my attention, I satisfied myself that the omission to send in names was accidental, and therefore made no further investigation of the subject.

Q. When you say that, do you refer to the omission of the Secretary to send them to the President, or the omission of the President to send them to the Senate?

A. I refer to the omission to place them before the Senate, whether it was an omission at the Treasury Department or at the Executive mansion.

Q. And this, although you do not know whether the President keeps a register or not.

A. Yes, sir.

Q. What are the facts, or what knowledge have you which led you to that conclusion?

A. It rests upon the inquiries that I made at the time, and my conversation with the Commissioner of Internal Revenue.

Q. I understood you to say, in your previous examination, that you did not know personally about these cases, and had no personal recollection in regard to them.

A. I do not think I made that statement; if so, I would like to have it read I will also add that at the time this subject was started I made particular inquiry with reference to the omission to send to the Senate the name of Edward Wallace, naval officer at Philadelphia, and E. Read Meyer, surveyor at Philadelphia; and the fact that they, being republicans, were reappointed on the 3d of August, 1866, although their names had been omitted to be sent to the Senate, confirmed me in my general impression that all or nearly all the omissions had been accidental.

Q. Was this inquiry made after the adjournment of the Senate on the 28th of July?

A. I only made this inquiry after Congress agitated the subject of these omissions, which I think was last winter.

Q. You did not know anything about these cases during the session, of which you have any recollection?

A. I had no recollection of any of these cases until Congress agitated the subject, except the case of Peter McGough, and possibly that of Selfridge, in reference to which I think I had a conversation with the Commissioner of Internal Revenue before that time.

Q. I wish to know of you whether the cases of Wallace and Meyer were not cases of great notoriety, well known to the department during that session?

A. If I knew of the omission of their names prior to the time when Congress raised the question of such omissions, the fact now entirely escapes my recollection. Their names were omitted, but they were reappointed as a matter of course, and the subject passed from my recollection until my attention was again called to the cases at a later period.

Q. Congress adjourned on the 28th of July, and Mr. Wallace's appointment was on the 3d of August. This omission, therefore, supposed to have been accidental, was discovered within a very few days after the adjournment of Congress?

A. I judge so from the fact that reappointments were then made.

Q. Would not the same diligence on the part of the department have discovered it a week or two earlier?

A. I will explain how I think the omission occurred. It is my impression that the name of Collector Thomas, and also the names of Wallace and Meyer, were sent from the Treasury Department to the Executive mansion with other names, and the two latter names were understood at the Treasury Department to be before the President during the last week of the session. At the department we could not tell until the session had actually terminated but what the President, at perhaps a late hour of the session, would send the names to the Senate, and therefore did not call his attention to them. Immediately after the termination of the session, the department of course ascertained what names

sent to the President had not been sent to the Senate, and took steps to fill the offices

Q. If these names were sent in to the President a week or ten days before the adjournment of the Senate, what is your reason for affirming that, in your judgment, the omission was an accidental one on his part, the department having called especial attention to these cases so early as you state?

A. There was, during the last few weeks of the session, an accumulation of names at the Executive mansion, sent from the Treasury Department, and I presume from the other departments. The President, I noticed, from day to day sent names to the Senate up to the close of the session. After the adjournment of Congress, finding that a few names had been omitted to be sent to the Senate, I preferred to conclude that the omissions were accidental rather than to attribute them to any other motive, particularly as Meyer and Wallace were reappointed as a matter of course, without objection on the part of the President, a few days later.

By Mr. ELDRIDGE:

Q. Who was private secretary of the President at that time?

A. I think Colonel Edward Cooper.

Q. Are you aware of the fact that Mr. Cooper, on the last days of that session, was away from some cause; that these names were in his hands and not presented to the President at all?

A. I do not recollect that fact.

Q. Is it not a fact that these names were locked up in Mr. Cooper's desk?

A. I have forgotten that fact if it was so. I know I frequently spoke to the secretary about the Philadelphia appointments, and I think two or three other customs appointments of importance, and urged him to see that they were sent in seasonably, and of course noticed that these two were the only important omissions. The customs appointments came more particularly under my charge. I exercised the same jurisdiction over them, up to the fall of 1865, that I think the Commissioner of Internal Revenue ought to exercise over internal revenue appointments.

Q. You remember the fact that Colonel Cooper was admitted as a member of Congress?

A. I do; and that recalls to my mind the fact that he was absent from the Executive mansion during the last few days of the session of Congress; but Colonel Moore was there, I think, assisting the President in forwarding names to the Senate.

Q. Do you recollect that the names spoken of were overlooked, or locked up in Colonel Cooper's desk, during the change of private secretaries?

A. I recollect generally that many matters were omitted to be attended to through Colonel Cooper's admission to Congress.

Q. Was the name of Mr. Wallace sent by the Treasury Department to the President?

A. I am quite sure that it was.

Q. How many of the names that were not sent to the Senate, and so marked on this list, were sent to the President; and how many remained at the Treasury Department without being sent?

A. I think a name was sent from the department to the President for every vacant place; that was the intention of the department.

Q. Have you any positive recollection of that fact?

A. I am very confident that such was the fact.

Q. If you can ascertain that fact positively from your records, please examine them in that respect.

A. I will do so.

Q. Can you state how many names on the other list were sent by the department to the President, and how many remained at the department not sent to him?

A. There is a list of ten internal revenue officers and sixteen officers of the customs, appointed during the recess, whose names were not submitted to the Senate. Of these, several died, some were removed, one or two could not qualify; and as to the others, their names were, I am confident, sent to the President.

Q. Did any of these names go to the Senate and the Senate fail to act upon them?

A. None of the names on the two lists mentioned. There are other lists of officers appointed after rejection by the Senate, and officers reappointed where no action had been had, and in relation to which no questions have been asked.

Q. After names were sent to the Senate, how many are there that the Senate failed to act upon?

A. I shall be obliged to prepare a statement from the records, or the President's report, before giving an answer to that question.

Q. Are you aware of any design or purpose of the President to omit sending any of these names to the Senate?

A. I am not.

Q. From the examination and investigation which you made of the subject afterwards, did you become satisfied in your own mind that the omissions were accidental?

A. In reference to the names on the two lists alluded to, I have stated that I did become satisfied that the omissions were accidental.

Q. Is that your opinion still?

A. It is.

Q. Do you know how many of that list of ten or a dozen persons are republicans?

A. I do not know the politics of all of them; I see many republicans and one or two rebels; I do not notice any one that I know as being a democrat.

Q. Who are the rebels?

A. W. Y. Leitch, surveyor of Charleston, South Carolina, and William J. Phillips, second district of Texas, neither of whom could qualify by taking the oath. There was some question whether Otis Fairbanks, of St. Marks, Florida, could take the oath, and I believe he declined doing it.

Q. Were their names furnished to the President?

A. I am not certain whether they were sent to the President or not.

Q. What is your politics?

A. I am a radical republican.

By Mr. BOUTWELL:

Q. In reply to a question put by Mr. Eldridge as to whether it was the intention of the President to withhold these names, you qualified your answer by limiting it to the two lists. Did you so qualify it because you had knowledge or information in reference to any other act of the President connected with appointments?

A. I did not qualify my answer because I had in my mind any cases where the President intended to withhold names from the Senate, but because my examination had been with reference to these two lists; and considering the multitude of appointments within the last two years, I thought it perhaps safer not to make my answer too broad.

By the CHAIRMAN:

Q. Do you know of any case where the President intentionally withheld a name from the Senate?

A. I do not recollect any case where I have reason to believe the President intended to withhold the name of any officer from the Senate who had been appointed.

By Mr. ELDRIDGE:

Q. Is it not a fact that in the last days of a session of Congress business presses upon the President, or that he has a large amount of it to do?

A. Such is the fact.

By Mr. BOUTWELL:

Q. Is it not the practice of the department, when vacancies are to be filled by nomination to the Senate, that the department itself furnishes the message of the President to the Senate all prepared, with the exception of the signature and date?

A. That is the practice; and with reference to the Treasury Department, I think that nominations for all vacancies were early and seasonably sent to the Senate.

By Mr. ELDRIDGE:

Q. The list you are to furnish the Committee will state in detail whether such is the fact?

A. Yes, sir.

Q. Was it the practice of your department to send ordinarily a brief of the nominations of your department with the blank message?

A. The recommendations themselves, and a full brief of the same were usually retained at the department. It was customary to mention on a little slip, or in the letter of the Secretary transmitting the nominations, some of the parties recommending their nomination.

Q. In cases of contest, did you furnish the briefs of recommendations and original papers to the President?

A. Not ordinarily, unless the President called for them. He frequently sent for all the papers in a case in which he felt an interest.

By Mr. CHURCHILL:

Q. The cases sent by you from the department indicate the appointee the department would prefer, do they not?

A. The sending of a name from the department was an indication of the opinion of the Secretary, unless the sending of the same had been ordered by the President, which was frequently the case during the year 1866.

By Mr. BOUTWELL:

Q. Can you state whether you have the means of informing the Committee whether or not, in any of the cases mentioned in the two lists before referred to, the President sent to the department for a brief of the papers or for the papers?

A. I cannot state without examination, and perhaps not even then. I will ascertain the fact if it is in my power to do so.

By Mr. ELDRIDGE:

Q. Has it not always been the case that the Senate has adjourned with some nominations unacted upon, and others omitted to be sent by the President?

A. Except in these cases I never made special inquiry, and have no knowledge upon the subject.

Q. Did you not see a report of the names that came over from 1864, after Congress had adjourned previous to Mr. Lincoln's death?

A. I do not remember it if I saw it.

Q. In regard to this record which was previously kept at the internal revenue department, was not the order transferring it to the Secretary made because it was found that omissions and errors had occurred?

A. I think not. I think the business of removals and appointments had become so large, had been taken so entirely out of the hands of the Commissioner, and taken so exclusively within the control of the Secretary and Presi-

dent, that it was found very inconvenient to send to the Commissioner's office for the papers, and much more convenient to have them where the Secretary could see them immediately when called for.

Q. Do you recollect that it was found that errors had occurred from the inconvenience of having the record kept out of the Treasury building?

A. I do not recollect—Mr. Creecy, the appointment clerk, would know, and if he stated the fact I would believe it; but I am very confident the reason why the transfer was made was because of the accumulation of business caused by the great number of removals and appointments.

By Mr. WILLIAMS:

Q. You referred to two appointments of rebels made during the recess and embraced in this list. State, if you please, whether they had been commissioned and entered upon the performance of their duties before the commencement of the session?

A. Mr. Leitch, the surveyor of Charleston, entered upon his duties; whether the others did or not, I cannot state; but it is a matter of history that many officers who could not take the oath did enter upon the discharge of their duties, and receive their commissions, without taking the oath.

Q. Was there no oath administered in these cases?

A. When appointments were made, the printed form of oath required by law was sent to the appointee, and he returned it, having subscribed to and taken as much of it as he could. In no case, I think, was any officer allowed to perform his duties without taking the oath of allegiance.

Q. How long did these persons remain in office?

A. I have a general recollection of the course that was taken with the office-holders at the South who could not take the oath. I am unable to state in reference to the three mentioned, except as to Mr. Leitch, who remained in office till some time after the meeting of the Senate, when it was determined to put out all such men and appoint officers who could take the oath.

Q. Were there any appointments made in these cases during the session after the removals?

A. I think in nearly every case new nominations were sent to the Senate.

Q. Do you know of any officers in the confederate army, or known rebels, who are now in the Treasury Department.

A. I do not. The only possible qualification to my answer might arise from the fact that, in addition to the appointment of men who could not take the test oath, and which are on record, the agents of the department engaged in the collection of cotton at the South may have employed, temporarily, men who were rebels to assist them; but I am not aware of any such employment which resulted in what might be called an appointment.

Q. There was no such appointments by the Treasury Department in Washington?

A. I remember no case where any confederate officer or known rebel was so employed. The case of D. Tullar is fully stated in a report to Congress. I remember no other questionable case.

By Mr. CHURCHILL:

Q. Do you know of any case where parties who had been arrested and convicted of offence against the government, during the war, were appointed to places in the Treasury Department, at Washington or elsewhere?

A. It is an immense department, and it is impossible to say what may have been done accidentally. I remember no such case.

Q. I will ask you in regard to one Devlin, who was sentenced to imprisonment ten years, and to pay a fine of $10,000, who was for some time confined in the Old Capitol prison, here in Washington, whether he has been appointed inspector of customs in the city of New York?

A. I know of John Devlin as having been guilty of bounty frauds; of his being connected with internal revenue frauds in New York, and of his being a great rascal. I do not know of his holding any office under government since his conviction.

Q. If he had held the position of inspector of customs in New York, would it have come to your knowledge?

A. It might not. There may have been very bad men there in office without my knowing it.

Q. Would the fact of such an appointment as that of inspector of customs in New York have been reported to your department?

A. Any appointment of inspector would have been reported to the Treasury Department by the collector, and would have been approved by the Secretary.

Q. Please ascertain whether he has held such an office.

A. I will do so.

By Mr. ELDRIDGE:

Q. Should it have been approved before he entered upon his duties?

A. It should have been before he entered on his duties. These appointments in the custom-house are entrusted to the collector, who reports lists of names, which are generally approved, as a matter of course. The appointment of John Devlin might have been approved without its being noticed that he was the man in question. I will ascertain whether such was the fact.

WASHINGTON, D. C., *Wednesday, May* 22, 1867.

L. B. BAKER sworn and examined.

By Mr. ELDRIDGE:

Q. Where do you reside?

A. In Lansing, Michigan.

Q. Were you in the employment of the government during the war?

A. I was.

Q. In what capacity?

A. For the first two years of the war I was with General Baker, in this city, in the secret service as a detective. I then enlisted in the first District of Columbia cavalry.

Q. Were you one of the party in pursuit of Booth?

A. I was.

Q. Were you present at the time he was shot?

A. I was. I had charge of the party until we arrived at Belle Plain.

Q. How far is that from where you found Booth?

A. We found Booth three miles from Port Royal, which is twenty-five or thirty miles from Belle Plain.

Q. Who had command then?

A. Colonel Conger. When we arrived at Belle Plain, in the night, I told him—he being an experienced cavalry officer, and being acquainted with the country—that he had better take charge of the party, and I gave up the command to him.

Q. Are you the man known as Lieutenant Baker?

A. Yes.

Q. Where did you first come across Booth?

A. At Garrett's farm, three miles beyond Port Royal, in Anne Arundel county, I believe. I do not know the name of the town.

Q. Did you see Booth shot?

A. I saw him fall. I was at the door of the barn, and had the lock in my hand. The moment the fire was lit in the barn I opened the door in order to

give him an opportunity to come out. Colonel Conger lit the fire from the side of the barn. I had charge of the door all the time we were there, and had all the conversation with Booth before he was shot.

Q. State the conversation that you had with him.

A. The cavalry surrounded the barn, and I had one of the Garrett boys in charge, whom I supposed to be an accomplice of Booth's. He told me he had locked them in, for he supposed they were desperate cases, and did not know what crimes they had been guilty of. I told him he must go into the barn and demand their surrender and the surrender of their arms. He protested that he knew nothing of them, and that he was afraid to go in. I told him he must go in, and I shoved him in. Then I heard a low conversation in the barn, and heard some one, whom I supposed to be Booth, say: "Damn you, for you have betrayed me." Then he said, "Get out of here." Garrett came back to the door and said, "Let me out, he is going to shoot me." I said, "You cannot come out till you bring out the arms." He said, "He will not let me have them; let me out quick." I opened the door, and he dodged out as though he was afraid Booth was going to shoot him. I shut the door very quickly, fearing that Booth might make a break from the door. Then young Garrett said, "Captain, I will do anything for you, except to go in there again. He is desperate, and will shoot me." Colonel Conger came up, and we decided to dismount our men. We had decided to fire the barn, and therefore we had to dismount the men, because the horses would not stand the fire. That occupied half an hour, for we had to dismount the men two by two, so as not to leave the line unguarded. I remarked to Conger that I would make the proposition for Booth to surrender. That being agreed upon, I addressed those who were in the barn—told them that we had fifty men around the barn, all armed, and demanded their surrender.

Q. Was it a fact that you had fifty men?

A. We had but twenty-five, but I made the number larger in order to intimidate them. The first that I heard said was, "Well, Captain, that is damned hard. This man is an innocent man, and it is hard to burn his barn. Give a lame man a chance. Draw up your men before the door, and I will come out and fight the whole command." I told him we did not come there to fight him, but to take him prisoner—that we had him, and that he had better surrender like a man. He then said, "Give me five minutes to consider." I said, "Very well." I waited for what I thought was five minutes. Then I said I could wait no longer, and that the time for action had come. Then he said, "Captain, there is a man here who wants very much to surrender." I said, "Very well, let him hand out his arms that he brought across the river." (I had ascertained that Herold had carried a carbine.) I then unlocked the door—keeping the lock in the hasp—and told Booth that the man could come out, provided he brought a carbine and one pistol. Then I heard a conversation between the parties inside, and heard Booth cursing Herold, telling him to go, that he did not want him to remain, and calling him a damned coward. Then Herold came to the door and rapped, and said, "Let me out, quick; I do not know anything about this man, he is a desperate character, and is going to shoot me." I said, "You cannot come out until you bring your arms." He said, "He will not let me." Then Booth said, "Captain, the arms are mine, and I shall keep them. This man is guilty of no crime." Conger came up and said I had better let him out, that he would be one less to fight. I opened the door and Herold came out. Captain Doherty, who had charge of the cavalry, soon came up and took him in charge. I put my back against the door again, and put the lock on. Then Conger said, "Let us fire the barn immediately." Then I addressed the person in the barn, and told him we should fire the barn in two minutes if he did not come out. He again made the proposition to come out and fight the whole command, and said, "Captain, I consider you to be a brave and honorable man; I have had half a dozen opportunities to shoot you, but I did not do it."

Q. Did he know you?

A. No; but he called me "Captain," supposing I had charge of the party. There were no names mentioned at all. I repeated that we did not come to fight him, but to take him, and that we should take him. I had been holding a candle in my hand until after Herold came out, when Conger said it was presumptuous in me to hold the candle, as Booth might shoot me. I set the candle down about twenty feet from the door. We failed to make any soldiers stand in the light of the candle; but Garrett and I were there all the time. I knew that Booth intended to shoot any one who made any approach to the barn to fire it, but we did not expect to do it there. Finally, I told him we should wait no longer. Then he said, "Well, my brave boys, you can prepare a stretcher for me." Conger came to me and said, "We will fire the barn." I said, "Yes, the quicker the better." When Conger was firing the barn, the last words that Booth said were, "One more stain on the old banner." I opened the door quickly, and the first I saw of Booth he was leaning against a hay mow, with a crutch under each arm, and a carbine resting in this way at his hip. He was in the act of getting up from the hay. He did get up, and dropped one crutch, and started towards the fire. He got within six or eight feet of the side of the barn, and peered all about as though he should like to see who fired the barn, having the carbine poised. Then he seemed to give it up. It was an old tobacco house, and there was a table lying there bottom side up. He turned to throw the table on the fire, but he dropped it, and turned to look around the barn. The fire was rolling over the roof. He saw the door open, and he turned and dropped the other crutch and started towards the door.

Q. How started?

A. With a kind of limping, halting jump. He used his leg, instead of the crutch. The last two or three steps he took were on his leg. He came within twelve feet of the door, when I heard the report of a shot. I was then standing outside of the door, waiting for him to come out.

Q. Were you nearer him than any one else?

A. Yes, sir.

Q. Who shot him?

A. I learned afterwards it was Sergeant Corbett. He shot him through a crevice in the barn. Booth was just between Corbett and me; and it was remarked afterwards that if he had missed Booth, he might have shot me. There were strict orders given against shooting at all. Colonel Conger had given every man the order, a number of times, not to shoot, under any circumstances.

Q. What was Booth doing at the time he was shot?

A. Booth was in the act of coming towards the door, with a carbine in one hand and a pistol in the other.

Q. Where was he shot?

A. Through the neck. The bullet perforated both sides of his collar. He gave a spring when he was shot, and fell down. I jumped in, and while I was getting to him he partly turned over and appeared as though he was going to get up again. I caught him by his arms and went down on him. I did not know that he was mortally wounded, and I thought I would secure him, but I soon saw he was powerless. Conger came in; I turned up the wounded man's head and said, "It is Booth, certainly." I supposed, at the time, that Conger shot him, and I said, "What on earth did you shoot him for?" Said he, "I did not shoot him." Then the idea flashed on my mind that if he did, it had better not be known. I turned again and said, "All right." Said he, "I did not shoot him" "Well," said I, "the man who did goes back under arrest." All this took place very quickly. I picked up the carbine which Booth had dropped. The pistol he grasped in one hand so tightly that I had to twist to get it out. I took the pistol. Captain Doherty came in and took the carbine

and a knife out of Booth's belt. At that time Garrett rushed in, and said, "Boys, let us extinguish this fire." The soldiers ran and threw furniture and stuff on the fire, but it was too late. Then Colonel Conger, myself, and two soldiers carried Booth out of the barn and laid him by a tree. I had a cup in my pocket, and I took it out and called for some water. I took Booth's head upon my knee and threw some water in his face. His mouth being open I poured some in his mouth. He blew it out and opened his eyes. I gave him some more water, and he made his lips go as though he would say something. Conger was there and put his ear to Booth's lips. He said, "Tell mother," and then he swooned away again. Conger left, and Booth shortly came to again. I was washing his face all the time. He said, in a whisper, "Tell mother I die for my country." Then I saw his wound. That was the first time I saw it. I saw that he was shot in the neck. The wound did not bleed, and I did not know the nature of it. The fire was then burning rapidly, and it became so warm that we had to take him away. We carried him to the piazza of the house.

Q. You were the first person with Booth after he fell?

A. Yes.

Q. Did he speak before any one else came up?

A. No, sir; he made no audible sounds at all till he was taken out of the barn.

Q. Was there any necessity for shooting him in the manner he was shot?

A. No, sir.

Q. Could you have taken him without that?

A. Yes. It was all arranged. I was sure of taking him.

Q. While he was under the tree, did you sit down by him and hold him against your breast?

A. I did.

Q. Did he say anything to you there?

A. Only what I have stated in regard to telling his mother. Conger detected before I did that he wanted to speak. He put his ear to Booth's mouth, and Booth said, "Tell mother." After that he said the same, with this addition, that he died for his country.

Q. Did he repeat it more than once?

A. He said it after he got to the piazza

Q. Who carried him to the piazza?

A. Colonel Conger and myself, assisted by one or two soldiers.

Q. After he was carried to the piazza what did you do with him?

A. I called for some water. The Garrett girls got some water and ice in a cup, and some cloths. Colonel Conger tore open Booth's collar and took a diamond pin out of his undershirt, and fixed him so that I could wash him. I then saw that the ball had passed through his neck. I washed the wound, and washed his face. He opened his eyes and seemed to realize what was going on. The first words he uttered were, "Kill me, oh kill me." I said, "No, Booth." When I said "Booth," he seemed surprised, opened his eyes, and looked about. It had begun to be daylight then. The sun was rising. I said, "No, Booth, we do not wish to kill you;" that we hoped his wound was not mortal, and that he might yet live. He repeated the request that I should kill him. Then Conger came. He was kneeling down on one side of him and I on the other side. I spoke to Conger in reference to Captain Jett, from whom we got the information at Bowling Green, fifteen miles beyond, that he had piloted Booth and Herold over the river. When I mentioned Jett's name Booth opened his eyes and said, "Did Jett betray me?" Then I saw that I was making unnecessary developments, and I said, "Oh, never mind anything about Jett." He seemed to be paralyzed below the wound. His hands lay by his sides. He said, "My hands." I took up one of his hands and washed it in ice-water.

He looked at it and said, "Useless, useless," and he dropped it. The first thing he said after we got him on the piazza was to repeat the request that we should tell his mother he died for his country, and that he had done what he thought was for the best. This he said in a low whisper.

Q. Did he say anything about not having designed to assassinate Mr. Lincoln?

A. Nothing of the kind that I heard.

Q. Did he not, during the time he lay there, say to you that he had not contemplated assassination till the night it was done?

A. No, sir; nothing of the kind.

Q. Have you not said that he did say to you something of the kind?

A. No, sir.

Q. Did he say anything in addition to what you have stated?

A. Nothing, except that he wished his mother should know he did what he thought was for the best, and what he said in reference to Herold—that he was guilty of no crime. That is the nearest he came to admitting that there was any crime about it.

Q. Did he repeat that more than once?

A. No, sir.

Q. Did he speak of any one else as having committed no crime?

A. No, sir.

Q. State all that you heard him say.

A. I have stated it in substance, as near as I can recollect it. I gave my statement to Judge Holt, on the gunboat, before I gave up charge of the body.

Q. Were you sworn on the trial of Mrs. Surratt?

A. I was not. My testimony has never been taken, except before Judge Holt, and that has been disposed of.

Q. What do you mean by that?

A. It cannot be found. I was the first who gave any evidence in the case. General Baker took me down into the cabin of the gunboat, and I gave my evidence to Judge Holt. Colonel Conger was present and assented to its truth.

Q. Was it a sworn statement?

A. It was.

Q. When was it taken?

A. The morning I came up with the body.

Q. Did Judge Holt keep your testimony?

A. He did. I supposed it went on the files, but when the subject was up before the Committee of Claims in relation to the distribution of the reward, it could not be found.

Q. Do you know any reason why you were not called as a witness on the conspiracy trial?

A. I do not. I expected to be. I was summoned as a witness, but was informed, after I got here, that I was not wanted.

Q. Was there any reason assigned?

A. None; and I was very much surprised at it.

Q. You remained with Booth until he died?

A. I did; and I had charge of his body for the next twenty-four hours.

Q. Did he die in your arms or leaning against you?

A. He died leaning against a mattress which the girls at the Garrett house got and laid on the piazza. We doubled it up and laid his head upon it.

Q. Have you stated all that you remember he said during that time?

A. I have, substantially. I may not have stated all that he said, or the order in which he said it.

Q. And he did not say anything about not intending to do it until the day before it was done?

A. He never made any such remark. While we were getting the diary out

of his pocket, and turning him over so as to get at it—Conger being anxious to get to Washington as soon as possible—Booth groaned and said: "Oh, kill me." He saw what we were doing.

Q. Who took the memorandum book from his pocket?

A. Colonel Conger. He looked at it and handed it to me. I looked at it, and then we put it in a handkerchief with other things.

Q. Did you open the book?

A. Yes.

Q. Did you make any examination of its contents?

A. Nothing, except to run the leaves over.

Q. What did you find in it?

A. I did not examine it, only to see that it was a diary.

Q. Were there any loose papers or pictures in it?

A. I did not see any.

Q. Did you open the back part of it, where the pocket was?

A. I did not.

Q. Did you discover any leaves torn out of it?

A. Yes; I thought there were some leaves gone.

Q. How many leaves should you judge were gone?

A. I could not say.

Q. Have you seen the account of the diary published in this morning's Chronicle?

A. Yes, sir. In regard to one leaf that was absent, I found it in Virginia about ten days after the capture. I was sent back by the Secretary of War to get information and to procure witnesses. A darkey, named Lucas, told me that Booth came to his house on a Sunday night and demanded that he should hitch up his team and take him to Port Conway, on the Rappahannock. He told the darkey that if he did not do so he would shoot him; and he put back his coat and showed that he was armed with two pistols and a bowie knife, while Herold had a carbine. While there, Booth sat down rather moodily, took out a little book and wrote in it on one of the leaves. He tore out the leaf, enclosed some money in it, and told Lucas to take it to Dr. Stewart in the morning. Having heard this, I was anxious to get hold of the note, and I went to Stewart and told him who I was, and what I wanted, at the same time assuring him that perhaps the note might clear him of any complicity with the conspirators. He said he thought it would, for it was a very saucy note, and he said I could have it. He went up stairs after the note, and came down with it in his hand. His wife came up and inquired what was the matter. He said there was nothing the matter, except that he was going to let Lieutenant Baker have the note which Booth sent him. She took it out of his hand and said there was no use in my having it, that it would be only getting his name in the paper, and that I could get a copy of it. I sat down to copy it, she reading it to me, but I got an opportunity of taking the note, and I took it out of her hand, at which she was very much exasperated.

Q. Is that the note which has been published, as addressed to Dr. Stewart?

A. Yes, sir. She either tore off or scratched out the address, saying she did not want to get his name in the paper.

Q. What did you do with that note?

A. I brought it to General Baker's office. He or some one else went with me to the War Department, and I saw the leaf compared with the diary, so that I am positive the leaf came from the diary.

Q. What did you do with it?

A. I left it with General Baker.

Q. Would you know that leaf if you were to see it now?

A. I might not, but I think I should. I recognized it in a moment as a piece from the diary.

Q. You saw it compared with the diary?

A. Yes, sir.

Q. Did you find the stump from which it was torn?

A. I did not make the examination myself, but I stood by while Major Eckert and one of General Baker's men, or himself, I cannot be positive which, examined it, and said: "Yes, there is where it was torn out."

Q. Did you then examine the book to see that it was in the condition in which you saw it first?

A. No, sir; I did not make an examination of the book.

Q. Did you examine the book at all, so that you can swear whether there were two, three, four, or a dozen leaves torn out?

A. No, sir. My impression was, when I first saw the book, that there had been one or more leaves torn out.

Q. Did you have that impression before you saw and read what was published in the newspapers?

A. Yes; I had it over the body of Booth when I looked at the book. My impression was that some leaves had been torn out. Before Booth died we sent for a physician, who lived in the neighborhood, and asked him whether he would live for an hour or an hour and a half, as, if he would die within that time, we would wait, but if not, we should take him on alive. He commenced to probe the wound, not being aware that the bullet had gone through. I told him, and he finally gave it as his opinion that Booth would not live an hour. Then Conger left.

Q. How long did Booth live?

A. Not half an hour after the physician pronounced his case hopeless. Lieutenant Doherty and I sewed the body up in my blanket, and got an old market wagon owned by a darkey in the neighborhood, with an old horse, placed the body on a board, and put it in the wagon. I started away in charge of the body; Lieutenant Doherty remaining behind to have the horses fed. Lieutenant Doherty came down to the ferry with Herold, who did not seem to be hand-cuffed or bound at all. I told Lieutenant Doherty he must be aware that his prisoner was a very important one, and should be bound. He said he would have it done. He allowed Herold to get into the boat with me, sitting down on the edge of the ferry-boat. I conversed with him while crossing the river. When we got over he was bound.

Q. Did you have any conversation with Herold at the time Booth was shot, except what you have stated?

A. No, sir. He only said that he was innocent, and knew nothing of Booth, except that he had fallen in with him as a traveling companion. That was the only excuse he made for being with him.

Q. Did he pretend not to know what Booth had done?

A. He did not admit that he knew anything about it. I assumed that he did, and told him that he need not talk to me anything about it, as I knew all. After we crossed the river I started out with a corporal and my orderly. The command followed us a couple of miles and then took another road. I sent back the corporal, but I did not see anything more of him; and then I sent back my orderly, but I did not see anything more of him either. I traveled all the day, with the darkey and Booth's body, and struck the river about three miles above where the steamboat was lying at Belle Plain. I left the body concealed in the bushes, with the darkey to watch it, and came up with a small boat, in which I took the body to the steamer. On the way up the river, General Baker and Major Eckert met us, with a gunboat.

Q. At what place?

A. About half way, I think, between Belle Plain and Washington.

Q. What is the distance from Washington to Belle Plain?

A. I should think about sixty miles.

Q. What was done with the body?

A. The body was deposited on the deck of the boat, and I called for a guard to take charge of it, as I was so fatigued that I could not keep awake. I had not slept any for three nights. While waiting for the guard I stood by the smokestack, and I sunk down and went asleep there, although the captain had prepared some tea and a berth for me below. The next thing that I knew was General Baker pulling me to get me up. That was before we got down to the navy yard.

Q. Before you got on board the gunboat?

A. We did not get on board the gunboat; we remained on the tug till we got to the navy yard. Then the body was transferred to the gunboat, and left in charge of the officers of the boat. I then went with Judge Holt and General Baker and gave my testimony.

Q. You do not know what has become of that testimony?

A. My opinion is that there has been some foul play about it.

Q. What do you mean?

A. I think it has been destroyed. My impression is that it was destroyed in order to suppress the facts which it proved as to my having charge of the party, so that my claim to the chief share of the reward would not be so good.

Q. How much of the reward did you get?

A. Three thousand dollars.

Q. How much did Conger get?

A. Fifteen thousand dollars. I left the city and went to Michigan, and did not attend to the matter as closely as he did.

Q. It is with reference to the distribution of the reward that you think there was foul play?

A. Yes.

Q. Did you have anything to do with burying the body?

A. General Baker told me to come with him, that he had orders to dispose of the body. We took the body from the gunboat into a rowboat, and rowed down the Eastern Branch to a little wharf attached to the arsenal. The body was then taken out and put in an arbor.

Q. Who went with you in the rowboat, beside General Baker?

A. Two sailors from the gunboat, who rowed. General Baker left me in charge of the body, went up to the arsenal, and came back with the major who was in command—Major Benton, I believe. They looked at the body and talked the matter over. General Baker had orders, as he told me, to put the body where it would not be disturbed till Gabriel blew his last trump. The body was taken into the arsenal ground, and that is the last I saw of it.

Q. Was it put in a box or coffin before that?

A. No, sir. After the Surgeon General had examined it, it was sewed up again in the blanket.

Q. Where did the Surgeon General examine it?

A. On the gunboat. The officers of the boat were present, and Judge Holt, General Baker, and myself.

Q. Do you know Dr. May, of this city?

A. I do not; but I know he was present.

Q. Did you ever hear General Baker say that he had dropped the body in the ocean, with weights attached to it?

A. I did not. I heard that he made such a statement.

Q. Did you ever hear him say that he buried the body on the bank of the Potomac, and covered it in such a way that nobody would ever find it till Gabriel blew his last trump?

A. No, sir: nothing of that sort.

Q. Did he ever tell you where he did put the body?

A. No, sir, he never told me. I cannot say how I knew, but I was satisfied

as to where it was put. I think that some of his officers told me where he had told them it was put. I never asked him any questions about it. I guess we never exchanged a word from that time to this about it.

Q. Had you known Booth before he was shot?

A. No, sir. I had his likeness, and identified him by it.

Q. Did you know Booth before?

A. I did not.

Q. You were not sworn on the trial of the conspirators?

A. No, sir. I was subpœnaed, but there was a little pulling and hauling somewhere. I think it was agreed to swear Colonel Conger and Captain Doherty, and leave me out. After Booth was laid on the piazza of the house, I asked Colonel Conger if he had found the man who shot him. He said, "No, but I will." He went away and came back, and I said, "Where is the man?" He answered, in a laughing way, "I guess we had better let Providence and the Secretary of War take care of him." After that I learned from Lieutenant Doherty that Conger had found the man, and had asked him what in hell he shot for, without orders, and that Sergeant Corbett took the position of a soldier, saluted the Colonel, and said: "Colonel, Providence directed me." That rather nonplussed the Colonel, and he had nothing more to say.

Q Were not the handcuffs put on Herold when he first came out of the barn?

A. No, sir; he was tied to a tree by Colonel Conger's order. He was tied to a big locust tree in front of Garrett's house. He whined and complained that the rope was cutting his hands, and Lieutenant Doherty released him. When Conger came along and found that Herold was released, he swore tremendously at Doherty, and told him to tie Herold up again. His hands were then tied behind him, I believe, and so he remained till he came to the ferry, then his hands were at liberty. I told Lieutenant Doherty that if he did not tie and secure the man, I would do it. He said he would, and I saw him tie the man and put him in charge of a corporal.

Q. What time did Booth die?

A. About sunrise—between five and six o'clock, I think.

Q. What time was he shot?

A. About an hour and a quarter before that.

Q. Did Colonel Conger leave before Booth died?

A. Yes; he left for Washington with Booth's effects tied in a handkerchief. I assisted him in taking the things out of Booth's pockets. The pockets that were on my side I cleared, and he those on his side. He spread his handkerchief and put them all in, ordered his horse and left. That was about ten or fifteen minutes before Booth died. Conger says, however, that he did not get away from the grounds for about ten or fifteen minutes after that, but I did not see him any more.

Q. What sort of a fellow was Corbett?

A. He attended to his duties as a soldier very strictly, and seemed to have a good deal of dignity among the men; but I noticed from the first that he had an odd expression, and a very earnest way in managing his men—nothing further.

Q. Did you know then of his being a spiritualist?

A. I did not.

Q. Had you any suspicion that he was not entirely of sound mind?

A No, sir; not at all. If I had I should have objected to his having charge of the men. He was first sergeant.

By Mr. BOUTWELL:

Q. How were the soldiers detailed?

A. They were picked up in camp. General Baker came down from the War Department and said: "Lieutenant, we have got a sure thing. I think Booth

has crossed the river, and I want you to go right out." I had been out on two trips. I said, "There are no men to go with me." He said, "We will have some soldiers detailed." He set down and immediately wrote a letter to General Hancock. Then he said, "Is there no one in the office who can go with you?" I said, "No one but Colonel Conger." Colonel Conger was lame, and had not been out. Said he, "Can he ride?" I said, "I think he can." I found Colonel Conger, and he said he would go. Twenty mounted men came. Conger says the men were picked up around the camp. They were "dead-beats" from two or three different companies, and were in charge of Lieutenant Doherty.

Q. What did you understand by "dead-beats?"

A. Those who have all sorts of excuses for remaining in camp while others are out; men who are either sick or pretending to be.

By Mr. ELDRIDGE:

Q. Who did make the selection of them?

A. It was made under the direction of General Hancock. They reported soon, and we got off in about three quarters of an hour from the time the information was received.

Q. Was Booth, at the time he was shot, making any attempt to shoot any one?

A. Not at all. When he first came to the fire he raised his carbine a little and looked all about, but he did not bring it to his shoulder, or did not appear to want to shoot any one.

Q. I suppose he had plenty of chances to shoot you if he had been so disposed?

A. Yes. One time he came close to the door where I was. We made a feint of piling up some brush and straw outside the barn, wanting to mislead him. There was one place where there was a board off, and we told Garrett to get some straw and brush and pile it up there. I heard Booth say, "See here, young man, I advise you, for your good, to keep away from here." Garrett dropped the straw, and came back and said: "Captain, I will do almost anything, but I will not expose my life any longer in that way." Then Booth, or some one, came along and tried the door. One time when he spoke he said he had had half a dozen opportunities to shoot me. I do not think Booth wanted to kill anybody, except in open, fair fight. I think he would have come out and fought the whole command till he died.

Q. If you had accepted that proposition you think he would have come out?

A. Yes, sir; I have no doubt of it. I think he would have sold his life as dearly and bravely as possible. From the tone of his voice, and his theatrical style, every word seemed to be studied. His last remark in the barn was in reference to the stain on the old flag.

Q. What articles were taken from Booth's body?

A. I took a pocket compass which had candle-drops all around it outside. It was a common pocket compass, and appeared to have been used in the night with a candle. I took a meerschaum pipe, a bunch of matches, and quite a handful of shavings, which seemed to have been whittled up at leisure to start a fire with some time, and a handkerchief rather soiled. Conger took the diary, a pin from his undershirt, (it seemed to be a diamond pin, with some initials on it,) and, I think, a pocket knife.

Q. Had Booth any small pistols?

A. He had two pistols in his belt, a bowie-knife, and a carbine. These Conger took to Washington.

Q. Do you know of any money being taken from his person?

A. Yes; Conger took some money. I did not see it. Conger displayed some greenbacks and some drafts which he said were on Canada.

Q. How much money was there?

A. I think he said about $75. I did not count it. He said, when putting up the drafts, "See, I will mark them," and he put some mark on them. I was so much fatigued at the time, and was laboring under so much excitement, that the testimony I gave before Judge Holt would be, I think, the nearest correct. I gave it when everything was fresh on my mind.

Q. How many days after that was it when you took this leaf to General Baker?

A. About ten days.

Q. Did you find anything else in your back track?

A. I did. About two weeks after that the young Garretts came down with a statement of the articles destroyed in the barn, and an application for damages. They wished me to sign it. I had been trying to find the opera glass which Mrs. Surratt was said to have given to Booth, but I could get no clue whatever to it. I told Garrett that I could not sign the paper until he had given me all the things belonging to Booth that were in their possession. He said he would do so with pleasure. I then said I would go up in a week or ten days, when I expected to get everything which Booth left. I went to the Garrett place, and young Garrett brought me a piece of Booth's crutch and a haversack, and said that was all. Just before dark I went out to where the barn was burned, thinking I might find some remains of the glass. I poked around in the ashes and found some melted lead, (it seemed he had some cartridges with him,) and pieces of the blanket that Herold had; but I found nothing that looked like the opera glass. There was a little boy, about five or six years old, playing around, and on questioning him I learned that Booth gave the opera glass to his sister, Joanna Garrett, and that she had put it in her father's writing desk. Next morning I told the old gentleman what I knew about the opera glass, and that it must be produced. He was much surprised that I should know what had transpired. I called in the daughter, Joanna, and told her she should do one of two things—either produce the opera glass or come with me to Washington. She began to cry, and was very much affected. The father took her aside, and came back and said the opera glass was about nine miles off, with a sister of hers. We rode over there and found it hid in a clothes chest in the garret. I brought it to Washington and turned it over to General Baker, with a request that I might have it, and telling him how I got it. It was a peculiar glass, having three sets of small lenses, with three screws to turn, marked "opera," "marine," and "field." It was a very valuable glass.

Q. Were there any marks on it?

A. None that I observed.

Q. Where is it now?

A. I do not know. I have never seen it since.

By Mr. CHURCHILL:

Q. Do you recognize the beginning of the diary published in the newspapers as the same with what you read in the book?

A. I do not recognize anything except the note to Dr. Stewart. That I had time to read. The other I did not stop to read.

Q. Do you recollect whether these missing leaves came just before the page on which the writing begins?

A. I do not.

Q. Were you present during the whole trial of the assassins?

A. I was there every day.

Q. You say that your not being called as a witness was the result of consultation?

A. I was told it was. During this time some misunderstanding occurred between Colonel Conger, Lieutenant Doherty, and myself. Doherty, in view of the reward, went in to prove that he had charge of the party.

Q. You think that your not being called had some reference to the division of the reward?

A. I do.

Q. How much did Doherty receive?

A. Five thousand dollars.

Q. What was his rank at that time?

A. Lieutenant.

Q. And you were also lieutenant?

A. I was not in the service at the time. I had been mustered out two weeks before. I started out in command of the party. Colonel Conger is a good officer and a peculiar man. I saw that his pride was hurt, and that he did not seem to have any interest in the matter. I knew he was experienced, and was familiar with the country about Belle Plain, and as we came up on the bluff, it being then very dark, I said, "Colonel Conger, you take charge of the cavalry; you have been over the ground. I do not want you to consider me in command; we are together." That seemed to relieve him, and everything went on pleasantly.

By Mr. ELDRIDGE:

Q. What is your relationship to General Baker?

A. I am his cousin.

WASHINGTON, *May* 22, 1867.

WILLIAM P. WOOD sworn and examined.

By Mr. ELDRIDGE:

Q. What is your position?

A. I am chief of the secret service division in the department of the Solicitor of the Treasury. I have been engaged there since 1865. Previously I was superintendent of the Old Capitol prison during the war.

Q. Did you know J. Wilkes Booth?

A. Not personally; only as a public character. I never had any conversation with him.

Q. What was your business before you became superintendent of the Old Capitol prison?

A. I am a pattern-maker and model-maker. I took charge of the prison under Mr. Cameron, but received my regular commission or authority from Mr. Stanton.

Q. Do you know anything of an article or letter purporting to have been written by J. Wilkes Booth for publication in the Intelligencer?

A. I learned that such a letter was written by him while he was a fugitive in Maryland. I never saw it. I think it has been destroyed. I think a man named Thomas Mathews had it. He is a resident of Maryland, and was a prisoner in the Old Capitol prison.

Q. Tell the Committee what you know about the letter.

A. Nothing further than that there was a rumor that he had such a letter and had destroyed it. I have no personal knowledge of it. I believe that Mr. Ford, who keeps the Holliday street theatre, in Baltimore, can tell you more about it. Mr. Ford told me that this man Mathews had the letter and had destroyed it, and that he had told some priest about it. That is all I know of it.

By Mr. BOUTWELL:

Q. Did Mr. Ford say that he had seen the letter?

A. I am not positive about that.

Q. Did he make any statement as to its contents?
A. I believe he did, in general terms. I think it was that Booth was desirous of giving himself up, or something to that effect.

By the CHAIRMAN:

Q. Did you learn the reason for the destruction of the letter by Mathews?
A. I did not. I made no such inquiry.
Q. Did you hear how long Mathews had it in his possession?
A. No, sir.

By Mr. ELDRIDGE:

Q. Was not the letter to be published in the Intelligencer?
A. I understood it was intended for publication in the Intelligencer.
Q. Do you know whether it was ever presented to the Intelligencer?
A. I am sure that if ever any such letter was written it was never presented to the parties in the Intelligencer office. It never went further than the Old Capitol.
Q. Was it in the Old Capitol?
A. I think it was brought there by this man Mathews.
Q. Then he must have had it on his person when he was brought there as a prisoner?
A. If it was on his person in the Old Capitol, it went in with him as a prisoner.
Q. Did you search his person?
A. It was the rule to search all prisoners, and I am confident that he was searched when he went in; but it was an easy thing to secrete it.

By the CHAIRMAN:

Q. When did you first hear of the existence of this letter?
A. I think it was about the time that Mathews and thirty or forty other persons from Maryland, who were suspected of having aided Booth, were in the prison.
Q. On receiving the information did you search Mathews again in order to discover the letter?
A. We never searched prisoners more than once.
Q. Why did you not search him again?
A. I did not think it of any importance, or that it amounted to anything. I was informed that he had destroyed it.
Q. Did you make any inquiry as to whether he had destroyed it?
A. I did not.
Q. Did you believe he had destroyed it?
A. I think my attention was only called to the destruction of the letter some time subsequent to the release of all the parties.

By Mr. ELDRIDGE:

Q. Have you given the Committee all the knowledge or information you have on the subject?
A. I have done so as far as I recollect.
Q. Have you given out that you had such a letter in your possession?
A. Never.
Q. Have you said to any one that you knew all about it?
A. I said I knew all about the letter—that it was really there. My knowledge consists of what I have stated.
Q. Do you consider from that that you know all about it?
A. Yes, sir. The matter was fixed on my mind that there really was such a letter by the impression made on me by Mr. Ford.

Q. And on that you stated that you knew all about the letter?

A. I may have said so to some one, not intending it as a positive matter, but in connection with something else. I intended to convey no such meaning. I believe that the only time I ever made use of that declaration was in the presence of a man named Howell, from Maryland, who had been in the Old Capitol prison. I met this Howell in a restaurant in this city, and said I thought he ought to be hung; and it was in connection with that that this matter of the letter came up.

Q. Have you made the same statement to others?

A. I am not positive about that. Perhaps I did. I considered it no secret.

Q. Do you pretend to say now that you do know all about this letter?

A. I do not think I used that expression. I only mean to say that I know such a letter was written.

Q. And yet you have never seen it?

A. I have never seen it.

Q. Nor read a word of it?

A. Nor read a word of it.

Q. Nor heard anybody else read it?

A. Nor heard anybody else read it.

By Mr. CHURCHILL:

Q. Was Mr. Mathews one of the persons at whose house Booth was supposed to have been after the assassination?

A. That I cannot say.

Q. Was it before or after the trial of the assassins that Ford told you Mathews said there was such a letter in existence?

A. After the trial.

Q. And after the execution?

A. After the execution.

Q. Who were the persons whom you heard refer to the letter before that time?

A. I do not recollect. I did not believe it at the time, until Mr. Ford subsequently impressed it upon me that it was so. From his conversation I became positive there had been such a letter in existence at the time.

WASHINGTON, D. C., *Thursday, May* 23, 1867.

ROBERT JOHNSON sworn and examined.

By the CHAIRMAN:

Q. Where do you reside?

A. In the city of Washington. My home is in Greenville, Tennessee.

Q. You are private secretary to the President?

A. I am.

Q. How long have you been acting in that capacity?

A. I first commenced acting as private secretary on the 14th or 15th of November, 1865. I acted as such until February, 1866. I resumed the duties of the office on the first of September, 1866.

Q. Were you an inmate of the Executive mansion during the entire month of November, 1865?

A. I was.

Q. State whether you have any knowledge of a pardon having been granted to a person named Clarence J. Howell.

A. I think there was such a pardon signed by the President.

Q. State all that you know about it.

A. There was an application made for his pardon. It came through the office

in the regular manner. I think I took the pardon out of the President's room into the office to have it recorded there before its being sent to the State Department to be sealed. That is about all that I remember about the pardon.

Q. You say it went to the President through the usual channel?

A. Yes.

Q. State what that is.

A. Sometimes a person brings an application for a pardon, and files it in the Secretary's office. Colonel Long has had charge of that department for a long while.

Q. Had he charge of it at that time?

A. He had.

Q. Did this pardon pass from that office to the President?

A. I think that is the way it got to the President's office. I do not know anything to the contrary. That is the usual course. I have had nothing to do with pardons. Colonel Long has entire control of that business, and keeps the records. I only remember something about this pardon from the difficulty which arose about it between Mrs. Cobb and General Baker.

Q. State all the facts of which you have any knowledge connected with that pardon.

A. Baker came up there with the pardon the same evening, I think. Father sent for me, and asked me if I knew anything about it. I told him that all I knew about it was that the application was there, and that he had signed the pardon that day. He and General Baker were talking about it. I did not stay to hear the conversation, but I heard some part of it while I was there. Baker was explaining how it was a made-up case on his part as a detective of the War Department. He thought it implicated Mrs. Cobb in some way or other in obtaining money for getting pardons. The President, I think, retained the pardon.

Q. Do you know whether that paper can be obtained?

A. I do not.

Q. Was it complete?

A. I do not think it was. I do not think it had the seal of the State Department; but it may have been complete for aught I know.

Q. Do you know into whose hands it passed after it was signed by the President?

A. I do not. I have no idea whether it went to the State Department by one of the regular messengers, who took the pardons over, or by some one else.

Q. You say you suppose this went to the President through the usual channel?

A. Yes, sir.

Q. Have you any knowledge of any fact to the contrary?

A. No, sir; I have not, but rather as confirmatory of the statement. The application for that pardon had been lying on the table, I think, for some days.

Q. Did you receive a present of any kind from Mrs. Cobb?

A. No, sir, not in any manner, shape, or form, nor was such ever intimated or offered to me in any manner, shape, or form.

Q. Did you ever receive from her, or through any other person, as a present, a pair of kid gloves?

A. Never.

Q. Did you ever receive from her, directly or indirectly, any money?

A. Never in my life, not to the value of a copper, and never was offered any.

Q. Are you acquainted with Thomas B. Florence, of this city?

A. Yes; I have known him for several years.

Q. State whether he ever presented to you, to be carried to the President, any papers relative to the pardon of certain deserters in West Virginia.

A. I think he did.

Q. State all you know about it.

A. The application was for the pardon of 192 or 193 deserters in West Virginia. It was signed by Dr. McEwen, who had been the surgeon of the brigade. My impression is that I brought it before the President, and read the paper to him.

Q. What did the President do in the case?

A. I think there was an order made for the Secretary of War to examine the case, and to grant the pardons if the case was meritorious.

Q. What papers in the case did you read to the President?

A. Dr. McEwen's letter or statement, I think.

Q. Did the President take immediate action upon it?

A. I think not. I think it was at night that I brought it before him.

Q. What other papers were filed in that case, aside from the letter of Dr. McEwen?

A. I do not think there were any filed in our office.

Q. Did Mr. Florence give you any other paper?

A. I do not think he did. He brought them in there one evening in his usual blustering way, and said there was an application for the restoration of some deserters in West Virginia. He went on and made a short statement about the case, somewhat the same as McEwen made in the letter.

Q. Did he make any other statement?

A. Not that I know of.

Q. Did he say anything about these men wanting to vote?

A. I do not know. It was about the time of the election in West Virginia—a few days before—that the application was presented.

Q. Do you recollect a letter from Mr. Andrews, the democratic candidate for Congress in that district, with reference to the pardon of these men?

A. I do not. The only paper in the matter that I have any positive recollection about is the application of Dr. McEwen.

Q. Did Mr. Florence see the President about it?

A. I do not think he did.

Q. Did you carry the papers to the President immediately after Florence went away?

A. No, sir, I think not. I think I took them before the President that evening, after dinner.

By Mr. BOUTWELL:

Q. When did you last see Dr. McEwen's letter?

A. I do not know. I saw a copy of it in the newspapers some days ago. The letter went to the War Department, and was put on file there, I presume.

Q. Before seeing it in the newspapers, had you any recollection in regard to the McEwen letter?

A. The first thing that called it to my attention was a statement made in the House of Representatives by General Butler, of Massachusetts, about pardons. Then I remembered the case. I do not recollect reading any other paper in it to the President, except Mr. McEwen's letter. Mr. Florence may have made some statement in writing, but I do not think he did. I know nothing about the Andrews letter. I have no recollection of any such letter being with the papers, and do not recollect hearing the man's name at the time.

Q. If Florence gave you the Andrews letter, did you hand it to the President?

A. I may have done so. I am sure I did not take it out of the envelope.

Q. Whatever Florence handed to you, you laid before the President?

A. I must have done so. I think I read the statement of McEwen to him. He may have read the papers afterwards. I took the papers right in, and read them to him, when I came to them in the regular business of the day.

Q. Did the President take the McEwen letter in his own hand in your presence?

A. I cannot say as to that. It is very probable that I laid them on the table with other papers for his action, and went out.

Q. It is not the fact that you laid them down on the table for his action, and that afterwards you read over the McEwen letter to him?

A. No, sir. Through the day papers accumulate on my table, and I have them briefed, and, generally, at night, I go into the President's office, and there read over the different cases from the brief. If he wants to take action on any case I read the full statement to him.

Q. You are sure you read the paper?

A. Yes, I am sure of it. When the statement was made in the House by General Butler it recalled the whole affair to my mind at once. I read the paper to him when I first took it in. I remember that distinctly. I cannot say positively that I left the papers there.

Q. Are you sure the matter was not acted upon that day?

A. I am not, but I do not think it was. I did not write the endorsement referring it to the War Department.

Q. Who did write it?

A. Colonel Moore.

Q. Who made up that day the brief of the papers to be submitted to the President?

A. I made it up myself in this case on the back of the envelope in which the papers were contained. I merely took the envelope and endorsed it "Application of Dr. McEwen for the pardon of 192 deserters in West Virginia." That was all the brief that was made.

By Mr. CHURCHILL:

Q. After you read the papers to the President you left all the papers with him, and that is the last you know of them?

A. Yes, sir; I do not recollect any circumstance after that. I remember the case distinctly, but I do not recollect that I had the papers after that.

By Mr. WOODBRIDGE:

Q. Are you willing to state that there was no other paper except the application of Dr. McEwen?

A. I cannot state that positively, for I might be mistaken; but my best impression is that there was nothing but the McEwen statement.

Q. Are you willing to state that no letter came into your hands, purporting to have been written by Mr. Andrews, recommending the pardon of these men?

A. I am not; but my impression is that there did not, and that there was no such letter.

By Mr. BOUTWELL:

Q. Do you know whether there was any evidence, written or otherwise, presented to the President at any time in reference to these West Virginia deserters?

A. I do not know; none ever passed through my hands.

By Mr. ELDRIDGE:

Q. Is not an application for the pardon of so large a number of deserters an extraordinary thing?

A. Yes, it is rather an extraordinary thing. They belonged to various regiments of West Virginia.

By Mr. BOUTWELL:

Q. State to the Committee what the practice of the Executive mansion is in reference to nominations sent from the various departments of officers to be appointed by the President and confirmed by the Senate.

A. We require the departments to make out their own nominations. We send all the applications that we receive for appointments to the departments to which they belong, and the departments send up the nominations. We have not the clerical force to make out the nominations.

Q. Is there a record kept by you, or by any officer of the department to which you belong, of these nominations as they are received from the different departments?

A. No, sir; all that we keep a record of are the nominations that we send to the Senate. These are recorded by States.

Q. What means have you of knowing from time to time whether all the vacancies are filled?

A. The only way that we can know is from the heads of the different departments.

Q. What disposition is made of those messages of nominations as they are received from the different departments?

A. They are generally laid on the President's table first; then they are generally taken to the library, and from there to the clerk's office, where we seal them and have them recorded. Generally, either Colonel Moore or myself attends to the sealing.

Q. If any such nominations are laid before the President which he does not approve, what disposition is made of them?

A. They are sometimes returned for other nominations, and sometimes they are torn up.

By Mr. WILLIAMS:

Q. State whether you keep any record of the appointments made to fill vacancies during the recess of Congress.

A. Yes; we keep the same record as during the session.

Q. How did you state that the application for pardon in the case of Howell found its way to your office?

A. I do not know who brought it there, or anything about it. I know the application had been lying there for some days before it was acted upon.

Q. What is the practice in those cases. Is it not to file the papers in the office of the Attorney General?

A. Generally, when an application is made for pardon, either criminal or rebel, it is sent to the Attorney General's office for examination, and there all applications are filed. A warrant for pardon is then sent up to the President, or an order for it sent to the State Department. These warrants pass into the hands of Colonel Long, and he takes them to the President. The warrant, if approved, is signed by the President, and brought over to the office of the Secretary of State for the seal. With the warrant is a printed letter, which is also signed by the President, authorizing the Secretary of State to put on the warrant his seal. From there the warrants go, as I understand, to the Attorney General's office for issuance; and sometimes they come back to our office, and are issued from there. The warrant is, in fact, the pardon; it is called a "warrant for pardon."

Q. Can you state now how Mrs. Cobb obtained possession of that pardon of Howell's?

A. I cannot.

Q. Do you know whether it had the seal to it?

A. After reflecting, I think it must have had the seal on it. My impression is that she got it from the office of the Attorney General.

Q. Is that pardon now among the records of your office, or has it been destroyed?

A. I cannot say; my impression is that it is still there, for I think it was exhibited on the trial between Baker and Mrs. Cobb.

Q. Is the application there on which it was founded?

A. No, sir; I think not.

(Witness was directed to search for the papers and produce them before the Committee.)

Q. How many secretaries does the President employ?

A. One private secretary and one assistant private secretary. Colonel Moore is detailed from the War Department, and Colonel Long and Colonel Wright Rives.

Q. Who were there about the time the pardon was issued?

A. Colonel Long, Colonel Rives, and myself. Colonel Moore, I think, had not come there. Mr. Browning went to New York about the 1st of November: I was appointed private secretary about the 14th or 15th.

Q. Whose place did you take?

A. Colonel Browning's.

Q. Who were the secretaries in the month of May, 1866.

A. Colonel Cooper, I think, was acting in my place; and there were four others—Mr. Moore, Mr. Rives, Mr. Long, and Mr. Warden.

(Some papers were here handed to the witness that he might identify the handwriting. He stated that he could not do so; that it had some resemblance to Colonel Cooper's, but he did not think it was his.)

By the CHAIRMAN:

Q. Do you know anything of a pardon granted to John Kelly?

A. No, sir.

Q. A pardon with which Mrs. Ellen D. Washington is said to have had some connection.

A. I know nothing about it.

Q. Do you know anything of an application made for such a pardon?

A. I do not; I have had very little to do with pardons.

(Witness was directed to examine the records of his office for such papers.)

Q. Do you know a woman by the name of Mrs. Perry, who purports to be from Cincinnati, and who is referred to as having some interest in the New York custom house?

A. Yes, sir.

Q. Do you know where she resides?

A. When I first knew her she resided in Cincinnati, and I presume does so yet.

Q. Did she ever reside in Nashville?

A. Never that I know of.

Q. Did you ever see her at Nashville?

A. I think I did, once.

Q. During the war?

A. I think so.

Q. Was President Johnson then acting as military Governor of Tennessee?

A. Yes, sir; I think so.

Q. How long was she there?

A. I saw her there only once, I think; I do not know how long she was in the city.

Q. Do you know what her business was?

A. I do not. My impression is that she came there wanting to get through the lines to the front, towards Chattanooga, in order to wait in hospitals. General Thomas would not let her pass to the front, and she went back, as I understood, from there to Cincinnati.

Q. Did you understand that she went back immediately?

A. I cannot say as to that. She said she stopped at the City Hotel; I did not call there to see.

Q. Do you know anything about the agreement alleged to have been made with her by Phelps and Barr concerning the "general order business?"

A. I know nothing whatever about it. I did not know there was such an agreement until I saw it stated in the newspapers.

Q. Have you seen her at the Executive mansion?

A. I have.

Q. How often?

A. I cannot say; perhaps a dozen times, perhaps more.

Q. When did you last see her there?

A. I cannot exactly say. I think it was last fall; some time in October or November, perhaps.

Q. Do you know of her being there since the fact of the alleged agreement between her, Phelps, and Barr was published in the papers?

A. I think she has been there once since.

Q. This appears to have been published March 12, 1867?

A. I have not seen her since then. The last time I saw her was in the crowd at the Masonic Fair, corner of Seventh street and the Avenue, which was held last December, I think.

Q. What was her business when she called at the Executive mansion?

A. I do not know.

Q. Did she seem to have any business?

A. I could not tell as to that; she did not say so to me. I saw her in the ante-room where the crowd was.

Q. Waiting, as others, to obtain an interview with the President?

A. Yes, sir; I saw her up there several days, sitting with the crowd. I remember speaking to her one day; she said she had been waiting there several days for an interview, and had not got it. I remarked that she would have to have patience. That was about all that was said.

Q. Do you know whether the President had been apprised of her presence there?

A. I suppose his messenger notified him that she was there, as he does with anybody else. That is the only notice he received.

By Mr. WILLIAMS:

Q. Do you know how much of her time she spent at Washington for the last two years?

A. I do not.

Q. Did she make long visits here?

A. I do not know as to that. All that I would know about her would be when I happened to see her.

Q. You do not know whether she resided here at any time?

A. No, sir; I do not.

Q. Do you know Michael Burns, of Nashville?

A. Yes, sir.

Q. Did he ever apply to the President for a pardon, or obtain one?

A. I do not know.

Q. Was he not a noted rebel?

A. No, sir; he was counted as a Union man, and so considered. He rather sympathized with the rebels, but took no active part that I had any knowledge of.

Q. Had he not taken a pretty active part in assisting the rebels before the capture of Nashville?

A. I cannot say as to that, for I was not there. I went to Nashville in 1863, and met Mr. Burns there going about as usual. I understood that he went forward and took the oath.

Q. Do you know who were the leading stockholders in the Nashville and Northwestern and Nashville and Chattanooga railroads?

A. I do not. I know that D. K. Stevenson was, prior to the war, a pretty large stockholder in the Nashville and Chattanooga road, of which he was the president for a long while.

Q. Do you know any of the stockholders in the Nashville and Northwestern road who took the side of the Union during the rebellion?

A. No, sir; for I do not know who the stockholders are. I suppose Mr. Burns is a stockholder in both roads. I believe he is now president of both roads.

By Mr. ELDRIDGE:

Q. Who was the private secretary of the President during the latter part of the 1st session of the 39th Congress?

A. Colonel Cooper was the acting private secretary. We were not regularly appointed private secretaries, merely acting as such.

Q. He was admitted as a member of Congress, was he not, just before the end of that session?

A. Yes, sir.

Q. When a nomination is made out at one of the departments, and sent to the President, with whom does the messenger leave it in the first instance?

A. Sometimes it is sent in to me through the messenger at my door; sometimes it goes direct to the President's office. They generally come through me, and I immediately take them to the President's room and lay them on his table.

Q. Do you know whether Mr. Cooper, at the time he was admitted to Congress, had some of the nominations locked up in his desk, and which did not, for that reason, reach the President?

A. I do not know as to that.

Q. Have you any regular time for presenting these nominations to the President?

A. No, sir; my usual course has been to take all such papers immediately and lay them on his table, unless he should happen to be engaged at the time.

Q. Suppose they come in during Cabinet meeting?

A. I never go in then. I retain them till the Cabinet adjourns.

Q. Do they not sometimes remain on your table for a considerable length of time—for some days?

A. I do not know that they ever remain on my table longer than a night. During the last session of Congress Colonel Moore had entire charge of all nominations. They generally went to his table.

Q. Were not nominations sometimes made out and, at the request of somebody, allowed to remain some time in the hands of the private secretary?

A. Yes, sir, I know of instances of that kind.

Q. Where they were kept until the Senator or member who procured them gave notice that he desired them sent to the Senate for confirmation?

A. Yes, sir. A Senator, for instance, may bring a nomination to me and say that he wants it kept for a certain length of time, or until he sees me again about it.

Q. In such instances the President does not know that the nominations have come in?

A. No, sir. I have known instances of that kind.

Q. I understood you to say that the President only knows of vacancies, or of the necessity for nominations, from the departments?

A. That is the only way he can know it. Almost all resignations, changes in office, &c., are sent direct to the departments.

Q. When a nomination is rejected, is there any record made of it in your office?

A. Yes, sir; the books show the date it was sent to the Senate, and the action of the Senate upon it. If rejected, we write "Rejected" in red ink; if confirmed, the date of confirmation is written in ordinary ink. The Secretary of the Senate sends the action of that body directly to us. We have it noted on our books, and then send a notification to the departments.

Q. Without going to the President?

A. The President generally looks at it. The original papers are filed in the departments.

Q. Was Mrs. Cobb allowed any privileges, or permitted to take any liberties about the Executive mansion, that were not allowed to other persons?

A. Not that I know of. She had the same privileges as others in the halls and ante-rooms, which are open to the public generally.

Q. Did you ever know of Mrs. Cobb coming round through the kitchen, or by a private staircase, to the President?

A. No, sir. I have never known of more than two instances of strangers going that way. One was the case of an insane man, and the other of a boy, who in some way managed to get there unperceived by the doorkeeper.

Q. Do you know Mrs. Ellen D. Washington, wife of Colonel Lewis Washington?

A. Yes, sir; I know her.

Q. Do you know of her being engaged in the pardon business?

A. I know of her filing one or two applications for pardons, but I do not know in what cases.

By the CHAIRMAN:

Q. Do you know what was done with those applications?

A. I do not.

Q. Do you know whether they took the usual course—being referred to the Attorney General's office?

A. All applications take that course.

Q. Do you know whether the President has granted a pardon in any case that has not taken that course?

A. In some cases, when an application is filed in our office, the President may order a pardon to issue. It then goes to the Attorney General's office and is filed there.

By Mr. ELDRIDGE:

Q. You have no recollection of Mrs. Washington's applying for the pardon of John Kelly?

A. None whatever.

Q. Have you any knowledge of who this man Howell was?

A. None whatever, except what General Baker stated. I heard that he was convicted in St. Louis on some court-martial case, and dismissed the service and sent to the penitentiary, and that he escaped from there.

Q. Do you know whether Baker knew those facts?

A. I think he told the President so, for the President asked him how he came to permit an escaped felon from St. Louis to be here at large, and to employ him as a detective.

Q. What reply did Baker make to that?

A. I do not recollect, for I was in the room only a few minutes while they were talking about the case. I think Baker's explanation was that he was using him, and that he wanted to get him released from that court-martial sentence.

By Mr. LAWRENCE:

Q. Did you know the character of Mrs. Cobb during the time she was visiting the White House?

A. Yes, from rumor.

Q. Did the President also know it?

A. I suppose he heard persons talk about it, the same as I had. I never heard him say much about her, one way or the other.

By Mr. WILLIAMS:

Q. State what her reputation was.

A. Her reputation for chastity was not good.

By Mr. CHURCHILL:

Q. During how long a period was she in the habit of appearing at the White House?

A. I cannot say. She would be there one day, and perhaps I would not see her again for a week or two. Sometimes she would be there two or three days in succession. I saw her for the first time in the fall of 1865, and for the last time, some time in winter last. I think the last time I saw her she was standing at the front door. That was about the time Congress assembled at the last session of the 39th Congress.

Q. Did she file any considerable number of applications for pardon?

A. None that I ever knew of. Not in our department.

Q. Was this Howell's the only one?

A. I cannot say. She might have filed more or less, and I not see them. I did not state that she had filed that one. I do not know who filed it, or how it was taken away. I had nothing to do with that branch of the business at that time.

By Mr. ELDRIDGE:

Q. Who had charge of the door to the President's private reception room?

A. He had no private reception room.

Q. The room where he generally receives?

A. E. L. Carshaw. He came there, I think, in the winter of 1865.

Q. Who immediately preceded him?

A. A man by the name of Foote. I think Slade was the regular messenger at the door when I came there. He and Foote rather alternated. I do not know which was the regular messenger.

By Mr. MARSHALL:

Q. You have already stated that the hall is open to the public; has there ever been any custom of excluding any one so long as he or she behaves in an ordinary manner?

A. No, sir.

Q. There is no inquiry as to who they are, or what they are?

A. No, sir.

Q. May not persons come there for weeks, and circulate, without the President knowing anything about them?

A. Yes, sir; and no doubt they do every day.

Q. He has no notice of who visits there?

A. No, sir. All the knowledge he has of persons being there is when their cards are taken to him by the messenger. People are in the habit of going there when they have no business there.

Q. Do not a good many persons go there who have business with other officers in the Executive mansion, and none with the President?

A. Yes; a great many do that.

By Mr. BOUTWELL:

Q. You have stated that sometimes messages of nominations have been retained at the request of Senators; can you name any case of that sort?

A. I do not recollect just now. I know there were some retained there last

session at the request of some representatives who were interested in trying to get the appointments confirmed. There was one case of a postmaster at Fond du Lac, which Mr. Eldridge requested me to retain.

Q. Look at the list (on page 9, document 67, of the 39th Congress) of names of officers of the internal revenue, appointed during the recess of the Senate, and whose nominations were withheld from the Senate until 1866, and state whether you have any recollection of any of those cases being withheld at the request of any Senator or other person.

A. No, sir; I have not.

WASHINGTON, D. C., *Friday, May* 24, 1867.

LUCIUS H. CHANDLER sworn and examined.

By Mr. WILLIAMS:

Q. State whether you are United States district attorney for the eastern district of Virginia.

A. I am.

Q. State who it was that prepared the return to the writ of *habeas corpus*, issued in the case of Jefferson Davis.

A. The return was written by Mr. Evarts, who was of counsel for the government in the case, on a separate piece of paper, and was by me copied on the original writ of *habeas corpus*, with the addition of these words, "as I am directed to do by the order of the President of the United States, under date of May 8, 1867." These concluding words were added by me at the express request of General Burton, in order that he might show that it was done by the orders of the President. A few days before the trial was to come on, I was here in Washington, and suggested to the Attorney General that it might be well for Mr. Stanton to issue a direct order, (providing that Mr. Davis was to be surrendered to the civil authorities,) to the commandant at Fortress Monroe, instructing him to deliver Mr. Davis to the United States marshal, or to some deputy of the marshal, on any regular process that might issue from the federal court. The order was not issued at first, but in a few days' time it was given to General Burton by Adjutant General Townsend. The communication stated, I think, that it was by order of the President of the United States.

Q. Did you receive any instructions from the authorities here in reference to the form of the return?

A. None whatever.

Q. State why it is that the cause of detention is not stated in the return.

A. I do not know that I can state why. I can only state what was my own view in reference to the matter. It was, that all General Burton was required to do was to produce Mr. Davis before the court, and to state that he held him in military custody, under military authority.

Q. Were you not aware of the fact that he had been arrested in pursuance of a proclamation of the President, charging him with complicity in the assassination of President Lincoln, and offering a large reward for his capture, which has been paid?

A. I had supposed that was one of the reasons why he was arrested, but I did not suppose that it was the only reason. I supposed that, apart from the assassination of President Lincoln, Mr. Davis would have been placed precisely where he was on the general ground that he was a traitor.

Q. Did you, as a lawyer, regard this general return, charging him as a prisoner of war, as being a good one?

A. I did. I perhaps ought to add that it did not occur to me that there was

any necessity for General Burton's setting forth fully how and why it was that Mr. Davis was held.

Q. Had you any conversation with the President himself in reference to the disposition to be made of Mr. Jefferson Davis?

A. I had on several occasions very brief conversations with the President—certainly on two, and probably on three. I felt, and have felt all along, that it was quite important that I should know what the views of the administration were in reference to the trial of Mr. Davis. I came here on two, and, perhaps, on three occasions, so far as the President was concerned, to ascertain whether it was wished that the trial should be had. I called upon the President and introduced the subject, but I never could get from him anything other than that the Attorney General had that whole matter in his charge. I saw the President once or twice while Mr. Speed was Attorney General, and once while the present incumbent, Mr. Stanbery, was in office; and in each case I was always referred by the President to the Attorney General. I know that on one occasion I was a little persistent in the matter, but still all the answer that I could get was that the matter was entirely within the jurisdiction of the Attorney General, and that I must see him in reference to it.

Q. State whether you had any directions from the Attorney General to take bail in that case.

A. I had not. A conversation was had between the Attorney General, Mr. Evarts, and myself, in reference to bail; and the question was discussed as to whether it was within the power of the court to admit Mr. Davis to bail under the indictment. A question arose as to whether Mr. Davis could be punished with death under the indictment found against him during the May (1866) term of the district court. That indictment was very hurriedly prepared by me. The grand jury did not notify me that it had found a bill until the morning of the day on which the indictment was prepared. I did not feel willing to prepare an indictment against Mr. Davis, or to present that matter to the consideration of the grand jury at that time. I preferred waiting until the circuit court should meet, thinking it better to pursue that course rather than have an indictment found by the district court, knowing that he could by no possibility be tried by the district court, but that there must necessarily be a trial before the circuit court. I preferred having an indictment found by the grand jury of the circuit court, but Judge Underwood thought it best that the indictment should be found by the grand jury of the district court. I state this for the purpose of showing why I did not have an indictment prepared beforehand. I did intend having an indictment prepared for the circuit court. When the grand jury told me they had found a true bill against Mr. Davis, the judge stated that it was absolutely necessary for him to leave Norfolk, and adjourned the court by 3 o'clock that afternoon, so that I had but two or three hours to prepare the indictment which was finally found.

Q. State on what statute the indictment was founded, and if on the act of 1862, on what section of that act.

A. My own impression was and is that Mr. Davis could have been tried for treason, either under the original act of 1789, or under the act of 1862. There was no special reference to either statute.

By Mr. LAWRENCE:

Q. Is your indictment for treason framed so as to meet either statute?

A. I think so.

Q. Do you mean the first section of the act of 1862?

A. Yes, sir.

By Mr. WILLIAMS:

Q. Under whichsoever of these two statutes it might be, it did charge an offence, the penalty of which might be death?

A. That is what I intended. I had not supposed that the particular time when those acts were alleged to have been committed would preclude me (if I should happen to be District Attorney when he should be brought to trial on that indictment) from showing acts committed prior to the time set forth in the indictment as being the time when traitorous acts were committed.

By the CHAIRMAN:

Q. That, I suppose, was on the ground that you believe the act of 1789 to be still in force?

A. Yes, sir.

By Mr. LAWRENCE:

Q. The act of 1789 limits the finding of indictments to three years; do you mean that you could go back of three years from the date of the findings of the indictment to give in evidence any act as a substantive act of treason?

A. I thought so. I thought that any act that had been committed by Mr. Davis at any time, provided that three years had not elapsed after the war was over, might be very probably proven against him.

By the CHAIRMAN:

Q. On the hypothesis that it was a continuous crime?

A. On the hypothesis that it was a continuous crime. If Mr. Davis had not remained president of the southern confederacy, if his term of office had expired, and if peace were not in some form declared until three years had expired after his removal from office, or resignation, or the election of some one in his stead, and if no traitorous act could be proven against him within three years, he would have escaped punishment; but I did not think the law would be construed in that way.

By Mr. WILLIAMS:

Q. Had you any instructions from the Attorney General on the subject of preparing an indictment against Jefferson Davis, or was it done on your own mere motion; I mean the indictment that was actually prepared?

A. No, sir; I received no instructions from the administration.

Q. Had you any instructions with reference to the question of taking bail?

A. There was a conversation between the Attorney General, Mr. Evarts and myself in reference to bail. The question first came up as to the power of the court to admit Mr. Davis to bail under the indictment that was found; in other words, whether it was in the power of a district judge or a circuit judge to admit to bail a party charged with high treason, under the act of 1789, with the death penalty. It was, in fact, whether a person charged with an offence, the punishment of which was death, could be admitted to bail either by the circuit judge or the district judge. That question, I believe, was decided unanimously in favor of the power so to admit to bail.

By Mr. BOUTWELL:

Q. When you say unanimously, you mean to include yourself?

A. Yes, sir.

Q. Was there anything said about the proviso to the act of 1793 on the subject of bail?

A. Yes, sir; it was a question which I had to look at. I tried, as far as I could, to anticipate what course would be taken. I was not certain whether Mr. Davis would be tried or not. If he was not tried, I knew, weeks before, that an application would be made for bail. I had so understood from Mr. O'Connor, who was counsel for Mr. Davis, and I, of course, tried to post myself on that question. When the matter came up for consideration between the Attorney General, Mr. Evarts and myself, I think I first expressed my opinion

in reference to it. Some little doubt arising, I think on the part of Mr. Evarts, as to the correctness of my opinion, I procured a copy of Conkling's Treatise, and turned to the subject of bail in criminal cases. After reading the paragraph, Mr. Evarts agreed with me in opinion.

Q. That is, that the offence of high treason, although punishable with death, is bailable?

A. Yes, sir.

Q. Did you find authority for that quotation in Conkling?

A. That is the construction which I then gave to the law, and which I now give to it. I have looked at the subject since.

By Mr. LAWRENCE:

Q. Did you hold that it was the right of Mr. Davis to be admitted to bail, or that it was a matter simply in the discretion of the court?

A. Simply in the discretion of the court. The right to bail, I apprehend, is confined to cases where death cannot be the penalty. There, I suppose, in all cases the prisoner has a right to be admitted to bail; but where death may be the penalty, it is within the discretion of the court, on the evidence, under the usages of law, and under all the circumstances of the case. I was confirmed in my opinion from the fact that in two of what are known as the Pennsylvania insurgent cases, growing out of the whiskey difficulties, persons charged with high treason were admitted to bail in the circuit court.

By Mr. WILLIAMS:

Q. You are represented in the newspapers as taking no exception to the motion to discharge on bail; did you acquiesce in it?

A. I did.

Q. You regarded it as a question for the discretion of the court?

A. I considered it a question for the discretion of the court.

Q. Were you consenting to the taking of bail?

A. I was consenting to the taking of bail; had I not been, I certainly should have objected.

Q. Was that the result of the conference between you and the Attorney General—had you, substantially, instructions to that effect?

A. I cannot say that I had instructions with reference to the matter.

Q. Did you take that to be the Attorney General's desire, as the general result of the conversation with him?

A. I may say that I thought the Attorney General did acquiesce in his being admitted to bail. This, however, was an inference of mine, not drawn from any language actually used, or any remark made by him.

Q. Did you not come to Washington for the purpose of getting advice in reference to the matter?

A. I did.

Q. And you went away with that impression, after your conversation with the Attorney General?

A. Yes, sir; I have been exceedingly desirous, at all times, to know fully what were the views of the administration in reference to that matter. I deemed it to be a matter of public concernment. I believed the trial, if it came off, would be one of the most important trials which the world ever saw. I did not think it right that the whole *onus* of the matter should be placed on my shoulders. I thought it right that the administration should give me definite, positive, and precise instructions.

Q. Did it ever do so?

A. Never. The whole matter has been left to me.

Q. It is also stated in the newspaper report that the United States, which was represented by you, declared that it was not ready to go to trial. Had you any instructions to that effect?

A. No, sir.

Q. Why were you not ready to go to trial?

A. I have already said that I deemed it a question of very great importance, one of the most important questions that had ever been presented, or could be presented to the consideration of a court—the question as to whether the action of a State, or of any number of States, could exonerate a citizen from the allegiance which was due to the United States. I therefore thought that if Mr. Davis was ever brought to trial, he should be tried with all the pomp and circumstance of judicial procedure. I remembered the fact that when Aaron Burr was on trial, in the city of Richmond, some sixty years before, Chief Justice Marshall presided. I thought Mr. Davis, when tried, should be tried by the Chief Justice of the United States, whose duty it was to preside in that circuit, and I did feel unwilling to go to trial before Judge Underwood, not on account of a distrust that I had of Judge Underwood's ability or fairness, but simply because I would not have been willing to go to trial before any district judge of the United States. I do not mean to say that I would not have tried Mr. Davis before a district judge, but that I felt an unwillingness to do so. I thought then, I think now, that any opinion of the court, on any points that might arise in the trial, would be entitled to much more respect if endorsed by the Chief Justice, than it could possibly be coming from any district judge, however learned in the law he might be.

Q. Then, if I understand you correctly, that is what you meant by declaring you were not ready to go to trial?

A. Yes, sir. I had always told the Attorney General—both Mr. Speed and Mr. Stanbery—that I wished, if I had anything to do with the case, to have a new indictment prepared. I stated to them substantially what I have stated to the Committee in reference to the first indictment, how hurriedly it was drawn; that I supposed the Attorney General himself would be present at the trial; that other counsel would be employed, and that any new indictment that might be found should be prepared on consultation with those gentlemen who were to be associated with me in the trial. I saw the Attorney General, Mr. Stanbery, several times in reference to the trial. The Attorney General stated to me, on one or two occasions, that I must prepare an additional indictment. I did make preparations for another indictment, but I did not draw it out regularly, for the reason that I thought it not only a matter of courtesy, but a matter of great importance, that all the gentlemen who, on behalf of the government, were to take part in the trial, should be consulted as to the framing of the indictment.

By Mr. BOUTWELL:

Q. Did you say so to the Attorney General, Mr. Stanbery?

A. I did.

Q. What response did he make to that?

A. He seemed to assent to the reasonableness of my opinion in the matter, but he told me that I had perhaps better go and prepare an indictment; and I should have prepared an indictment at the present term if Mr. Davis had been tried.

By Mr. WILLIAMS:

Q. Was there anything that prevented you from doing it?

A. No, sir; except that I should have had to prepare it without consultation with any one.

By the CHAIRMAN:

Q. Could you not have had consultation with Mr. Evarts?

A. I could after he got to Richmond, but he did not get there until Sunday, and Mr. Davis was presented in court next day by General Burton.

Q. Did you submit that suggestion to Mr. Evarts, as to the propriety of considering the subject of a new indictment?

A. I think I did. I have but very little doubt that I stated to him I should prefer to have a new indictment.

Q. What did Mr. Evarts reply?

A. I do not recollect what he did say in regard to it. I am not entirely certain whether I made that suggestion to him, but I think I must have done so. I know that on several occasions I endeavored to impress on Mr. Stanbery's mind the idea that I was anxious for another indictment, and wanted it prepared on consultation with all who were of counsel for the United States.

Q. When the Attorney General acquiesced in your suggestion that there should be another indictment prepared, and suggested that you prepare it, was it with the understanding, from anything that passed between you, that that indictment, when prepared, was to be submitted for consideration to the Attorney General, and other counsel in the case, before being presented to the grand jury?

A. Not to the Attorney General. On the contrary, I inferred, from what the Attorney General said to me, that he did not propose taking part in the trial, and that he did not propose to have anything to do with framing the indictment that might be prepared; that he deemed his duty as Attorney General was confined to the city of Washington, to the arguing of cases in the Supreme Court; and that he would not take any part in the trial of Mr. Davis. I do not mean to say that he was not willing to be consulted as to the indictment.

By Mr. BOUTWELL:

Q. Did he make any statement to you showing whether or not he was acting under orders from the President?

A. He did not.

Q. Did he make any suggestion to you, or do anything calculated to encourage you to cause a new indictment to be made, or to aid you in making it?

A. Not to aid me. He suggested to me that I had better prepare a new indictment, after I had expressed to him my views on the matter.

By Mr. ELDRIDGE:

Q. Did he not tell you by no means to go to trial unless you were entirely satisfied that your indictment was sufficient?

A. I think that some suggestion of that kind was made by him to me.

By Mr. WILLIAMS:

Q. Had you any conversation with the Attorney General in reference to the continuance of the case, or its postponement to the next term, for the want of readiness to try it?

A. He asked me whether I could be ready for trial at this term. I told him that I could be ready for trial. I expressed to him the objections that I had to try the case before a district judge. I expressed these very strongly indeed, for I felt them strongly.

By Mr. BOUTWELL:

Q. Did you ever make known to Judge Underwood your reason for not desiring to try Davis?

A. Certainly, sir. I should have deemed that I was not treating him with the courtesy due to him at my hands if I had not done so. He might have misunderstood the motives which actuated me in the matter.

Q. Did you have, at any time, interviews with Chief Justice Chase in reference to the trial of Mr. Davis?

A. I had on two or three occasions. The last interview I had with him was within three or four weeks.

Q. What took place between you and him in reference to the trial of Mr. Davis?

A. I endeavored to get from the Chief Justice an intimation as to whether he would be present at the trial. I stated to him the objections I had to trying the case unless he was present, saying to him, in substance, what I have already said to the Committee. Chief Justice Chase would give me no intimation as to whether he would or would not be present at the trial. He stated that it would, of course, be impossible for him to be there until after the 20th of May, that being the day fixed upon for the adjournment of the Supreme Court. He said to me that he did not see why Mr. Davis occupied any different position from any other man against whom an indictment had been found for any crime, and that he thought he should be treated the same as any other criminal. He said that if he was present he would of course take part in the trial; but if he were not present, Mr. Davis should be tried before Judge Underwood.

Q. When was that interview?

A. Certainly within four or five weeks past. It must have been after the announcement of the order as to the time for adjourning the Supreme Court.

Q. Did anything more occur at that interview between you and the Chief Justice in reference to the trial of Davis?

A. I am not certain. I met Judge Chase on the sidewalk between 9 and 10 o'clock in the morning, and accompanied him to the banking-house of Jay Cooke & Co., and from there to the Capitol. The conversation was a very brief one. I had on two or three other occasions seen the Chief Justice, and endeavored to ascertain whether he would be present at the trial, but I never could. The first time I saw Chief Justice Chase, he stated to me that he should not hold a court in Virginia so long as the military was in command there; that martial law prevailed; that Virginia was under the control of the military; and that while he did not know that there was any objection to the district judge holding court there, he could not consent to do so. This must have been some time in the summer or fall of 1866. The next time I saw him was when he was holding court in Baltimore. I went into the court-room, and he beckoned to me to come up to the bench. I did so. He then repeated the objections which he had to holding court in Virginia, and said that he was confirmed in the correctness of his course by information which he had received in regard to what Chief Justice Taney had done; that Chief Justice Taney had refused to hold a circuit court in Maryland unless assured by the administration that there should be no interference, under any circumstance, on the part of the military; that he did receive such assurance from the administration, and that he then went on to hold his court. The next interview I had with the Chief Justice was after the President's proclamation in reference to peace. He stated to me then that he had made up his mind to hold a court in Virginia, but that the President, he thought, had by some subsequent order taken back that proclamation, and that he was not willing to hold a court in Virginia. On a subsequent occasion he said to me that the President had issued another proclamation, which he thought covered the whole case, and he authorized me to say to the Attorney General that he was willing then to hold a court in Virginia. He stated the fact to me first that he was willing to hold a court in Virginia, and I asked him if I should be authorized to say so to the Attorney General. He said yes. I went to the Attorney General and communicated to him that fact. That, I think, must have been late last fall, or perhaps some time during last winter.

By Mr. ELDRIDGE:

Q. In your last interview with Chief Justice Chase, did he make any objection on account of the military power in Virginia?

A. None whatever. I could not get any definite answer from him.

Q. Did he raise that question?

A. Not at either of the last two interviews.

By Mr. BOUTWELL:

Q. On this knowledge of the purpose of Chief Justice Chase to be at the session of the circuit court some time after the 20th of May, why did not you and Mr. Evarts ask for a postponement of the trial of Davis for a few days until the Chief Justice should arrive?

A. Immediately on our saying that we were not ready for trial, a motion was was made by Mr. O'Conor to have Mr. Davis admitted to bail.

Q. Was not there a way of meeting that motion without postponing the trial till next November?

A. There would have been.

Q. Why was not that course resorted to by you and Mr. Evarts?

A. I can only give the reason that actuated me. I did not, myself, suppose that the Chief Justice would be present.

Q. Was that your impression from the last interview you had with him?

A. I cannot say that it was my impression from anything that was said by him. I had no right to draw, from his conversation, any inference as to whether he would or would not be there; but I know that in some way I did infer that he would not be.

Q. You had no knowledge from any other source that he was likely to be there or not?

A. Judge Underwood had stated to me that he would be; but Judge Underwood's inference was from a letter which he had received from the Chief Justice some considerable time before the interview which I had with him.

By Mr. WILLIAMS:

Q. Did you advise the Attorney General of your purpose to have the case continued over to the next or any subsequent term?

A. I think not. I was asked the question on more than one occasion whether a conviction could be had in case Mr. Davis was tried. Mr. Speed seemed to entertain the idea that it would be impossible to obtain a verdict against him, and seemed, as did Mr. Stanbery, to think that it would be much worse to have a trial and a verdict of acquittal, or a hung jury, than not to try him. I stated, both to Mr. Speed and Mr. Stanbery, just what I now believe, that an intelligent jury, a jury in every way fit to try any man for any offence, could be had in the city of Richmond; and that, in the view that I took of the law and of the facts, there would be no question as to a conviction. I know that both those gentlemen seemed to be very much surprised at my opinion. But I have never had any doubt that Mr. Davis could be brought to trial and convicted of treason.

By Mr. LAWRENCE:

Q. How long have you been district attorney in Virginia?

A. I entered on the discharge of my duties on the first of July, 1863.

Q. There never has been any difficulty, since you have been district attorney, in getting an impartial loyal jury in Virginia that would convict men against whom there was sufficient evidence of treason?

A. None. I should have gone before a jury with great confidence of obtaining a verdict where the facts were anything like what could be proven against Mr. Davis.

Q. There is no law against negroes acting as jurors in your district?

A. Nothing but the civil-rights bill would authorize putting colored men on a jury. I did find some little objection to having that grand jury find a bill, lest the matter might be somewhat complicated by having colored men on the grand

jury—the law of Virginia being explicit in regard to the matter, and the civil-rights bill being the only legislation under which they could be put on the jury.

Q. You could have been prepared with all the necessary evidence against Davis at the present term of the circuit court in Virginia?

A. Yes. Richmond was the precise place where the testimony could be found.

Q. And the only reason you had for not proceeding with the trial was the fact that Chief Justice Chase was not there?

A. That was one reason.

Q. What other reason was there?

A. There was no other reason that had much weight with me.

Q. It was not the inability to procure evidence?

A. No, sir.

Q. Are there not many thousands of persons in Virginia who could be brought to trial for treason?

A. I think they could be numbered by tens of thousands.

Q. Have you ever prosecuted any one of them?

A. Never.

Q. Has any one of them, except Davis, ever been indicted?

A. Yes.

Q. Who, and how many?

A. I think there are eighteen indicted besides Davis. It is impossible to give all their names now. General Lee, for one, has been indicted.

Q. Is the indictment pending against him?

A. Yes.

Q. Has any one of them ever been tried?

A. Never.

Q. Have you ever received any instructions from the President, Attorney General, or any other officer of the administration giving you any directions as to their trial?

A. Yes.

Q. From whom, and when?

A. I think from Attorney General Speed. I received instructions not to proceed any further in any of the indictments against any individual other than Mr. Davis. The letter of instructions did not mention Mr. Davis's name, but directed me not to proceed any further in those matters until specially instructed by the Attorney General.

Q. When were those eighteen indictments found?

A. I think at the November term of 1865, in the district court at Norfolk.

(Witness was directed to furnish the Committee with the Attorney General's letter of instructions.)

Q. Did you ever receive any instructions from the President, Attorney General, or any other officer, to proceed against anybody for treason?

A. Never.

By the CHAIRMAN:

Q. You have referred to the question as to whether the action of any State or any number of States can relieve a citizen of his obligation of allegiance to the government of the United States, which, of course, would bring up the doctrine of secession; I wish to ask you whether it is your intention, or the intention of counsel associated with you, to assent to the consideration of that question in this case?

A. I can only say that, unless overruled by the counsel associated with me, I should have taken an objection, at the threshold, to any such question being entertained by the court. I by no means feel certain that the objection would have been sustained, but still I should have felt it my duty to make it.

Q. Have you any reason to believe that the objection would not have been sustained?

A. None whatever, except that I do not feel entirely certain in my own mind as to its correctness, although I think that the balance is in favor of the objection. My impressions are more strongly in favor of the soundness of the objection than otherwise.

Q. Have you had any consultation with your associate counsel in reference to that question?

A. No, sir. The only conversation I ever had on that point was a very brief one which I had with you (the Chairman.) I remember to have listened with great interest to what you said on the subject.

By Mr. ELDRIDGE:

Q. Do you mean to be understood as saying that if counsel for defence should raise that question the court would not have a right to decide it?

A. No, sir. The court would have an undoubted right to decide it. I say I think the court would decide that it would not entertain the question.

Q. Do you hold, as a lawyer, that it would be moral treason for the court to entertain and decide that question?

A. No, sir; I say no such thing.

By the CHAIRMAN:

Q. Is it your purpose to proceed with the trial of Jefferson Davis at the November term?

A. Undoubtedly, except I receive instructions to the contrary.

Q. Have you any reason to believe that you will receive instructions not to proceed?

A. None whatever.

By Mr. CHURCHILL:

Q. Did you inform the Attorney General that you had been referred by the President to him for instructions?

A. I did.

Q. Were you able then to ascertain the wishes of the administration in reference to the trial of Davis?

A. I was not.

By Mr. WOODBRIDGE:

Q. Have you any idea, from your consultations with the administration, that there was any desire on the part of the administration not to bring Mr. Davis to trial?

A. None whatever.

Q. Did you come to the conclusion that the administration desired his trial?

A. I could not come to any conclusion about it. I was exceedingly anxious to know, but I never could ascertain.

By Mr. MARSHALL:

Q. Did you have any intimation that it was not the desire of the administration for you to perform your duty?

A. Never in the world.

By Mr. ELDRIDGE:

Q. Have you, by the President, been interfered with in any manner in the management of the case?

A. Certainly not.

By Mr. MARSHALL:

Q. When you were referred to the Attorney General it was when Mr. Speed was in office?

A. Yes, at first.

Q. You have been so referred while both he and Mr. Stanbery were in office?

A. Yes, sir.

Q. The President always told you that it was a matter entirely in the jurisdiction of the Attorney General?

A. Always; and I always found the same indisposition on the part of Mr. Speed as on the part of Mr. Stanbery to give me instructions in the matter.

By the CHAIRMAN:

Q. Did you inform the President of the result of your interviews with the Attorney General?

A. I think not, although it is quite possible that I did so. Indeed it is probable, on account of the extreme solicitude which I felt. But I have no recollection of it.

By Mr. ELDRIDGE:

Q. I want to know whether the President gave you any directions whatever, or anybody else, to your knowledge, as to the form of the return on the writ of *habeas corpus?*

A. None whatever. I never had a word's conversation with him on the subject.

Q. What you meant by the words which you added to the return was that the President ordered the military to deliver Mr. Davis to the civil authorities?

A. That was it.

[Copy.]

ATTORNEY GENERAL'S OFFICE,
Washington, D. C., June 20, 1866.

LUCIUS H. CHANDLER, Esq.,
United States District Attorney, Norfolk, Va.

SIR: I learn that many of the rebel officers and soldiers that were paroled by capitulation have been indicted. I am instructed by the President to direct you not to have warrants of arrest taken out against them, or any of them, until further orders.

I am, sir, very respectfully, your obedient servant,

(Signed) JAMES SPEED,
Attorney General.

A true copy:
M. F. PLEASANTS, *Chief Clerk.*
MAY 29, 1867.

WASHINGTON, D. C., *Friday, May* 24, 1867.

Brigadier General J. S. FULLERTON recalled.

WITNESS. I produce, as directed by the Committee when I was last before it, transcripts from the records of the Freedmen's Bureau in New Orleans, relating to the restoration of certain property which had been held by the Freedmen's Bureau and which was restored to its owners while I was temporarily acting as Commissioner of the Bureau in the State of Louisiana. I stated in my previous examination that Mr. Conway had not restored much property. I was under that impression from the fact that when I returned to New Orleans I found on his desk a large number of applications for the restoration of property, which had been examined by his attorney and reported upon, and which, in accordance with General Howard's order, ought to have been restored. Judging from that fact I thought that Mr. Conway had restored very little property. I have here a statement of the property restored by Mr. Conway, by myself, and by my successor, General Baird.

By the CHAIRMAN:

Q. Was the property which was restored by Mr. Conway abandoned property or confiscable property, or both?

A. Both; I do not know in what proportions. Mr. Conway, during the five months he was in office, restored fifty-four pieces of city property, valued at $974,050, and three plantations, value not given. There were restored by myself 136 pieces of city property, valued at $2,049,577, and twenty-two plantations, value not given. There were restored by General Baird, my successor, sixty-six pieces of city property, valued at $845,400, and sixteen plantations, value not given.

(Witness presents table of restored property which is attached to his testimony, marked exhibit A.)

This paper, exhibit B, is a tabular statement of property restored while I was acting as Commissioner there. It is divided into separate columns, showing the name of the owner, the description of property, the value, how held, by whose order restored, with a column for remarks. The description of property is brief, merely stating whether it is city property or plantations. The value given here is the value as it appears on the books of the Commissioner of Louisiana.

Q. How was the value ascertained?

A. I think it was the taxable value in 1860. This bundle, marked exhibit C, contains the opinions of the attorney of the bureau in cases examined by him where application had been made for the restoration of the property. On this list of 173 pieces of property restored by me, all of the property is marked as "abandoned," except fourteen pieces. These are marked "confiscable," except four pieces, which are marked "Virginia rebel." I suppose the mark means that the property belonged to some party living in Virginia. There are also a few pieces marked "Registered enemy." Of the property restored by myself, eighteen pieces were restored by direct orders from General Howard, value about $500,000; and nineteen pieces were restored to persons who had received a special pardon from the President. The rest of the property was restored to persons who had been pardoned under the general proclamation of amnesty, or was property which had not been properly abandoned. This was done in accordance with General Howard's circular, No. 15, dated Washington, September 12, 1865, (annexed to this evidence, marked exhibit D.) Whenever application was made to me for the restoration of property, I directed that all of the papers and evidence presented by the claimant should be handed to the attorney of the bureau, a gentleman whom Mr. Conway had employed, before I went there, to examine claims. All those papers were referred to him, and the applicants were all required to file answers to certain interrogatories, twenty-four in number, (the interrogatories are annexed to this testimony, marked exhibit E.) The claimants for property were required to answer those interrogatories under oath. On examining the papers, Mr. Ayers, the attorney, reported. I also examined the case myself, and if I thought the property should be restored under General Howard's order, I issued an order in this form: (See exhibit F.)

Thereupon an order would be issued to the quartermaster for the surrender of the property, in the following form: (See exhibit G.)

Thereupon the claimant gave a receipt in this form: (See exhibit H.)

The claimant was then put in possession of his property by the quartermaster. Before I went to New Orleans, I was not certain that the Freedmen's Bureau had any right to the possession of city property, and I based that idea on the fact that the law for the organization of the Freedmen's Bureau states that to that bureau shall be committed the supervision and management of all abandoned lands, and that the Commissioner shall have authority to set apart for the use of the loyal refugees and freedmen such tracts of lands within the in-

surrectionary States as were abandoned, or to which the United States acquired title by confiscation, &c. Nearly all the property taken in New Orleans was city property. It was evident that what was intended by the act was to take abandoned lands in the country for the purpose of dividing them up into small tracts of not more than forty acres, to enable the freedmen to support themselves on these lands, and that it was not intended to take possession of city property for the purpose of affording a revenue to the bureau. The act, I supposed, referred also only to such tracts of lands as had been abandoned within the insurrectionary States. The only States declared insurrectionary were those declared by Mr. Lincoln's proclamation of January 1, 1863, and in that proclamation New Orleans was declared not to be insurrectionary. With these views, I was not certain that the bureau had the right to seize city property, but General Howard disagreed with me, and of course I had nothing further to say. That opinion of mine did not govern me at all in the restoration of any property during my administration.

By Mr. ELDRIDGE:

Q. You restored the property under the construction given to the act by General Howard?

A. Entirely so; under the construction of Circular No. 15.

By the CHAIRMAN:

Q. Did you restore any property other than in pursuance of the order of General Howard?

A. No, sir. The property was restored either under his general order or under his special orders. There were eighteen pieces restored under his special orders.

By Mr. ELDRIDGE:

Q. The special orders directed you to restore particular pieces of property?

A. Yes; specifying the property and the name of the owner. I did not inquire into the status of the individual in such cases, as the order came from my superior.

By Mr. BOUTWELL:

Q. Were not some of those plantations within that portion of Louisiana which was declared by the proclamation of the President to be in insurrection?

A. I think they were, but I am not positive about that fact.

Q. Had you known at that time that by the act of March 3, 1865, provision was made for the division of these lands into forty-acre lots?

A. Yes; I had knowledge of that act. Most of the property was seized by the Treasury Department before the bureau was organized, and was afterwards turned over to the bureau.

Q. On the 18th of August, 1865, you were acting as Commissioner during the absence of General Howard?

A. I was assistant Adjutant General of the bureau, and I did many acts for General Howard while he was away.

Q. Under date of August 18, 1865, is a letter of instructions with your name attached, of which the following is an extract:

Abandoned lands that have been taken possession of by the Commissioner of this bureau are, as it were, held for the time in trust by the government, awaiting the return of the loyal citizen, or, in the case of a disloyal owner, awaiting proceedings for confiscation, which may be prevented or stayed by the pardon of the President. Where the lands belong to loyal citizens, it will be restored to them upon proof of loyalty, and upon establishing the right of possession.

Where it belongs to those who have been disloyal, it will be returned only after they have been pardoned by the President, for by that act they are cleansed of treason, regenerated,

and restored to full rights of citizenship. The lands cannot then be held awaiting confiscation, for the citizen has been restored, in accordance with the terms of pardon, "all rights of property, except as to slaves."

State whether you have any recollection of issuing that order.

A. Yes, sir.

Q. Did you issue that order on your own motion or judgment, or by direction or advice of any other person?

A. I was always in the habit of writing letters when General Howard was away; and, as General Howard was away at that time, you will notice that this is not signed by me "by order of General Howard." But I understood those to be his ideas at the time, and the theory on which property was to be restored. In fact, General Howard never denied or set aside this letter.

Q. Do you know of any letter issued by General Howard of an earlier date than this, which contains the same matter, in substance, as is contained in this letter?

A. The act of Congress of July 2, 1864, defines what are abandoned lands. Such lands are only abandoned when the lawful owner thereof is voluntarily absent therefrom, engaged in arms, or otherwise aiding or encouraging the rebellion. If a loyal man was absent from his property, he would not be aiding and encouraging the rebellion, and the land, therefore, in accordance with that definition, would not be abandoned.

Q. You say, further, that where the land belongs to disloyal persons who are pardoned by the President, they become cleansed of treason, and restored to all their rights of property, except as to slaves. By what authority did you make that statement?

A. It was the understanding, at that time, that pardon did cleanse a man of his sins.

Q. Did you have any instructions from the President, the Attorney General, or any other officer of the government in reference to this particular matter?

A. No, sir. I went over to see the Attorney General about it, but was informed that he only gave his opinions to heads of departments. General Sprague wanted to know about the matter right away. General Howard was absent and could not be reached, and I had to take the responsibility of answering the question.

Q. I now call your attention to a letter dated "Executive Office, August 16, 1865," as follows:

EXECUTIVE OFFICE, *August* 16, 1865.

Respectfully returned to the Commissioner of the Bureau of Freedmen, Refugees, &c. The records of this office show that B. B. Leake was specially pardoned by the President on the 27th ultimo, and was thereby restored to all rights of property, except as to slaves.

Notwithstanding this, it is understood that the possession of his property is withheld from him. I have, therefore, to direct that General Fisk, assistant Commissioner at Nashville, Tennessee, be instructed by the chief Commissioner of the Bureau of Freedmen, &c., to relinquish possession of the property of Mr. Leake, held by him as assistant Commissioner, &c., and that the same be immediately restored to the said Leake.

The same action will be had in all similar cases.

ANDREW JOHNSON,
President of the United States.

Q. State whether you had knowledge of this order by the President at the time you wrote the letter to General Sprague.

A. I remember this order of the President's, but I think it was not received before my letter was written; I am not positive about that. I do not recollect whether I had knowledge of it at the time.

Q. In a list of property restored, furnished to the Committee by General Howard, is the case of Cora A. Slocum, whose property was restored by order of the President; have you any knowledge of that restoration?

A. I have not.

Q. The property of Mrs. Widon N. Cox, value $4,000, was restored by order of the President, September 30, 1865; have you any knowledge of that?

A. I have not.

Q. By order of the President, same date, the property of Ida A. Slocumb, value $10,000, was restored; have you any knowledge of that?

A. I have not.

Q. The property of Dr. W. M. Mercer, value $85,000, for cotton press, with several other lots, valued at different sums, was restored by special pardon of the President; have you any knowledge of that?

A. No, sir; I have no recollection of it.

Q. Have you any knowledge of the restoration of the property of George W. Campbell, by order of the President, September 30, 1865?

A. No, sir.

Q. Have you any knowledge of the restoration of the property of William A. Violett, by order of the President, October 17, 1865?

A. No, sir.

Q. It appears from the list furnished by General Howard, that on the 11th of November, 1865, on your order, J. W. Zacharie obtained restoration of property amounting in all to over $200,000; what were the circumstances in that case?

A. The papers in that case were all forwarded to Washington, except the order book. The only thing on the book about it is an order dated October 27, 1865, as follows: (See exhibit I.)

Q. Do you know whether Zacharie had been a rebel?

A. He swore he had not been; and my impression is that he filed his answers to the twenty-four interrogatories.

Q. Do you know anything of Zacharie outside of the papers you refer to?

A. I know that there was a report in New Orleans that he had been a blockade runner, and that he had gone to Mexico to engage in the business. I spoke to Mr. Zacharie about it and he denied it, and brought some papers to prove that he was not engaged in blockade running, and had done nothing hostile to the government. That is all I know about it. I think it was General Canby who called my attention to the fact. There was an enmity existing between General Canby and Mr. Zacharie, and they were abusing each other.

By Mr. ELDRIDGE:

Q. You have been to New Orleans personally since you were examined before the Committee, and have procured those papers from the Freedmen's Bureau?

A. Yes, sir.

Q. Are there papers in every case where you restored property?

A. In every case except where the property was restored by a special order of General Howard, or under a special pardon of the President, and except in one case in which the papers are missing. There were no papers either in one or two cases where property was restored under the general amnesty order, nor in two cases where it was restored by the court.

Q. Were all those cases examined by the attorney who was appointed by Mr. Conway?

A. Yes, sir.

Q. And your orders were based on his finding of the facts?

A. Yes, and on his reports embraced in exhibit "C." More than half the property restored by me, and held as abandoned, was really not abandoned. There had been all sorts of ways of seizing property. When a man was living in the city, having a tenant on his plantation, the plantation was seized as abandoned. Under General Butler's and General Banks's administration there were a great many persons in New Orleans registered as enemies of the United States.

Some of them were registered under protest, and were sent out of the lines, and their property seized and abandoned. In some of those cases the parties made proof of their loyalty, not only of their loyalty before that time, but after that time.

Q. What proportion of property that was restored by you was not properly abandoned lands?

A. At least one-half or more. These reports (in exhibit "C") will tell.

Q. Do the reports show in every case the facts with reference to the lands, showing how they were claimed to be abandoned?

A. No, sir; that is shown but in a few cases. There was such a large file of papers that it was impossible to have them copied, and so I had only the reports of the attorney copied. The papers filed by the applicants I did not have copied.

Q. You stated on your previous examination that there were some cases where soldiers desiring possession of lands drove the occupants off, and kept them off, and then seized them as abandoned lands?

A. I stated that persons were sent out of the lines, and that then their property was seized by the military authorities as abandoned lands.

Q. Do you recollect any cases in which the occupants were driven from the premises occupied by them, and their lands seized as abandoned?

A. I cannot speak by the record. I did not examine the papers thoroughly enough for that. There were cases of that kind reported to me while I was there.

Q. Do the papers contain all the knowledge you have on the subject?

A. No, sir.

Q. What knowledge have you of that practice, independent of the papers?

A. The only evidence I have is the statements of claimants themselves—verbal statements and written statements. There was no property seized while I was there. It was all done before.

Q. I notice many cases here that are entered as restored by special pardon of the President of the United States. Did the President in those cases make any special order for restoration, or was the property restored on the presentation of the pardon?

A. It was restored on the presentation of the pardon. I received no orders from the President while I was there.

Q. Those cases noticed "restored by special order of the President of the United States" do not mean that he issued any special order for the restoration of the property?

A. No, sir. On presentation by the claimants of the President's special pardon the property was restored; that is what that entry means.

Q. Was this valuation attached to the lands their valuation prior to the rebellion?

A. I think so. I think it was the valuation taken from the tax-books of 1860 or 1861.

Q. Was property depreciated in value at the time you restored it?

A. At the time I restored property it was, I suppose, equivalent to what it had been. The war was over, and a good many people were going to New Orleans at the time, and property had gone up.

Q. You think it was as valuable then as previous to the war?

A. I think it was.

Q. I mean in reference to lands?

A. Lands were hardly worth one-fourth of what they were worth before. I was speaking only of city property.

Q. How was it as to unimproved city property? How was that compared with its value previous to the war?

A. I do not think it was so valuable, because building material had increased

in cost, and it was the finished houses that rented so high. Rents were as high or higher than before the rebellion; but plantations had decreased more than one-half in value.

Q. Did the President, either in conversation with you, or by any orders, directly interfere with your administration?

A. No, sir.

Q. He left you to the directions of your superior officers in the bureau?

A. Yes, sir.

By Mr. WILLIAMS:

Q. You referred to a number of cases where you had restored property which you denominated as confiscated?

A. No, sir, "confiscable."

Q. Were there any of those cases in which judicial proceedings had been initiated?

A. Only two cases, and they had been dismissed by the United States court.

Q. Whose cases were they?

A. The case of Mr. T. S. Wilts, for a house and lot worth $36,600, and a tract of land worth $7,000, and the case of Mr. L. Adams, for a house and lot worth $6,500. These were the only cases. The property was released by a decree of the United States court.

Q. Do you say that in those cases there were indictments found against the parties for treason?

A. No, sir; there was no indictment found. The proceedings were against the property.

Q. In those cases there were judgments of the court in pursuance of which the property was released?

A. Yes, sir.

Q. In other words, the decision was against the United States?

A. Yes, sir.

EXHIBIT A.

Number of pieces of property in possession of the Bureau of Refugees, Freedmen, and Abandoned Lands, State of Louisiana, restored to former owners, with the valuation of same.

By whom restored.	No. of pieces.	Kind of property.	Valuation.
Thomas W. Conway	54	Town property	$974,050 00
Thomas W. Conway	3	Plantations	.....
General Fullerton	136	Town property	2,049,577 00
General Fullerton	22	Plantations	.....
General Baird	66	Town property	845,400 00
General Baird	16	Plantations	.....
Total valuation	.....	.....	3,869,027 00

Official:

WILLIAM H. GTULING,
Captain 1st U. S. Infantry, A. A. A. G.

EXHIBIT B.

List of property in possession of the Bureau of Refugees, Freedmen, and Abandoned Lands, State of Louisiana, restored to its former owners by Brevet Brigadier General J. S. Fullerton, assistant Commissioner, &c.

Name.	Description of property.	Value.	How held.	By whose order restored.	Remarks.
M. M. Simpson	City houses and lots	$12,000	Abandoned	By order of General Fullerton	See papers No. 1.
Loyd R. Coleman	do	7,500	do	do	See papers No. 2.
H. A. Lessasier	do	9,500	do	do	See papers No. 3.
Eugene Lasere	Storehouse and lots	10,000	do	do	See papers No. 4.
R. W. Rayne	do	8,555	do	do	See papers No. 5.
John G. Parkham	City house and lots	8,500	Confiscable	do	See papers No. 6.
R. J. Harrison	do	6,000	Abandoned	By order of General Howard	
Robert C. Hutchinson	do	11,000	do	By order of General Fullerton	See papers No. 7.
Ellen C. Rugeley	do	21,100	do	do	See papers No. 8.
Eheric Bowland	Plantation		do	do	See papers No. 9.
J. E. Guillotte	City houses, stables, and lots	2,800	do	do	See papers No. 10.
Norman Story	City houses, stores, and lots	82,000	Confiscable	By special pardon of the President	
J. V. Payne	Plantation		Abandoned	do	
John W. Gayle	City houses and lots	18,500	do	By order of General Fullerton	See papers No. 11.
L. C. H. Bennett	do	5,000	do	do	See papers No. 12.
Garcia Nee, Fortier	do	8,500	do	do	See papers No. 13.
T. D. Vanhorn	do	2,500	do	do	Restored under the general amnesty order.
C. H. Nobles	City storehouses and lots	7,000	do	do	Do. do.
C. E. & N. Holmes	City houses and lots	13,000	do	do	The papers in this case cannot be found.
F. M. Delesdenier	do	8,000	do	do	See papers No. 14.
Joshua Pebles	do	10,900	do	do	See papers No. 15.
W. C. Bibb	City house and lot	13,000	do	do	See papers No. 16.
L. N. Lane	One cotton-spinning manufactory and city houses and lots.	*122,200	do	do	See papers No. 17.
Goodrich & Co	City storehouses and lots	88,000	Libel, con'd, and sold	do	See papers No. 18.
Justin Vairin	City house and lot	9,000	Abandoned	By order of General Howard	
Walter L. Campbell	do	15,000	do	By order of General Fullerton	See papers No. 19.
L. C. Jurey	do		do	By order of General Howard	
Louis Ranson	Plantation		do	By order of General Fullerton	See papers No. 20.
R. D. Urquhart	City houses and lots	32,000	do	do	See papers No. 21.
A. D. Voisin	do	3,800	do	do	Restored under general amnesty order.
H. Thornhill	do	10,000	do	do	See papers No. 22.
Widow George Eustis	do	18,000	do	do	See papers No. 23.
John S. Ludlow	do	5,300	do	do	See papers No. 24.
Sophia Buisson	do	6,000	do	do	See papers No. 25.
A. W. Bosworth	do	18,000	Confiscable	By order of General Howard	
Adelaide S. Flash	do	11,500	Abandoned	By order of General Fullerton	See papers No. 26.
John M. Back	do	8,650	do	By order of General Howard	
Charles Spahr	do	2,500	do	By order of General Fullerton	Restored under general amnesty order.
M. J. Belknap	do	6,000	do	do	See papers No. 27.

* This property was not restored; order of restoration revoked.

Exhibit B.—Continued.

Name.	Description of property.	Value.	How held.	By whose order restored.	Remarks.
J. A. De Blanc	....do	$2,000	....do	....do....do	See papers No. 28.
J. E. Mortimer	City lots, (not assessed)		....do	....do....do	See papers No. 29.
W. F. Foinard	City houses in Baton Rouge		....do	....do....do	Restored under general amnesty order.
Charles B. Singleton	City storehouse and lots	31,600	....do	....do....do	See papers No. 31.
Widow John Freret	....do	10,000	....do	....do....do	See papers No. 32.
A. D. Kelley	....do	58,500	....do	....do....do	Restored by virtue of an order of restoration issued from the May term, 1865, of the United States district court for the eastern district of Louisiana.
Edw. Bermudez	....do	13,200	....do	....do....do	See papers No. 33.
Eugene C. Delery	City house and lot	2,750	....do	....do....do	See papers No. 34.
John Bradford	....do	2,500	....do	....do....do	See papers No. 35.
L. Adams	....do	6,500	Rebel in prison	....do....do	Restored by decree of United States court.
S. Wyma	....do	2,000	Abandoned	....do....do	Restored under general amnesty order.
Victor Barthe	....do	9,000	....do	....do....do	See papers No. 36.
W. B. Conner	....do	20,000	....do	By order of General Howard	
M. J. Bajac	....do	16,000	....do	By order of General Fullerton	See papers No. 37.
Edm'd Mahs	....do	1,600	....do	....do....do	Restored under general amnesty order.
Joseph Garidel	....do	4,500	....do	....do....do	See papers No. 39.
A. Pitot	....do	4,500	....do	....do....do	See papers No. 40.
G. M. Murrell	City stores, houses, and lots	33,000	Virginia rebel	By order of General Howard	
Ed. M. Murrell	City storehouses and lots	34,000	....do	....do....do	
J. D. Lambert	City house and lot	2,000	Abandoned	By order of General Fullerton	Restored under general amnesty order.
J. Magioni	....do	3,700	....do	....do....do	See papers No. 41.
Adele McGill	....do	9,000	....do	....do....do	See papers No. 42.
William Barrett	....do	10,000	....do	....do....do	See papers No. 43.
C. W. Carruthers	....do	12,578	....do	....do....do	See papers No. 44.
M. A. Rogers	....do	10,000	Registered enemy	....do....do	See papers No. 45.
William E. Leverieche	....do	71,800	Abandoned	....do....do	See papers No. 46.
O. S. Rousseau	....do	4,000	....do	....do....do	See papers No. 47.
R. W. Eslin	City stores and lots	13,000	....do	By order of General Howard	
Thomas J. Buffington	Buildings		....do	By order of General Fullerton	See papers No. 48.
Calvin Tate	City house and lot, (no value)		....do	....do....do	See papers No. 49.
A. W. Bell	Buildings		....do	....do....do	See papers No. 50.
Jane N. Sims	City houses and lots	4,000	....do	....do....do	See papers No. 51.
A. B. Mary S. Ellis	Plantation		....do	By order of General Howard	See papers No. 111.
P. Sauve	....do		....do	By order of General Fullerton	See papers No. 52.
B. F. Simms	City house and lot	7,000	....do	....do....do	See papers No 53.
Thomas Simms	....do	6,300	....do	....do....do	See papers No. 54.
McB. Wolfe	....do	7,000	....do	By order of General Howard	
Mrs. J. K. Warren	....do	1,200	....do	By order of General Fullerton	See papers No. 55.
J. A. Fagot	City lots	3,450	....do	....do....do	See papers No. 56.
J. J. Barthelmy	City house and lots	1,400	....do	....do....do	See papers No. 57.
Alfred Hennen	City storehouses and lot	24,000	....do	....do....do	See papers No. 58.
H. B. Harris	City house and lot	2,800	....do	....do....do	See papers No. 59.

James Marshall	City houses and lots	2,500	....do	.....do.....do	See papers No. 60.
J. C. Payne	.....do	25,000	....do	By order of General Howard	
W. E. Strange	.....do	5,000	....do	By order of General Fullerton	See papers No. 61.
O. J. Donella	.....do	3,000	....do	.....do.....do	See papers No. 62.
M. S. Zuntz	.....do	15,500	....do	.....do.....do	See papers No. 63.
George Dermeyer	City houses and lots and store	16,500	....do	.....do.....do	See papers No. 64.
Thomas L. Maxwell	City houses and lots	3,520	....do	.....do.....do	See papers No. 65.
M. L. Caldwell	City houses and lots	10,000	Abandoned	By order of General Fullerton	See papers No. 66.
O. G. Murell, estate of	City storehouses and lots	29,000	Virginia rebel	By order of General Howard	
Mrs. R. E. Clayton	City warehouses and lots	36,000	....do	.....do.....do	
M. L. H. Blanchard	City storehouses and lots	12,000	Abandoned	By order of General Fullerton	See papers No. 67.
J. D. Belanné	City house and lot	4,000	....do	.....do.....do	See papers No. 68.
Horrell, Gayle & Co	City lots	9,000	....do	.....do.....do	See papers No. 11.
A. H. May	City house and lot	9,000	....do	.....do.....do	See papers No. 69.
E. M. Brooks	.....do		....do	.....do.....do	See papers No. 70.
J. B. Slawson	.....do	17,300	....do	By order of General Howard	
James L. Lambert	.....do	1,300	....do	By order of General Fullerton	See papers No. 71.
H. R. Doyal	Plantation		....do	.....do.....do	Papers in this case ret'd to claimant's att'y.
Este. J. B. Touline	City houses and lots	17,000	....do	.....do.....do	Restored under general amnesty order.
Mary Vaughan	City house and lot	1,500	....do	.....do.....do	Do. do.
Amos Downe	Pilot house and lot		....do	.....do.....do	See papers No. 72.
W. B. Lindsey	City house and lot	4,000	....do	.....do.....do	See papers No. 73.
John H. Ludwizen	.....do		....do	.....do.....do	Restored under general amnesty order.
Warren Gilmour & Co	.....do		....do	.....do.....do	Do. do.
P. S. Wiltz	City house and lots	36,000	....do	.....do.....do	Restored in accordance with order of United States district court for the eastern district of Louisiana, May term, 1865.
Do	Tract of land	7,000	....do	.....do.....do	
J. D. Dameron	City vacant lots	32,200	....do	By special pardon of the President	
E. L. Latting	City house and lot	5,200	....do	By order of General Fullerton	See papers No. 74.
Thomas B. Bailey	.....do	8,000	....do	.....do.....do	See papers No. 75.
George Doler	.....do	2,500	....do	.....do.....do	Restored under general amnesty order.
Sarah Morgan	.....do		....do	.....do.....do	See papers No. 76.
W. H. Paxton	.....do	2,520	....do	.....do.....do	See papers No. 77.
A. S. Cowand	.....do	2,500	....do	.....do.....do	See papers No. 78.
William A. Freret	.....do	15,000	....do	.....do.....do	See papers No. 79.
R. Holmes	.....do	7,000	....do	.....do.....do	See papers No. 80.
F. S. Conrad	.....do	25,000	....do	.....do.....do	Restored under general amnesty order.
A. L. D. Conrad	Plantation		....do	.....do.....do	See papers No. 81.
E. H. Summers	City house and lot	5,000	....do	.....do.....do	See papers No. 82.
H. W. Montgomery	City store and lot	45,000	....do	By special pardon of the President	
Benjamin S. Story	.....do	92,000	Confiscable	.....do.....do	
John Tilano	City store and lot at Baton Rouge		....do	By order of General Fullerton	See papers No. 83.
James Davis	City store and lot	5,800	Abandoned	.....do.....do	See papers No. 84.
Delphin Vinett	City houses and lots	5,160	....do	.....do.....do	Restored under general amnesty order.
D. & O. Mayronne	Plantation			.....do.....do	Do. do.
Sarah L. Barnes	City house and lot			.....do.....do	See papers No. 85.
William Young	.....do	2,500	Abandoned	.....do.....do	See papers No. 86.
R. Nugent	Brick-yard and lots, Baton Rouge			By special pardon of the President	
T. C. Twichell	City houses and lots	41,500	Abandoned	.....do.....do	
Alex. Thom	Plantation			By order of General Fullerton	See papers No. 87.
D. S. Cage	.....do			By special pardon of the President	

Exhibit B.—Continued.

Name.	Description of property.	Value.	How held.	By whose order restored.	Remarks.
D. S. & A. G. Cage	Plantation			By special pardon of the President.	
A. G. Cage	do			do	
Caroline Sadler	City house and lot	1,400	Abandoned	By order of General Fullerton	See papers No. 88.
B. J. Mausseo	do	2,000	do	do	Restored under general amnesty order.
Leo L. Johnson	Plantation			do	See papers No. 89.
Micajah Harris	City house and lot	2,800	Abandoned	do	See papers No. 90.
David Raymond Fox	Plantation			do	See papers No. 91.
Polycarpa Fortier	City houses and lots	15,000	Registered enemy	do	See papers No. 92.
Daniel D. Avery	City house and lot			By special pardon of the President.	
George W. Sadler	City house and lots	3,650	Abandoned	By order of General Fullerton	See papers No. 93.
J. E. Livandais	City house and lot	2,500	do	do	See papers No. 94.
Jules Bermudez	City house and lots	6,350	do	do	See papers No. 95.
Estate of H. J. Ranney	City warehouses, houses, and lots	42,700	do	do	Restored under general amnesty order.
Andrew Coste	City house and lot	4,500	do	do	See papers No. 96.
C. Wilkin	do	3,300	do	do	See papers No. 97.
John C. Potts	Plantation		do	do	See papers No. 98.
Henry Quitman	do		do	do	See papers No. 99.
G. L. Lester	do		do	do	See papers No. 100.
Mary M. Stewart	do		do	do	See papers No. 101.
John G. Cocks	City houses and lots	58,500	do	do	Papers in this case returned to Mr. Cocks.
G. W. Race	do	30,500	do	By special pardon of the President.	
H. Vialla	Plantation			By order of General Fullerton	See papers No. 102.
C. W. Zacharie	City storehouses, houses, and lots	204,850	Abandoned	By order of General Howard	See papers No. 112.
Shepherd Brown	City houses and lots	113,100	do	By special pardon of the President.	
Do	Plantation		do	do	
John W. Canon	City house and lot	15,000	do	do	
M. M. McGinnisey	City house and lot, Baton Rouge			By order of General Fullerton	Restored under general amnesty order.
W. J. Polk and wife	City house and lot	11,500	Abandoned	By order of General Howard	
W. H. Magruder	House and lot, Baton Rouge			do	
Charles Gallagher	City house and lot	13,500	Abandoned	By order of General Fullerton	See papers No. 103.
A. P. Cleveland	City house and lots	17,000	do	do	Restored under general amnesty order.
James McA. Gresham	City house and lot	4,000	do	do	See papers No. 104.
Thomas McKnight	do	22,500	Confiscable	By special pardon of the President.	
Thomas M. Simmons	do	14,000	Abandoned	do	
Henry Strong, jr	do	600	do	do	
Duncan F. Kenner	Plantation		do	do	See papers No. 38.
William P. Campell	City store and lot		do	By order of General Fullerton	See papers No. 105.
Enoch G. Cloud	House, Richerville	6,000	do	do	See papers No. 106.
Francis W. Gatewood	Plantation, Parish Terrebonne	3,000	do	do	See papers No. 107.
Michael Garnon	Houses and lots	30,000	do	do	See papers No. 108.
Hiram A. G. Roberts	Plantation	15,000	do	do	See papers No. 109.
Thomas D. Miller	City house		do	do	See papers No. 110.

Official:

WILLIAM H. GTULING.
Captain 1st United States Infantry, Acting Assistant Adjutant General.

[Exhibit D.]

WAR DEPARTMENT,
BUREAU OF REFUGEES, FREEDMEN AND ABANDONED LANDS,
Washington, September 12, 1865.

[Circular No. 15.]

I. Circular No. 13, of July 28, 1865, from this bureau, and all portions of circulars from this bureau conflicting with the provisions of this circular, are hereby rescinded.

II. This bureau has charge of "such tracts of land within the insurrectionary States as shall have been abandoned, or to which the United States shall have acquired title by confiscation, or sale, or otherwise," and no such lands now in its possession shall be surrendered to any claimant, except as hereinafter provided.

III. Abandoned lands are defined in section 2 of the act of Congress, approved July 2, 1864, as lands "the lawful owner whereof shall be voluntarily absent therefrom, and engaged, either in arms or otherwise, in aiding or encouraging the rebellion."

IV. Land will not be regarded as confiscated until it has been condemned and sold by decree of the United States court for the district in which the property may be found, and the title thereto thus vested in the United States.

V. Upon its appearing satisfactorily to any assistant Commissioner that any property under his control is not abandoned, as above defined, and that the United States has acquired no title to it, by confiscation, sale, or otherwise, he will formally surrender it to the authorized claimant or claimants, promptly reporting his action to the Commissioner.

VI. Assistant Commissioners will prepare accurate descriptions of all confiscated and abandoned lands under their control—keeping a record thereof themselves, and forwarding monthly to the Commissioner copies of these descriptions, in the manner prescribed in Circular No. 10, of July 11, 1865, from this bureau.

They will set apart so much of said lands as is necessary for the immediate use of loyal refugees and freedmen—being careful to select for this purpose those lands which most clearly fall under the control of this bureau; which selection must be submitted to the Commissioner for his approval.

The specific division of lands so set apart into lots, and the rental or sale thereof, according to section 4 of the law establishing the bureau, will be completed as soon as practicable, and reported to the Commissioner.

VII. Abandoned lands, held by this bureau, may be restored to owners pardoned by the President, by the assistant Commissioners, to whom applications for such restoration should be forwarded, as far as practicable, through the superintendents of the districts in which the lands are situated.

Each application must be accompanied by—

1st. Evidence of special pardon by the President, or a copy of the oath of amnesty prescribed in the President's proclamation of May 29, 1865, when the applicant is not included in any of the classes therein excepted from the benefits of said oath.

2d. Proof of title.

Officers of the bureau through whom the application passes will endorse thereon such facts as may assist the assistant Commissioner in his decision, stating especially the use made by the bureau of the land.

VIII. No lands under cultivation by loyal refugees or freedmen will be restored under this circular until the crops now growing shall be secured for the benefit of the cultivators, unless just and full compensation be made for their labor and its products, and for their expenditures.

O. O. HOWARD,
Major General, Commissioner.

Approved:
ANDREW JOHNSON,
President of the United States.

EXHIBIT E.

Interrogatories to be answered under oath by the claimants.

1st. Have you ever been directly or indirectly, in any manner, connected with the civil service of the pretended confederate government? and if yea, state how and in what capacity you were so employed, and at what time and place, as fully as if particularly interrogated thereto.

2d. Have you ever held any office of trust, honor, or profit (other than military or naval,) under the so-called confederate government, or pretended State government subordinate thereto? and if yea, state the nature, description, character, and title thereof.

3d. Have you ever held any judicial station under the government of the United States? and if yea, what was the character, title, and location of the same, and when did you last hold the same?

4th. Have you ever been in any capacity in the military or naval service of the pretended confederate government? and if yea, when, where, and what was your rank, command, and corps?

5th. Have you ever held any other military or naval office under the pretended confederate government besides that set forth in your answer to the preceding interrogatory?

6th. Have you ever been a Representative or Senator in the Congress of the United States? and if yea, at what time did you last cease to be so?

7th. Have you ever held any office in the army or navy of the United States? and if yea, at what time did you cease to hold the same?

8th. Have you ever been engaged in holding in custody, directly or indirectly, any persons taken by the pretended confederate government as prisoners of war? and if yea, when, where, and under what circumstances, and in what capacity were you so engaged? what was the name and rank of the principal officer under whom you were so engaged? you being expected to give a full, clear, and circumstantial account of all services rendered by you while so engaged.

9th. Have you been absent from the United States since January 1st, 1861? and if yea, where and when?

10th. Were you educated by the government in the Military Academy at West Point, or at the United States Naval Academy?

11th. Have you ever held the pretended office of Governor of any State in insurrection against the United States?

12th. Have you ever registered yourself as an enemy of the United States? and if yea, when and where?

13th. Where were you, and where was your home on the first of May, 1862? have you resided there ever since, and if not, why not, and where have you resided?

14th. If you say that you have resided out of New Orleans at any time since the 1st of May, 1862, state when you returned to this city, and how, and by what and whose authority and permission?

15th. Have you at any time since the 1st of May, 1862, directly or indirectly given your aid countenance, or support to the rebellion against the United States, or have you ever given any help, comfort, or protection to the rebels in arms against the United States? and if yea, where, when, and how?

16th. Have you ever been engaged in the naval service of the pretended confederate government upon the high seas? and if yea, when, in what vessel, and under whose command?

17th. Have you ever been engaged in making raids into the United States from Canada, or been engaged in destroying the commerce of the United States on the lakes and rivers that separate the British provinces from the United States?

18th Were you ever a paroled prisoner of war to the United States? and if yea, when, where, and by whom were you so paroled? What was the name of the general-in-chief under whom you served at the time?

19th. Have you been released from said parole? and if yea, how?

20th. Have you taken the oath prescribed by the President's proclamation of the 29th of May, 1865? and if yea, at what date did you so take it? annex your certificate of the same.

21st. Were you at any time of taking said oath in military, naval, or civil confinement, or custody, or under bond to the military or naval authorities or agents of the United States as a prisoner of war, on parole or otherwise; or detained for any alleged offences of any kind?

22d. What is the total value of all your property?

23d. Have you ever taken the oath prescribed by the President's proclamation of the 8th of December, 1863? and if yea, when, where, and before whom?

24th. Have you since taking said oath aided the rebel cause or its soldiers, its civil officers, or its adherents, its sympathizers, or any State in insurrection by contribution of money, by loan, by word or act, or by any other means?

EXHIBIT F.

HEADQUARTERS BUREAU OF REFUGEES, FREEDMEN, AND ABANDONED LANDS FOR LOUISIANA,
New Orleans, —— ——, 186 .

Whereas the following described property, to wit, is now held by this bureau, having been turned over to the same by—— ——; and whereas —— ——, of —— ——, has exhibited at these headquarters proof that he is the lawful owner of said property, and has also filed in this office his oath of allegiance, and an affidavit that he has the right of possession of the same, and did not hold it in secret trust for any other person at the time it was taken possession of by —— ——: Now, therefore, it is ordered that the said property be released to the said

—— ——; but nothing in this order of restoration is to be so construed as to give any claim upon this bureau, or the government of the United States, for damages or for rent prior to —— ——, the date of —— ——.

—— ——,
Assistant Commissioner of the Bureau of Refugees, Freedmen, and Abandoned Lands for Louisiana.

EXHIBIT G.

HEADQUARTERS BUREAU OF REFUGEES, FREEDMEN, AND ABANDONED LANDS, DISTRICT OF LOUISIANA,
New Orleans, Louisiana, October 24, 1865.

CAPTAIN: The assistant Commissioner of this bureau for this State directs that you restore, so far as the jurisdiction of this bureau extends over it, the property of —— ——, now held by this bureau as abandoned.

The usual rules governing in the release of property will be observed in this instance.

Very respectfully, your obedient servant,

(Signed) D. G. FENNO,
First Lieutenant and Acting Assistant Adjutant General.

Captain W. B. ARMSTRONG,
Assistant Quartermaster.

Official:

WILLIAM H. GTULING,
Captain First United States Infantry, Acting Assistant Adjutant General.

EXHIBIT H.

Triplicate.

Receipt No. ——,
Release No. ——,

NEW ORLEANS, ——— *A. D.* 186 .

Received of ———, assistant Commissioner Bureau of Refugees, Freedmen, and Abandoned Lands, State of Louisiana, the following described property, which has been taken possession of by the United States, to wit:

EXHIBIT I.

HEADQUARTERS BUREAU OF REFUGEES, FREEDMEN, AND ABANDONED LANDS, STATE OF LOUISIANA,
New Orleans, October 27, 1865.

CAPTAIN: You are hereby directed to restore, so far as the jurisdiction of this bureau extends over it, the property of J. W. Zacharie, now held by this bureau "as abandoned," in accordance with the order of General Howard, Commissioner, &c., of September 2, 1865.

All receipts which have accrued since that date, on the aforesaid property, will be delivered to Mr. Zacharie.

The above is communicated by direction of the assistant Commissioner.

Very respectfully, your obedient servant,

(Signed) D. G. FENNO,
First Lieutenant and Acting Assistant Adjutant General.

Captain W. B. ARMSTRONG,
Acting Quartermaster.

Official:

WILLIAM H. GTULING,
Captain First United States Infantry, Acting Assistant Adjutant General.

WASHINGTON, D. C., *May* 24, 1867.

LAWRENCE A. GOBRIGHT sworn and examined.

By Mr. WILLIAMS:

Q. What is your occupation?

A. I am agent of the associated press in this city.

Q. Are you a reporter?

A. Yes; I have been a short-hand writer, but am not now in very good practice.

Q. Did you accompany the Presidential party in its tour through New York, Ohio, and Missouri, in the summer of 1866?

A. I did.

Q. In what capacity?

A. I reported the proceedings, speeches, and incidents of the journey, giving an account of what took place.

Q. Did you report the speeches made by the President on that tour?

A. A portion of them.

Q. Did you report his speech at Cleveland?

A. I made a sketch of it, not a verbatim report.

Q. Was there any reporter but yourself in company?

A. Yes, sir; I think Mr. Stephen Hayes, of New York, was at Cleveland; and there were others whom I cannot now name.

Q. Did he make accurate reports of the speeches of the President?

A. Not to my knowledge. I will not be certain whether he accompanied us as far as Cleveland.

Q. Do your reports contain the substance of what was said by the President?

A. They contained the material points, I presume.

Q. Have you your notes of those several speeches?

A. I have not. My notes were sometimes taken on the margin of the paper on which I wrote out my reports for the telegraph; and I lost a note book at Louisville.

Q. Did the President revise your sketches?

A. He never did.

Q. Would you be able to identify any of the reports made by you?

A. I think I should, if I saw them in print. (Two newspaper reports were here handed to the witness, and examined by him. After examining them, witness said:) There is some language here which I recognize as being in my own handwriting, describing the arrival of the President at Westfield and at Cleveland, but I cannot swear positively to this report. When we arrived at Cleveland, I could not get to the portico on which the President stood, and was obliged to go into the street and take notes in my book under a gas-light. I do not think I would have ventured under such circumstances to give the speech in the first person as it is given here. But so far as I recollect the speech, this is substantially a correct report of it. One of these reports seems to be from the Boston Journal, and the other from the Boston Evening Transcript. There were other reporters with the excursion party, and some times full reports of the speeches were made by them. They would ascertain from me whether I was going to report a speech in full or going to make a sketch of it; and in the latter case they would report the speech at length specially. It looks to me as if the reports in those two afternoon papers had been telegraphed from the New York morning papers containing a full report. I do not think I reported that speech at Cleveland. My reports were telegraphed to the agent of the associated press in New York, who again telegraphed them to the various parts of the country. The Herald, Tribune, and World, of New York, employed short-hand writers to accompany the excursion a part of the way.

Q. Look at the manuscript copy of the speech at Cleveland?

A. It reads more like the reports that I made than the others. The substance is fixed in my mind, and I recognize this as being substantially correct. The excursion continued for nearly three weeks, and was a very fatiguing operation on me, occupying me night and day, and I therefore cannot recollect as much as I might under other circumstances.

Q. Did you make a report of the speech made by the President at St. Louis?

A. I reported one of the speeches; he made two there, one at the Lindell House, and the other at the Southern Hotel.

Q. Have you any recollection of the speech which you did report at St. Louis?

A. It was merely a speech from the portico of the Lindell House, acknowledging the reception extended to him, &c.

Q. In one of those speeches, as reported in the newspapers, the President is represented as saying, in reply to a suggestion about turning out office-holders, that he would kick them all out, do you recollect that passage in his speech?

A. There was something like that, I think, in the speech at Cleveland.

Q. Do you recollect any remark of that kind in the speech at St. Louis?

A. I do not.

Q. Who reported that speech?

A. I took it next morning, being Sunday, from the St. Louis Democrat or Republican. I believe it was reported by a gentleman named Walbridge. It was the speech made at the Southern Hotel.

Q. Did the President seem to be laboring under great, unnatural, or unusual excitement during the delivery of those speeches?

A. I have known the President for twenty-five years, and I think he was, on these occasions, the same Andrew Johnson that I have always known him. Sometimes he would become warmed up with his subject, and eloquent, and when insulting words would be used in the crowd he would give a sharp answer, as any other man would under the circumstances.

Q. Is it your judgment that his speeches were entirely respectful?

A. Except, perhaps, where some annoying remark would be made which would stir him up to a sharp response. Some one in the crowd would say, for example: "How about New Orleans," and this would call out some remark from him. Perhaps another would call him a traitor, and he would say, "Traitor to what? What have I betrayed?" I do not say that his remarks were always respectful; for, perhaps, our opinions differ as to what constitutes respect. Sometimes he would decline to reply to any interruption in the crowd.

Q. Are we to understand you as saying that this speech in Cleveland was in his habitual style?

A. That one was pretty sharp, for he was interrupted in a very undignified way to say the least—in a way not respectful to a stranger. At Pittsburg he was interrupted and prevented from speaking. He had commenced telling the people how disastrous it would have been if the rebellion had succeeded—speaking in connection with the navigation of the western waters, and in reference to commerce and manufactures, not touching on any political question. He was interrupted very fiercely. He bowed and endeavored to get the ear of the people, making no disrespectful remark; but they would not listen, and he retired.

Q. Did he not refer to their "Masters of the City Council" as having refused to him the hospitalities of the city, and was not that the provocation?

A. I do not know that he used that expression. I do not recollect the remark. There was a very large crowd.

By Mr. ELDRIDGE:

Q. Mr. Gobright, it is apparent what was meant by Mr. Williams in inquiring if the President was laboring under great excitement. I want to know of you whether Mr. Johnson was drunk on that trip?

A. I here most solemnly say that I *cannot* affirm that Andrew Johnson was drunk. I cannot say that he did not drink; but, to my knowledge, he was not at any time what might be denominated drunk. He was not under the influence of drink, as many have supposed. I conversed with him frequently in the cars, at all points. He could always walk straight, and speak without stammering. I think his course was that of temperance, to say the least.

Q. Was he at any time, while making any of those speeches, excited with liquor?

A. I do not think he was.

Q. Could you undertake to repeat, from memory, any of his speeches?

A. I think I could repeat that where he spoke of leaving with the people the Constitution and the flag, with thirty-six stars.

Q. Were you with him all the time?

A. I was, from the time of starting till the return.

Q. Do you know of his drinking anything except wine?

A. I cannot say what he drank. I could not tell the character of the liquor. I did not make it a matter of investigation.

Q. What did you drink?

A. I drank a little brandy, whiskey, and champagne, as the condition of my health required.

By Mr. BOUTWELL:

Q. Were you sick at the time?

A. No, sir; I came home in better health than when I started, and in as good a condition as anybody else.

By Mr. ELDRIDGE:

Q. Can you state whether, to your knowledge, the President drank intemperately on that journey?

A. I do not think he did. Not to my knowledge. That is my opinion, if it was the last word I had to say.

By Mr. WILLIAMS:

Q. Did you report, for the associated press, Andrew Johnson's inauguration speech?

A. No, sir; it was reported by Mr. J. B. McCullough, the Senate reporter. I did not hear it.

Q. Did you report his 22d of February speech?

A. I did; but I was furnished with a copy of it as reported by another gentleman, who was in the immediate vicinity of the President when it was spoken, and I substituted that for my own as being more correct and perfect.

The following are the reports of the speeches handed to and examined by the witness, and referred to in his testimony:

Westfield, 4th—3:34 *P. M.* We stopped here for ten minutes, and after much cheering, with which the party were greeted, ceased, the President was introduced by ex-Lieutenant Governor Patterson, and then spoke as follows: "So far as a speech is concerned, I do not feel competent to speak, for the Admiral has spoken for himself in the history of the rebellion, and instead of the Secretary of State selecting substitutes, I prefer he should address you for all of us.

Fellow-citizens: I feel peculiarly gratified at these your demonstrations, because they are not personal to William H. Seward, General Grant, Admiral Farragut, or Andrew Johnson. They are demonstrations made for the Constitution and the country. [Cheers.] All of these men are merely representatives. The government must be saved by means, and the people must have means and instruments in their hands by which the government is to be preserved. When you have faithful, reliable men, who discharge their duty, I think they should stand prominent in your confidence and respect. To the pack of calumniators, traducers, and to the subsidized press, I think you should prefer those whom you have tried and who have proved true.

Now let me say one thing here, just as I am introduced, as I leave you, and that is—Why all this traducing? why all this slander? why all this vituperation in reference to your own fellow-citizen and those connected with him? Let me ask this vast concourse of people what Congress has done? Have they proposed to do anything? They want to find fault with what others are trying to do; yet the clamor is treason and traitors, when all the treachery consists in trying to restore the government and reconcile a distracted and divided country. Is this treachery?

Is pouring balm on the wounds that have been inflicted upon the Constitution and the country, treachery? Is the tying up the bleeding artery which has nearly exhausted the

Union, treachery? Is proclaiming peace and reconciliation, not only in the United States, but throughout the world, treachery? If to stand by the Constitution and preserve the Union of the States is treachery, we are free to state that we are traitors. But we appeal to you, and on you we rely for vindication and protection.

If I was disposed to be eloquent, and wanted to make a speech to the passions of the people—if I wanted to stir men's blood, and speak so as to incite their prejudices and their passions, I could do so; but I desire to rely upon argument and the Constitution. I am not afraid to stand before the people. The cries of traitors cannot drive me from my purpose. Andrew Johnson, your fellow-citizen, never deceived the people. They are the ones in whom he ever trusted. Thank you, gentlemen, for your reception.

There was a slight interruption on the part of one or two men, which the crowd rebuked.

Ashtabula, 3d—6.50 P. M. A large crowd greeted the Presidential party, and music played and a salute was fired. The President and other prominent members of the party appeared on the car platform and received the plaudits of the multitude.

Painesville—7 P. M. A large crowd was here assembled; a stand had been erected, and it was illuminated. The President was conducted to it and made a few remarks. The journey was then resumed.

Cleveland—9 P. M. We have arrived at the Kennard House, which is splendidly illuminated with lanterns of various colors at every window, while strings of them are stretched over the street. A large mass of persons were here assembled, expecting to hear speaking, as well as to obtain a good view of the distinguished party; but they had to wait about an hour, and soon after the arrival of the excursionists they went to dinner. A band had played several airs on the portico, when, to silence the clamors of the multitude, the President appeared and spoke as follows:

Fellow-citizens: It is not for the purpose of making a speech that I now appear before you. I am aware of the great anxiety which prevails to see strangers who have notoriety and distinction in all countries I know a large number of you desire to see General Grant, and to hear what he has to say, but you cannot see him to-night. He is extremely ill. [Three cheers for Grant.] I repeat, I am not before you now to make a speech, but simply to make your acquaintance, to say how are you, and to bid you good bye.

We are on our way to Chicago to participate in, or witness, the laying of the corner-stone of a monument to the memory of a distinguished fellow-citizen who is no more. It is not necessary for me to mention the name of Stephen A. Douglas to the people of Ohio. [Applause.] I am flattered by the demonstrations I have witnessed, and being flattered I don't mean to think it personal, but as an evidence of what is pervading the public mind, and this demonstration is nothing more nor less than an indication of the latent sentiment or feeling of the great masses of the people.

With regard to the proper settlement of this great question, I come before you as an American citizen simply, and not as the Chief Magistrate, clothed in the insignia and paraphernalia of state, being an inhabitant of a State of this Union. I know it has been said that I am an alien, [laughter,] and that I did not reside in one of the States of the Union, and therefore I could not be the Chief Magistrate, though the Constitution declares that I must be a citizen to occupy that office. All that was necessary was to declare the office vacant, or under a pretext, to prefer articles of impeachment, and then the individual who occupies the chief magistracy was to be disposed of and driven from power.

But a short time since you had a ticket before you for the Presidency. I was placed upon that ticket with a distinguished fellow-citizen who is now no more. I hear there are some who complain. [A voice, "Unfortunately."] Yes, unfortunate for some that God rules on high, and deals in right. [Cheers.] Yes, unfortunately the ways of Providence are mysterious and incomprehensible.

I was going to say, my countrymen, a short time since I was selected and placed upon the ticket. There was a platform proclaimed and adopted by those who placed me upon it. Notwithstanding the subsidized tone of hirelings and traducers, I have discharged all my duties and fulfilled all my pledges, and I say here, to-night, that if my predecessor had lived the vials of wrath would have been poured out on him. [Cries of "Never!" "Three cheers for the Congress of the United States!"]

I came here, as I have been called upon, for the purpose of exchanging views, and of ascertaining, if we could, who was wrong. [Cries of "It's you!"] That was my object in appearing before you to-night, and I want to say this, that I have lived among the American people, and have represented them in some public capacity for the last twenty-five years, and where is the man or woman who can place his finger upon any single act of mine deviating from any pledge of mine, or in violation of the Constitution of the country? [Cheers.] Who is he? What language does he speak? What religion does he profess?

Who can come and place his finger upon one pledge I ever violated, or one principle I ever proved false to? [A voice, "How about New Orleans?" Another voice, "Hang Jeff. Davis."] Hang Jeff. Davis, he cries. [Cries of "No, no," and "Down with him."] Hang Jeff. Davis, he says. [A voice, "Hang Thad. Stevens and Wendell Phillips."] Hang Jeff. Davis? Why don't you hang him? [Cries of "Give us the opportunity."] Have you not

got the court? Have you not got the Attorney General? [A voice, "Who is your Chief Justice, who has refused to sit upon the trial?"]

I am not Chief Justice; I am not the prosecuting attorney; I am not the jury. I will tell you what I did do. I called upon your Congress that is trying to break up the government—[Cries of "You be d—d," and cheers, mingled with hisses—great confusion—"Don't get mad, Andy."] Well, I will tell you who is mad; whom the gods wish to destroy they first make mad. Did your Congress order any of them to be tried? [Three cheers for Congress.] Then, fellow-citizens, we might as well allay our passions, and permit reason to resume her empire and prevail.

In presenting the few remarks that I designed to make, my intention was to address myself to your common sense, your judgment, and your better feelings, not to the passion and malignity in your hearts. [Cheers.] This was my object in presenting myself on this occasion, and to ask you how you do, and at the same time to bid you good night. In this assembly here to-night the remark has been made, "Traitor!" "Traitor!" My countrymen, will you hear me? [Shouts of "Yes."] And will you hear me for my cause and for the Constitution of my country? [Applause.]

I want to know when, or where, or under what circumstances, Andrew Johnson, not as Chief Executive, but in any capacity ever deserted any principle or violated the Constitution of his country? [Cries of "Never."] Let me ask this large and intelligent audience if your Secretary of State, who served four years under Mr. Lincoln, and who was placed upon the butcher's block, as it were, and hacked to pieces, and scarred by the assassin's knife, ever turned traitor? [Cries of "Never."]

If I were disposed to play the orator, and deal in declamation, to-night, I would initiate one of the ancient tragedies, and would take William H. Seward and bring him before you, and point you to the hacks and scars upon his person. [A voice, "God bless him."] I would exhibit the bloody garments, saturated with gore from his gushing wounds; then I would ask you why not hang Thad. Stevens and Wendell Phillips?

I tell you, my countrymen, I have been fighting the South, and they have been whipped and crushed, and they acknowledge their defeat, and accept the terms of the Constitution; and now as I go around the circle, having fought traitors at the South, I am prepared to fight traitors at the North. [Cheers.] God willing, with your help, we will do it. Treason will be crushed North and South, and this glorious Union of ours will be preserved. [Cheers.]

I do not come here as the Chief Magistrate of twenty-five States, but of thirty-six. [Cheers.] I come here to night with the flag of my country and the Constitution of thirty-six States untarnished. Are you for dividing this country? [Cries of "No!"]

Then I am President, and I am President of the whole United States. [Cheers.] I will tell you one other thing. I understand the discordant notes in this crowd to-night. He who is opposed to the restoration of this government and the reunion of the States is as great a traitor as Jeff. Davis or Wendell Phillips. [Cheers.] I am against both. Some of you talk about traitors in the South, who have not courage to get away from your home and fight them. [Laughter and cheers.]

The courageous men, Grant, Sherman, Farragut, and the long list of the distinguished sons of the Union, were in the field, and led on their gallant hosts to conquest and to victory, while you remained cowardly at home. [Applause.] Now, when these brave men have returned home, many of whom have left an arm, or a leg, or their blood upon many a battle-field, they find you at home speculating and committing frauds upon the government. [Laughter and cheers.]

You pretend now to have great respect and sympathy for the poor, brave fellow who has left an arm on the battle-field. [Cries, "Is this dignified?"] I understand you; you may talk about the dignity of the President. [Cries, "How was it about his making a speech on the 22d of February?"] I have been with you in the battles of this country, and I can tell you, furthermore, to-night, who has to pay these brave men who shed their blood. You've speculated, and now the great mass of the people have to work it out. [Cheers.]

It is true that the great mass of the people should understand what your designs are. What did General Butler say? [Hisses.] What did Grant say? [Cheers.] And what does General Grant say about General Butler? [Laughter and cheers.] What does General Sherman say? [A voice, "What does General Sheridan say?"] General Sheridan says that he is for the restoration of the government that Sheridan fought for. ["Bully."]

But, fellow-citizens, let this all pass. I care not for my dignity. There is a certain portion of our countrymen who will respect a citizen whenever he is entitled to respect. [A voice, "That's so."] There is another of them that have no respect for themselves, and consequently they cannot respect any one else. [Laughter and cheers.]

I know a man and a gentleman whenever I meet him. I have only to look in his face, and if I was to see you by the light of day I do not doubt that I should see cowardice and treachery written in it. [Laughter and cheers.] If you ever shoot a man you will do it in the dark, and pull the trigger when no one is by to see you. [Cheers.]

I understand traitors. I have been fighting them at the south end of the line, and we are now fighting them in another direction. [Laughter and cheers.] I came here neither to criminate nor recriminate, but when attacked my plan is to defend myself. [Cheers.]

When encroached upon, I care not from what quarter it comes, it is entitled to resistance.

As Chief Magistrate I felt so after taking the oath to support the Constitution, and when I saw encroachments upon your Constitution and rights, as an honest man I dared to sound the tocsin of alarm. [Three cheers for Andrew Johnson.] Then, if this be right, the head and front of my offending is in telling you when the Constitution is trampled upon. Let me say to those who thirst for more blood, who are still willing to sacrifie human life, if you want a victim, and my country requires it, erect your altar and lay me upon it, to give the last libation to human freedom. [Loud applause.]

I love my country; every public act of my life testifies that it is so. Where is the man that can put his finger upon any one act of mine that goes to prove the contrary, and what is my offending? [A voice, "Because you are not a radical." Cry of "Veto."] Somebody says veto. Veto of what is called the Freedmen's Bureau bill. I can tell you what it is. Before the rebellion commenced there were four millions of slaves, and about eight millions of white people living in the South. These latter paid the expense, bought the land and cultivated it, and after the crops were gathered pocketed the profits. That's the way the thing stood up to the rebellion.

The rebellion commenced, the slaves were liberated, and then came up the Freedmen's Bureau bill. This provides for the appointment of agents and sub-agents in all States, counties, and school districts, who have power to make contracts for the freedmen, and hire them out, and use the military power to carry them into execution.

The cost of this to the people was 12,000,000 dollars at the beginning, the further expense would be greater, and you are to be taxed for it.

That's why I vetoed. I might refer you to the civil-rights bill, the results of which are very similar. I tell you, my countrymen, that though the powers of hell and Thad. Stevens and his gang were by, they could not turn me from my purpose. There is no power that could turn me except you and the God who spoke me into existence.

In conclusion, besides that, Congress had taken great pains to poison their constituents against him, what had Congress done? Have they done anything to restore the union of these States? No; on the contrary they have done everything to prevent it; and because he stood now where he had when the rebellion commenced, he had been denounced as a traitor.

Who had run a greater risk or made greater sacrifice than himself? But Congress, factious and domineering, had undertaken to poison the minds of the American people. It was with them a question of power. Those who hold an office as assessor, collector, postmaster, wanted to retain their places. Rotation in office used to be thought a good doctrine by Washington, Jefferson, and Adams, and Andrew Jackson [God bless him] thought so. [Applause.]

This gang of office-holders, the bloodsuckers and cormorants, had got fat on the country. You have got them over your district, hence you see a system of legislation proposed so that these men shall not be turned out, and the President, the only channel through which they can be reached, is called a tyrant.

He thought the time had come when those who had enjoyed fat offices for four years should give way for those who had fought for the country, hence it was seen why he was assailed and traduced.

He had visited them in the field, and, God willing, would stand by them. He had turned aside from the thread of his remarks to notice the insult sought to be given him. When an insult was offered he would resent it in a proper manner, but he was free to say he had no revengeful or resentful feeling. All he wanted, when war was over, and peace had come, for patriotic and christian men to rally around the flag of the country in a fraternal hug, and resolve that all shall perish rather than that the Union shall not be restored.

Some one in the crowd asked him "How about Louisiana?" To which he replied, "Let the negroes vote in Ohio before you talk about their voting in Louisiana." [Laughter and cries of "Good."]

Take the beam out of your own eye before you seek the mote in your brother's. [Renewed laughter.]

In conclusion, after some further remarks, he invoked God's best blessing upon his hearers. [Applause.]

The interruptions were few. At the close of the President's speech loud cries were made for Grant, Farragut, and others of the distinguished party, two of whom responded, General Custer, and Senator Doolittle, to the immense audience. The latter touched specially on the trial of Jeff Davis, stating the difficulty of procuring a proper jury as the cause of the delay. The vast crowd was deeply attentive during the delivery.

Extracts from a speech of President Johnson at St. Louis, Missouri, September 8, 1866.

* * * * And if you will go back, if you will go back and ascertain the cause of the riot at New Orleans, perhaps you would not be so prompt in calling out New Orleans. If you will take up the riot at New Orleans and trace it back to its source or its immediate cause,

you will find out who was responsible for the blood that was shed there. If you will take up the riot at New Orleans and trace it back to the radical Congress—[cheers and cries of "Bully,"]—you will find that the riot at New Orleans was substantially planned. If you will take up the proceedings in their caucuses you will understand that they there knew [cheers] that a convention was to be called, which was extinct by its power having expired; that it was said that the intention was that a new government was to be organized, and on the organization of that government the intention was to enfranchise one portion of the population called the colored population, who had just been emancipated, and at the same time disfranchise white men. When you design to talk about New Orleans [confusion] you ought to understand what you are talking about. When you read the speeches that were made and take up the facts on the Friday and Saturday before that convention sat, you will there find that speeches were there made incendiary in their character, exciting that portion of the population, the black population, to arm themselves and prepare for the shedding of blood. [A voice—"That's so," and cheers.] You will also find that that convention did assemble in violation of law, and the intention of that convention was to supersede the reorganized authorities in the State government of Louisiana, which had been recognized by the government of the United States, and every man engaged in that rebellion, in that convention, with the intention of superseding and upturning the civil government which had been recognized by the government of the United States, I say that he was a traitor to the Constitution of the United States, [cheers,] and hence you find that another rebellion was commenced, having its origin in the radical Congress. These men were to go there, a government was to be organized, and the one in existence in Louisiana was to be superseded, set aside, and overthrown. You talk to me about New Orleans; and there the question was to come up, when they had established their government, a question of political powers, which of the two governments was to be recognized, a new government, inaugurated under this defunct convention, set up in violation of law and without the will of the people. Then when they had established their government and extended universal and impartial franchise, as they called it, to the colored population, then this radical Congress was to determine that a government established on negro votes was to be the government of Louisiana. [Voices—"Never," cheers, and cries of "Hurrah for Andy!"]

So much for the New Orleans riot; and there was the cause and the origin of the blood that was shed. and every drop of blood that was shed is upon their skirts and they are responsible for it. * * * * * * * * * * *

* I might ask you a question, why don't you hang Thad. Stevens and Wendell Phillips! [Great cheering.] A traitor at one end of the line is as bad as a traitor at the other.

* * * * * * * * * *

Let me say to you, in concluding, that what I have said I intended to say. I was provoked into this, and I care not for their menaces, the taunts and the jeers. I care not for threats; I do not intend to be bullied by my enemies, nor overawed by my friends. But, God willing, with your help, I will veto their measures whenever any of them come to me. I place myself upon the ramparts of the Constitution when I see the enemy approaching; so long as I have eyes to see, or ears to hear, or a tongue to sound the alarm, so help me God, I will do it, and call on the people to be my judges. [Cheers.]

WASHINGTON, D. C., *Saturday, May* 25, 1867.

JOHN T. FORD sworn and examined.

By the CHAIRMAN:

Q. Are you acquainted with William P. Wood?

A. Yes, sir.

Q. State whether you ever had a conversation with him about a letter or article written by John Wilkes Booth, intended for publication.

A. I heard something with reference to a letter written by Booth for publication; whether or not I held a conversation with Mr. Wood about it I cannot say.

Q. State what knowledge you have of that letter.

A. About the first of June, a few days after I was released from Carroll prison, I met a member of my company, named John Mathews, in Seventh street, near the Intelligencer office, and had a conversation with him. He had been very intimate with John Wilkes Booth. In the course of the conversation I made an allusion to what surprised me very much—the fact of one of the editors of the Intelligencer having been called as a witness in the conspiracy trial, and of Judge Holt telling him that Booth stated before he died that he had left

an article for publication in that paper, and wishing to know whether he knew anything about it; to which the editor replied that he did not. After some further conversation, Mathews said to me, "I will tell you something about that letter. On the afternoon of the day of the assassination, at about four o'clock, I was going up Pennsylvania avenue; John Wilkes Booth came riding down on horseback, and we met between Seventh and Eighth streets. He was very much excited. He drew a packet from his pocket and handed it to me, saying, 'I wish you, no matter what occurs, to deliver this at the office of the Intelligencer to-morrow morning.'" Mathews went on to say, "He was very excited in his manner, and was apparently somewhat under the influence of liquor. He seemed to impress upon me, very seriously, the importance of keeping it a profound secret, and to be sure to deliver the letter faithfully." He said, "I took it reluctantly, and put it in my side pocket, and kept it until late that night." He said the assassination so frightened and bewildered him that when he went home he remembered that Booth had given him this letter or package. He put his hand in his pocket and drew it out. In view of the great excitement prevailing he resolved to break it open and read its contents. He did break it open, and read it. It contained a justification of Booth's intended act. Mathews thought it was written on the day he received it. It went on something in the style of Booth's diary, claiming that he was called upon to do this murder, and that he would do it, and for no other purpose than to serve his country, or something of that kind, quoting all the famous assassinations of history to justify the deed. Mathews said that after reading it he made up his mind to destroy it, fearing that, if found upon his person, it might cost him imprisonment, or probably his life. He therefore put it in the fire, and he said that, feeling worried about it, and being a Catholic, he went next day to his confessor. I believe he was told there that, under the circumstances, he had done right; that the paper could be of no service to the government or any one else, and that it had better be suppressed.

Q. Do you know where Mathews is at this time?

A. I last heard of him at Rochester, New York, some months ago, when he wrote to me for an engagement. Mathews knew Wood very well. He came to visit me in prison, when I found that Wood and he were old friends. Mathews was never a prisoner there to my knowledge.

Q. Did Mathews tell you on what kind of paper the letter was written?

A. No, sir; he merely described it, so far as my memory serves me, as being in a large envelope, something like an official envelope, sealed and directed, I think, to Mr. Coyle, of the Intelligencer, or at all events to one of the editors of the Intelligencer.

Q. Is that all the knowledge you have of it?

A. That is all the knowledge I have of it except some indistinct recollection of what he told me the contents of the paper were.

By Mr. ELDRIDGE:

Q. State all you know of what he said was in the paper.

A. I cannot describe it better than by comparing it with the diary that has been published. He had resolved at the last moment, failing in all his other plans, to commit this deed, and he wished to justify himself before the world.

Q. What did you understand him to mean by "failing in all his other plans?"

A. I presume, from hearing something of the conspiracy, that he meant failing to kidnap the President, and then that he had resolved on assassination.

By Mr. BOUTWELL:

Q. Did Mathews represent to you that that letter mentioned the name of any person as being at all connected with the conspiracy?

A. No, sir; it mentioned no names whatever. Knowing the young man as

being vain-glorious, very ambitious, and very daring, it seemed to me to be very characteristic of him. He was called vividly to my mind by the diary. I think that in this letter the same allusions were made as in the diary, to Brutus, and Tell, and others.

By Mr. ELDRIDGE:

Q. Did Mathews inform you of anything in the letter from which it appeared that Booth had others in the plot of assassination?

A Nothing of that kind. So far as I recollect, it seemed to relate entirely to himself.

Q. You understood from him that the plan of abduction having failed, he then resolved on assassination?

A. That is what I inferred from what I had heard of the plan.

Q. What did Mathews say was in the letter on that subject?

A. That he had at the last moment (his other plan failing) resolved on assassination, and he seemed desirous of vindicating himself.

By Mr. BOUTWELL:

Q. Had you had, about the time of the assassination, any knowledge of the plan for the abduction of President Lincoln?

A. Not the slightest in the world until after the assassination had taken place. I had applied to the War Department and procured permission to go to Richmond directly after the fall of that city, for the purpose of visiting a very old man, the oldest brother of my mother. We had no particulars of the fire there, and my family was very anxious about his condition. I took some money with me, and went down to seek him. I arrived in Richmond on the day of the assassination. It was on Monday morning that I had the first positive information of the assassination. I went to the boat at six o'clock in the morning, to leave for Baltimore, and saw the Richmond Whig in heavy mourning; and I met Mr. Spaulding, a theatrical manager, who told me that the assassination occurred at my theatre. At Old Point Comfort I heard more of it, and heard of the arrest of Daniel Arnold, whose father and brother I knew in Baltimore. I got home at seven o'clock in the morning, and a few minutes afterwards a couple of detectives came to my house, and told me they had orders to carry me to Washington. I was taken down to the Provost Marshal's office, and there I met Arnold, who made his statement to me of how he was connected with Booth in the abduction plan. Some portions of his statement came out as evidence in the conspiracy trial. It seems that he had several meetings with Booth and others for the purpose of arranging the abduction of the President.

By Mr. ELDRIDGE:

Q. Did he say anything about the higher crime of assassination?

A. No, sir; but protested his entire innocence of any knowledge of it in any way, although he seemed very free to acknowledge his full connection with the former plan, which had failed.

Q. Was there anything in his confession about Mrs. Surratt?

A. I think not. He made no allusion to her, but spoke of her son, John Surratt, and of his having met him. He had been a school-boy with Booth at St Timothy's Hall, a school near Baltimore.

Q You were the manager of Ford's theatre at the time the assassination took place?

A. Yes, sir.

Q. You say you had no knowledge whatever, either of the assassination plot or of the abduction plot, until after the assassination?

A. Not the slightest. Some peculiar things transpired between Booth and myself, which made me wonder since that I was not more suspicious. He was

exceedingly desirous at one time that I should engage an actor by the name of Samuel P. Chester, who was then engaged in performing minor parts at the Winter Garden. I told him I could not, in honor, take a man from a theatre where I thought he was bound to remain, and bring him to my theatre, although he would be a very desirable acquisition to my company. He proposed, afterwards, to exchange him for another man, saying that Chester had once saved his life in Montgomery, and that he would do anything in the world to make him content, and offering, if I would bring him, to pay his salary. It afterwards turned out that Chester was a party to the conspiracy to abduct the President. He is a bold, resolute fellow, and one whom Booth could have relied on. I believe he was the party who was to extinguish the lights and allow the abduction to occur in darkness. Chester testified at the conspiracy trial, and confessed to a knowledge of a conspiracy to abduct.

Q. You have stated, I suppose, all that you recollect of what Mathews told you as to the contents of that letter?

A. About all. It impressed me as an article fresh from Booth's brain, scrawled somewhat in haste, folded up, delivered to Mathews, read by him that night and destroyed, containing in substance, but at greater length, the contents of the diary.

Q. How long after its destruction was it that Mathews mentioned it to you?

A. It was destroyed, according to his statement to me, on the night of the assassination. His statement was made to me about the first part of June.

By the CHAIRMAN:

Q. When did you first hear of the assassination of Mr. Lincoln?

A. I did not hear it until Sunday afternoon, and then I did not credit it. It was not publicly announced in Richmond until Monday morning. I did meet Colonel Forney at the Spottswood House on Sunday, but he said nothing to me about it, although he knew it. Talking to a relative of mine on Sunday afternoon, I heard that President Lincoln had been killed in Washington by Edwin Booth. I laughed, turned round, and said, "Edwin Booth is in Boston." It never occurred to me at all that John Wilkes Booth had been in Washington. I treated the matter with not the slightest credence. It was only on Monday morning, before the boat leaving the wharf, that I got a newspaper and learned the actual fact.

WASHINGTON, D. C., *Saturday, May* 25, 1867.

WILLIAM W. WARDEN sworn and examined:

By Mr. BOUTWELL:

Q. What is your occupation, and how are you at present employed?

A. I am a newspaper correspondent, and I practice law in this city.

Q. Are you in any other way engaged in business?

A. I am engaged at the Executive mansion in examining and reading the newspapers. The leading journals of the country come there for the President, and I impart the substance of them to him.

Q. You give him information as to what they contain?

A. Yes, sir; the substance of the editorial comments and matters of general news.

Q. Are there any other duties performed by you at the Executive mansion?

A. That is the principal thing I do; there are some other duties required of me. I am engaged there mostly at night. I am not considered as regularly on

duty during the day, as others are. My services are mostly performed at night. I am there generally all through the evening.

Q. With what papers do you correspond?

A. I have charge of the Philadelphia Ledger, the Baltimore Sun, the Cincinnati Enquirer, and the New Orleans Times; and I am assistant correspondent for the New York Tribune.

Q. What is the office that you held at the Executive mansion called?

A. I do not know what the language of the law is; it is either "short-hand writer," or "phonographic writer."

Q. What is the compensation of your office?

A. $2,500 a year.

Q. Did you receive an appointment in writing?

A. Yes.

Q. What are you designated?

A. I do not know whether the office is called that of short-hand writer, or phonographic writer. It is embraced in the law. That is what I was employed expressly for; but the other duty of reading the newspapers being more in my line, was assigned to me, and it was arranged that I shall attend to both matters.

Q. How long have you been employed at the Executive mansion?

A. I have been engaged in reading newspapers since some time in December, I think; but my appointment dates back a month or two ago.

Q. Does it go back to the month of August, 1866?

A. No, sir; it is within this year.

Q. Did you, in the month of August, obtain at the Executive mansion a copy of a communication made by General Sheridan, in reference to the New Orleans riot?

A. Yes; but not a full copy, I believe. It turned out to be a part of the communication.

Q. State the circumstances under which you obtained the copy which you transmitted to the New York Times.

A. I received it through Colonel Morrow, the assistant private secretary.

Q. How did you obtain knowledge that there was such a communication in the hands of the President?

A. I obtained that information from the President. It was at that time my habit to go there every evening to see the President—to learn what was transpiring; and on that occasion I called upon him in the usual way. At that hour of the evening there are generally seven or eight or ten people admitted to the President's office at once, and on this particular evening I was among those admitted. I had the usual conversation with the President about what was going on, and asked him if there was anything of recent date from New Orleans. My recollection is he told me there were several despatches from Sheridan, but he did not know what the dates were, or whether they had been published or not; but that I could go to Colonel Morrow, the assistant private secretary, and get from him such as had not been published, or whatever was proper to be given to the public. The idea was that Colonel Morrow would use his discretion as to what should go to the public. I went to Colonel Morrow's room, and told him what the President had said, leaving it to him to determine what should be given to me. Mr. Morrow turned to the despatch book and dictated to me, and I wrote. I do not recollect exactly how much of Sheridan's despatch was published; but, as I understand now, it was all published except a few lines. It was published, however, as I got it from Colonel Morrow.

Q. Was there any reference made by the President in his conversation with you, when he referred you to Colonel Morrow, to this particular despatch of General Sheridan's?

A. No, sir; he did not give me the character of any of the despatches. He simply remarked, there had been several communications received from General

Sheridan—that he did not know the dates of them, or whether they had been published or not; but that I could go to Colonel Morrow, and that he (Colonel Morrow) could use his discretion as to what was proper to be given to the public.

Q. Did you understand from your conversation with the President, or did he say to you, that he expected Colonel Morrow to withhold some portion of a despatch?

A. No, sir; nothing of the kind—no indication of any desire to withhold anything. The impression he left on my mind was, as I knew to be the case generally, that there were communications being received and sent which were not intended for the public—matters in which the public would have no interest, or which they had no right to know anything of. I judged that, not only from what then occurred, but from what had been the custom all the time. There are a good many despatches received from time to time which they tell us the substance of, but which they do not see proper to give us in detail. It is the same in all the departments. There was nothing unusual about this case, that I know of. There was no intimation from the President that there was anything in the despatches that should not be given to the public; but he simply left it to Colonel Morrow to determine.

Q. Did you see the despatch from which Colonel Morrow read?

A. No, sir, I think not. The despatch book is one of their records. I was not permitted then, nor am I now, to handle their records. It was a book in which the despatches were attached together as they came along—something like a scrap-book.

Q. Mr. Morrow read what purported to be a despatch from General Sheridan, and you wrote it down?

A. Yes.

Q. And that despatch you transmitted to the New York Times?

A. Yes, sir.

Q. It was there published just as you received it from Colonel Morrow?

A. Yes, sir; I am very certain there was no alteration in any shape or form.

Q. Did you, when you received it from Colonel Morrow, or at any time before you transmitted it to the New York Times, know or have any good reason to believe that what Colonel Morrow had given you was not the despatch which the President had received from General Sheridan?

A. No, sir; I had no intimation or idea of it. About ten days after it was published, or earlier perhaps, there was some mention in the newspapers—I think in the New York Tribune—of an omission in that despatch. They did not seem to know, and it appears that they did not really know, what the omission was. The Tribune, if I am correct in memory, supposed it was a threat of General Sheridan to resign. I afterwards read the original published in full in some official investigation, and found that the words omitted contained some reference to the conduct of Mayor Monroe and the rioters.

Q. Was that publication in the Tribune, ten days afterwards, the first time that you had reason to suspect there was anything left out of the despatch?

A. No, sir; my attention was first called to it by some of the newspaper correspondents. As I was entirely ignorant of any omission, I did not believe they were right in their observations. I had no idea there was any foundation for the statements.

Q. Did Colonel Morrow read from the despatch in a manner which indicated to you that he was reading the whole of it?

A. Yes, sir; it did not arrest my attention as anything peculiar at all. I sat down and took up a piece of paper, and he read off and I copied. It was nine or ten o'clock at night, and I was in a hurry to get to the telegraph office with it. I went down to the telegraph office, introduced the matter in a few words, and sent it off.

Q. In all you did you acted in the belief that you were communicating to the public the entire contents of that despatch?

A. I had no peculiar impression at the time upon the subject. I had no reason to suspect anything wrong. It was a common occurrence. I had been going to the Executive mansion in that way for a year or so. During the time of Mr. Lincoln I had practiced the same thing, going up to see him in the evening to learn what was transpiring, and the same practice was continued with Mr. Johnson. I had so frequently matters given me in that way that I did not discover anything peculiar in the case at all. I was not permitted, and am not permitted now, to handle their records; and anything given me is given just in that way—dictated to me. Mr. Morrow did this in the usual way. He did not go to confer with the President in the matter. He knew that he could rely on what I said, the thing had been so frequently done, not only with me, but with other newspaper representatives.

Q. Look at a note in the following words: "Mr. Evans will please call at the President's House and see Mr. Edward Cooper, Monday," and state, if you know, whose handwriting it is.

A. It has a familiar look to me, but I cannot say whose it is.

Q. Have you seen Mr. Edward Cooper write?

A. I have, but I cannot say that I am familiar with his handwriting. It does not impress me as being his. It looks to me more like Colonel Moore's handwriting.

By Mr. ELDRIDGE:

Q. Look at the despatch of General Sheridan, published on page 472 of the Report of the New Orleans Riot, and state whether or not that is the perfect or the imperfect copy.

(The following is the despatch alluded to:)

In order that the following from General Sheridan be fully understood, it should be stated that he was absent from New Orleans when the disturbance commenced in that city.

NEW ORLEANS, *August* 1—1.30 P. M.

General U. S. GRANT, *Washington:*

You are doubtless aware of the serious riot which occurred in this city on the 30th. A political body, styling itself the convention of 1864, met on the 30th for, as alleged, the purpose of remodeling the present constitution of the State. The leaders were political agitators and revolutionary men, and the action of the convention was liable to produce breaches of the public peace. I had made up my mind to arrest the head men if the proceedings of the convention were calculated to disturb the tranquility of the department, but I had no cause for action until they committed the overt act.

About forty whites and blacks were killed, and about one hundred and sixty wounded. Everything is now quiet, but I deem it best to maintain a military supremacy in the city for a few days until the affair is fully investigated. I believe the sentiment of the general community is great regret at this unnecessary cruelty, and the police could have made any arrests they saw fit without sacrificing lives.

P. H. SHERIDAN,
Major General Commanding."

A. This reads to me as the despatch I sent; I see by the introduction that it is the same.

Q. Look at the full despatch as given in the same Report, page 352, and state what portion of it is omitted in your despatch.

A. I find that the portion omitted is as follows: "In the mean time official duty called me to Texas, and the mayor of the city, during my absence, suppressed the convention by the use of their police force, and in so doing attacked the members of the convention and a party of two hundred negroes, and with fire-arms, clubs, and knives, in a manner so unnecessary and atrocious as to compel me to say that it was murder."

Q. Who was your predecessor in the office which you call short-hand writer?

A. I am the first one appointed. It is an office provided for by law over a year ago.

Q. Provided for by act of Congress?

A. Yes, sir.

Q. With a salary provided?

A. Yes, sir.

Q. And with the duties described?

A. The act simply provided that in the President's household there shall be certain officers—private secretary, assistant private secretary, short-hand writer, &c. The latter office was one necessary, but that had not been up to that time systematized, nor provided for in the law. At the time of my appointment there was another party whose time was occupied a good deal in handling the newspapers that were sent there. This gentleman has been thus engaged ever since Mr. Johnson has been in office, and I believe he was in the same position under Mr. Lincoln, receiving salary as a clerk; that part of his duty was turned over to me, in addition to the short-hand work and to the other duties that might be assigned to me.

Q. Then during Mr. Lincoln's administration there was a similar duty performed?

A. Yes, sir; I so understand. I am informed the custom goes away back to Mr. Fillmore's time.

Q. Have you, since the time of the publication of the despatch of General Sheridan, seen the original?

A. No, sir; I have never seen it.

Q. Did the President know what despatches you sent?

A. No, sir.

Q. Did you submit your manuscript to him?

A. No, sir; I saw him no more on the subject. As I have before stated, I was admitted that evening with a party of six or seven. His custom was then, and is to some extent now, to open his door and admit all who congregate there at the hour when he comes into the office. I was usually admitted at that time, and took my turn in walking up to talk to him at the table. I did so that night, and then I went to Colonel Morrow, and told him what the President had said, that I could have such despatches as he (Colonel Morrow) thought should be made public. Colonel Morrow went to the despatch-book, and run over the despatches of two or three days, and I found some of them had been published. I recollect one in reference to Attorney General Herron and others. Then he came to this despatch of General Sheridan's, received probably that very day. I told him that had not been published, and he called it off to me, and I wrote it down.

Q. Did you call the President's attention to any particular information or despatch which you desired to get?

A. No, sir; it was the common general inquiry whether he had received any further news from New Orleans. We knew by the telegraph that there were troubles going on there, and we had had some despatches published already, sent from New Orleans, and I asked Mr. Johnson if he had received any further news from New Orleans.

Q. Did Mr. Morrow give you this information as he was accustomed to give you information previous to that time from other telegraphic despatches?

A. Yes, sir; precisely in the same manner as I had been getting information there previously and ever since. The custom has been for the private secretary to give newspaper correspondents such information as he was willing should be published. There have been occasions, (as during the time of Mr. Lincoln) probably, where the President himself, having a knowledge of the general tenor of a despatch, during the war time, would simply mention the fact that General Grant, for instance, had telegraphed so and so, giving me the substance of what

might be a very long despatch. This thing has happened now and then, but generally the custom was, as is in this case, to refer me to the private secretary. In this case there was nothing remarkable so far as the President is concerned. He did not call Colonel Morrow to him, and Colonel Morrow did not go to Mr. Johnson. I got the authorization in the ordinary way.

Q. You were in the habit of carrying that authorization from the President to Colonel Morrow and getting information?

A. Yes, sir; to him and others of the private secretaries.

Q. And they would take your word for it?

A. Yes, sir; that was the custom with newspaper men who were in good standing.

Q. Were you then acting in the office?

A. No, sir; I was not connected with the President in any shape or form. This position which I now hold is of recent date.

Q. With what paper were you then connected?

A. I was regularly connected with the New York Times, was temporarily in sole charge of its Washington correspondence. Besides, I had sole charge of some of the papers before mentioned, and was representing, for Mr. Poore and others, the Boston Journal, Philadelphia Inquirer, Chicago Republican, and a number of other papers—thirteen in all, I think. I sent this despatch, I believe, to every newspaper to which I was then telegraphing.

WASHINGTON, D. C., *Saturday, May* 25, 1867.

WILLIAM G. MOORE sworn and examined.

By the CHAIRMAN:

Q. Are you employed at the Executive mansion?

A. I am.

Q. In what capacity?

A. I am there simply as an aid to the President in the discharge of the duties of his office, principally in relation to Congressional matters.

Q. Were you engaged in the Executive mansion in any capacity in October, 1866?

A. Yes, sir.

Q. Have you any recollection of an application that was made for the pardon of certain West Virginia soldiers in the month of October, 1866?

A. Yes, sir.

Q. State all the knowledge you have of that application and the action of the President thereon.

A. I think that the application was presented to me by Thomas B. Florence. I submitted the paper to the President, reading the statement which accompanied it, signed, I think, by a Dr. McEwen. The President said that if the case was as stated, the application should be granted. The order was given and the subject referred to the War Department.

Q. You mean the order for the pardon?

A. The order that the application should be granted. I think that the order was that the charge of desertion, as borne on the rolls, should be removed?

Q. What do you mean by the paper which you say you submitted to the President?

A. The papers, so far as I recollect, were simply a letter signed by Dr. McEwen, I believe, and then a list of the persons who were to be included in the order.

Q. Were that letter and the list of deserters all the papers that were handed to you?

A. They were all the papers that were handed to me, as far as I recollect.

Q. Do you know whether there was a letter among those papers written by a Mr. Andrews, who was a democratic candidate for Congress in one of the West Virginia districts?

A. I do not recollect having seen such a letter.

Q. Did you brief the case before you presented it to the President?

A. I read the papers over, and having become familiar with the facts, I stated them to the President, reading also to him the statement of Dr. McEwen, and then he gave the order that the application should be granted.

Q. Did the President examine the papers?

A. No, sir.

Q. Did you make any statement to the President of a reason why the order should be granted other than was contained in the papers?

A. I do not think I did. The papers themselves stated that unless this charge of desertion against the men was removed they would be disfranchised; and that statement was all, I think, that was made.

Q. Is that in the McEwen letter?

A. Yes, sir; so far as I recollect.

By Mr. BOUTWELL:

Q. Did you receive the papers yourself from Mr. Florence?

A. That is my recollection.

Q. Is it not possible that you received them from Mr. Robert Johnson, instead of from Mr. Florence?

A. That may have been so, but I thought I received them from Mr. Florence. I recollect very well that Mr. Florence spoke to me of the papers, and I presumed that he handed them to me. They may, however, have been first handed to Colonel Johnson, and I may have subsequently met Colonel Florence in the corridor.

Q. You do not feel entirely certain whether you received them from Colonel Florence or not?

A. No, sir; but my impression was that I did receive them from him.

By Mr. CHURCHILL:

Q. You took them yourself to the President?

A. Yes, sir; I submitted them to the President.

Q. Did the President appear to have any previous knowledge of the case?

A. No, sir, none whatever.

Q. Did you have more than one interview with the President on the subject?

A. No, sir; I merely stated the case to the President, and read to him the letter of Dr. McEwen.

Q. And the endorsement you made was the result of that interview?

A. Yes, sir.

By Mr. BOUTWELL:

Q. Do you know when that interview was, in relation to the time when the papers were submitted to you—whether it was on the same day, or the evening of that day, or the succeeding day?

A. I think it was the afternoon of the same day on which the papers came into my possession.

By the CHAIRMAN:

Q. Look at this note, reading as follows: "Mr. Evans will please call at the President's House, and see Mr. Edward Cooper, Monday," and state whether you recognize the handwriting?

A. Yes, sir.

Q. Whose is it?

A. It looks to me to be the handwriting of John F. Coyle.

Q. Who is he?

A. He is a resident of Washington, and is, I believe, one of the proprietors of the National Intelligencer. That looks to me like his handwriting. It is not Mr. Cooper's handwriting.

Q. Would you pronounce the address on the envelope as the same person's handwriting?

A. I should, so far as I can judge.

Q. Are you familiar with Mr. Coyle's handwriting?

A. I have seen it frequently. I was at one time connected with the same office in which he was engaged.

Q. And you believe that to be his handwriting?

A. It has a very strong resemblance to it. I should take it to be his handwriting.

Q. Did you communicate the messages of the President to Congress after Mr. Cooper was admitted as a member from Tennessee?

A. Generally I did. Sometimes Colonel Robert Johnson performed that duty.

Q. You have charge of that branch of business in the Executive mansion, the communications of the President to Congress?

A. Yes, sir.

Q. Did you communicate to the Senate nominations by the President of officers to be confirmed by the Senate?

A. I did very frequently during the 39th Congress, and during the 1st session of the 40th, and the recent executive session of the Senate.

Q. Have you any knowledge of the failure to nominate any officers to the Senate who had been appointed during the recess of the Senate?

A. All that I know on that subject is contained in a report made to the House of Representatives, in answer to a resolution making inquiry to that effect.

Q. The fact is stated in that report that nominations were not made; can you give any reason why the nominations were not made?

A. Towards the close of the session referred to in that report, quite a number of nominations were sent in from some of the departments, principally the Treasury Department. Colonel Cooper at that time had charge of that particular business, the appointments, and requested me to call his attention to any nominations, and also to give him lists of them, classified by States, his object being to make inquiry respecting them from the representatives of the districts to which the appointments pertained. I gave him the lists, but he took his seat in Congress before he had called upon me for all the nominations. It was simply, I presume, owing to the pressure of his Congressional interests and other official duties.

By Mr. ELDRIDGE:

Q. He was admitted to Congress about that time?

A. Yes, sir; just towards the close of that session.

By the CHAIRMAN:

Q. Did you succeed to the duties of his office?

A. Yes, sir.

Q. Why did you not inform the President of this matter?

A. Only two days elapsed from his admission as a representative till the adjournment of Congress, and I found that the nominations then coming in, together with the other matters which I had in charge, were sufficient to occupy my whole time. I found it utterly impossible, owing to the pressure at that time, to go back and take up any business which he had left.

By Mr. ELDRIDGE:

Q. Do you know the fact that some blank nominations sent from the departments, which came into the hands of Mr. Cooper, were placed in his desk or drawer, and remained there?

A. I do not know what disposition he made of them. A large number of papers were left in his drawer undisposed of, and after the adjournment I tried to arrange them to some extent. There may have been nominations among them. The nominations to which I refer were in my possession.

Q. Was there, to your knowledge, any purpose of the President to leave these blank nominations that were sent to him, without forwarding them to the Senate?

A. None whatever.

Q. Was there any order of that kind given to you?

A. None at all.

Q. Was the subject called to his attention until after the adjournment of Congress?

A. Not by myself, certainly. After the adjournment of Congress I showed him the list.

Q. Do you know of any of those nominations having been called to his attention until after Congress had adjourned?

A. No, sir; not after Colonel Cooper took charge of the office. Prior to that time I had myself called the attention of the President to those matters. When Colonel Cooper took charge of the office, I, of course, turned that business over to him. It was his specialty.

Q. During the time immediately preceding Mr. Cooper's admission to Congress, he was more than usually occupied at the House of Representatives, was he not?

A. Yes, sir; he came here with messages, and would usually remain a considerable time at the Capitol. He delivered most of the messages after he entered the office as acting private secretary.

Q. He was away from the office much of the time?

A. Yes, sir; at the Capitol.

Q. When were you first employed at the Executive mansion?

A. I was ordered to report to the President about the middle of November, 1865.

Q. In what room were you stationed?

A. In the library of the Executive mansion.

Q. Was there an open communication between the library and the President's receiving room?

A. Yes, sir; between the President's office and the library there is a door, which is always open.

Q. Can you at your desk see into the President's room?

A. Yes, sir.

Q. Do you know Mrs. Cobb?

A. I do, personally.

Q. Do you know of her seeing the President alone at any time?

A. I do not. I never saw her alone in the President's room. I am very certain of that. I do not know that I ever saw her in the President's room more than once, and then it was when the doors had been thrown open, and all who were awaiting an audience were permitted to enter.

WASHINGTON, D. C., *Saturday, May* 25, 1867.

SALMON P. CHASE, Chief Justice of the United States, sworn and examined.

By the CHAIRMAN:

Q. State what reasons you have any knowledge of for the delay, on the part of the government, in bringing Jefferson Davis to trial on the indictment pending against him in the circuit court of the United States for the district of Virginia.

A. I know no reasons.

Q. Do you know whether any portion of the delay has grown out of the condition of the country at the time the indictment was found?

A. I cannot say what influenced the government in not bringing on the trial.

Q. Do you know any reason for the delay in bringing on the trial, either on the part of the executive department of the government, or of the judiciary?

A. Perhaps I had better answer the question by stating the facts, which are, however, very much matter of history. When the war practically closed by the capture of Davis, and before that time, the district and circuit courts of the United States were regularly held in Virginia. The circuit courts are held also by the district judge in the absence of a justice of the Supreme Court. The indictment against Davis was found in a circuit court, over which the district judge presided. The circuit court has been regularly held by the same district judge ever since; and I know of no reason why Davis could not be brought to trial, if it was intended that he should be tried by a civil court, on that indictment, at any term.

Q. Have you had any conversation with the President on the subject?

A. I recollect none since that indictment was found. The circuit, of which the district of Virginia is part, was allotted to me shortly after I went on the bench, in December, 1864. I have had conversations with the President in relation to holding court in that circuit.

Q. Please state the conversations you had with the President in reference to holding court in that circuit.

A. I have had one or two conversations with him in reference to that, but I cannot give the precise date, nor are the conversations fresh in my recollection. I can give you, however, the substance of what passed at these conversations. After the President's proclamation, of April 2, 1866, declaring the insurrection at an end in all the rebel States except Texas, I desired to join the district judges in holding the circuit courts, believing that it was my duty to do so, as soon as the military authority had been withdrawn. But military commissions still issued from time to time, or trials were proceeding under military commissions, at different points within my circuit, which includes Virginia, and I wished to be assured that the proclamation was understood as relieving the courts of the United States from all liability to interference on the part of the military. I intended to join in holding the courts, if such relief could be assured. I called, therefore, upon the President and requested him to issue a short proclamation to that effect. I submitted to him the form of one drawn by myself, to the effect simply that military authority was abrogated, and the *habeas corpus* restored in all cases within the jurisdiction of the courts of the United States. He expressed a great readiness to do everything that was necessary to facilitate my holding of the courts, but he said he thought his proclamation of April 2d sufficient for that purpose. I replied that I also thought so at first, and should probably have remained of that opinion if these military commissions had not been going on; and that all I desired was a simple declaration over his signature, construing the proclamation distinctly on those two points—that the military law was abrogated, and the *habeas corpus* restored as to cases within the jurisdiction of the United States courts, so that the circuit courts could proceed without risk of interruption by military authority. He

expressed his readiness to do everything proper to be done, and I left him; but nothing was done. I presume the President recurred to his opinion that his proclamation declaring the insurrection at an end was sufficient, and did not think it worth while to do anything more. That, however, is mere inference. I presented a form of proclamation, and requested him to issue it, or a similar one; but it was not done. That is all. These conversations occurred in the spring or summer of 1866. Shortly afterwards an act of Congress was passed reducing the number and changing the organizations of all circuits except the first and second, but making no provision for the allotment among them of the judges of the Supreme Court; and it was the opinion of seven of the judges that, without a special allotment, or without authority to make an allotment ourselves, we had no jurisdiction to hold circuit courts in the newly organized circuits. The subject of holding courts in the district of Virginia and other districts was therefore dropped.

Q. Have you had any conversation with the United States district attorney for the district of Virginia relative to your being present and presiding at any term of the circuit court for that district? If so, please state it.

A. I have said to the district attorney that I should have joined the district judge in holding the circuit court, if the order first mentioned had been issued. I did not see the law changing the circuits for some time after it was passed. When I saw it I conferred with the other judges, except the judge then in California, and we all, except one, agreed that any judgment rendered in any circuit court by a judge of the Supreme Court, except of the first and second circuits, which were not changed, might be liable to be reversed on error, and for that reason that the courts should be left to be held by the district judge until a new allotment should be authorized by Congress and made accordingly.

By Mr. LAWRENCE:

Q. To what act do you refer?

A. To the act of July 23, 1866. It provided for the reduction of the number of judges, and altered seven of the circuits, but made no provision for an allotment of the judges.

By the CHAIRMAN:

Q. Has an allotment been made since the passage of that act?

A. Congress, at the following session, passed an act to remedy the defect, and an allotment was soon afterwards made. This act was approved March 2, 1867.

Q. That allotment was made before the commencement of the recent term of the circuit court of Virginia?

A. It was.

Q. Was it suggested to you by the district attorney, or by the district judge of that district, that they desired you to be present at that time?

A. They always expressed a desire that I should preside in the court, and it has always been understood among us that as soon as I could I would. The term of that court recently begun, and now temporarily adjourned, is the first held since the allotment; and it was understood between Judge Underwood, the district attorney, and myself, that I would attend as soon as released from my duties here.

Q. You were not able to attend that term on account of your business here?

A. No. When the term began it was understood that the Supreme Court would adjourn on the 20th of May, and that just as soon after that as I could go down I would do so. The Supreme Court adjourned in fact on the sixteenth, and I was then obliged to perform the duty of nominating registers in bankruptcy, imposed upon me by Congress, which is not yet quite completed. I might, however, have either pressed that business through or postponed it so as to attend the second or third week of the circuit court term at Richmond.

Q. Were they aware of your intention to be present?

A. Yes. Judge Underwood announced, I believe, from the bench, that I would be there. Perhaps I ought to say, although it does not relate to the points inquired of, that in August, 1865, I think, the President requested me to come to the White House, and wished to ascertain my views in reference to the trial of Mr. Davis.

Q. Please state what occurred then.

A. I cannot very definitely. He expressed a wish to have the trial of Davis brought on soon. A trial in Virginia was suggested, and also the possibility of his being tried in Tennessee, and something was said about a trial by military commission, or in this city upon indictment already found in the supreme court of this District. I said to him that the trial of Davis, as to time, manner, and place, was, as I thought, a matter exclusively for the consideration of the executive department of the government, about which I, as the head of the judicial department, did not wish to express any opinion; that when I held a court, I should try anybody who came before me, but did not desire to express an opinion in reference to persons to be tried, or time or place or mode of trial. That was about all. I did not think the trial of Davis a matter for me to advise about. It was a question at that time whether Mr. Davis should be tried by a military court or by a civil court;—by what civil court, and in what district. I could not express any desire or unwillingness to have him tried in the district in which I must preside.

By Mr. ELDRIDGE:

Q. When was that?

A. That must have been in August, 1865.

Q. Was that after the indictment against Mr. Davis was found in Virginia?

A. I think not. My impression is that the only indictment then pending against Davis was the indictment found in the supreme court of this District. The trial was a matter of Cabinet discussion, as I was informed, and, as I was not a member of the Cabinet, and would have only a judicial duty to perform, I preferred to restrict myself to that.

Q. Did the President ever say anything to you in any of those conversations indicative of a wish on his part that Jefferson Davis should not be brought to trial?

A. Never; he never expressed any feeling of that sort.

By Mr. WILLIAMS:

Q. Did the President or the Attorney General, at any time, intimate to you a desire that you should hold a circuit court in Virginia for the purpose of trying either Jefferson Davis or any other individual indicted for treason or other crime against the government?

A. I may have had some little talk with the Attorney General about the trial. I think I did mention to him my intention to be in Richmond; but no conversation took place between us which was not entirely casual and incidental.

By Mr. MARSHALL:

Q. Did the President express a desire or anxiety to have Mr. Davis tried immediately?

A. In that first conversation he did. I cannot recollect his language; but the impression I got from the President's conversation was that he desired to have all the questions connected with the trial disposed of. It was a subject of discussion in the Cabinet, and there were differences of opinion about it, and the President wished to have the matter settled.

By Mr. ELDRIDGE:

Q. Were you called upon to meet the Cabinet?

A. No.

Q. This was a private interview with the President?

A. It could hardly be called private. It was on public matters; but there was no person present but ourselves.

By Mr. WILLIAMS:

Q. Was there anything said by the President in the conversation in reference to the charge made in his proclamation, charging Davis with complicity in the assassination of Mr. Lincoln, or on the subject of a trial thereupon?

A. I recollect no reference to that subject, and I think none could have been made. I do not think that anything was said as to any particular charge against Mr. Davis. What was said was about bringing him to trial.

Q. If he had been referring to that matter, he would have been hardly looking out of the District to find a court that had jurisdiction?

A. Something was said about the rule of locality—whether a man could be tried anywhere except in the place where he committed the act; and that must have had reference to the charge of treason.

By Mr. ELDRIDGE:

Q. When you first spoke of holding court in Virginia, you declined because you felt that the civil courts were not entirely free?

A. Yes; I regarded the civil courts as under military supervision. After the close of the war, military supervision was exercised over all the courts, including the courts of the United States.

Q. Did your objection apply as well to the circuit and district court judges holding court there as to yourself?

A. Not to the district judges. I thought that if I were a district judge, I should be willing to hold either district or circuit courts under military supervision, for the sake of the general interests of order. There are no circuit judges other than the justices of the Supreme Court allotted to the several circuits.

Q. What distinction did you draw?

A. I thought that the members of the highest tribunal of the United States should not be subjected to that supervision. I thought it would not be creditable to our institutions that the justices of the Supreme Court should attempt to exercise their jurisdiction under military control.

Q. If I understood your answer correctly, you thought at first that the President's proclamation of peace was sufficient to relieve the courts of military supervision?

A. That was my impression. In other words, my impression was that the legal effect of the proclamation of the President was that the writ of *habeas corpus* was restored, and that the military supervision was withdrawn from all the courts.

Q. Believing that to be the case, and entertaining that opinion of the legal effect of the President's proclamation, would it not have been the duty of the civil courts to exercise their jurisdiction as against the military authority?

A. That would depend upon the construction of the proclamation. The question between the President and myself was what was its proper construction. My first impression was what I have told you. When I observed, however, that military commissions were being held, I thought it due to the Executive to treat that fact as his construction of his own order, because all military commissions were held necessarily under his sanction.

Q. With the view you took of the proclamation, and with the opinion you entertained about it, the military courts were then illegally held?

A. Yes, if such were the true construction of the order. But I did not assume to construe it, because the military supervision was in the hands of the President exclusively, and his acts must determine the construction of his order in the absence of express declaration to the contrary.

Q. The President, in his conversation with you, put precisely the construction on the proclamation that you did?

A. Yes; he did in conversation, and I wished it to be put in writing and made public, at least so far as the national courts were concerned.

Q. I understood you to say that you informed the President that the question as to the place where Jefferson Davis should be tried—whether in the District of Columbia or in Virginia—was a question which the Executive ought to determine?

A. I thought the whole matter of the initiation of the trial, whether under an indictment, or by the organization of a military commission—if that mode should be adopted—was a matter exclusively of Executive discretion, and that the Judiciary had nothing to do with the trial until the case should come before it in the regular course of proceeding.

Q. When the indictment was once found, the President, I suppose, had nothing more to do with it than any other individual?

A. He might, or might not. These treason cases are considered very much, I believe, under the jurisdiction of the Attorney General.

Q. I want to know whether, as a matter of fact, you have stated anything which would criminate the President by showing any neglect of duty on his part?

A. I suppose that the whole matter of initiating proceedings, of determining whether the party charged with treason or any other public crime should be regularly indicted, or should be tried by a military commission, was a matter of Executive discretion, and not a matter of judicial determination.

Q. When the question was determined not to try Mr. Davis by a military commission, was it then for the Executive to determine the locality where he should be tried?

A. The marshals and district attorneys of the United States are appointed by the President, and are, or were, subject to be removed at his discretion.

By Mr. LAWRENCE:

Q. You say that after the President's proclamation, known as his proclamation of peace, military commissions continued to be held, before which offences were tried, and you regarded that fact as the President's construction of his own proclamation, and as yet permitting the exercise of martial law?

A. Yes.

Q. And in that view of it, if I understand you, your court had no power physically to resist that construction which the President put on his own proclamation of peace, and had no legal right to deny the status which he, by that construction, assigned to the States where these military commissions were held?

A. That is substantially correct. Not that I did not suppose that courts could be held, but I knew they must be held under military supervision. The district courts have been held uniformly, and the circuit courts have been held uniformly by the district judges, and both have exercised complete jurisdiction, subject to that control.

Q. Can you state whether Chief Justice Taney refused at any time to hold circuit court unless he had an assurance from the executive department of the government that his court would not be subject to military authority?

A. I have in my possession an extract from a letter of Chief Justice Taney to Judge Giles, the district judge at Baltimore, which was handed to me by that gentleman. It shows the views of the late Chief Justice, and I will furnish a copy to the Committee.

(Extract of a letter from Chief Justice Taney to Judge Giles, dated May 14, 1864.)

"I suppose Mr. Price (district attorney) has no thought of asking for a trial in the treason cases at the present term. Maryland is substantially and practically under martial law, and the judicial power and process is disregarded whenever the military authority thinks proper. I certainly shall not agree to try a case of that kind until I can give the party compulsory process to obtain witnesses in his behalf. Compulsory process is process which the court can enforce everywhere and against every person by its own authority. It has not the power to do this while Maryland continues under martial law."

Q. Did you attend the term of the circuit court in Baltimore at any time when certain indictments were pending against citizens of Maryland for treason?

A. Such indictments were pending at each of the terms in that court when I presided.

Q. Were you ready to try those cases if they had been brought up?

A. Yes.

Q. Can you state why they were not tried, or at whose instance they were continued?

A. They were continued by the direction of the Attorney General.

Q. There was no preparation made for their trial?

A. The first term was in the spring of 1865. There was no disposition then, apparently, on any side to try them. They were continued by the consent of the district attorney who was acting, as I understood, under the direction of the Attorney General. At the next term the district judge and myself both objected to their being continued any longer. We thought they ought to be tried. The district attorney said he had made no preparation for trial, supposing that the same order would be made as at the former term. I informed him that they must be tried, or that there must be some good ground shown for continuance. He said he would confer with the Attorney General. He went to Washington, and brought back an order from the Attorney General that the cases should be continued. Of course, they had to be continued or dismissed.

Q. Can you furnish a copy of the paper which you presented to the President, asking him to issue it as a proclamation?

A. I think I can. I will do so, if I find it.

(Copy of proclamation requested of the President by the Chief Justice.)

Whereas, by an Act of Congress approved March 3, 1863, the President of the United States was authorized to suspend the privilege of the writ of habeas corpus in any case throughout the United States or any part thereof:

And whereas, the privilege of said writ was accordingly, on the 15th of September, 1863, suspended throughout the United States in certain cases therein mentioned, and martial law was established and put in force in certain States and parts of States by the authority of the President:

And whereas, by like proclamation and authority, the privilege of the said writ has been restored, and the martial law abrogated in certain States and in certain cases:

And whereas, in my judgment, the privilege of said writ may be now further restored, and the martial law superseded with safety and advantage to the government and the people of the United States:

Now, therefore, I, Andrew Johnson, President of the United States, in pursuance of authority vested in me by law, do hereby declare and make known that the privilege of the writ of habeas corpus is restored, and that the martial law is superseded and abrogated in all cases of which the courts of the United States have jurisdiction, and in respect to all processes and proceedings of said courts, or any of them; and all military and naval officers of the United States are required to take notice of this proclamation, and govern themselves accordingly.

WASHINGTON, D. C., *Saturday, May* 25, 1867.

HENRY STANBERY recalled.

By the CHAIRMAN:

Q. I find among the papers furnished by you to the Committee a letter written from your office, dated March 25, 1867, and addressed to J. Q. Smith, United States district attorney at Montgomery, Alabama, directing him to suspend all proceedings against C. C. Clay. State whether that communication was sent to the district attorney of Alabama, and what the reasons were for suspending action in the case of Mr. Clay.

A. I think that letter referred to the treason case. He had been indicted for treason some time. The prosecution was pending; and I made that order as I have done in very many treason cases—sometimes to dismiss, but usually to suspend further proceedings. Those treason cases were very numerous all over the districts of Kentucky, Alabama, and other States. I directed the case of Mr. Clay to be suspended. I did not deem it proper to enter a *nolle prosequi* in the case, but deemed it proper to stop proceedings for a time. When indictments were simply for acts done during the war, I have not directed any proceedings to be advanced. I think that is about the same policy that has been pursued in the office before I came there.

Q. Did you have any instructions from the President himself with reference to Mr. Clay's case?

A. I do not know that the President ever mentioned to me the fact of his being indicted for treason. I think that in reference to the confiscation cases, so far as Mr. Clay was concerned, I may have had some conversation with the President. He may have called my attention to it, or something of that sort. I do not now recollect that he mentioned any treason case against Mr. Clay.

Q. Were there proceedings pending against the property of Mr. Clay under the confiscation act of 1862?

A. Yes.

Q. Were the proceedings dismissed?

A. I think so. I present to the Committee the correspondence of the office, both when Mr. Speed was in the office and since I have been in the office.

Q. You stated the other day that you regarded the confiscation act as a war measure?

A. Yes. I found that the only result of these confiscation cases was the accumulation of costs. I did not see that the government derived any benefit from them. They only tended to put large costs in the pocket of the district attorney, especially in that district. The testimony taken in reference to Mr. Smith, the district attorney there, showed that the charges and costs which he collected were perfectly enormous.

Q. He was removed?

A. Yes.

Q. What was the cause of his removal?

A. General statements and particular statements in reference to his exactions.

Q. Charges against him of official misconduct?

A. Yes; and they were sustained by General Swayne, in whom I have great confidence—charges that he was using the office for the mere purpose of exaction. There were proofs that he undertook to dismiss cases of his own motion as soon as he got the fees, which were very large. The proceedings did not result in any benefit whatever to the government, their only consequence being to make poor people still poorer.

Q. If you have any explanations to make respecting the papers which you present, you can make them.

A. I do not know of anything. I think the papers speak for themselves. Here is all the correspondence between Mr. Speed and Mr. Smith, and between

myself and Mr. Smith. Here is a letter from Mr. Smith to the President, which was referred by the President to me, and in which Mr. Smith vindicates himself. There was a very great concurrence in his removal. All the bar and judges concurred in it. What influenced me, perhaps, as much as anything else was not only a letter from General Swayne, but a personal conference I had with General Swayne, in which he absolutely took me to task for not removing Smith sooner. I find, on looking at the letter which Mr. Smith wrote to the President, that he had been interfering with the Freedmen's Bureau. Here is his letter to the President, in which he vindicates himself:

WASHINGTON, DISTRICT OF COLUMBIA,
January 29, 1867.

To his Excellency ANDREW JOHNSON,
President of the United States, Washington, D. C.:

RESPECTFUL SIR: Hearing that an attempt was being made to remove me from the office of district attorney for Alabama, and being unable to ascertain the cause, I repaired immediately to Washington to see you on the subject; but in obtaining an interview for this purpose I have signally failed, after six days' attendance. I would delay longer, but my presence in Alabama is necessary. I would therefore respectfully ask your excellency, as a matter of favor and as a matter of right, to take no action on any representation or charge made against me until I am furnished with a statement of the representation or charge, that I may have an opportunity to refute them, and show to your excellency that it is not the public good my accusers seek, but to gratify a malicious hatred and effect personal interest. No one can know better than your excellency how the position or character of a man can be destroyed, if the *ex parte* statements and representations of enemies or interested persons are received under the cover of "private and confidential" communications, and no opportunity given for explanation. I have good reason to believe, and do believe, this effort to remove me from this office is due entirely to the interested motives of Major General Wager Swayne, Freedmen's Bureau agent at Montgomery, because I would not consent to dismiss cases of confiscation pending in court, and permit him to hold and sell the government property libeled for confiscation, under acts of Congress, by me, and for which I am accountable. He has already sold not less than five hundred thousand dollars' worth of property in Alabama by military orders, under the pretence of aiding the "poor blacks." He is also hostile to me because I won't flood the United States courts in my district with the petty differences of freedmen under the civil rights' bill; and if some selection of his can be obtained as district attorney, then he can use him to his own advantage. I will resign the office before I will consent to be used by a bureau agent as a tool to execute his purposes. The ex-General openly denounces you, and advocates your impeachment as President of the United States, and hopes that a recent order of yours, in reference to the delivering up of C. C. Clay's property, in his possession as bureau agent, will *not* effect this end. I am informed this order has been sent to Congressman Ashley, or some of the committee on impeachment; and if so, you will know where it has come from.

I have the honor to be your obedient servant,

JAMES Q. SMITH,
United States Attorney for Northern District of Alabama.

P. S.—I had reason to suppose that Governor Parsons was my friend, but I do not now think so, and any interest he takes in my removal may be considered in this light.

J. Q. S.

I sent for Governor Parsons to ascertain the character of the parties and the foundation for such charges. He asked me to suspend the matter, as he was going to Alabama, and not to make the removal until he could report to me. On his return to Alabama he addressed me a note, saying that he withdrew all objection to the removal of Mr. Smith. As to this Freedmen's Bureau property, I had correspondence in reference to it with Mr. Smith. That was property which had belonged to the so-called confederate government. It was seized and taken possession of properly by General Swayne. I looked upon the title of that property as clear, beyond all doubt, in the United States by virtue of conquest or succession. It was, therefore, not property which we should bring under any confiscation law. I supposed that our title was perfect already by virtue of its acquisition by the laws of war. Having it so in our possession, General Swayne, administering the business of the bureau there, had made sales of the property. Afterwards Mr. Smith, the property being very valuable, commenced proceedings under the confiscation act. I stopped those proceedings.

They could not make the title of the government any better, and would interfere with the sales which General Swayne, as the properly authorized agent of the government, had made. I considered it a very improper proceeding, as it brought into question our own title. On that confiscation proceeding, questions might arise to embarrass the government very much, and it could only lead to the accumulation of costs. I thought his interference with General Swayne, as the bureau agent, was wholly unauthorized.

By Mr. BOUTWELL:

Q. Do you mean to be understood as saying that your orders in that case, as in other cases, to suspend proceedings under the confiscation act, were caused by the circumstance that the expenses were large, and exceeded the receipts?

A. Not merely that; on pacification and establishment of peace, I looked upon confiscation cases after that as not authorized. If they were authorized, then it was our duty to order confiscation as to every person's property in the South. But looking at the character of those acts—the last one reciting that for the purpose of suppressing insurrection, seizures are authorized to be made—and considering that, in admiralty cases in time of war, a capture after peace is wholly void, and that these proceedings were made very analogous to admiralty proceedings, I had no doubt that confiscation was not the policy of the government, and that I would not be justified in ordering confiscation cases, which had not yet ripened into condemnation or sale, to be carried on. The country was flooded with them. In Missouri there were cases innumerable; a great many of them had been stopped by Mr. Speed. It was very much in the interest of district attorneys and marshals to institute these proceedings, as they were allowed very large fees in them, without any beneficial result whatever to the government. It seemed to me that, in the condition of the country, while we were actually sending these people aid to support them, the idea of confiscating their property, after the war had settled everything, was certainly not a judicious policy.

By Mr. LAWRENCE:

Q. Do you mean to say that the confiscation law has ceased to be in force since the war ceased?

A. What I mean to say is, that, in my judgment, the whole purpose and policy of those laws has ceased. The recital of the act of 1862 is, "that for the purpose of suppressing insurrection" confiscation is ordered to be carried on. After the insurrection was put down, it did not seem to be proper to go on and order confiscation. If it was, I must order it as to the whole South.

Q. That is your opinion as to the policy of the law?

A. It is my opinion as to the meaning of the law.

Q. Do you mean to say that courts would not enforce confiscation acts if proceedings were taken?

A. I did not pretend to decide for the courts. I certainly had no doubt as to my action according with the policy indicated by Congress in these laws, that it was not expected of the Attorney General to order general and indiscriminate confiscation. If so, it was my duty, of course, to order every district attorney in the country to find out cases for confiscation, and the whole country would have been overwhelmed with them. I did not think it the policy of the government, after the action of Congress and of the people in relieving those who had been already so impoverished. Congress never gave me any such instruction by resolution or otherwise.

Q. You do not mean to say that, as a question of law, the property of Jefferson Davis may not be confiscated?

A. I have never considered that question as to whether this law can be still said to be operative. I supposed that if Congress intended anything of that

sort, it would have given us further instruction in reference to confiscation. I only know that such a threat was held over the southern people.

Q. The opinion of Congress on that subject was never asked by any executive department of the government?

A. Not that I am aware of.

Q. Congress has not repealed the law?

A. No, sir.

Q. Is it usual for Congress to adopt any resolution relative to the enforcement of laws that remain unrepealed?

A. No, sir; but when Congress, in passing a law, says that it is for the purpose of putting down insurrection, then the question arises, whether the same power is to be used after the insurrection is put down.

By Mr. WOODBRIDGE:

Q. Were the proceedings of confiscation against Mr. Clay dismissed?

A. Yes, sir.

By Mr. LAWRENCE:

Q. Had you any conversation with the President on the subject of enforcing the confiscation law?

A. I recollect no particular conversation. The President would generally receive letters from the South in reference to proceedings being had, which letters he referred to my office. District attorneys were bringing suits without number, and the President, I think, has more than once said to me he hardly considered it a proper policy to go on and commence confiscation proceedings after peace.

By Mr. WOODBRIDGE:

Q. Do you recollect when the proceedings against Mr. Clay were instituted?

A. I do not.

Q. Do you recollect in what condition they were when you ordered the suits to be dismissed?

A. They had not proceeded to a condemnation.

Q. Did you order those proceedings to be dismissed on the general ground you have stated?

A. Yes, sir; the case came within the general rule.

By Mr. BOUTWELL:

Q. That general rule was, as I understand, approved by the President?

A. I think he approved of the same policy that occurred to me as the proper one to be pursued.

Q. How is it with reference to the suspension of criminal proceedings against Clay for treason?

A. I have no particular recollection that the treason matter, as to Mr. Clay, was ever spoken of between me and the President; but I have a general recollection that when he received these letters about confiscation the President had something to say, and I found that his views and my own were in accord with reference to the policy of going on to multiply costs in those cases.

Q. It appears from the papers before the Committee that in the case of Clement C. Clay he directed the district attorney to suspend all proceedings against him, and not to make the arrest.

A. That is in the treason case.

Q. There are also letters here in reference to certain persons indicted in Maryland for obstructing the railroad to prevent troops from coming to Washington about the 19th of April, 1861?

A. Yes, sir. Those are old cases pending for several years. No action has

been required to be taken in them that I know of. I think I did not order any of them to be dismissed in which the parties had not acted in a proper military capacity. From the tenor of the communications it appeared that some of those parties were not in the military service; and as to those cases I did not order them to be dismissed.

Q. Was the order that was issued from your office dismissing certain cases issued with the knowledge of the President?

A. I do not recollect that it was.

Q. Have you ever, at any time, had any conversation with the President on the subject of prosecuting persons who were indicted for treason?

A. I do not recollect any conversation about prosecutions for treason. All I can recollect was about proceedings for confiscation. The case of Mr. Davis has been mentioned in Cabinet and out of Cabinet; but as to any other treason cases, I am not at present able to recollect any conversation with the President. I rather looked as to what had been the practice in my office, and to my own views as to what instruction I should give to the district attorneys about them.

Q. You have, then, I understand, no means of knowing that the President desired that persons indicted for treason should be prosecuted to final judgment and sentence?

A. Nothing occurs to me now which I can state in relation to that matter.

Q. You say you had conversations with the President in reference to Mr. Davis?

A. Yes.

Q. In any of those conversations did he ever express any opinion, or give you any instructions as to what should be done?

A. No, sir. The only matter that I can recollect in reference to Mr. Davis has been in the Cabinet. I do distinctly recollect the action of the Cabinet, because that is a matter impressed upon my memory.

Q. What action of the Cabinet do you refer to?

A. The action of the Cabinet in relation to his custody. We felt, and I frequently stated, that we were in a wrong position in reference to Mr. Davis being held in military custody without any charge being preferred against him by the military, and that it was desirable some way or other that we should get out of what I considered a very false position.

Q. You so stated in the presence of the President?

A. Yes, sir; and of the Cabinet.

Q. What action was taken for the purpose of getting out of that wrong position?

A. An order to General Burton to hold Davis subject to any writ from the proper quarter.

Q. When was that order to General Burton issued?

A. About the time that the application for *habeas corpus* was understood to be made.

Q. Within the last three or four weeks?

A. Yes; the matter had been spoken of previously as a thing proper to be done; but then no steps were in progress. The government was advised that the writ of *habeas corpus* would be applied for, and it was necessary, of course, for General Burton to know what to do. Otherwise, I suppose General Burton would have returned that he held him in military custody.

Q. When, for the first time, did you state in the presence of the President, either in Cabinet or otherwise, that the government was in a wrong position in reference to the custody of Jefferson Davis?

A. I cannot say. I certainly so stated whenever the question came up. I felt it from the first.

Q. How soon after you came into office as Attorney General?

A. I cannot recollect, but I think that more than once before the order was

made I have stated that. I think that as early as the time when the President was called on by Congress for information as to Jefferson Davis, the question came up, and I then stated, after examining the matter, that I thought we were in a false position in reference to Mr. Davis, and that the sooner the civil authorities got possession of him the better.

Q. Was there, at any time, any practical or legal difficulty in the way of the executive department surrendering Jefferson Davis to the civil authorities for trial, on the charge of treason, either in this District or in the district of Virginia?

A. I do not know of any legal difficulty.

Q. It was entirely within the province of the executive department, by simultaneous orders, to direct Davis's custodian, at Fortress Monroe, to surrender him to the marshal, and by an order to the marshal, direct him to receive him and hold him for trial—I mean without a writ?

A. Supposing an indictment was pending against him, I do not see that there was any legal difficulty about it. An application was first made to the President through me, as Attorney General, for the transfer of Mr. Davis from the custody of the military authorities at Fortress Monroe, to the custody of the military authorities at Fort Lafayette, in the harbor of New York. The application was put on the ground of sanitary considerations. The President at once directed through the War Department an inquiry to be made as to whether sanitary conditions were worse at Fortress Monroe than at Fort Lafayette; and the report of the surgeon was that all sanitary considerations were rather in favor of his being retained at Fortress Monroe than of his being transferred to Fort Lafayette, and therefore it was ordered that that request should not be complied with. I do not think that the question was ever mooted about ordering him to be placed in the hands of the marshal. The consequence of such an order would have been that Davis would have been placed in some jail in Virginia. I do not think that we would, on our own responsibility, looking at the condition of the Virginia jails, and knowing that the moment a prisoner is transferred from the custody of the United States to the custody of a State he becomes solely under State authority, have been authorized to do so. I should think it would have been a matter of very doubtful expediency at that time voluntarily to take him from custody where he was perfectly safe, and hand him over to be put in a jail in Virginia.

Q. Could he not have been brought to the District of Columbia in custody of the marshal and kept securely by the authorities of the government here?

A. That matter was never considered; it never occurred to me.

Q. It was known to you that he was indicted here?

A. I have an impression that I heard so; but if I did, the matter never came up. There was an indictment against him in Virginia, and my predecessor had given an opinion that he could not be indicted anywhere except where he was personally present, and had so advised the President.

By Mr. LAWRENCE:

Q. Would it not have been competent for the military authorities to have protected him in confinement after he had been removed to jail?

A. If you will look at the statute you will find that it does not contemplate any interference of the military authorities of the United States after a prisoner is handed over to the civil authorities of a State. He is then entirely in the custody of the State authorities, and they become responsible for his safe custody.

Q. Cannot the military authorities aid the civil authorities in holding prisoners and enforcing the laws?

A. I have never known an instance of that kind anywhere. I think if you look at the statutes you will agree with me that they do not seem to contem-

plate any such interference. If the President had interfered in that way of his own motion, and put Davis in some place where he might escape, I do not think that he or any of us would ever hear the last of it.

Q. Is he not now in a condition where he may escape?

A. Oh, no; the presumption is that the court took bail large enough to insure his detention. My impression is that the moment a marshal of the United States delivers his prisoner into the custody of an officer of a State, or of a jailor of a State, the marshal has no longer authority over the prisoner, nor is he any longer responsible for him. The marshal has nothing more to do with him.

By Mr. BOUTWELL:

Q. Do you mean to say that, considering the condition in which Virginia was, under military control to a very large extent, and considering all the legal powers which could have been exercised by the executive department of the government of the United States, and by the judicial tribunals in Virginia through the marshals and other officers of the courts, there was any reason why Jefferson Davis could not with safety be transferred from Fortress Monroe to the custody of the officers of the court for the district of Virginia?

A. I do not know all the circumstances; but as to the safety of the prisoner I think there was no place in Virginia where he could be so safe as at Fortress Monroe. If he were transferred to Richmond, and still kept in military custody, he would not be in a safe place, and the same objection to military custody would continue.

Q. Was it not then possible, if the administration desired to get rid of the custody of Jefferson Davis, to have given such directions through your office to the district attorney in Virginia as would have led to his trial at an early day?

A. I am not aware of anything that was omitted in reference to the trial of Jefferson Davis. When I came into office he had been under indictment a long time. The government had employed the most eminent counsel to assist the district attorney. The case was in the hands of competent parties so far as the prosecution was concerned, and I do not know that anything ever occurred to me as necessary to be done that was not done, so far as I myself was concerned as Attorney General. I have heretofore stated, and I now repeat, that it was not any part of my duty to attend the trial of Jefferson Davis. On the contrary, the law declaring the duties of my office contemplates my duties as here, and I am not authorized or required to appear in the trial of cases in the United States courts in the States. The provisions with reference to the duties of the Attorney General are, that he shall attend to the Supreme Court of the United States, and argue cases there in which the United States is a party or is interested. It is not my duty to attend treason cases, no matter where they are. As to what might have been possible, that is a pretty large question. I can only say that nothing occurred to me to be done that was not done. I was at all times ready to confer with the district attorney, or with the counsel employed.

Q. Does not the law make it your duty to instruct the attorneys in the several districts from time to time as to the manner in which they shall discharge their duties?

A. Yes, sir.

Q. Did you not at various times issue instructions to district attorneys in reference to treason indictments that were pending?

A. Undoubtedly. Whenever any matter came up in which it was necessary for me to give instructions, I did so.

Q. Did you not, without solicitation from the attorneys, interfere so far as to order them to suspend further proceedings where indictments were pending against persons for treason?

A. Yes; whenever any matter was referred to me that called for my action I gave the necessary instructions to the district attorney.

Q. Why did you not order the district attorney for Virginia to suspend proceedings under the indictment against Jefferson Davis?

A. I am not aware that that was a proper case to suspend proceedings. That was an exceptional case.

Q. Was it such a case that it was not your duty to direct the district attorney either to bring Jefferson Davis to trial or to suspend proceedings against him, as you had instructed other district attorneys in relation to other persons indicted for treason?

A. The district attorney for Virginia was more than once in my office in reference to the matter, and perhaps shortly after I came into office I have had conversations with him about the case. He has asked me questions in reference to it; and whenever he has asked me I have given the information sought. I was not aware that he was in any delinquency in the matter. Counsel was employed, and the management of the case was in the district attorney and this counsel. I was not aware of anything requiring me to give him specific instructions.

Q. You have said that you felt that the government was in a false position in holding Jefferson Davis in the manner in which he was held. Did it not occur to you that the trial of Jefferson Davis would relieve the government from that position?

A. Yes.

Q. Why then did you not give directions to the district attorney to bring Jefferson Davis to trial?

A. When the Chief Justice stated that the condition of Virginia was such that he did not consider it proper for him to hold court there, I felt it was a matter of great delicacy to proceed under those circumstances, and to direct him to be tried with or without the Chief Justice. It would be a trial of very great consequence, and it occurred to me that it would be proper to have the presence of the Chief Justice, or of some Justice of the Supreme Court of the United States. When the Chief Justice took that ground I did not feel authorized myself to order the district attorney to go on and try Davis before the district judge. I understood, also, from the district attorney that he was unwilling to do it, and that he thought it was not proper to bring the case to trial before the district judge.

By Mr. LAWRENCE:

Q. Did you know that Chief Justice Chase had intimated his purpose to attend at the present term of the circuit court at Richmond?

A. I have never had any conversation with the Chief Justice on the subject. Mr. Chandler, the last time I talked with him, said that certainly the Chief Justice would not be there when the *habeas corpus* would be returnable, and he could not ascertain whether or not he would be there afterwards. Mr. Chandler had undertaken that matter himself. He said to me he had seen the Chief Justice more than once, and had been unable to arrive at any understanding.

Q. Did you cause any inquiry to be made of the Chief Justice whether he would be there?

A. I did not. The district attorney said he had a conversation with the Chief Justice. For myself I did not feel it necessary to go any further about it.

By Mr. BOUTWELL:

Q. Did you, after the conference with the district attorney and Mr. Evarts, assent to the course which was afterwards taken by them at Richmond, by which Davis was discharged on giving bonds, and the case continued?

A. When Mr. Evarts and Mr. Chandler came into my office, they were on their way to Richmond to attend to the *habeas corpus*, which was returnable on

the following Monday. The question which I distinctly recollect as arising then was the admissibility to bail of Mr. Davis. I do not know who first began the discussion of it. All that I recollect is what my own opinion was; and certainly I am not mistaken in thinking that it was concurred in by the two other gentlemen. My own opinion was, that under the circumstances of the case the district judge had power to admit Mr. Davis to bail. I had no question about that. I would have been of that opinion under the act of 1789 alone—the question not being as to the right of a commissioner, but as to the right of a judge holding court to admit to bail when proper circumstances appear. Inasmuch as Mr. Davis had been in custody a long time without trial, I was of opinion that he would be liable under the act of 1789. My impression is that that question has been decided more than once at a very early day, and long before the act of 1862 was passed. Under this act of 1862, it seemed to me that the matter was settled plainer, because by that act Congress had placed the punishment in the alternative of death or imprisonment. It is not that the penalty "may be death," but that it "may be death or imprisonment." That language "may be death" necessarily means that the punishment, if any, "must be death." That has been the ruling in some of the State courts. But where the statute reads that the penalty "may be death or imprisonment," the rule is to admit to bail.

Q. Was it not your purpose, so far as you gave any advice to Mr. Evarts and Mr. Chandler at the interview with them, to have them understand that it would be more in harmony with the views of the executive branch of the government that Mr. Davis should be allowed to go on bail, than that he should be brought to trial at that term of the court?

A. No, sir; I do not know that I expressed any such opinion for the government.

Q. Did you express it as your own opinion?

A. If you asked me simply my own opinion as to the policy of putting Mr. Davis on trial in that court, at that time, before a single judge, I should have been inclined to say that it was not the proper time to try him. I should rather not be asked what my reasons are. Whenever Mr. Davis is to be tried, I think there would be a general consent over the country that the trial should be had under such circumstances as would give it proper weight and effect everywhere.

Q. If you had known that Chief Justice Chase would attend that term of the court and would preside in the trial, should you have advised or instructed Mr. Evarts and Mr. Chandler to resist the application for bail and to bring Davis to trial at the May term of the circuit court?

A. That condition of things did not present itself to me; but, putting it as a supposed case, I will say that if it had been understood that the Chief Justice were to be there, and if Mr. Chandler had expressed himself ready, I should have said "try him now." With reference to the preparations for trial, I think I have mentioned that Mr. Chandler stated to me he was not satisfied with his indictment. I told him to be very careful to have a proper indictment prepared, and he said he would. Of course, it would not do in such a case to be defeated on the insufficiency of an indictment; and when the district attorney himself said he was not satisfied with the indictment, of course there was but one course to be taken.

By Mr. WILLIAMS:

Q. Did you advise him to have another bill found?

A. Yes, sir; by all means. But I have never advised Mr. Chandler that it was the purpose of the government to prevent the trial of Mr. Davis, and I know no reason why Mr. Davis will not be tried. I certainly have never been asked by the President, nor have I had any idea myself, to stop that prosecution or order a *nolle prosequi* to be entered.

Q. Did you understand that the case of Jefferson Davis, with all its aggravations, was a proper case for the exercise of the discretion of the court in admitting him to bail?

A. If I had been a judge myself, I rather think that, under the circumstances, I would have admitted him to bail.

Q. I wish you to state whether the rule is not that bail shall not be taken except in a very strong case?

A. Yes, sir; where there are strong circumstances; but those circumstances may arise from the time that the prosecution has been pending, and from the occurrence of facts preventing the trial and not chargeable to the prisoner.

Q. Did you esteem this a case where there was any doubt of the guilt of the party?

A. No, sir.

Q. Or where there was any question as to the enormity of the crime?

A. No, sir. I consider him, and every one who engaged in the rebellion, as legally liable to the consequences of their acts.

Q. What, then, are the circumstances that induced you to consider the case of Davis as a proper case for the exercise of the discretion of the court?

A. The circumstance that, while he was in custody, the condition of things in Virginia was such that the Chief Justice of the United States did not consider it proper to hold court there.

Q. Then, am I to understand you as saying that, because it did not suit the government to go on, that was a circumstance sufficient to make it the duty of the court to exercise its discretion in that way?

A. If it was not at all the fault of the prisoner that the case was not tried, I think that, on his application to be tried, or to be admitted to bail, the circumstances would be very strong.

Q. Suppose there was no fault either way, would a crime like Davis's, with such evidences of guilt, be a proper case for the exercise of that discretion?

A. I should think not, unless there were circumstances in the case.

Q. Do you know of any default on the part of the executive department of the government which entitled Davis to such an exercise of discretion on the part of the court?

A. If the executive department had got Virginia into the position in which the Chief Justice said it was, then it was the fault of the executive department of the government for having Virginia at that time under military jurisdiction. But, I suppose, there were very good reasons why that was the peculiar situation of Virginia at that time. I suppose it was proper to have troops there. But whether it was proper or not, I presume the government acted in that respect from its own views of what was right. While acting in that way the State where the trial must be had was in such a condition that the Chief Justice thought it not proper for him to hold court.

Q. Would that be a default of the government, and would not the inability to try him be one of the very results of Davis's rebellion; and to allow him to be discharged under such circumstances, would it not be allowing him to take advantage of his own wrong?

A. I do not suppose Mr. Davis had anything to do with keeping the troops in Virginia.

By Mr. ELDRIDGE:

Q. Does not the question as to the time a prisoner has been kept in confinement always enter into the consideration of bail?

A. Undoubtedly. I mean, among other circumstances, the delay, by whatever cause, for which the prisoner is not responsible.

Q. By what authority was Jefferson Davis held, from the time that peace was declared, up to the time that he was surrendered to the civil authorities?

A. I have already said that I considered ourselves in a false position. If he was held as a prisoner of war, then there is no authority for holding prisoners of war after pacification.

Q. Was there any warrant or authority known to our laws by which he was held from that time up to the time when he was delivered into the hands of the civil authorities?

A. It is a very great question. I felt, for one, that we were in a false position, and I could hardly know how I could justify it if the continuance of that situation arose from my act. I felt it was the duty of the government to be relieved as soon as possible from keeping a person in custody without warrant after a state of peace had been declared.

Q. By what warrant or authority of law could Jefferson Davis have been taken from Fortress Monroe to Richmond, Virginia, and there delivered to the civil authorities without a writ or *capias*?

A. It is difficult to say exactly what legality there would be for his custody *in transitu*. That would be about the same as for his custody *in place*. If it was illegal to hold him there, it would be, perhaps, equally illegal for military authorities to restrain him anywhere. It is simply continuing military custody.

By Mr. BOUTWELL:

Q. It was under that authority that he was carried to Richmond?

A. No, sir; he was brought there under a writ. He was required by the civil authorities to be brought to Richmond.

Q. Could he not have been delivered at Fortress Monroe to the United States marshal?

A. Certainly. I asked the district attorney what objection there was for taking him with a *capias* at any time under that indictment. He said he thought that the custody would not be so safe at the Virginia jail, to which he must be taken, and that such a jail would not be so proper a place in any point of view as where he then was. It was a responsibility which the district attorney did not seem willing to take.

By Mr. ELDRIDGE:

Q. Was there any authority of law for holding Jefferson Davis, after peace was declared, in military custody, that there has not been for holding any other citizen charged with any other crime?

A. I do not know how we could distinguish, except, perhaps, that Davis's was a greater crime.

Q. Does that justify it?

A. I never have been myself able to see how, if called upon to justify Davis's imprisonment, it could be done. The government has always in that matter stood in a false position.

By Mr. WILLIAMS:

Q. Is there anything in the public law or law of nations to prevent a captor from holding an individual taken as prisoner of war, after what you call pacification, supposing there is no treaty—when would the right of the captor to hold him cease in case there is no treaty?

A. After pacification.

Q. Suppose the party so arrested is chargeable with a crime against the government—say the crime of rebellion—what is there to prevent the captor to hold him?

A. Nothing from holding him properly. If held for a military offence, he should be held under military custody; but if the military authorities have no charge against him, and it is only a question of a civil offence, then the lawful custody must be the civil custody.

Q. Am I to understand you as saying that, without a treaty, the unsuccessful

termination of a war on one part entitles all the prisoners taken captives of war to their discharge?

A. I think that is the universal rule, acknowledged in all civilized nations.

Q. You stated that you regarded the confiscation laws as war measures; did you so esteem the act of Congress prescribing the punishment of treason?

A. No, sir; not at all.

Q. Then, by what right did you undertake to discharge parties held for such crime as that?

A. I considered that no one certainly was expecting that those trials for treason should go on. If it was our duty to try parties indicted for treason who had taken part in the rebellion, then it was our duty not only to try them, but to prosecute every one else who had been guilty of the same offence. We could not "make fish of one and fowl of the other."

Q. Would not the duty to prosecute be determined, to some extent, by information being laid and warrants issued?

A. That is a mode of proceeding. But if there was a public policy to prosecute persons for treason who were engaged in rebellion, if it was thought necessary to vindicate the law by such prosecution, and if it were our duty to go on and prosecute, we should be involved in more cases than we were involved in, and these were more than we could manage. I have distinct views on that subject—as to the policy of going on with those trials for treason. They were general in Kentucky, Missouri, and Maryland. My own opinion was that the war had settled very much all the issues of the war. I did not for myself think it necessary that the question whether secession was treason should be left to any twelve men anywhere, especially in those States where it would be very difficult to get twelve men to agree on that question.

Q. Would that be a question for a jury?

A. Not at all; but it was a question whether it would be necessary to refer a matter of that kind to a jury.

By Mr. ELDRIDGE:

Q. Are not juries judges of the law and of the facts?

A. Of course, they are judges of the law and of the facts; but whether or not, I thought it would be a very dangerous matter to call upon juries to settle that question for us.

By Mr. WILLIAMS:

Q. Was it not your understanding that it was the settled policy of the President that there should be no prosecutions for treason or under those confiscation laws—in other words, for political offences connected with the rebellion?

A. I cannot undertake to speak as to the prosecutions for treason. I can undertake to speak as to proceedings for confiscation, and as to the views of the President in these matters. His view was that those cases resulted only in the accumulation of costs, and in stripping persons of their property, and generally that the time had come for amnesty and for the cessation of that sort of persecution. His views have been, generally, that the duty of the hour now was to endeavor to heal up the wounds of the country, and to bring men back again to obedience and to law. He thought that the policy of persecuting them, and of sacrificing their property, was not a judicious or proper course.

Q. Would you have ventured to arrest a proceeding for treason on your own personal responsibility, as the law officer of the government, without the assurance that it was in accordance with what you understood to be the policy of the President?

A. I do not know that in giving those orders it has occurred to me at all to think what was the policy of the President. I take the responsibility of every case of that kind which I have already dismissed.

Q. Suppose there was an indictment for murder, would you have felt authorized to arrest the proceedings indefinitely?

A. Certainly not. I must have some foundation to go on.

Q. Would you have felt yourself authorized to lay down a policy yourself—would you not like, as a matter of course, to have the approval of the head of the executive department for your policy in that connection?

A. I would not feel myself authorized to lay down a policy for myself. But when a policy presents itself, when the circumstances of the country present it, I must not shut my eyes to the condition of things. I should have very much reprehended myself if, in reference to those confiscation cases that have been brought to my notice, (and I cannot give the Committee any idea of the costs and sacrifices attending them,) I did not stop those rapacious proceedings.

Q. You have said that you did understand that to be the policy of the President?

A. I did; but if I had never talked with the President I should not have hesitated to take the course I did. The President has never dictated to me what I should do; but in cases that came under my office he has left me free to decide.

Q. You stated in the course of your examination to-day that you regarded enemies' property captured by our army as not falling within the purview of the confiscation law?

A. I said, that as to property which belonged to the confederate government, whether it was munitions of war, real estate, or any other property, such as foundries, &c., we fell heir to all that, and that our title was perfect.

Q. What would be the law in reference to the railroads used by the confederate government, and captured by our armies—I mean railroads belonging to the States?

A. I have not seen any confiscation law that aimed at the property of any of those States. Confiscation is aimed at individuals.

Q. How would you regard those railroads; would you not treat the title to them as being vested in the United States?

A. No more than I would the court-houses or jails, or any other property of the States. All the property of the confederate government belongs to us; but all the property of the States does not, in my judgment, belong to us; nor have I, in reading those confiscation laws, seen any provision by which any authority is given to commence proceedings against a State for its property, or to take its court-houses, jails, public lands, revenues, &c.

Q. Suppose those railroads were in the possession of the confederate government with the consent of their proprietors, being owned by corporations other than States, and were captured by our armies, would they not come under that rule?

A. The rule laid down in my office by my predecessor was this, that in regard to any property in the southern States owned by a corporation which was used in aid of the rebellion, such part of that property as belonged to corporations who were not rebels, but loyal citizens in other States, could not be confiscated; that you must there distinguish between corporations and individuals. His opinion was that you could not confiscate it as the property of the corporation, but must descend to an inquiry as to the status of the corporators.

Q. So far as title can pass under the law of war, was it your judgment that in that case it was vested by capture in the government of the United States, or that it required further proceedings to perfect title?

A. If it fell under the law as to captured or abandoned property, that would be one thing; to treat such case as that under the confiscation act would be quite another thing. I do not know that any proceedings were ever instituted under my predecessor to go on and complete confiscation against the railroads of the South.

Q. Is it your opinion that the property vests in the government by virtue of public law or the law of war?

A. That depends on the circumstances of the capture, and of the intentions with which it was made. Our armies may be said to have captured everything in the South as they went along—court-houses, and jails, and every sort of property. I know there were negotiations between Governor Jenkins and the War Department, not merely in regard to the roads that belonged to the State, but to the rolling stock placed on them by the government, and I think that the State of Georgia has purchased that property from the government at a price which was satisfactory to the War Department.

Q. Were you consulted by the President in reference to the right or power to transfer property of that description to the parties in the rebel States owning it before the war, or to sell it to them?

A. I do not know whether any such question came to me from the President, but I have an impression that Governor Jenkins was here in reference to some negotiations with the War Department as to one or more of these railroads, and as to the purchase by the State of Georgia of stocks belonging to the government on those roads. I rather think that my opinion was asked in reference to the form of the bond to be given, and the sort of security which the government should have for the repayment of the money.

Q. You were not consulted formally as to the authority to sell or surrender this property?

A. No, sir; that had been decided before I came into office. It was simply as to preparing the papers to make the government safe.

By Mr. LAWRENCE:

Q. You have expressed the opinion that the government was in fault in holding Jefferson Davis in military custody after pacification?

A. I said we were in a false position.

Q. Does not that necessarily include the idea that it was not competent for a military commission to try Davis for the crime of treason, or as being the head of a conspiracy or rebellion?

A. Yes, sir; after pacification, I think that a military commission had no power to try any one. In reference to the trial of Jefferson Davis by military authority, my predecessor, as early as 1866, gave to the President the opinion that that was not a fit case for trial by a military commission.

Q. You concur in that opinion?

A. I do.

Q. Touching the question of bail in those treason cases, have you examined the opinion of Judge Field, delivered by him in the case of the United States against Chapman, tried in the northern district of California in October, 1863?

A. I do not recollect ever having seen it. I had supposed that this indictment of Davis was under the Act of 1862. I see difficulties in sustaining that indictment under the act of 1789, arising from the time the crime was committed. The limitation for the prosecution for treason under the act of 1789 was three years after the act of the offence. This indictment was found in March, 1866. If, then, we had only the act of 1789 to convict under, the question of the bar of the statute would come up. There was, however, an act passed by Congress during the rebellion in reference to the statutes of limitation, and providing for the withdrawal of the bar in reference to persons engaged in rebellion, and who could not be reached by the processes of the court. I say that very grave questions would arise in the construction of that act in cases where the former act of limitation had had its full force and effect, and the party, under the existing statute, had been protected by the bar. There is a very serious question there. I would have avoided that.

Q. Do you recollect that during the progress of the rebellion a notice was

published in one of the Alabama papers offering a million of dollars for the assassination of President Lincoln?

A. Yes, sir.

(A copy of the notice referred to was put in evidence, as follows:

[Copy.]

A million dollars wanted, to have peace by the 1st of March.

If the citizens of the southern confederacy will furnish me with the cash or good securities for the sum of $1,000,000, I will cause the lives of Abraham Lincoln, William H. Seward, and Andrew Johnson to be taken by the 1st of March next. This will give us peace, and satisfy the world that cruel tyrants cannot live in a land of liberty. If this is not accomplished nothing will be claimed beyond the sum of $50,000 in advance, which is supposed to be necessary to reach and slaughter the three villains. I will give, myself, $1,000 towards this patriotic purpose. Every one wishing to contribute will address +. Cahaba, Alabama, December 1, 1864.)

Q. That is said to have been published by a man named Gayle, a lawyer?

A. Yes.

Q. Can you state whether he has been pardoned?

A. He has been.

Q. When?

A. I cannot tell. There were papers on file in that case to show that that was a sort of *canard*. The man who offered it was not worth a hundred dollars. It was considered a mere squib. He was recommended to pardon by a great many persons, among others by our own military officers stationed in the neighborhood. You will observe that Mr. Johnson himself is one of the persons for whose assassination the reward was offered. He seemed to look upon it as nothing but a squib.

By Mr. WILLIAMS:

Q. What was the nature of that pardon? Was it for the offence of treason, or for the particular offence arising out of the publication of that notice?

A. I do not know. He was pardoned generally. I do not know what sort of an offence the publication of that paper would be.

(The witness was requested to furnish the Committee with copies of the papers in that case.)

By Mr. LAWRENCE:

Q. Can you state the number of applications for pardon for offences growing out of the rebellion that have not been granted?

A. No, sir; there have been a good many not granted. Wherever the party has been charged with anything other than what is purely a military offence—wherever he has been charged with anything contrary to the usages of war, like the case of Dr. Blackburn, for instance, who was charged with sending infected clothing into the North, I do not know that pardons have been granted.

Q. Would the number of applications refused amount to some hundreds?

A. I really cannot say. I can state, generally, that the President has been frequently asked to grant privileges of return to such men as Blackburn and others, who have fled from the country, but I know he has always refused, and said that they must take their chances when they come back; that has been his uniform answer to persons who have fled the country.

By Mr. ELDRIDGE:

Q. It is the rule that they must place themselves within the jurisdiction of the United States before any pardon is granted?

A. Yes, sir; and that he will not give them safe conduct to come here.

ATTORNEY GENERAL'S OFFICE,
Washington, D. C., June 3, 1867.

Hon. JAMES F. WILSON,
Chairman of the Judiciary Committee, House of Representatives:

SIR: I am directed by the Attorney General to transmit to you the accompanying copies of all the papers on file in this office in the case of George W. Gayle, of Dallas county, Alabama, indicted for conspiracy, and pardoned by the President April 27, 1867, and hereby certify to the correctness of said copies.

Very respectfully, your obedient servant,

F. U. STITT, *Pardon Clerk.*

[Copy.]

Oath to support the Constitution and Union, sworn to by George W. Gayle, before William Q. Smith, Commissioner, United States district court, at Selma, Alabama, 22d day of November, 1865.

[Copy.]

To his Excellency ANDREW JOHNSON, *President of the United States:*

Your petitioner, George W. Gayle, respectfully showeth that he is a resident citizen of Dallas county, in the State of Alabama, and is by profession a lawyer; that he resided a large part of his life in said county, and is now about fifty-nine years of age. Petitioner has a wife and three daughters, and he has no means for their support except the proceeds of his labor.

Your petitioner further showeth unto your excellency that, in the late war, petitioner took part against the United States by encouraging enlistments in the confederate army, and, to the extent of his means, by contributions and by aiding and assisting confederate soldiers and their families. Your petitioner is old and feeble, and did not go into the army for that reason.

Your petitioner is advised that he is excluded from the benefits of the proclamation issued by your excellency on the 29th day of May, 1865, because he was in custody of the military authorities. There is no other cause or reason to except him from the benefits of said proclamation.

Your petitioner has in good faith taken the oath required in said proclamation, a copy of which is hereto annexed, and he intends in good faith to abide by and keep the promises therein made.

Your petitioner, therefore, most respectfully prays that he may have the benefits of said proclamation extended to him, and that he may receive full pardon and amnesty. And, as in duty bound, your petitioner will ever pray, &c.

G. W. GAYLE.

THE STATE OF ALABAMA, *Dallas County:*

Personally came George W. Gayle, who, being duly sworn, deposes and says that the facts stated in the foregoing petition are true.

G. W. GAYLE.

Sworn to and subscribed before me, this the 17th day of September, 1866.

J. B. JOYNER, *J. P.*

[Endorsed on bundle.]

APRIL 27, 1867.

I recommend a pardon in this case.

HENRY STANBERY.

[Copy.]

DALLAS COUNTY, ALABAMA, *December 17* [illegible]3.

To his Excellency ANDREW JOHNSON,
as President of the United States of America:

We, the undersigned, officers and soldiers late of the federal army, and now temporary citizens of Dallas county, Alabama, respectfully show unto your excellency that George W. Gayle, esq., of said county, is indicted in the United States district court at Montgomery, with the two late editors of the Selma Dispatch, for a conspiracy to take the lives of "Lincoln, Seward, and Johnson," and as a rebel generally.

From what we know of Mr. Gayle, and can learn of his character and standing in society, we cannot believe him guilty of the charge of conspiracy.

He is, doubtless, guilty as a rebel in aiding and assisting the confederacy of the South, so-called, as hundreds of thousands of the southern people are who are not indicted.

In view of the premises, therefore, we respectfully ask your excellency to grant Mr. Gayle a special pardon, that he may be released from the annoyance of the prosecution against him. We ask this that justice may be done.

Very respectfully, your obedient servants,

J. McARTHUR,
Late Brevet Major General U. S. Volunteers.
GEORGE P. REX,
Late Surgeon 33d Illinois Regiment Volunteers.
GEO. W. COLBY,
Late Captain 72d Reg't Illinois Volunteer Infantry.
C. A. COLBY,
Late Captain 19th Reg't Illinois Volunteer Infantry.
HENRY COCHRAN,
Late Captain Co. E, 33d Missouri Vol. Infantry.
M. J. GIBSON,
Late Lieutenant Co. G, 2d New York Vet. Cavalry.
H. H. F. RANDALL,
Late Assistant Adjutant General.
JNO. F. BURCH,
Late First Lieutenant 2d New York Vet. Cavalry.

[Copy.]

HARTWELL CHAPTER NO. 58,
Cahaba, Alabama.

To his Excellency ANDREW JOHNSON,
President of the United States of America:

We, the high priest, king, and scribe, and companions of Hartwell Chapter No. 58, (working under the jurisdiction of the grand chapter of said State,) respectfully and fraternally show unto your excellency that Companion George W. Gayle, who is a member of this chapter, is indicted in the district court of the United States at Montgomery, Alabama, for a conspiracy, with the two late editors of the Selma Dispatch, to assassinate "Lincoln, Seward, and Johnson," as well as for aiding and assisting the southern confederacy, so-called, in the late American war.

We have known Companion Gayle for many years as a citizen and a Mason, and believe the charge of *conspiracy* against him to be false and unfounded, and that the advertisement published in said newspaper was a mere *canard*, and on his part intended more to excite amusement than for any other purpose; and we have reason to believe that there are now on file in the office of the Attorney General of the United States the affidavits of Companions Robert J. Travers, Isaiah Quartermus, John F. Morgan, James L. Evans, and A. D. Brazeale to establish that fact. Companion Gayle, like a large majority of the people of the southern States, no doubt aided his section to the extent of his ability; but we can see no sufficient reason in this fact why he should be made an exception to a general or special exercise of Executive clemency.

In consideration of the premises, Hartwell Chapter No. 58, as aforesaid, most respectfully and fraternally asks your excellency to grant to Companion Gayle a general and special pardon, that he may be released from the annoyance and great expense of a trial in said district court. And, as in duty bound, &c.

HARTWELL CHAPTER NO. 58,
Cahaba, Alabama, January 28, 1867.

The undersigned, officers of Hartwell Chapter No. 58, do hereby certify that at a convention of said chapter, held at Masonic Hall, Cahaba, Alabama, on the 26th day of January, 1867, the foregoing petition and memorial was unanimously adopted, and a copy thereof, properly certified under the seal of the chapter, ordered to be forwarded to his excellency Andrew Johnson, President of the United States.

[SEAL.] Given under our hands and the seal of the chapter this 28th day of January, A. D. 1867.

(Signed) J. W. KELLEY, *H. P.*
W. A. BRANTLEY, *King.*
J. L. EVANS, *Scribe.*

R. J. TRAVERS, *Secretary.*

MONTGOMERY, ALABAMA, *January*, 1867.

To his Excellency ANDREW JOHNSON,
as President of the United States of America:

We, the undersigned, Governor of the State of Alabama, and members of the senate and house of representatives of said State, now in general assembly convened, respectfully show unto your excellency that George W. Gayle, esq., of Dallas county, in said State, is indicted, in the United States district court for the middle district of said State, with the two late editors of the Selma Dispatch, for a conspiracy to take the lives of "Lincoln, Seward, and Johnson," and as a rebel generally.

Several of us have known Mr. Gayle for many years, and most of us have been for a long time acquainted with his reputation and standing in his profession and in society, and cannot believe him guilty of the charge of conspiracy. He is doubtless guilty of being a rebel generally, in aiding and assisting the confederacy of the South, so-called, as hundreds and thousands of the southern people are, who have not been indicted.

In view of the premises, therefore, we respectfully ask your excellency to grant Mr. Gayle a special pardon, that he may be relieved from the annoyance of the prosecution against him. We ask this that justice may be done one who has already suffered nearly six months' imprisonment, under military arrest, on account of said charge.

With distinguished consideration, we are your obedient servants,

(Signed) R. M. PATTON, *Governor of Alabama.*
WALTER H. CRANSHAW, *Pres't of the Senate.*
THOS. B. COOPER, *Speaker of House of Reps.*

Senators.

1. A. C. Felder, Montgomery, &c.
2. A. L. Woodleff, Cherokee.
3. W. H. Edwards, Blount, &c.
4. R. H. Powell, Macon.
5. M. J. Bulger, Tallapoosa.
6. A. B. Cooper, Dallas, &c.
7. W. Garrett, Coosa.
8. E. P. Jones, Fayette, &c.
9. John H. Gonroot, Jackson.
10. John Y. Kilpatrick, Clarke, &c.
11. Wm. O. Winston, Marshall, &c.
12. John W. Drake, Madison.
13. E. A. Powell, Tuscaloosa.
14. John F. Foster, Choctaw.
15. Thos. Montgomery, Talladega.
16. J. M. Jackson, Morgan, &c.
17. Wm. H. Wood, Dale, &c.
18. Robt. B. Lindsay, Franklin.
19. Wm. A. Ashley, Covington, &c.
20. C. P. Gayer, Mobile.
21. Th. W. Sykes, Normion.
22. James Jackson, Lauderdale.
23. C. C. Huckabee, Greene, &c.
24. W. H. Barnes, Chambers.
25. Wm. H. Forney, Calhoun.

Representatives.

Alexander W. McKinstry, Mobile.
A. G. Mahony, Dallas.
Wm. Craig, Dallas.
N. L. Whitfield, Tuscaloosa.
John R. Tompkins, Mobile.
A. M. Gibson, Blount.
James W. Davis, Bibb.
F. M. Walker, Jackson.
W. J. B. Pardgott, Jackson.
J. W. Brandon, Cherokee county.
James Williams, Jackson.
George W. Ash, St. Clair.
S. Palmer, Blount.
John M. Clark, Lawrence.
C. G. Baisloe, Limestone county.
E. W. Lawrence, Fayette.
Geo. F. Smith, Choctaw.
J. D. Chapman, Covington.
Geo. S. Cox, Lawmatie.
William B. Humphrey, Madison.
J. W. Ledbetter, Madison county.
H. McBee, Calhoun.
P. M. Bush, Marshall.
John G. Pierce, Greene.
John Grant, Mobile.
H. Pipkin, Barbour.
Thomas C. Lanier, Pickens.
John C. Tunneadon, Chambers.
Alexander Frazier, Macon county.
John Mannsco, Walker.
N. S. Brookes, Lowndes.
J. H. Bankhead, Marion.
George P. Phunman, Talladega.
Jos. D. McCann, Talladega.
George N. Culver, Henry county,
Thomas B. Savage, Clarke county.
Walter Echols, Macon.
J. C. Hand, Shelby county.
Samuel Leeper, Shelby county.
John Lawrence, Cherokee county.
Joshua Morse, Choctaw county.
R. Henry, Pickens.
J. G. Moore, Coffee.
J. L. Williams, Randolph.
G. C. Ellis, Calhoun.
B. E. Rowland, Lauderdale.
H. A. Woolf, Marengo.
J. J. Seawell, Perry.
P. M. Callaway, Perry.
C. T. Cotton, Dale.
N. B. Mullen, Greene.
W. Baisler, Limestone.
David H. Thrasher, Tallapoosa.
F. LeB. Goodmull, Lawrence.
James M. Warren, Lawrence
Joseph Lindney, Taliapoosa.

Henry Faulk, Barber.
James S. Robinson, Chambers.
T. R. N. Tothinger, Ehman.
H. R. McCary, Tallapoosa.
James Vansantt, Coosa.
J. R. Hawthorn, Wilcox county.
Thorn, of Franklin county.
J. B. Bentha, Montgomery.
H. McCaffry, Montgomery.
S. F. Gaffard, Butler.
T. C. Grimshaw, Butler.
F. S. Ferguson, Macon county.
A. M. Wuthy, Pike.
W. C. Menefer, Pike.
J. R. Goldthwaite, Pike.
G. S. G. Doster, Autauga.
F. B. Clame, Mobile.
G. W. Robinson, Baldwin.
B. G. Ornum, Russell.
J. L. Sheffield, Marshall.
John Potter, Cherokee.
George C. C. Youge, Washington.
H. F. Smith, Jackson.
Wm. J. Borden, Calhoun.

[Copy.]

MONTGOMERY, ALABAMA, *January*, 1867.

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

The undersigned, members of the supreme court and the bar of Alabama, respectfully petition your excellency to grant pardon and amnesty to George W. Gayle, of Dallas county, Alabama, for offences committed by reason of participation in the late rebellion against the United States. He is indicted, with others, for a conspiracy to overthrow the government of the United States; and an anonymous communication, published in the Selma Dispatch, a newspaper, during the war, offering a reward to any one who would take the lives of "Lincoln, Seward, and Johnson," is the special matter charged against him.

Most of us have known Mr. Gayle for many years, and are well acquainted with his character. He is a man of remarkable kindness of heart, full of generous impulses, and governed in all things much more by impulse than by settled conviction, and with a want of prudence which verges on insanity. We are satisfied that the publication in the Selma Dispatch was the result of a sudden idea that entered his mind, to put to the test the statements of his more wealthy neighbors, to the effect that they would devote their last dollar to any means which would secure the independence of the confederacy. From our knowledge of his character we feel satisfied that he had no other intention. For many years he has been insolvent, with no means except a precarious professional income, which barely sufficed for the support of his family; and we are convinced that he could not possibly have raised one hundred dollars ($100) of the million which was to be raised for the purpose indicated.

He is quite old, and has a large family dependent upon him; and of all the people of Alabama who participated in the late war, there is not, in our opinion, one who is now more harmless and inoffensive towards yourself and the government of the United States. He has suffered much from imprisonment, is quite feeble, and, in our opinion, is a proper object for Executive clemency.

J. R. C. CLINTON,
H. C. BULLOCK,
J. K. BARTON,
M. D. GRAHAM,
T. M. ARRINGTON,
A. J. WALKER,
M. M. BRYAN,
THOMAS J. JUDGE,
JOHN D. PHELAN,
GEO. GOLDTHWAITE,
A. MARTIN,
ALEXANDER WHITE,
W. P. CHITTEN,
JACK THORINGTON,
W. P. CHITTEN, JR.,
DAVID CLOPTON,
SAMUEL F. PRICE,
A. C. FELDER,
ALEX. B. CLITHERALL,
J. O. CHENWORTH,
D. H. WORKMAN,
V. H. VAUGHAN.

[Copy.]

WETUMPKA, ALABAMA, *February* 19, 1867.

DEAR SIR: Colonel George W. Gayle, of Dallas county, in this State, stands indicted, I understand, for proposing to raise a large sum of money to procure the assassination of President Lincoln; and, although I reside in Alabama, I have never seen the article as published in the newspapers. I heard the article spoken of shortly after the publication, and it did then, as it has ever since, received my most unqualified condemnation.

I have known Colonel Gayle since he was quite young, and have ever found him a most estimable citizen, and an amiable, kind, benevolent man. I was therefore astonished that a proposition of such a nature should have emanated from him, and conjectured that some

unusual excitement must have prompted it. I have since learned that he was under the influence of intoxicating liquors when the reward was offered, and deeply regretted its publication when fully restored to himself. Few men have more of the milk of human kindness in their nature than Colonel Gayle; and I feel assured, had Mr. Lincoln been in his power, Colonel Gayle would never even have attempted to carry into execution the proposition contained in the article. If your excellency could, consistently with your sense of public duty, extend to Colonel Gayle the clemency desired, I should feel gratified.

Very respectfully, your obedient servant,

(Signed) BEN. FITZPATRICK.

To his Excellency ANDREW JOHNSON,
President of the United States.

[Copy.]

NASHVILLE, TENNESSEE, *March* 4, 1867.

MY DEAR FRIEND: Mrs. G. W. Gayle, wife of Colonel Gayle, of Cahaba, Alabama, visits you to secure a pardon for her husband. Mrs. Gayle is the aunt of my brother-in-law, Major Clare. Colonel Gayle, I am informed, is an inveterate joker, like the late Major Wm. A. Polk, of this State. He is said to be a man of great amiability of character, and of a genial, social nature; and, in making the publication for which he was arrested, he was quizzing some very wealthy men on account of their extravagant professions of devotion to the South, and that he had no criminal intentions whatever, and never supposed the publication would amount to anything. He is said to be incapable of bearing malice towards any one. Mrs. Gayle bears deep traces of sorrow and suffering on her face, and clemency on your part would bring joy and gladness to the hearts of the entire family and friends. I hope you will regard this as an appropriate occasion for the exercise of those God-like qualities of mercy and justice which have so pre-eminently distinguished your administration. She will present to you the strongest recommendations on behalf of her husband.

May the All-seeing Eye that directed the great and good Washington direct and bless all your efforts for the good of our common country and people is the earnest prayer of your sincere friend,

R. W. BROWN.

To his Excellency ANDREW JOHNSON,
President of the United States.

[Copy.]

President JOHNSON:

The accompanying letter I received in envelope to me yesterday, from my friend Robert Brown, of Nashville. I hope it may be favorably received by your excellency in my husband's behalf. The Attorney General is to give me a decided answer at two o'clock *to-morrow*. I think he will, with *your* approbation, let me return home rejoicing.

May God ever watch over and defend you while sailing on life's troubled sea is the earnest prayer of yours, respectfully,

J. M. GAYLE.

[Original on card; no date.]

[Copy.]

CAHABA, ALABAMA, *March* 11, 1867.

To the ATTORNEY GENERAL *of the United States:*

DEAR SIR: Ex-Governor Parsons, of Alabama, three or four months ago, filed in your office the affidavits of several gentlemen of veracity, and some of distinction, to show my innocence of the charge of *conspiracy* to take the life of Messrs. *Lincoln, Seward and Johnson*, with a view to the dismissal of the prosecution against me for that alleged offence, now pending against me in the United States district court, at Montgomery. No action has yet been had in your branch of the executive department, for reasons which may be good under the terrible state of affairs now prevailing.

A few days ago I sent on a number of petitions to the President for a pardon, to get rid of the ruinous prosecution—one from the Governor of Alabama and the legislature, just adjourned; one from the *federal* military officers of this vicinity, headed by Brevet Major General McArthur; one from the judges of the supreme court of the State, and the members of

that bar, living in and about Montgomery; and one from the *Masonic Chapter* of this place, to which I belong—all truly protesting against my guilt, and praying pardon to relieve me from the annoyance and expenses of a trial.

Not being aware of the act of Congress of August 2, 1831, (United States Statutes at Large, pages 285 and 286,) until a moment ago, I did not know your powers over the district attorneys. Knowing them now, I most respectfully pray that you may examine *all* the papers in your office and now before the President, and instruct the district attorney at Montgomery to dismiss the prosecution against me, or continue it indefinitely, as may be most *wise*, just, and equitable.

My wife, who has carried on my petition to the President, has, likely, ere this, been honored with your acquaintance; if not, and it is agreeable to you, you will find her at W. H. Claggett's, H street, 530, I think; or Governor Parsons will be kind enough to introduce her to you.

Most respectfully,

G. W. GAYLE.

Hon. Mr. STANBERY,
Attorney General United States, Washington City.

ATTORNEY GENERAL'S OFFICE,
Washington, June 3, 1867.

SIR: I am directed by the Attorney General to transmit to you the accompanying list of applications for pardon from persons in the late rebel service, now on file in this office.

It is, perhaps, proper to remark that petitions from petty civil officers, and those under what is known as the twenty thousand dollar clause, are acted upon immediately in this office, and the warrants of pardon laid before the President for his disposal, which will account for the absence of any list of those classes of persons.

Very respectfully, your obedient servant,

F. U. STITT, *Pardon Clerk.*

Hon. JAMES F. WILSON,
Chairman of Judiciary Committee, House of Representatives.

Rebel General Officers.

Adams, Daniel W., Louisiana, brigadier general.
Adams, Wirt, Mississippi, brigadier general.
Bragg, Braxton, Louisiana, resigned from United States army in 1856, rebel general.
Bee, H. P., Texas, brigadier general.
Brandon, W. L., Mississippi, brigadier general.
Brantley, W. F., Mississippi, brigadier general.
Bell, Tyree H., Tennessee, brigadier general.
Corse, M. D., Virginia, brigadier general.
Chestnut, James, jr., South Carolina, brigadier general.
Cobb, Howell, Georgia, major general.
Carroll, Wm. H., Tennessee, brigadier general.
Churchill, T. J., Arkansas, major general.
Caball, W. L., Virginia, brigadier general.
Canter, James, Alabama, brigadier general.
Cook, Philip, Georgia, brigadier general.
Chambliss, N. R., Alabama, graduate of West Point, and major in rebel army
Colston, R. E., Virginia, brigadier general.
Chalmers, J. K., Mississippi, brigadier general.
Cheatham, B. F., Tennessee, major general.
Duke, Basil W., Kentucky, brigadier general.
Du Bose, D. M., Georgia, brigadier general.
Ewell, R. S., Virginia, major general.
Evans, C. A., Georgia, brigadier general.
Forrest, N. B., Mississippi, lieutenant general.
French, Samuel G., Mississippi, major general.
Frazer, J. W., Tennessee, brigadier general.
Featherston, W. S., Mississippi, brigadier general.
Govan, D. C., Arkansas, brigadier general.
Gordon, John B., Georgia, major general.
Gholson, Samuel J., Mississippi, brigadier general.
Greer, E., Texas, brigadier general.
Hindman, T. C., Arkansas, major general.
Hill, B. J., Tennessee, brigadier general.
Humes, Wm. Y. C., Tennessee, brigadier general.
Hodge, George B., Mississippi, brigadier general, and left Kentucky to enter rebel army.

Hoke, R. F., North Carolina, major general.
Hunton, Eppa, Virginia, brigadier general.
Hood, J. B., Texas, lieutenant general.
Heth, Henry, Virginia, major general.
Higgins, Edward, Louisiana, brigadier general.
Jackson, A. E., Tennessee, brigadier general.
Johnson, A. R., Texas, brigadier general.
Jackson, Thomas K., Alabama, ex U. S. A.; strongly recommended by General Grant.
Jones, Samuel, Virginia, major general.
Jones, J. R., Virginia, brigadier general.
Jackson, Wm. L., Virginia, brigadier general.
Jackson, John K., Georgia, brigadier general.
Kennedy, John D., South Carolina, brigadier general.
Kershaw, J. B., South Carolina, major general.
Kirkland, W. W., Georgia, brigadier general.
King, W. H., Georgia, brigadier general.
Lee, W. H. F., Virginia, general.
Lane, James H., North Carolina, brigadier general.
Lee, Stephen D., Mississippi, lieutenant general.
Lane, Walter P., Texas, brigadier general.
Liddell, St. John R., Louisiana, brigadier general.
Lilley, R. D., Virginia, brigadier general.
Logan, T. M., Virginia, brigadier general.
Lowrey, M. P., Mississippi, brigadier general.
Lewis, W. G., North Carolina, brigadier general.
Mahone, William, Virginia, major general.
Mems, G. S., Virginia, brigadier general.
McGowan, Samuel, South Carolina, brigadier general.
Maury, Dabney H., Virginia, major general.
McCulloch, Henry E., Texas, brigadier general.
Mackall, W. W., Maryland, brigadier general.
Manigault, A. M., South Carolina, brigadier general.
Maxey, S. B., Texas, major general.
McComb, William, Tennessee, brigadier general.
Pemberton, J. C., Virginia, lieutenant general.
Price, Sterling, Missouri, major general.
Preston, William, Kentucky, major general.
Perry, W. F., Alabama, brigadier general.
Ruggles, Daniel, Louisiana, brigadier general.
Robertson, J. B., Texas, brigadier general.
Randolph, G. W., Virginia, brigadier general and rebel secretary of war.
Rains, J. S., Texas, brigadier general.
Simms, J. P., Georgia, brigadier general.
Shelby, C. M., Alabama, brigadier general.
Sharp, J. H., Mississippi, brigadier general.
Starke, Peter B., Mississippi, brigadier general.
Scott, Thomas M., Louisiana, brigadier general.
Steele, William, Texas, brigadier general.
Smith, Gustavus W., Georgia, major general.
Stovall, M. A., Georgia, brigadier general.
Smith, T. B., Tennessee, brigadier general.
Sorrel, G. M., Georgia, brigadier general.
Taliaferro, W. B., Virginia, major general.
Thomas, Edward L., Georgia, brigadier general.
Thomas, B. M., Georgia, brigadier general.
Tucker, William F., Mississippi, brigadier general.
Thompson, M. Jeff., Arkansas, brigadier general.
Tochman, G., Virginia, brigadier general.
Vaughn, J. C., Tennessee, brigadier general.
Vaughan, Alfred J., Mississippi, brigadier general.
Wharton, G. C., Virginia, brigadier general.
Walthall, E. C., Mississippi, major general.
Walker, R. T., Virginia, brigadier general.
Waul, T. N., Texas, brigadier general.
Whitfield, John W., Texas, brigadier general.
Wright, A. R., Georgia, major general.
Walker, W. S., South Carolina, brigadier general.
Weisiger, D. A., Virginia, brigadier general.
Wallace, W. H., South Carolina, brigadier general.
Young, W. H., Texas, brigadier general.

Ex-United States Army Officers who resigned and entered the rebel service.

Allen, R. T. P., Texas, graduate of West Point.
Allston, Benj., South Carolina, graduate of West Point; resigned in 1857.
Alexander, E. P., Georgia, graduate of West Point, and rebel general.
Anderson, W. W., South Carolina, ex-surgeon United States army.
Anderson, R. H , South Carolina, graduate of West Point, and lieutenant general in rebel service.
Anderson, C. D., Mississippi, graduate of West Point.
Butler, William, South Carolina.
Barnes, J. M., Tennessee, graduate of West Point.
Brodie, R. L., South Carolina, ex-assistant surgeon United States army.
Blair, W. B., Virginia, graduate of West Point.
Beall, W. N. R., at large, graduate of West Point, and rebel brigadier general.
Barnwell, Thomas O., South Carolina, graduate of West Point.
Barton, J. M., Virginia, graduate of West Point.
Brown, John A., Maryland, graduate of West Point, and rebel brigadier general.
Blanchard, Albert, Louisiana, graduate of West Point, and rebel brigadier general.
Beauregard, P. G. T., Louisiana, graduate of West Point, and rebel major general.
Boggs, W. R., Louisiana, graduate of West Point.
Berry, Thomas J., Georgia, graduate of West Point.
Bagby, Arthur P., Texas, graduate of West Point.
Carr, George W., Virginia, graduate of West Point.
Campbell, C. C., Missouri, graduate of West Point.
Cole, R. G., Virginia, graduate of West Point.
Crowell, N. S., South Carolina, ex-assistant surgeon United States army.
Cooper, S. M., Virginia.
Cenas, Hilary, Louisiana, graduate of West Point.
Chandler, D. J., Maryland.
Cooper, S., Virginia.
Cunningham, George A., Alabama.
Chilton, R. H., Virginia, graduate of West Point.
Cooke, John R., Virginia, graduate of West Point, and rebel brigadier general.
Crittenden, G. B., Kentucky, graduate of West Point.
Dixon, J. K., Mississippi, graduate of West Point.
Dearing, St. Clair, Georgia.
Deas, George, New York.
Ewell, R. S., Virginia, graduate of West Point.
Elzey, Arnold, Virginia, graduate of West Point, and rebel major general.
Edelin, Boyd, Maryland.
Forney, John H., Alabama, graduate of West Point.
Fauntleroy, A. M., Virginia, ex-surgeon United States army.
Gibbes, W. H., Virginia, graduate of West Point.
Gardner, W. M., Georgia, graduate of West Point.
Gaenslin, J. J., Virginia, ex-surgeon United States army.
Graves, C. J., Georgia, graduate of West Point.
Gatlin, R. C , North Carolina, graduate of West Point.
Gaillard, Peter C., South Carolina, graduate of West Point.
Garland, R. R., Virginia.
Gilham, William, Virginia, graduate of West Point.
Guild, L., Alabama, ex-surgeon United States army.
Goode, J. Thomas, Virginia.
Hill, James H., North Carolina, graduate of West Point.
Hill, Henry, Virginia.
Hill, G. H., North Carolina, graduate of West Point.
Hardcastle, A. B., Mississippi.
Hardee, William J., Alabama, graduate of West Point, and rebel lieutenant general.
Holmes, T. H., North Carolina.
Hibert, Louis, Louisiana, graduate of West Point.
Hill, G. H., Arkansas.
Huger, Frank, Virginia.
Haskell, A. M., Texas.
Harris, Thomas A., Missouri, graduate of West Point, rebel brigadier general, and member of rebel congress.
Izard, Allen S., South Carolina, graduate of West Point.
Jones, Thomas M., Virginia, graduate of West Point.
Jordan, Thomas, Virginia, graduate of West Point, rebel brigadier general.
Jones, William R., Virginia, graduate of West Point.
Johnston, J. E., Virginia, graduate of West Point.
Johnson, Bushrod, Tennessee, graduate of West Point, rebel brigadier general.
Johnson, John, North Carolina, graduate of West Point.

Jackson, George, Virginia, graduate of West Point.
Kennard, James M., Mississippi, graduate of West Point.
Kearney, W., Louisiana, graduate of West Point.
Lockett, Samuel H., Alabama.
Lane, John, Georgia, graduate of West Point.
Lay, George W., Virginia, graduate of West Point.
Long, A. L., Virginia, graduate of West Point.
Longstreet, James, Alabama, graduate of West Point, and rebel general.
Lee, Stephen, North Carolina, graduate of West Point.
Long, John O., North Carolina, graduate of West Point.
Lee, Roswell W., Texas, graduate of West Point.
Lomax, L. L., Virginia, graduate of West Point, and rebel major general.
Lee, Fitzhugh, Virginia, graduate of West Point, and rebel major general.
Lewis, William, Mississippi, graduate of West Point.
Major, James P., Mississippi, graduate of West Point, and rebel brigadier general.
Myres, A. C., Paris, France, graduate of West Point, and rebel quartermaster general.
McNeill, H. C., Texas, graduate of West Point.
McCown, J. P., Tennessee, graduate of West Point, and rebel major general.
Madison, Y. C., Missouri, ex-surgeon United States army.
Montgomery, A. B., Georgia.
McCall, J. K., Tennessee.
Marmaduke, J. S., Missouri.
Maclin, Sackfield, Louisiana.
Minter, J. F., Texas.
Napier, Leroy, jr., Georgia, graduate of West Point.
Nicholls, Francis P., Louisiana, graduate of West Point, and rebel brigadier general.
Palfrey, E. A., Louisiana, graduate of West Point.
Pickett, G. E., Virginia, graduate of West Point, is charged with hanging loyal citizens of North Carolina.
Polk, Marshall S., Tennessee, graduate of West Point.
Pendleton, W. N., Virginia, graduate of West Point, and rebel brigadier general.
Robinson, Felix H., Texas, graduate of West Point.
Ransom, R., jr., North Carolina, graduate of West Point, and rebel major general.
Robertson, B. H., Virginia, graduate of West Point, and rebel brigadier general.
Rosser, Thomas L., Texas, graduate of West Point, and rebel major general.
Ramseur, D. P., North Carolina, ex-assistant surgeon United States army.
Ruggles, Daniel, Virginia, graduate of West Point, and rebel brigadier general.
Riley, E. B. D., Missouri, graduate of West Point.
Russell, R. M., Tennessee, graduate of West Point.
Rowland, T., Virginia, graduate of West Point.
Reynolds, A. W., Virginia, graduate of West Point, and rebel brigadier general.
Saunders, John S., Virginia.
Stevenson, C. L., Louisiana, graduate of West Point, and rebel major general.
Sears, C. W., Mississippi, graduate of West Point, and rebel brigadier general.
Smith, Melancthon, Mississippi, graduate of West Point.
Smith, Larkin, Virginia, graduate of West Point.
Stockton, Philip, Texas.
Shanff, Arthur, Georgia.
Smith, M. L., Georgia, graduate of West Point, and rebel brigadier general.
Sibley, H. H., Louisiana, graduate of West Point, and rebel brigadier general.
Sibley, W. C., Georgia.
Smith, J. A., Tennessee, graduate of West Point, and rebel brigadier general.
Stewart, A. P., Tennessee, graduate of West Point; resigned in 1845; rebel lieutenant general.
Shanff, John T., Arkansas, graduate of West Point.
Tyler, C. H., Virginia.
Trapier, J. H., South Carolina, graduate of West Point, and rebel brigadier general.
Thornton, George A., Kentucky, graduate of West Point.
Tennison, O. M., Louisiana.
West, John A. A., Louisiana.
Wilson, James S., Georgia, graduate of West Point.
Wheeler, Joseph, Georgia, graduate of West Point, and rebel brigadier general.
Withers, John, Texas, graduate of West Point.
White, J. L., Alabama, graduate of West Point.
Williamson, T. H., Virgi[illegible]
Walker, W. S., Mississip[illegible], graduate of West Point, and rebel brigadier-general.
Wickliffe, N., Kentucky.
Watts, G. O., Kentucky.
Waddy, J. R., Virginia.
Williams, Thomas H., Maryland, ex-assistant surgeon United States army.

Welcker, William T., Tennessee, graduate of West Point.
West, John A. A., Georgia, graduate of West Point.
Wright, Moses H., Tennessee, graduate of West Point.
Williams, Thomas G., Virginia.
Young, P. M. B., Georgia, graduate of West Point.

Prominent Rebel Officers.

Allen, Henry W., Louisiana, ex-governor.
Breckenbrough, John W., Virginia, ex-United States district judge.
Breckinridge, John C., Kentucky; pardon recommended by legislature and many citizens of Kentucky.
Clark, Edward, Texas, rebel governor.
Clark, Charles, Mississippi, rebel governor; petition for pardon by ladies of Columbus, Mississippi.
Davis, Jefferson, Mississippi, rebel president; petition for pardon by ladies of Virginia and Mississippi.
Devine, Thomas J., Texas, rebel judge of district court; General Sheridan objects to pardon.
Fuller, Bartholomew, North Carolina, Fifth Auditor of the Treasury of the United States; resigned in 1861.
Gwin, W. M., Louisiana, ex-United States senator.
Haliburton, John G., Arkansas, ex-United States marshal.
Hunter, R. M. T., Virginia, ex-United States senator.
Moore, A. B., Alabama, rebel governor.
Moise, E. Warren, rebel district judge.
Offut, A. St. George, Virginia, resigned chief clerkship in Sixth Auditor's office in 1861, went to Richmond, and was appointed chief of contract bureau, rebel post office department.
Pettus, John J., Mississippi, ex-governor.
Quantrell, William C., Missouri, rebel guerilla; pardon strongly protested against.
Seddon, James A., Virginia, rebel secretary of war.
Stephens, Alexander H., Georgia, rebel vice-president.
Thompson, Jacob, Mississippi, ex-United States Secretary of the Interior; petition from the Mississippi legislature.
Toombs, Robert, Georgia, ex-United States senator.
Terry, David S., California, ex-judge of the California supreme court.
Yulee, D. L., Florida, ex-United States senator.

Rebel Members of Congress.

Ayer, Lewis M., South Carolina, member of rebel congress.
Atchison, David R., Missouri, ex-United States senator.
Batson, Felix J., Arkansas, member of rebel congress.
Blankford, Mark H., Georgia, member of rebel congress.
Burnett, H. C., Kentucky, ex-member of United States congress, and member of rebel congress.
Biggs, Asa, North Carolina, ex-United States senator, and rebel district Judge.
Barksdale, E., Mississippi, member of rebel congress.
Barnwell, R. W., South Carolina, member of rebel congress.
Crockett, John W., Kentucky, member of rebel congress.
Craige, Burton, North Carolina, member of rebel provisional congress.
Clingman, Thomas L., North Carolina, ex-United States senator, and rebel brigadier general.
Clark, H. T., North Carolina, acting governor (by virtue of his position as speaker of the senate) on the death of Governor Ellis.
Clark, W. W., Georgia, member of rebel congress.
Clapp, J. W., Mississippi, member of rebel congress.
Davis, Reuben, Mississippi, ex-member United States congress, and member of rebel congress.
Dupre, Lucina J., Louisiana, member of rebel congress.
De Clout, A., Louisiana, member of rebel congress.
Elliott, J. W., Kentucky, ex-member of United States congress, and member of rebel congress.
Foster, S. J., Tennessee, member of rebel congress.
Foote, Henry S., Tennessee, ex-United States Senator, and member of rebel congress.
Farrow, James, South Carolina, member of rebel congress.
Gray, Henry, Louisiana, member of rebel congress.
Gaither, Burgess S., North Carolina, member of rebel congress.
Goode, John, jr., Virginia, member of rebel congress.
Harris, Willis P., Mississippi, member of provisional congress.

Ingram, Porter, Georgia, member of rebel congress.
Johnson, Waldo P., Missouri, ex-United States senator, and member of rebel congress.
Jones, Roland, Louisiana, ex-United States member of congress, and rebel judge.
Kenan, O. R., North Carolina, member of rebel congress.
Keeble, E. A., Tennessee, member of rebel congress.
Kenan, A. H., Georgia, member of rebel congress.
Lester, George N., Georgia, member of rebel congress.
Lamar, L. Q. C., Mississippi, resigned seat in United States congress to aid rebellion.
Love, P. E., Georgia, resigned seat in United States congress to aid rebellion.
Montague, Robert L., Virginia, member of rebel congress.
Puryear, R. C., North Carolina, member of rebel provisional congress.
Preston, Walter, Virginia, member of rebel congress.
Rives, W. C., Virginia, member of rebel congress.
Ralls, John P., Alabama, member of rebel congress.
Shewmake, John T., Georgia, member of rebel congress.
Smith, William, Virginia, ex-member of United States congress, rebel brigadier general and governor.
Swan, William G., Tennessee, member of rebel congress.
Tibbs, William H., Georgia, member of rebel congress.
Thomas, James H., Tennessee, member of rebel congress.
Trippe, Robert P., Georgia, member of rebel congress.
Vellere, Charles J., Louisiana, member of rebel congress.
Welsh, Israel, Mississippi, member of rebel congress.
White, D. P., Kentucky, member of rebel congress.
Wright, John V., Alabama, member of rebel congress.
Wright, W. B., Texas, member of rebel congress.

Naval Officers.

Barron, Samuel, Virginia, ex-United States and rebel navy officer.
Brand, F. B., Louisiana, ex-United States navy officer and lieutenant colonel in rebel army.
Brown, Isaac N., Mississippi, ex-United States and rebel navy officer.
Bradford, W. L., Alabama, graduate of United States Naval Academy and officer in rebel service.
Barney, J. N., Maryland, ex-United States and rebel navy officer.
Bennett, William, Virginia, ex-sailmaker, United States navy.
Cocke, H. H., Virginia, ex-captain United States navy.
Campbell, W. P. A., Tennessee, ex-lieutenant United States navy, resigned and entered the rebel service.
Carter, J. H., Louisiana, ex-lieutenant in the United States navy.
Carrington, W. F., Virginia, ex-assistant surgeon United States navy, resigned and entered the rebel service.
City, George W., Virginia, first assistant engineer in the United States navy, resigned and entered the rebel service.
Cook, Joseph J., Texas, educated at Naval Academy, resigned 1852, colonel in rebel army.
Claiborne, H. B., Louisiana, ex-United States navy officer, resigned and entered the rebel service.
Dalton, H. H., Mississippi, ex-United States navy officer, resigned and entered the rebel service.
Dozier, W. G., South Carolina, graduate of Naval Academy, resigned from United States navy, officer on the "Chickamauga."
De Bree, A. M., Virginia, ex-officer in United States navy and lieutenant in rebel navy.
Evans, Richard, Virginia, ex-captain in United States revenue marine and acting master in rebel service.
Eggleston, J. R., Mississippi, ex-United States and rebel navy officer.
Evans, William E., South Carolina, ex-United States and rebel navy officer.
Fauntleroy, Charles M., Virginia, ex-United States and rebel navy officer.
Frobel, B. W., Georgia, ex-United States officer, resigned and entered the rebel service.
Fairfax, A. B., Maryland, ex-United States and rebel navy officer.
Fahs, C. F., Alabama, ex-surgeon in United States navy, resigned in 1861.
Forrest, French, Virginia, ex-captain in United States navy, resigned in 1861.
Freeman, Robert J., Virginia, assistant surgeon in United States navy, resigned and entered the rebel navy.
Gregory, Samuel S., North Carolina, ex-midshipman in the United States navy, resigned and entered the rebel navy.
Green, J., Virginia, ex-lieutenant in United States navy, resigned and entered the rebel service.
Guthrie, J. J., North Carolina, ex-lieutenant in United States navy, resigned and appointed lieutenant in rebel navy.

Good, W. Drayton, South Carolina, left United States Naval Academy and entered the rebel navy.

Graves, Charles J., North Carolina, resigned position in United States navy and entered the rebel service.

Hunter, Thomas T., Maryland, ex-United States navy and rebel navy officer.

Harrison, J. F., Virginia, ex-surgeon in United States and rebel navy.

Hoole, J. L., Alabama, graduate of United States Naval Academy and lieutenant in rebel navy.

Hall, W. B., Georgia, graduate of United States Naval Academy and lieutenant in rebel navy.

Harrison, S. L., Virginia, graduate of United States Naval Academy; resigned and entered the rebel service.

Harrison, George W., Virginia, ex-lieutenant in United States navy; resigned and entered the rebel service.

Hunter, B. W., Virginia, ex-lieutenant in United States navy and major in rebel army.

Holcome, H., Georgia, left United States Naval Academy, and lieutenant on privateer Rappahannock.

Harrison, W. D., Virginia, ex-surgeon in United States navy; resigned and entered the rebel service.

Ingraham, John H., South Carolina, educated at United States Naval Academy; resigned and entered the rebel service.

Ingraham, H. L., South Carolina, ex-lieutenant in United States marine corps; resigned and entered the rebel service.

Inglehart, O. S., Maryland, ex-United States and rebel assistant surgeon.

Izard, Allen C., South Carolina, educated at United States Naval Academy, and lieutenant colonel in rebel army.

Johnson, John, North Carolina, paymaster in United States navy; resigned and appointed paymaster in rebel navy.

Johnson, O. F., Georgia, ex-lieutenant in United States navy; resigned at the beginning of the war.

Jones, J. P., St. Johns, New Brunswick, ex-United States navy officer; resigned to share the fortunes of his State, (Virginia.)

Johnston, J. D., Alabama, ex-lieutenant in United States navy; resigned and entered the rebel service.

Jordon, C. W., Virginia, third assistant engineer United States navy; resigned and entered the rebel service.

Jackson, T. A., Virginia, chief engineer United States navy; resigned on secession of Virginia.

Kennedy, C. H., Virginia, ex-United States and rebel navy officer.

Kennon, Beverly, Virginia, ex-United States navy officer; resigned and entered the rebel service.

Kennard, J. S., District of Columbia, ex-lieutenant in United States and rebel navy.

King, C. K., District of Columbia, ex-midshipman United States navy; resigned and entered the rebel navy.

Locke, H. H., Virginia, ex-captain in United States navy; resigned at beginning of the rebellion.

Lynah, H. M., South Carolina, ex-United States surgeon; resigned and entered the rebel service.

Loyall, B. P., Virginia, ex-lieutenant in United States and rebel navy.

Lee, S. S., Virginia, ex-commander in United States navy; resigned and appointed captain in rebel navy.

Levy, Charles H., Virginia, second assistant engineer in United States navy; resigned in 1861.

McGary, Charles P., North Carolina, ex-United States and rebel navy officer.

Morris, C. M., South Carolina, ex-lieutenant in United States and rebel navy.

Minor, George, Virginia, ex-commander in United States and rebel navy.

Minor, L. W., Virginia, ex-surgeon in United States and rebel navy.

Maury, W. L., Virginia, ex-lieutenant in United States navy, and commander of privateer "Georgia."

May, L. C., Virginia, graduate of United States Naval Academy; in military prison, Louisville, Kentucky.

Morgan, Van R., Virginia, ex-lieutenant in United States navy; resigned and entered the rebel service.

Morrison, James J., Georgia, ex-United States revenue officer.

Myers, Henry, Georgia, ex-United States and rebel paymaster.

Maury, J. S., Virginia, ex-lieutenant in United States navy; resigned and entered the rebel service.

Mason, Murray, Virginia, ex-commander in United States navy; resigned and entered the rebel service.

Moore, T. L., North Carolina, ex-lieutenant in United States navy; resigned and entered the rebel service.

Meiere, J. Ernest, Maryland, ex-lieutenant in United States marine corps.
McBlair, Charles H., Maryland, ex-commander in United States navy; resigned and entered the rebel service.
Magruder, G. A., Virginia, ex-United States navy.
Porter, John L., Virginia, constructor in United States navy.
Parker, John H., Virginia, ex-lieutenant in United States and rebel navy.
Parker, William H., New York, ex-United States and rebel navy officer.
Pickney, Robert F., Maryland, ex-United States navy officer; no personal application.
Phillips, D. B., Virginia, ex-assistant surgeon United States navy; resigned in May, 1861, and entered the rebel service.
Rochelle, J. H., Virginia, ex-lieutenant in United States navy; resigned in May, 1861, and entered the rebel service.
Robb, R. G., Virginia, ex-commander in United States and rebel navy.
Read, Charles W., Mississippi, ex-United States and rebel navy officer.
Scales, Dabney M., Mississippi, graduate of United States Naval Academy.
Smith, William Taylor, Virginia; entered United States navy in 1832; resigned in 1552; entered rebel service in May, 1861.
Sinclair, W. B., Virginia, ex-United States and rebel surgeon.
Sharp, William, Virginia, ex-United States navy officer; resigned in 1861.
Semmes, John D., Virginia, ex-lieutenant in United States marine corps; resigned and entered the rebel service.
Smith, Albert J., Virginia, ex-paymaster in United States navy; resigned at the beginning of the war.
Smithy, William L., Virginia, ex-lieutenant in United States and rebel navy.
Spotswood, C. F. M., Virginia, ex-lieutenant in United States and rebel navy.
Schroeder, Charles, Virginia, ex-engineer United States navy; resigned and entered the rebel service.
Tansill, Robert, District of Columbia, ex-captain in United States marine corps and colonel in rebel army.
Thorburn, Robert D., Virginia, ex-commander in United States navy; resigned and entered the rebel service.
Tucker, John T., Virginia, third assistant engineer in United States navy; resigned and entered the rebel service.
Taylor, A. S., Virginia, ex-captain in United States marine corps; resigned at the beginning of the war.
Tucker, John R., Virginia, ex-commander in United States and rebel navy.
Vanzant, N. H., Virginia, ex-lieutenant in United States and rebel navy.
Wright, Henry X., Virginia, third assistant engineer in United States navy; resigned and entered rebel service.
Williamson, W. P., Virginia, third assistant engineer in United States navy; resigned and entered rebel service.
Williamson, C. H., Virginia, ex-assistant surgeon United States navy; resigned and entered the rebel service.
Ward, William H., Virginia, ex-lieutenant in United States and rebel navy.
Webb, W. A., Virginia, ex-lieutenant in United States navy; resigned and entered the rebel service.
Whittle, William C., Virginia, ex-commander United States navy, resigned on the secession of Virginia.
Wysham, W. E., Virginia, ex-assistant surgeon in the United States and rebel navy.
Wilkinson, J., Virginia, ex-lieutenant in United States navy, and rebel blockade runner.

Florida cases—Miscellaneous.

Allender, Francis, Florida, privateer.
Chase, William H., Florida, ex-United States army.
Dawkins, James B., Florida, member of rebel congress.
Dancy, F. L., Florida, ex-United States army, resigned in 1836.
Gift, George W., Florida, ex-midshipman in United States navy, and rebel privateer.
Humphrey, F. C. Florida, ex-military storekeeper United States army, resigned and entered the rebel service.
Hollins, George N., Florida, ex-captain in United States navy, resigned and entered the rebel service.
Hopkins, C. F., graduate of United States Naval Academy and major in rebel army.
Hawkins, George S., Florida, ex-member of United States Congress and rebel judge.
Kelly, W. W. J., Florida, ex-purser in United States navy and paymaster in rebel navy.
Moreno, Stephen A., Florida, educated at West Point and captain in rebel army.
Martin, John M., Florida, member of rebel congress.
Mitchell, John K., Florida, ex-commander in United States navy, resigned and entered rebel service
Owens, James B., Florida, member of rebel congress.

Renshaw, Francis B., Florida, ex-lieutenant in United States and rebel navy.
Rogers, S. St. George, Florida, member of rebel congress.
Stockton, W. T., Florida, graduate of West Point and lieutenant colonel in rebel army.
Thomas R. B., Florida, graduate of West Point and colonel in rebel army.
Taylor, Joseph M., Florida, rebel brigadier general.

WASHINGTON, D. C., *Saturday, May* 25, 1867.

JOHN C. UNDERWOOD sworn and examined.

By Mr. WILLIAMS:

Q. State whether you are the district judge for the eastern district of Virginia.

A. I am United States district judge for the district of Virginia. There is no eastern district of Virginia. Since the State of West Virginia has been created, the boundaries have changed, and the judges are called judges of Virginia and West Virginia.

Q. You presided on the occasion of the application for the discharge of Jefferson Davis on bail at Richmond recently?

A. I did.

Q. State whether you yourself regarded it as a proper case for the exercise of the discretion supposed to be lodged with you for taking bail if objection had been made.

A. I suppose that, if objection had been made, it would have been a proper case at least for consideration.

Q. I wish to know whether, under the circumstances of that case, as known to yourself and the public, you would have regarded it a proper one for the discharge of the party on bail if objection had been made by a counsel for the United States?

A. I do not think I had made up my mind in advance. I did not expect such an application, and had not considered it. I supposed that the case was a bailable one, as the indictment was framed under the act of 1862, and I thought that where the government had refused or neglected to proceed with the case for so long, it was a proper case for bail.

Q. Did you regard the government then as being in default in that case?

A. I did.

Q. Did the government assign any good reason, or any reason at all, for not going on to trial?

A. No, sir; and I thought there was no reason, and on that very account that there was no good excuse for not going on with the trial. I supposed it was a proper case for bail.

Q. Did you confer at any time with the President or Attorney General in reference to the trial of Jefferson Davis for treason?

A. I had conversations with the President in reference to the prosecution of those who had been engaged in the rebellion. I think it was before the indictment was found.

Q. The conversation was not about Davis especially?

A. I do not know that any person was named. I did ask the President's views as to the propriety of a prosecution of the leaders of the rebellion, and he expressed himself very decidedly on the subject in favor of prosecution.

Q. What time was that?

A. That was before the indictment was found. I think the indictment against Mr. Davis was found either in May or June, 1866. There had been an indictment found at a previous term against a number of the leading rebels. Mr. Davis, however, was not then indicted, and several members of the grand jury gave as a reason for not having indicted him that he had been already in-

dicted in the District of Columbia, and that it would be a work of supererogation to indict him over again. But when the Attorney General gave the opinion that Mr. Davis could not be tried except in the State of Virginia, the grand jury thought it proper to indict him at the next term The conversations that I have had with the President on the subject were before the indictment of Davis in Virginia.

Q. They were, then, in the early part of 1866?

A. Yes; I should think they were in 1866 and also in 1865. I had two or three conversations with him, in which he expressed very decidedly the opinion that the most guilty and prominent persons engaged in the conspiracy ought to be indicted and tried for treason.

Q. Were any of the other indictments that were found there ever tried?

A. No, sir; there has not been a trial.

Q. Has there been any effort on the part of the government to try them?

A. I think not. The Attorney General desired a copy of the indictment, and seemed to assume the management of it. There was an application to bail Mr. Davis made to me very shortly after the indictment, I think in June of last year. I recollect that the Attorney General, Mr. Speed, took an interest in it at that time, and came before me when the application was made. I refused the application. I understood and supposed that the matter was in his hands, but there was no effort made to prosecute the case, although I understood from the district attorney that it would be prosecuted at the May term, the term that we are now holding. Mr. Evarts, however, acting for the government, said that he was not ready, and of course I know of no way of having a trial when the prosecution is not ready.

Q. Did he state why he was not ready.

A. No, sir, he did not. He stated very briefly that the government was not ready to proceed in the case. The district attorney had told me repeatedly that he would be ready, but he told me then and since that he was overruled by the action of the government.

Q. On whose suggestion was the amount of bail fixed at $100,000?

A. I think that amount was offered, and I know it was accepted on the part of the government before I had anything to say about it. Indeed, the whole matter seemed to have been arranged between the government and Mr. O'Conor. Mr. Evarts told me so the night before. The first I knew of it was about 11 o'clock the night before, Sunday night.

Q. Did it seem to you, from what you observed on the hearing of the case, that there was any purpose on the part of the government to try the case at any time?

A. That is more than I can tell you. I know nothing more than what Mr. Evarts said, that the government was not ready to proceed.

By Mr. LAWRENCE:

Q. Did he tell you at that time that the government was willing to take bail?

A. I think so. If he did not tell me on Sunday night he told me so the next morning. It was pretty well understood that bail would be offered for $100,000. I heard it from both sides. Mr. Shea, of counsel for Mr. Davis, and Mr. Evarts, who acted for the government, both told me substantially the same thing.

By Mr. ELDRIDGE:

Q. Did you think that amount of bail ample to secure his appearance?

A. It was my impression that it would secure his appearance; I expressed myself satisfied with the amount.

By Mr. WILLIAMS:

Q. Had it any reference to the amount paid by the government for Davis's capture, with any view to indemnity?

A. It occurred to me that it was the same amount, but I do not know that there was any particular reference to it.

Q. Did the counsel for the government suggest whether they would be ready for trial at the next term?

A. No, sir. Between 11 and 12 o'clock on Sunday night the district attorney and Mr. Evarts came to my room. The district attorney said, I think, that he was ready on his own part, and that he had no doubt about his being able to convict Davis; but Mr. Evarts, who was acting, as I understood, under instructions, thought he would be obliged to say that he was not ready.

By the CHAIRMAN:

Q. Did Mr. Evarts state that he was acting under instructions, and that he would be obliged to say that he was not ready?

A. He said he supposed he would be obliged to say that he was not ready. Allusion had been made, either by Mr. Chandler or by Mr. Evarts, to the fact that they had been in Washington the day before, and I certainly understood that Mr. Evarts was acting under instructions. I know that Mr. Chandler told me on Friday night that he was going to meet Mr. Evarts and the Attorney General by appointment, and to arrange, as I understood, for the trial. I was in church on Sunday evening, and did not get to my room until near 11 o'clock. After that hour Mr. Chandler and Mr. Evarts came to my room and said that the matter had been fixed and settled, and that they would not proceed with the trial. Mr. Chandler said that he had not a doubt about his ability to convict Mr. Davis, but Mr. Evarts said, "Of course you know we cannot go on with the trial;" and I understood it was arranged that they would not proceed.

By Mr. LAWRENCE:

Q. You say that the offence was bailable?

A. Yes, in my judgment, as the indictment was under the act of 1862.

Q. Do you mean that Davis could demand bail as a matter of right, or only that it was in the discretion of the court to receive or refuse bail?

A. It was a matter in the discretion of the court.

Q. If you had been left to your own discretion, and there had been no agreement between counsel that Davis should be admitted to bail, would you have admitted him to bail if government had objected?

A. I do not think I had made up my mind. I was not expecting such an application. I considered that the government was certainly at fault in not trying Davis, and I thought there was no good reason for not doing so.

Q. Has there been any difficulty at any time within the last three years in procuring an impartial jury in Virginia, which, upon proper evidence, would convict for treason Jefferson Davis or any other man?

A. I thought a year ago, and expressed the opinion, that the reign of terror was so absolute in Virginia that there might be some difficulty in procuring a jury which would have the courage to convict him. Many men have told me that it would cost them their lives to act upon a jury. I have been told by gentlemen that that impression was general.

Q. How is it now?

A. There is no danger now, and has not been for some time.

Q. There would be no difficulty now to get a jury to convict upon proper evidence?

A. No difficulty in the world; but a year ago very few men would have had the courage to serve upon a jury.

Q. What time did the present term commence?

A. On the 6th of May, 1867. The term has not yet closed—only a temporary adjournment.

Q. What time did the Supreme Court of the United States adjourn?

A. About the 15th or 16th of May.

Q. Were you notified by Chief Justice Chase that he expected to attend the present term of the United States circuit court in Virginia?

A. He informed me verbally, and by two letters, that he would come as soon as the Supreme Court should adjourn.

Q. Did you state that fact to counsel the day that Jefferson Davis was brought into court?

A. I did state it in open court, and I told it to the counsel the evening before.

By the CHAIRMAN:

Q. Might you not have required the counsel for the government to proceed with the trial of Davis?

A. I do not know but I might have, but I never knew it to be done when the prosecuting attorney says he is not ready. It is very unusual under such circumstances to compel him to go on.

Q. Is that always sufficient without assignment of a cause?

A. I think it is a good reason either for putting an end to the prosecution or for admitting to bail.

Q. Is it usual when the court has knowledge of the fact that the government is ready to proceed, and when a continuance is not asked for by the defendant, to continue a case at the mere suggestion of the prosecuting attorney?

A. I do not know that it is; but in this case there was a mutual agreement to continue the case and to give bail. That had been arranged beforehand.

By Mr. WILLIAMS:

Q. That mutual agreement was upon terms to which you must first consent—that is, that you would receive bail?

A. It was on the supposition that bail would be taken.

By Mr. LAWRENCE:

Q. Was that agreement made without consulting you to see whether it would be acceptable to you?

A. It was made, as I understood, before I had been consulted, on the supposition that I would admit Davis to bail.

By Mr. BOUTWELL:

Q. Would there have been any objection, so far as you were concerned, to postpone the trial of the case until the Chief Justice could be in court?

A. No, sir; that was my earnest desire. I wrote to the Chief Justice that I hoped he would be there, and he stated that he would. I stated that there was enough business to occupy the court for a week, and that by that time the Chief Justice would be down. If the Chief Justice were not there I would have made an effort to try the case myself.

By Mr. LAWRENCE:

Q. Did you ever object to trying Davis yourself?

A. I never objected to it, but I always preferred that the Chief Justice should do it. If the counsel had been ready I should have gone on with the case, although I desired its postponement until the Chief Justice should come.

Q. Do you know why the application for the habeas corpus was not delayed until its return could be made at a time when the Chief Justice was there?

A. The application was first made for the first Monday of the term, which was on the 6th of May. I told Mr. Shea that I was unwilling to grant it for the first Monday, because I feared the Chief Justice would not be there; and I changed it to the second Monday, presuming that the Chief Justice would then be there. The district attorney and I had agreed that the trial should be set

down for the 22d or 23d of May, expecting the Chief Justice to be there. That was before the district attorney came up to Washington.

Q. The circuit court has taken recess?

A. Yes; from Wednesday night last to the 4th of June, principally because I have a term at the district court at Norfolk next week. We have business enough in the circuit court to last for nearly three weeks.

By Mr. MARSHALL:

Q. In your testimony you have frequently used the word "government;" for instance, you said that bail was offered and accepted by the "government." In what sense do you use the term "government?"

A. I mean by it the prosecuting officers on the part of the government. Mr. Evarts seemed to have been the leading officer on the part of the government, and I mean by it Mr. Evarts and the officers on the part of the prosecution.

Q. You stated a while ago that Mr. Evarts said he had instructions, and would be obliged to say that he could not go to trial. Do you mean to say that Mr. Evarts said that?

A. I think Mr. Evarts said substantially that. I think he said that it had been concluded that they would not proceed with the trial. He stated that he thought it much better not to proceed in a trial of this kind than to make an effort and fail. I think the district attorney then replied that, in his judgment, there would be no failure to obtain a conviction. Then Mr. Evarts asked my opinion on the subject, and I told him that I thought that a jury would probably do its duty, and would not act under any fear or intimidation. That remark was made in reference to the changed condition of affairs. A year ago I would not have said the same, but I felt that there was no doubt now that a jury would act fearlessly. Mr. Evarts hesitated a little, and said, "Well, I think the thing is settled; we shall be obliged to say that we are not ready." He did not say when or where it was settled, but said, "I suppose it is settled."

By the CHAIRMAN:

Q. Was that after the conference between the counsel for the government and the counsel on the part of the defence?

A. It was after I understood there had been such a conference between them.

By Mr. MARSHALL:

Q. What did Mr. Evarts say, if anything, in reference to having instructions on that subject?

A. I do not think that, in his conversation with me, Mr. Evarts said he had instructions from any particular person. The district attorney had said more on that subject than Mr. Evarts. He introduced the subject by saying that they had settled the matter; that they were not going on to trial.

Q. You say you considered the government at fault in not being ready for trial, and that for that reason Mr. Davis was entitled to be admitted to bail?

A. There were two considerations which made it seem proper to me to bail him. One consideration was the default of the government in not prosecuting him with sufficient diligence—I mean by the government the prosecuting officers. I thought it was a case that might be disposed of at this term. The district attorney had repeatedly expressed that opinion to me, and I had agreed with him. The other consideration was that the prosecution was perfectly willing to accept bail.

Q. I want to know whether you considered that the fact of the government refusing to go to trial actually entitled Mr. Davis to bail, independently of any agreement?

A. Under the peculiar circumstances, the two considerations together had force enough to bring me to the conclusion that it was proper for me to admit

him to bail; first, the delay in the prosecution; and secondly, the perfect willingness of the prosecution to accept bail.

Q. You stated some time ago that on account of the default of the government you thought Mr. Davis was entitled to bail.

A. I meant to include both considerations. I thought he was certainly entitled to bail when the prosecution failed to bring him to trial, without assigning any reason, or being able, in my judgment, to assign any reason. The fact, too, that the prosecution was entirely willing to accept bail was a consideration influencing me.

By Mr. ELDRIDGE:

Q. Was there anything in that conversation about the insufficiency of the indictment?

A. No, sir.

Q. Or of a desire to procure another indictment?

A. No, sir; I think not.

Q. Was there any such thing said by the district attorney in any of his conversations with you?

A. No, sir; not in any of those conversations. I had heard the district attorney raise the question at some time that perhaps they might be disposed to ask for a new indictment; but I think he had concluded to rest on the indictment already found.

Q. You do not know that that was one of the considerations for not going to trial?

A. No, sir; I did not understand that it was.

Q. Do you say that the district attorney insisted that he was ready for trial.

A. I do not think I can say that he "insisted" that he was ready for trial, but he had told me before that they probably would be ready. On the Sunday night when he and Mr. Evarts came to converse with me, he said there would be no doubt in his mind about their ability to succeed; indicating, as I thought, that he was entirely ready to go on.

Q. Did he say he was ready to go on with the trial?

A. Not in so many words.

Q. Either in that conversation at night or at the court next morning?

A. He did not say so in so many words, but he intimated, I think, in the manner in which I have stated, that there would be no doubt about the conviction.

Q. Did you not understand that the district attorney did not desire to go on?

A. No, sir; I did not. I should have inferred from what he said that he did desire to go on. That was the expression as nearly as I can recollect—that there would be no doubt of a conviction; and from the manner in which he said it I supposed that he meant that he was personally in favor of going on with the case.

Q. Did Chief Justice Chase, in the letters which he wrote to you, or in the conversation which he had with you, state that he would be present and preside at this term of the court?

A. Well, he said he would come down. I do not think he said "I will come down and preside," but he said "I will try to be with you." The understanding, of course, was, that if he was there he would preside.

Q. Did he tell you at any time, in conversation or by letter, that he would be able to come there and preside at the trial of Jefferson Davis?

A. He told me so in both the letters. The language of the first letter was, "I think of joining you as soon as the court adjourns, and I wish you would ask Mr. Chandler to procure me a parlor and an adjoining bed-room, and also a room for my clerk, who will come with me, and who is a colored man."

Q. Did he, in either of those letters or conversation, assure you that he would attend the court and preside at the trial of Jefferson Davis?

A. I cannot answer that question categorically.

Q. Did he, in substance, say so to you?

A. I understood that to be his meaning.

Q. Did he mention the trial of Jefferson Davis?

A. We were talking about that. He said, "I am quite certain that I cannot be there the first week of your term, but I will be there after the Supreme Court adjourns."

Q. Did not Chief Justice Chase avoid saying anything about the trial of Jefferson Davis?

A. I do not think it is fair to say that he avoided it. In my conversation I told him I was informed by the district attorney that that case would come on, and that I trusted we should have his presence to preside; and I think his answer to me, in the conversation I had with him, was, that he presumed the term of the Supreme Court would continue for some time after the commencement of the circuit court, but that he would come down as soon as he got through with the Supreme Court. He thought it would continue through the first week of the May term, which began on the 6th of May. About the same time I received a letter from General Schofield, assuring us of his desire to see us there. I enclosed the letter to the Chief Justice, and he replied to me, returning the letter, that he thought of joining me as soon as the Supreme Court should adjourn, but that he could not accept the hospitalities of General Schofield, and should prefer to go to a hotel.

Q. He did not mention Jefferson Davis in the letter?

A. I think he did mention him in the last letter.

Q. Have you the letter with you?

A. No, sir; I have not. It is at Alexandria. (Witness was directed to produce the letter to the Committee.)

By Mr. WILLIAMS:

Q. When is Jefferson Davis recognized to appear at court?

A. At the next term of the court, in November.

By Mr. LAWRENCE:

Q. The indictment against Jefferson Davis was found about a year ago?

A. Yes.

Q. The grand jury performed its duty fearlessly?

A. Yes.

Q. Was there any more difficulty in procuring a petit jury for his trial, which would perform its duties fearlessly, than there was in procuring a grand jury?

A. If the court had not been changed from Norfolk, my impression is that we could have tried him, but Norfolk and Richmond are very different localities. Subsequently to the finding of the indictment the place for holding court was changed to Richmond, and I did think, from the state of feeling there, that it would be difficult to get any impartial jury there. The system of terror has been more prevalent in Richmond than anywhere else in Virginia. My impression is that we might have tried him at Norfolk, and could have there found a jury that would not be overawed.

Q. Are not juries in cases of this kind kept by themselves, away from the hearing of any threats, and from overawing influences?

A. They should be, of course; but it was really difficult a year ago to find men who were willing to serve on a jury. They gave as a reason to me that they feared for the safety of their lives and property. It is not so now, but it certainly was so a year ago. A merchant of Richmond asked to be excused at this present term from serving on a jury, because he feared it would destroy his business.

By Mr. ELDRIDGE:

Q. Do you know whether there is a purpose on the part of the district attorney to present a bill of indictment against Mr. Davis to the grand jury at this term?

A. I do not; I suppose not.

Q. Has the question been talked of?

A. No, sir; I think not.

Q. Has he said anything about his doubts of the validity of an indictment found by a grand jury composed partly of colored men?

A. I think he said, on the first day of the term, that he had not examined that point, and that there might possibly be some doubt about it; but I think he said the next day that he had no doubt about it. I recollect his expressing some little doubt the first day of the court.

Q. Does not that refresh your recollection as to one of the questions that influenced counsel for the prosecution in consenting to a continuance of the case?

A. I never heard that suggested as a reason for desiring a continuance.

Q. You are certain of that?

A. Yes, I am very certain that I did not hear that suggested as a reason. I think no reason was given.

By Mr. LAWRENCE:

Q. The indictment against Davis was found by a grand jury of white men?

A. Yes; that indictment was found a year ago. I did not think there was any serious proposition to find a new indictment. I believed the district attorney was satisfied with the present indictment.

The following are copies of the letters from Chief Justice Chase, referred to in the foregoing testimony:

WASHINGTON, *April* 26, 1867.

MY DEAR JUDGE: I have received to-day General Schofield's letter to you of the 30th March, which, I suppose, was enclosed to me by you. You must have misconceived me. I wanted no assurance of welcome and protection for the circuit court from headquarters.

If I go to Richmond at all, I intend to have no relations with the military, except those which spring from the good will which subsists between myself and some of the officers. But I cannot go at all till after the 20th of May, by which time the circuit court will, I suppose, have adjourned. If not, I think of joining you after our term has ended; but if I do, I must find quarters at a hotel, not with the general.

Sincerely, your friend,

S. P. CHASE.

Hon. JOHN C. UNDERWOOD.

WASHINGTON, *May* 13, 1867.

MY DEAR JUDGE: Thanks for your note, and thanks for Mr. Millward's offer of accommodations. I do not know that I should care to be in the same house with Mr. Davis while he and I occupy our present relative positions. It is certain that I shall be detained here all this week and next. After that, if the circuit court business requires my presence, I shall try to join you. In that case I will thank you to request Mr. Chandler to procure suitable quarters for me. I shall want a parlor and bed-room adjoining, and a sleeping room for my messenger, who is colored.

Cordially, your friend,

S. P. CHASE.

Hon. JOHN C. UNDERWOOD, *District Judge, &c.*

P. S.—I see that the newspapers are well informed, as usual. Their correspondents seem to know as much (and probably more) of your opinions and future decisions as yourself. I take it for granted that you keep your own counsel.

WASHINGTON, D. C., *Saturday, May 25*, 1867.

MONTGOMERY BLAIR sworn and examined.

By Mr. BOUTWELL:

Q. Have you at any time had a conversation with President Johnson on the subject of the legality of the 39th Congress?

A. I never had.

Q. Or of the legality, as a Congress, of a body which should include persons elected from the ten or eleven States lately in rebellion?

A. I have had conversations with him about the status of those States repeatedly; but I know of nothing that he has ever said to me which differs in any respect from his public communications to the two houses.

Q. Have you had any conversation with him as to whether it would be his duty to recognize representatives from the States which have been in rebellion, regardless of the action of Congress?

A. No; that is a subject which I have never had any conversation with him about.

WASHINGTON, D. C., *Monday, May 27*, 1867.

ANDREW K. LONG sworn and examined.

By the CHAIRMAN:

Q. Are you employed in the Executive mansion?

A. Yes, sir.

Q. In what capacity?

A. I am a detailed army officer, acting as secretary. Since July, 1865, I have had charge of all pardons generally issued, and of naval, military, and post office commissions, and of matters of that kind.

Q. All pardons granted by the President pass through your hands?

A. All. I only know one exception since July, 1865.

Q. What was that exception?

A.. A pardon issued to a man named Howell. It has been the custom, when an application has been presented, to refer it to me to look into the case, and to present the facts of the case.

Q. In that case the papers were not presented?

A. No, sir; I have no recollection of the case.

Q. Do you know how those papers reached the President?

A. I do not.

Q. Were they sent by the President, after his action, to your office?

A. No, sir; I must have been absent from the office at the time.

Q. Have you ever seen the papers in that case?

A. No, sir.

Q. Have you ever seen the pardon?

A. No, sir; I have not. I was absent during part of October, 1865, and October, 1866, during which time pardons were in the hands of Colonel Rives.

Q. Do you know anything of an application for a pardon for John Kelly, with which Mrs. Washington is said to have had some connection?

A. No, sir; I know that Mrs. Washington received pardons from my hands for friends of hers in Virginia, as I knew her to be a Virginia lady, and a lady of respectability.

Q. Did she receive pardons for persons other than relatives or friends of hers?

A. None, that I know of, except for persons whom she represented as her immediate relatives and friends, and who, I had reason to believe, were such.

Q. How many pardons did she receive?

A. I cannot state.

Q. Can you state about the number?

A. I might say half a dozen. They were delivered to her by me, on my own responsibility, with no authority from the President.

Q. Are not pardons which are not delivered to the applicants by yourself, or by the President, sent to the State Department or to the Attorney General's office?

A. The way in which pardons have been issued is this: application is made to the Attorney General. The Attorney General issues a warrant on the State Department for the pardon to be made out. When made out it is sent to our office, and is in my care. There were so many pardons and commissions, that, instead of being signed, they were stamped with a *fac simile* of the President's signature. That stamp is in my hands. I have charge of it, and am responsible for all pardons issued. Pardons for ex-members of Congress, rebel members of Congress, senators, generals, and others of high class, come under the President's special attention, and are signed by himself personally. There are fourteen exceptions made in the amnesty proclamation, but only three or four of these are brought to the special notice of the President.

Q. A pardon granted to a confederate military officer below the rank of brigadier general would be stamped with the President's signature?

A. Yes, sir; if it came under any of the other clauses; but still it would have been brought before the office of the Attorney General. He looked into the case as far as he could, and the President, too, so far as he could.

Q. State the routine of the pardon business in the Executive office.

A. The person applying for pardon writes either to the President or the Attorney General. If to the President, the case is always referred simply to the Attorney General. In the Attorney General's office the case is examined into by him, or by the clerk who has charge of the pardons there. The Attorney General makes a requisition on the State Department to have certain pardons filled out. After they are filled out at the State Department they are sent to the President. If they are large cases, which I think the President should see, I put them in his drawer, and, as persons call attention to the case, I present them to the President, and generally get the application of the party and read it over to the President. If the case is strong enough, he generally signs the pardon. In small cases, of not much importance, the pardons are stamped by me. Then they go to the State Department to receive the seal. From there they are sent back to me, and I deliver them. I did generally send them to the Governors of the States, but the President found out that some secretaries of state, or State officials, had been making money out of those pardons, and he directed me to stop that system and not to deliver pardons to third parties, or to any persons except those who made the application in writing, or who presented themselves personally.

Q. When did the President establish that rule?

A. About June or July, 1865. There were very few pardons given then. At general receptions the doors are open; everybody goes in. I take down the names of persons applying for pardon, and of those who applied for them. During the evening I would hunt up those pardons out of the lot that I had in charge, and next day I would call the list over to the President. The President noticed that a great many persons answered for several applicants for pardon; and then he stopped it.

By Mr. ELDRIDGE:

Q. Do you recollect the particular case that operated on the President's mind to bring that about—the case of Mr. Corwin?

A. I remember that Corwin was there, and got a number of pardons; also a

man called Doctor Powell, and a number of men from Alabama and Mississippi. They fooled me in getting me to deliver pardons to them.

By Mr. CHURCHILL:

Q. In some of those cases pardons have been issued without the papers having been brought to the attention of the President at all?

A. No, sir; except in petty cases.

Q. Those petty cases are referred to the Attorney General, and, after being passed upon by him, come back to you, and you impress with a stamp the President's name on the pardons, and they are delivered to the parties, the President never having known anything about them?

A. He would have known about the cases, because I tell him of such cases being in the office, and what the circumstances are.

Q. Do you read him the names in all cases?

A. No, sir; not in all cases.

Q. You give a general description?

A. Yes, sir.

Q. Do you show him the papers?

A. Not always in the small cases.

Q. Then there have been numerous cases where the pardon issued without the President having ever seen any of the papers?

A. Yes, sir.

Q. And without having heard the names of the individuals mentioned?

A. Yes, sir; but the cases had been examined by the Attorney General.

Q. Did the papers in the case of the one hundred and ninety-three West Virginia soldiers come under your charge?

A. No, sir.

Q. Did you ever receive any gratuity from any person connected with the pardon business?

A. No, sir.

Q. Have you ever known any person connected with the Executive office to receive money, or any other compensation, in connection with pardons?

A. No, sir; positively not. I have heard of persons outside having made a good deal of money in that way, and I have invariably brought those cases before the President. The secretary of state for South Carolina (Elwood, I think, was his name) once got a number of pardons, which I had been in the habit of sending to the Governor. My attention was subsequently called to a paragraph in the papers stating that parties for whom such pardons had been sent could have them on payment of twenty-five dollars. I brought the matter to the attention of the President, and was directed to write to this person stating that he had imposed upon the President, and directing him to send the pardons back to me. I wrote to Governor Perry, and he communicated my letter to the Secretary of State. Governor Perry wrote to me, in reply, that it had been a misunderstanding, and that he would have the papers recalled, and send them out himself free. The President was very angry about the case. He said that this man had been making money out of the pardons, and that they would have no good effect.

By Mr. ELDRIDGE:

Q. Do you know, as a fact, that the President has always endeavored to prevent the making of money by pardons?

A. Yes, sir; I do. I know that whenever he suspected anything of that kind, no matter who the man was who applied, he invariably stopped the pardon, and directed it to be sent to the party himself. A great many pardons were, in that way, sent to the party.

Q. The President gave you instructions to watch for this thing?

A. Yes; he gave me instructions to watch for it, and to be careful to whom I issued pardons.

Q. For what reason?

A. To prevent money being made out of them.

Q. You have stated that there may have been half a dozen cases where the pardon was delivered to Mrs. Washington?

A. Yes.

Q. Do you recollect the names of any of the parties?

A. No, sir; I do not. She stated at the time they were relatives or friends. I delivered a good many pardons to members of Congress.

Q. Do you recollect that one of the pardons you gave to Mrs. Washington was for her husband?

A. I do not think her husband required a pardon.

Q. Do you recollect that one of them was for a man named Bassett?

A. No, sir.

Q. You spoke about the pardon that was issued to a man named Howell?

A. Yes.

Q. You know nothing about that case except from mere rumor?

A. Nothing, except from hearsay.

Q. You had nothing to do with it?

A. No, sir; I never saw the pardon.

Q. That Howell pardon is the one with which Mrs. Cobb was connected?

A. I believe so.

Q. Do you know Mrs. Cobb?

A. Yes.

Q. Was she in the habit of receiving pardons from you?

A. No, sir; she was in the habit of coming up there, and trying to get pardons through.

Q. How many was she connected with, to your knowledge?

A. Outside of this Howell case, no one that the President ever knew of.

Q. How many that you know of?

A. I know of three that I have delivered to her myself; that is all I ever gave her. I gave these to her on my own responsibility, before knowing who or what she was, in the same way that I gave pardons to anybody else that came for them.

Q. Was Mrs. Cobb much in the habit of visiting the President?

A. Yes, sir; she would come up there, and stay around in the ante-room.

Q. Would she stay there all the time?

A. A good deal during a reception day.

Q. Do you mean that she was there every reception day?

A. For a long time she used to be there every reception day. She never would come before the President or one of the Secretaries. She would stay around in the room, then go away, and come back the next day. I have seen her there very frequently.

By Mr. MARSHALL:

Q. Do you mean that she was in the President's room, or the public room?

A. In the reception room, which was open to every person who called to see the President.

By Mr. ELDRIDGE:

Q. The question was whether you knew of her visiting the President frequently?

A. No, sir; I do not. She never went in except on one occasion, and that was after a difficulty with Colonel Baker. She was never there on any other occasion, except when the doors were thrown open for every person to come in.

Q. What was the President's practice in regard to receiving people in the morning?

A. He saw Senators and members of Congress first, and then other persons of prominence. After he got through with them, he would generally open the doors toward two or three o'clock in the afternoon, and let all in, and receive them all at once.

Q. It was at these receptions that Mrs. Cobb was admitted, except on that one occasion?

A. Yes.

Q. When she appeared in the ante-room did the President know anything of it, or could he know anything of it?

A. No, sir.

Q. Was he ever out there while she was?

A. No, sir; he never would go through those rooms.

Q. When she went up there did she always go to see the President, or did she go to see other persons?

A. I thought she came up there because she had nothing else to do. She could not be kept out. Everybody was admitted. It is a place where anybody can go.

Q. Are ladies in the habit of going and staying there?

A. Yes.

Q. Are there not almost every day, when the President is receiving people, ladies, strangers, in the ante-room?

A Yes.

Q. And that was the habit of Mrs. Cobb?

A. Yes.

By the CHAIRMAN:

Q. The delivery of this Howell pardon to Mrs. Cobb seems to have been in violation of the rule which you have stated; do you know any reason for it?

A. I do not. I must not have been there that day. When I was there the pardons were invariably referred to me. If the President wanted to issue the pardon, he would send word to me by the doorkeeper to have me send down to the Attorney General's office for the pardon; and then the pardon was brought before his notice. This Howell pardon I know nothing about.

By Mr. ELDRIDGE:

Q. What record do you make of the pardons that are issued?

A. I enter them on the book, putting down the name and the State, and whether it is a criminal or an amnesty pardon.

Q. Do you put down the person's name to whom the pardon is delivered?

A. No, sir; that is not entered.

Q. If anybody else besides yourself delivers a pardon, can you tell by the book who does it?

A. No, sir; I cannot.

Q. There is nothing to show that?

A. No, sir; there is not.

Q You do not know yourself how this pardon of Howell's came to be delivered to Mrs. Cobb?

A. No, sir; I do not know anything about the case at all.

By the CHAIRMAN:

Q. Have you heard it talked about at the Executive mansion?

A. No, sir; I never heard Colonel Johnson speak of it. I saw in some of the newspapers that through General Baker he had been called in to see whether he had issued the pardon, and he said yes; but it is very unusual for him or anybody else, except myself, to present a case of pardon to the President.

Q. You understood that Robert Johnson issued that pardon?

A. Yes, sir; that is what I saw in the papers. I have never spoken to him about it.

Q. Have you, or has any one, to your knowledge, about the President's mansion, connived at or had knowledge of the practice of making money out of pardons?

A. No, sir; no one. There has been no one that has had an opportunity outside of myself.

Q. The President has directed you to see that this was not done?

A. Yes, sir; positively, time and again he has given me those directions to prevent anything of the kind. No person outside of myself would have an opportunity of doing it.

By Mr. MARSHALL:

Q. Were you at the Executive mansion at the time this scene occurred which has been referred to in the newspapers, when General Baker sent detectives to stop Mrs. Cobb?

A. Yes.

Q. State what you know about it.

A. It was in November, 1865, that that difficulty occurred. I was in the President's room, when the private policeman, Smith, came into the President's room and said that there was a detective down at the door stopping persons from coming up. The President told him to go down and send the detective up. He went down and sent the detective, Jones, to the President's room. The President asked him by what authority he was there. He said General Baker had sent him there. I was in the room at the time, and so was Colonel Rives. The President said nothing further to him except that he should tell General Baker to come over to him. A short time afterwards General Baker came over. There is in the office a long table like this in the committee room. General Baker entered the door and stood at the end of the table. The President stood near his desk at the other end. He asked General Baker by what authority he had placed a detective at his door to prevent persons coming up stairs. Baker did not say anything. Then the President told him he did not want him to come around there again; that he wanted him to take his detectives away, and that when he wanted him he would send for him. He told him to inform Mr. Stanton that he had given him orders to that effect; that he did not want him or any of his detectives about there.

By Mr. ELDRIDGE:

Q. Did not Baker tell the President that the Secretary of War had directed him to place a detective there?

A. No, sir; Baker did not say a word. I remember that, for after we left the room we laughed at it, and said it was good that Baker had kept quiet and said nothing.

By Mr. MARSHALL:

Q. Did you see the statement of that incident as published in the Chronicle?

A. Yes.

Q. There is a statement there that the President shook his fist in Baker's face in a very excited manner, and that he was intoxicated; is there any truth in that?

A. There is not a particle of truth in any of the statement. The President did not shake his fist in Baker's face, and did not speak in a tone above what he uses to any gentleman in the room. He just told Baker, positively, that he did not want him, that he had not sent for him, and that he wanted him to take his detectives away.

Q. You state, then, that the fact of some person being stopped below was not brought to the notice of the President by Mrs. Cobb?

A. It was not; but by a private policeman, Mr. Smith.

Q. She did not come up to his room through the kitchen and by the private stairs?

A. No, sir; she came in from the reception room.

Q. Was the President on that occasion intoxicated?

A. No, sir; not a bit.

Q. How long have you been in the Executive mansion?

A. Since the first of June, 1865.

Q. You have been an employé in the Executive mansion all that time?

A. Yes.

Q. Have you ever seen the President intoxicated?

A. Never; nor have I ever seen him drink a *drop* of liquor.

Q. On any occasion, since he was President?

A. Never, on any occasion. I never saw him in the slightest degree under the influence of liquor.

Q. You state, then, that this statement of General Baker is without the slightest foundation?

A. So far as relates to the intoxication of the President, it is without foundation. Baker had no opportunity to judge whether the President was intoxicated, as he stood in the room with his head down, and did not look at the President twice, and did not answer him a word back.

Q. The President's manner was not as Baker represents?

A. No, sir; the President's manner was dignified.

By Mr. ELDRIDGE:

Q. Did the President raise his fist at Baker?

A. No, sir; he did not raise his hand from the table. He just quietly gave Baker his orders, and told him that he did not want spies placed about the Executive mansion. Mrs. Cobb could not have come up by way of the kitchen, as there is a guard there all the time. It seems the detective had kept her from going in by the glass door on the left, and she simply turned round and went in by the door on the right and went up to the public reception room. She was crying there, and Smith asked her what was the matter. She said a detective had stopped her. He went down and found it was so, and then came up and told the President, and the President sent for Jones, and then sent Jones for Baker.

By Mr. LAWRENCE:

Q. Were you present the day of the inauguration?

A. No, sir; I was in the city, but not at the Capitol.

By Mr. ELDRIDGE:

Q. Are you an officer of the regular army?

A. Yes.

By Mr. CHURCHILL:

Q. Do you know Colonel Sayre, the agent for receiving pardons for persons in Alabama?

A. Yes.

Q. Can you state the number of pardons that have been delivered to him?

A. No, sir. They were delivered to him at the request of Governor Parsons, as State agent for Alabama. A majority of the southern States had what they called State agents. Dr. Powell for North Carolina, Colonel Sayre for Alabama, Mr. Taylor, for Louisiana, &c.

Q. Is the number of pardons that has been delivered to Colonel Sayre very considerable?

A. I cannot tell how many. I cannot come to anything like the number. They have been delivered to him by me under the general order which I had received before it was known that these men were making money out of these pardons. After the order from the President on that subject I delivered very few pardons to him. I have delivered some pardons to him on my own responsibility; I cannot say how many.

Q. Had your attention been called to the fact that Colonel Sayre had been receiving money for these pardons?

A. No, sir. I asked Governor Parsons once about it, and he said no; that he would vouch for Mr. Sayre being an honorable man; and it was on his statement that I continued to deliver these pardons to Sayre, because he was the authorized agent for Alabama. Afterwards, Governor Patton, of Alabama, gave him a letter to the Secretary of State and the Attorney General, authorizing him to receive those pardons.

By the CHAIRMAN:

Q. If the Howell pardon had taken the usual course through the departments, would it have passed through your hands in reaching the President?

A. All I can say is this, that it was the custom for all pardons to pass through my hands. The President may have directed one of the other secretaries in reference to it, in my absence. It rested generally with the secretaries in such case to inform me, when I came back, that such an order had been given.

Q. Do you know whether there is any entry on the pardon records showing that there was such an application presented and pardon granted?

A. I know that on several occasions pardons have been issued, which, through mistake, have not been registered.

Q. Did you ever hear the President say anything with reference to the Howell pardon?

A. Never.

By Mr. ELDRIDGE:

Q. Do you know this man Howell?

A. No, sir.

Q. Do you know anything of him?

A. No, sir; I have never seen him.

By the CHAIRMAN:

Q. Do you know what was done with that pardon, or whether it is on file?

A. I do not. I never heard anything at all about it at our office. I will examine and see whether it is there. If it has been registered in our office, I can tell. If it has the seal affixed, there is a duplicate of it in the State Department, and a record of it in the Attorney General's office and in our office. All three offices should have a record of all pardons granted.

Q. Look at this note: "Mr. Evans will please call at the President's House and see Mr. Edward Cooper, Monday," and state whether you recognize the handwriting?

A. That writing is very familiar, but I cannot place it. I know the handwriting.

Q. Did you ever see the handwriting of John F. Coyle?

A. Yes, sir.

Q. Are you acquainted with it?

A. Yes, sir.

Q. Is that note in his handwriting?

A. It looks something like it.

Q. What is your opinion as to whether or not it is his handwriting?

A. It looks something like it, but I cannot say that it is his. I have seen the handwriting before.

By Mr. WILLIAMS:

Q. Do you know the handwriting of Mr. Cooper, who was the President's private secretary?

A. Yes, sir.

Q. Does this note look anything like it?

A. No, sir, nothing at all. Mr. Cooper's is more of a running hand a small, running hand—and less legible.

TUESDAY, *May* 28.

I have since examined the record, and find the name of Clarence J. Howell, of Missouri, entered as having been issued November 9, 1865.

(Signed) A. K. LONG.

WASHINGTON, D. C., *Monday, May* 27, 1867.

Mrs. ELLA BASSETT WASHINGTON sworn and examined.

By the CHAIRMAN:

Q. The Committee has information that you were at one time employed to obtain a pardon from the President of the United States for one John Kelly; please state all the facts within your knowledge concerning that application?

A. It was about the 6th or 8th of November, 1865. I was then temporarily a resident of Georgetown. In consequence of the fact that my husband and myself had business which required our personal attention, we came to the city. About the 6th of November we were at Gautier's one day taking lunch—Colonel Washington, General Capron, of the United States army, and myself. While at the table, a servant of the establishment entered the room and said a gentleman wished to see me at the door. I asked if the gentleman would not come in. The servant said he declined to come in the room, but requested me to come to the door. I went to the door and saw a person there, a stranger, whose face I did not recall. He said his name was Jones; that he was a lawyer from Kentucky, and that he came to me, hoping I would pardon the intrusion and the liberty he had taken, in behalf of a much troubled and distressed southern friend of his; that this person was anxious to obtain a pardon, as his property was involved and liable to confiscation. Knowing that I had influence, that my name and position gave me influence, and knowing that in consequence of efforts of mine I had become known to the President and other distinguished gentlemen and officers of the government, he wished me to assist him, and made the appeal to me as a southerner who could sympathize with him, as he was friendless and a stranger. I said to the man that I had not been in the habit of obtaining pardons; that it was no business of mine; that I had obtained a few pardons for relatives in the South who had no means of coming here themselves, although their property came under the 13th exception; that I did not like to undertake anything for a perfect stranger, but that as he was in such distress I would hear what he had to say, and do what I could do for him, but that I could not attend to him just then. I returned to the room and said to my husband, "Colonel, what am I to do," stating the case. He said, "I do not see any harm in your helping the poor fellow." I then returned to the door and said that if he would come to my boarding-house in Georgetown, and bring this gentleman with him, I would hear what he had to say, but that

he must excuse me then, as I was engaged. He then took leave of me. I returned to Georgetown, and in the evening of the same day, rather late, two persons called—this Jones and a person whom he introduced as Captain Kelly, of Kentucky. This Kelly stated to me that he had been a captain in the rebel army in the west; that he was friendless; that after the close of the war he had escaped to Canada; that while there he had heard of me through a letter received by General John C. Breckinridge from an intimate friend of his, as having been very successful in obtaining Colonel Washington's pardon, and the restoration of his property.

Q. You mean Colonel Washington, your husband?

A. Yes, sir. That in consequence of having heard of me, and knowing me to be in Washington, he had made this appeal, as he was utterly friendless. He also stated that his property was considerable, but that it was in danger of immediate confiscation; that his wife had died from the distress of separation from him and the uncertainty in regard to his fate; and that his orphan children would be left destitute if he could not at once obtain his pardon and the release of his property. Of course I was touched by the story. I told him I sympathized very deeply with him; that it was an unpleasant thing for me to undertake, for a stranger, anything of the kind, but that, as I was very sorry for him, I would see what I could do. He then said to me that he had his petition with him, and he handed me the paper, which I read. It was very long. I said to him, "There are a great many unnecessary details here. The statement should be shorter. The President has not time to read such long statements as this, and it is unnecessary." He said, "I paid a lawyer $50 for writing that." I said, "Captain, you could write it better yourself;" and I dictated to him the ordinary form, simply stating his status during the war, and making an application for Executive clemency. I then said to him, "If you meet me at the White House to-morrow I will introduce you to Colonel A. K. Long, who has charge of all the papers relating to pardons; and, if there be a general reception, I will endeavor to see the President, if he is not too busy, and to obtain an interview for you with the President, that you may state your case yourself." He replied that he was afraid to appear in public places; that Baker, the detective, had his name down as having been connected with the St. Albans raiders, and that therefore he was afraid to appear in public places; and that he was keeping very close to his room at Willard's Hotel. I then said that I would take the paper to the White House if he attached to it the certificate of his oath of allegiance; that I would present it to the President, see Colonel Long in respect to it, and let him know the result. After a little while he said to me that he hoped I would permit him, if I obtained his pardon, to make me some handsome compensation for my trouble, which he felt I ought to receive, as he had no claim on me or on my time, being an entire stranger. I replied to him that I never received compensation for such a matter as that; that my friends would not have insulted me by offering it; that they had not the means of doing it if they would, nor would they if they could. Mr. Jones then remarked that a woman had as much right to work for money as a man had; that he thought I was over nice in my statements, and he urged me to receive it. Captain Kelly said he would like to make me a handsome present. I said, "No, sir; nothing of the kind. The fact that I could do you a kindness would be a sufficient pleasure." I then excused myself, telling them that I expected some few friends to spend the evening, and that I could not remain longer. Mr. Jones still urging me to take the money, I declined very positively. They then left. The 6th of November was the anniversary of our wedding day, which we had never celebrated during the war on account of deep affliction. The 6th of November happened on Monday, and that being an inconvenient day for an entertainment I postponed it, I think, till Tuesday; and it was on Tuesday evening that these matters transpired. I had received much kindness and courtesy from the President,

from the officers of his household, from the Secretary of the Treasury, and from the assistant Secretary, Mr. Chandler, the assistant Solicitor, Mr. Risley, the officers in the Attorney General's office and in the War Department, and from other distinguished persons, for which I felt very grateful; and I had invited those gentlemen to spend this evening with us, in order to show my appreciation of their kindness and courtesy. There were not more than twenty or thirty persons present, I not being prepared to give a handsome entertainment, as my husband had lost everything during the war. Among those present were the Secretary of the Treasury, Mr. Chandler, assistant Secretary, Colonel Long, Colonel Browning, Mr. Pleasants, Mr. Risley, Generals Greene and Capron, of the United States army, and several other officers, with some few lady friends. In the course of the evening a servant came to me and said there was a gentleman at the door and wished to see me. I replied that he must excuse me, as I had friends with me. The servant came back and said that the gentleman was in the hall. I walked to the front door, and I found Mr. Jones standing there. He at once commenced an apology for obtruding on my privacy, but said that he had brought a note from Captain Kelly, who was nearly crazy about his pardon; that he was walking his room in Willard's Hotel in a state of lunacy; and that, to gratify him, he had brought a note to me. He said, "Captain Kelly has a friend with him just arrived, and who, like himself, is friendless here. He hopes you will help him as well as himself." I said, "No, sir; by no means. I have merely undertaken this matter from sympathy with his condition, but I will not take the responsibility of recommending persons of whom I know nothing." He then looked into the parlor, which was near the front door, and remarked, "You have some distinguished guests here to-night." I said, "Yes; there are a few friends spending the evening with us, celebrating the anniversary of our wedding. They have shown me a great deal of kindness, and I wished them to share my pleasure." He took his leave, and said that Captain Kelly and himself would return in the morning with the petition and certificate of the oath of allegiance in proper order. The following is a copy of the note which is above mentioned:

WILLARD'S HOTEL, *Tuesday*, 8 p. m.

Mrs. Colonel WASHINGTON:

Pardon my intrusion, but on my return I found a friend who has been not only a companion in arms but also an exile, and, at his very urgent request and as a personal favor to him, I have induced Mr. Jones to call and see you this eve, although he does it very reluctantly. You will pardon me for this seeming intrusion on your privacy.

With the highest regard, I am, very respectfully,

JOHN KELLY.

In the morning, at about 10 or 11 o'clock, I was called into the parlor, and found no one there but this Mr. Jones, who said that Captain Kelly was too sick to come; that he was quite overcome with anxiety and excitement, and unable to accompany him. I had noticed that Captain Kelly's manner the evening before was much troubled and embarrassed, which gave me the idea that his story was true, from the appearance of gloom and trouble and awkwardness which he presented. He was rather a stout person, wearing a gray coat with black buttons. It was a dark evening, and the room was curtained, so that I could not observe his appearance accurately. Mr. Jones apologized this morning, and said that Captain Kelly was too sick to come, but that he had brought his petition with him. I took it and read it. It was written correctly, and in brief form. I remarked that the certificate of the oath of allegiance was not with it. Mr. Jones said that Captain Kelly would bring it himself that evening, but that he hoped I would go to the White House that morning and see what could be done about it. I told him I would do so with pleasure. He then took from his pocket a pocketbook, laid it on a little table, and took from it some notes which he also laid on the table, saying, "Captain Kelly insisted on my bringing this $100 as a present to you, which he hopes you will receive

as a return for your kindness." I said, "Mr. Jones, why did you bring that money, when you knew I had positively declined to receive any money for a mere act of kindness?" He said he thought I was over particular in the matter. I said he should return the money to Captain Kelly. He said, "I must leave it with you now, because I am on my way to the Baltimore depôt; and if I were to go to Willard's I would lose the train; but you can give it yourself to Captain Kelly when he calls this evening, unless you keep it, which would be more sensible." I said, "Mr. Jones, you force me into a very unpleasant position. I do not wish to keep that money even for that time. Cannot you give it to him when you get back to this city." He said, "No; my business will probably detain me in New York for some time, and Captain Kelly will probably leave the city before my return." He then handed me a note from Captain Kelly, which I have now in my pocket, and which I will read. It is as follows:

WASHINGTON, D. C., *November* 8, 1865.

Mrs. Colonel WASHINGTON:

DEAR MADAM: I have just seen Mr. Jones, who tells me that he saw you last evening. As I am not feeling very well, he has agreed to take my papers to you, and I also send by him one hundred dollars, for which you will please send me a receipt, in case of accident. Mr. Jones is a lawyer, and may be all right, but I prefer that he bring me a receipt for the funds.

Trusting that you will succeed by Thursday evening, and will be able to say to me, "You are free," until then I have the honor to remain, very respectfully,

JOHN KELLY.

After handing me this paper asking a receipt, I got the ink to give the receipt, and was about to write a simple receipt for a hundred dollars from Mr. Jones, when he took from his pocket a paper, and said, "As I am in a hurry, I have written a receipt which needs only your signature." Without reading it, I signed the paper, and was about to take it from the table to read it, when he hastily took it from the table and said, "I must be off, or else I will lose the train; it is all right; good morning;" and he left. After he left, I came to Washington with my husband, and went down the avenue to attend to some little shopping. The morning passed away, and as I was coming out of some store I saw a person in the street who I thought was the man that called himself Kelly. I was about to speak to him, but then I thought that as I had only seen him once, and that indistinctly in a dark room, I might be mistaken, and I did not do so. I remarked to my husband that I believed that was Kelly, but that I was not certain. He said that he did not like his looks; that he looked very common, or something of that sort. I went to the Executive mansion. Colonel Washington said he did not care to wait there for me, and would call on a friend while I was at the White House; that he would come back for me in half an hour, but that if I concluded sooner, and wished to return to Georgetown, I should not wait for him. As I got to the door of the White House the attendant told me that the reception was over for the day. Just as I was turning from the door the late Colonel Browning, who was then private secretary, came out and said, "Is there anything I can do for you, Mrs. Washington?" I said, "Yes, Colonel; I am very sorry having missed being here this morning on account of a case which I have undertaken for a poor fellow, (mentioning the circumstances to him.) I promised him to see the President to-day, or some other officer, and find out if there is any difficulty in his case. He seems in a great state of suspense and trouble. He is coming to see me this evening, and I should like to be able to relieve his mind." Colonel Browning said, "I have just left the President in his office, and I will go up and see if you cannot see him, although it is a little after hours." He went up stairs, and returned in a few minutes and said the President would see me. He walked with me up stairs. I saw the President, showed him the petition, and stated the case to him in a few words. He said, smilingly, "You are always helping

some poor rebels," or some remark like that. I had been to him to obtain pardons for my father, brother, and one or two cousins. I told him the case. He said there was no difficulty; that it was a simple case, and only needed the certificate of his oath of allegiance, and that as soon as it was carried to the Attorney General, with the oath appended to it, there would be no difficulty, and he could sign the pardon with perfect propriety. I left, and returned to Georgetown. Captain Kelly did not call in the evening, and I heard nothing from him. Colonel Washington went to Alexandria on business next day, and I came alone to Washington about 2 o'clock. I had been waiting for Captain Kelly all the morning, and he not appearing, I came to Washington, went to the Attorney General's office, and asked the chief clerk if he knew a lawyer by the name of Jones, from Kentucky, who had been here getting pardons for persons out there. He said he did not. It was then growing late, and I returned to Georgetown to consult my husband. He did not return until late in the evening, and in the mean time I wrote a note to Captain Kelly stating that I returned him his papers, and held the money for him. I intended to ask Colonel Washington to leave it for Kelly, at Willard's hotel, next morning. In the morning we came to Washington together. I did not desire to go to Willard's with him, it being a public place, nor did I wish to stand in the street while he was in the hotel; so we called at the office of Messrs. Johnston & Ward, 251 F street. Judge Johnston had been my legal adviser for more than a year. General Ward, his partner, is now United States district attorney at Cincinnati. I mentioned the circumstance to them, stating that I was very unpleasantly situated in reference to the matter, and showing them the letter I had written. General Ward suggested that I had better write another note, wording it so as to induce him to call for the money. He said he believed he was a rascal, and that he would certainly have him arrested and have the matter investigated. I wrote the note, and General Ward took it to Willard's and inquired whether John Kelly was stopping there. They said no; there was no such name on the books. I left the papers and a check for the money with them. A considerable time elapsed, and I heard nothing of it. The money was not called for, and Judge Johnston returned it to me with the letters, which I have here now, and a copy of my own note endorsed by General Ward. The money I used for charitable purposes. This, gentlemen, is all I can state in reference to the matter—it is the whole story. The letter which I wrote is as follows:

GEORGETOWN, *November* 10.

Mr. JOHN KELLY: Your papers are returned, as they required the endorsement of the Governor of your State and a certified copy of your oath of allegiance to place them in the proper order for official action. Whenever they receive the required endorsement, accompanied by the record of your oath of allegiance, you can see me again in reference to your case, which my sympathy with a southern man in trouble induced me so unwillingly to undertake. Fully appreciating your gentlemanly feeling in the present of $100, received through Mr. Jones, with thanks for the kind intention, I shall hold it subject to your order until the papers are properly prepared.

Respectfully, &c., E. B. WASHINGTON.

Endorsed: Copy of letter to John Kelly, by Mrs. E. B. Washington. Examined by me and found to be correct.

NOVEMBER 10, 1865. DURBIN WARD.

By Mr. ELDRIDGE:

Q. Did you know what the contents of the paper were which you signed?

A. No, sir; I did not.

Q. You did not know whether it was a receipt or a written contract?

A. He said it was a receipt when he handed it to me. As soon as it was signed he took it up hastily, saying that he was in a hurry to get to the department.

By the CHAIRMAN:

Q. Did you afterwards learn who John Kelly was?

A. No, sir.

Q. Did you ever see Lafayette C. Baker?

A. No, sir; I have never seen him to know him.

Q. You are not aware whether he was John Kelly or not?

A. No, sir, I am not. I could tell if he were in my presence. I think I recollect Kelly's appearance sufficiently to distinguish him.

Q. Who was in your company when you went to the Executive mansion with your application?

A. No one.

Q. Did you see Kelly at the Executive mansion at any time?

A. No, sir.

Q. Then, of course, you made no statement to him there?

A. No, sir.

By Mr. WOODBRIDGE:

Q. You have never seen him since?

A. I have never seen him since. On one occasion General Ward and myself going down the avenue, I met the man calling himself Jones, and said to General Ward, "that is the man calling himself Jones." He said, "Ah, I know that rascal; he is a detective"—or something to that effect. "No wonder he put his head down and would not look me in the face when you were walking with me." But I thought it better at that time, knowing how unpleasant it is for a lady to have newspaper notoriety, to keep the matter quiet, and not take any action unless this man called for the money.

By Mr. WILLIAMS:

Q. Did Mr. Ward say who that person was?

A. He said he recognized him as one of Baker's men, I think, or a detective.

Q. Did he state whether he knew his name?

A. No, sir.

By the CHAIRMAN:

Q. Is that the only case in which money was offered to you, or received by you, for procuring a pardon?

A. It is.

Q. Have you applied for pardons in any other cases than those of your relatives or immediate friends?

A. No, sir.

Q. How many pardons have you obtained altogether?

A. I presented four applications to the President personally. They were in behalf of my husband, step-son, and two others. In the two last-named applications the gentlemen interested in them accompanied me—one of them, my cousin, Lieutenant Colonel Lewis, and the other a young friend from Baltimore, George C. Jenkins. I presented only those four applications, and obtained those four pardons. I obtained two other pardons for which I did not make application—one for my father, and the other for my brother-in-law. Those gentlemen had sent their applications, recommended by the Governor of Virginia. The applications had been recorded in the Attorney General's office and sent to the President in due form. The pardons had been granted in due course, but not having any one to look after them, they were lying in the State Department. They wrote to me to get the certificates of pardon and send them on. I got Colonel Long to get them for me and forward them. I had nothing to do with those pardons except simply to get the officer to find them and to send them on.

Q. Were the four applications presented by you at the same time?

A. No, sir.

By Mr. ELDRIDGE:

Q. Were all the pardons that you obtained pardons for your relatives with one exception?

A. All, with the exception of one for this young Baltimore gentleman, and he was a personal friend of mine.

By the CHAIRMAN:

Q. Have you now stated all the cases of pardons with which you have had any connection in the way of applying to the President for their issue?

A. Yes, sir.

Q. Have you seen, in the newspapers, an article copied from a book recently published by L. C. Baker, with reference to your connection with the pardon business?

A. I saw it the day I came to Washington, after being summoned to appear before this Committee. I saw it in the Baltimore American. I had no suspicion but that that matter of Kelly's was an honest transaction, and that I was dealing sincerely and honestly in it.

(The Washington Chronicle of Wednesday, 22d May, containing an extract from General Baker's book, was here handed to the witness, who examined it and said it was a similar extract to that which she had read in the Baltimore American.)

Q. Please state, from your examination of that article, what portion of it is true, and what portion of it is false, so far as it relates to yourself and your action.

A. This portion of it is false: "Mrs. Washington informed Captain Hine she would procure his pardon that night." I received company that evening and did not leave my house after seeing those parties. He says: "He paid $100 to Mrs. Washington and took the following receipt that evening." That is false. He speaks as if the whole of that transaction took place that evening. The whole of it did not take place that evening.

By Mr. ELDRIDGE:

Q. You did not know that you were dealing with Captain Hine at all?

A. No, sir. I thought I was dealing with Captain Kelly. He says in this article: "This pardon, however, was not procured, because on the following morning Mrs. Cobb's case became noised about." I had not heard of Mrs. Cobb's case at the time.

Q. Is the reason stated there for your not complying true?

A. It is utterly false. I never remember to have heard of such party at that time, nor of any such thing as a pardon broker. I had heard that it was objected to very seriously that an act of Executive clemency should be made a money business. I had heard of pardons being obtained for money, but I knew of no parties who had ever obtained them. I never heard any noise of any such proceeding against Mrs. Cobb, and was not alarmed into declining to comply with my promise. I believe that is all there is in the case in reference to myself.

Q. Is that article false in every particular where it differs from any facts which you have stated to the Committee?

A. It is. The statement by Mrs. Cobb that I was among her acquaintances is utterly false. I never remember to have seen her except once, when I noticed her at the Attorney General's office, and inquired who she was; nor have I known such a person.

By Mr. WOODBRIDGE:

Q. Where was your residence at the time the war commenced?

A. I was living then in Virginia—in the now-called State of West Virginia.

Q. You say you were boarding at Georgetown in October, 1865?

A. Yes, sir.

Q. Why were you living there?

A. Because there was a friend of ours keeping a boarding-house there with whom we preferred to be—a lady whose family was connected with friends of ours in the Valley.

Q. Why did you leave the Valley at the beginning of the war?

A. In consequence of my health and my being entirely alone. My husband was then on the staff of General Joseph E. Johnston. I had been only married a few months, and was there in an unprotected position and in extremely delicate health. I lived within five miles of Harper's Ferry, on the Winchester and Potomac railroad.

By Mr. ELDRIDGE:

Q. Who is the lady with whom you were living in Georgetown?

A. Miss English, an unmarried lady.

Q. Is this statement from the article to which your attention has been called true so far as you are concerned: "I went to Georgetown and made a written contract with Mrs. Washington, wife of Colonel Lewis Washington; she got into a carriage, came to the President's House, went up stairs, came down in a few minutes and said it was all right?" &c.

A. It is entirely false. I never got into any carriage on the occasion, nor came into the city with any such party, nor said any such thing, or made such contract with him.

Q. Did you meet any person on the occasion when you spoke to the President about the pardon, to whom you made an excuse that you must go to Miss English's at once, as you had a party that evening?

A. No, sir; the party had taken place the night before. I should have mentioned that, as I came from the White House, I saw Jones standing near the door. He came up to me and said, "How have you succeeded?" I said, "Why did you not go on the train this morning?" He said, "I missed my train, but I am going to-night." I told him I would get the pardon; that the President would sign it when the oath of allegiance was attached to the paper and duly recorded at the Attorney General's. He stated that Kelly would call in the evening with the papers in proper form. I was surprised to see him, supposing he had gone away that morning.

Q. When this matter was under consideration by you, had you heard of the arrest of Mrs. Cobb?

A. No, sir; not at all.

By the CHAIRMAN:

Q. In the article to which I have called your attention I find the following receipt: "Washington, D. C., received from John Kelly one hundred dollars, for his, Kelly's, pardon from the President. E. B. Washington." State whether, on the 5th November, 1865, you executed that receipt?

A. No, sir; it was not on the 5th, I am positive. It is my impression that it was on the 8th, but I will not be positive. It strikes me that the 6th of November was Monday, the 7th Tuesday, and the 8th, the day after my party, was Wednesday, when I signed the paper.

By Mr. ELDRIDGE:

Q. That receipt is the paper which you say you did not know the contents of at the time you signed it?

A. Yes, sir; I have stated the circumstances as to the hasty manner in which the paper was presented and removed. The hurry in which the man seemed to be induced me to sign it in that careless manner, not suspecting anything at all. I was perfectly innocent in the matter, and never suspected for a moment that I was doing anything wrong.

By Mr. WILLIAMS:

Q. Was any of your husband's property confiscated by the government for his participation in the rebellion?

A. I do not know whether you would call it confiscated. It was in the hands of the government and released by the agents of the Treasury Department to a party who had been left there as our agent when I left home.

Q. Was any of your personal property taken—your movable goods?

A. All taken.

Q. Did you prefer a claim against the government on that ground?

A. I did; my husband being absent in Europe.

Q. What was the claim?

A. I made an application to the government for the return of my personal property and real estate. The estate was occupied by this tenant as the representative of the government under a lease which terminated, I think, on the 1st of March, 1866.

Q. At what time was it restored?

A. About the latter part of September, 1865—just the time we came to Georgetown. It was in reference to that matter we were here. This was before the expiration of the lease. Our object was to make some compromise with the tenant and to return home soon, and to endeavor to regain the small remnant of our household furniture that was in Alexandria.

Q. Did you effect that compromise with the tenant?

A. Yes, sir; he gave up the place to us in December.

By Mr. ELDRIDGE:

Q. Did you make application to the President personally?

A. I did, being advised to do so by General Hancock.

Q. Did the President give you any order on your application?

A. He simply ordered a military investigation of the case. I was advised by General Ord, to whom I applied in Richmond, to take the oath of allegiance. I went before General Patrick and took the oath, and he gave me a letter of introduction to General Hancock, who had been in command of the military district in which my house is situated. When I returned to the Valley I found General Hancock had been relieved and was in command of the department here. On presenting the letter of introduction to General Hancock, I was advised to apply to the President of the United States.

Q. State whether you preferred any claim against the government for your furniture, pictures, or other property destroyed by the troops?

A. I did. I applied for the restoration of all my property.

Q. Did you receive any money by way of indemnity for property destroyed?

A. I received $1,200, the proceeds of a sale of our furniture in Alexandria—furniture worth perhaps $15,000, and which was sold without orders from the Treasury Department.

Q. Who made that sale?

A. It was made, I think, by the order of Major Silvey, who was a quartermaster or agent in Alexandria.

Q. How was the money paid to you?

A. It was paid to Colonel Washington by the assistant Solicitor of the Treasury Department, Mr. Risley.

Q. By whom were you referred to Mr. Risley?

A. I was referred to him by Mr. Chandler, the assistant Secretary.

Q. Had you any conversation with the President, or with Mr. McCulloch, about the restoration of the money?

A. I had none with the President. To the Secretary of the Treasury I said that I needed money very much, and thought I ought to be paid, or some remark to that effect.

Q. Did he say he would order its payment to you?

A. I think he seemed to fear, or rather to think, I would not be able to obtain it.

Q. The whole amount received by you was only $1,200?

A. Only $1,200 for property that was worth $15,000.

Q. Did that embrace any pictures that were destroyed, or were you paid anything additional for them?

A. No, sir; the only pictures that were here we recovered.

By Mr. WILLIAMS:

Q. Had you any relics of the Washington family?

A. Yes; some very valuable ones.

Q. What became of them?

A. They were carried by Major Silvey to Secretary Chase, and by him placed in the Patent Office. They were restored to us by the Secretary of the Interior, on application and on a statement of the circumstances.

Q. Who was the Secretary of the Interior at that time?

A. Hon. James Harlan. I made an application to him personally.

Q. Did you recover all of those relics or heirlooms?

A. No, sir; two or three of them were never heard of. These were a cane made from a tree which grew near the tomb of Washington, and which was cut down or injured (the cane was given to my husband by his relative, Colonel J. A. Washington, who was killed during the war); a little mother-of-pearl box (I do not know for what purpose it was used); and a scrap-book, containing one or two letters of General Washington, and other valuable documents. I have heard of the cane, but have not recovered it.

Q. Do you recollect anything else that you have not recovered?

A. I have not so accurate a recollection of these relics as Colonel Washington, and cannot say what articles, if any, are missing.

Q. Has your real estate been delivered back to you?

A. Yes. General Howard's signature to the release is on file in the Treasury Department.

Q. When was that?

A. In December, 1865, I think.

Q. Did you ever abandon that property?

A. It was never abandoned. When we left it we left a tenant in possession who had been known before the war as our overseer and manager, but who was more a confidential agent than manager. The Colonel left him full discretion to do as he pleased with it.

Q. Did you remain on the property during the war?

A. I left there in August, 1861; I was compelled to leave on account of my health. I left it in the hands of this overseer as tenant. The farm contains between 400 and 500 acres. It was afterwards leased to him by the agent of the Treasury Department, and we received it back from the tenant through the Freedmen's Bureau and Treasury Department.

Q. Your husband was absent in the rebel army?

A. He was for a short space of time, but his health compelled him to leave. He was with General Johnston till after the first battle of Manassas. He was not commissioned by the government, but was simply requested by General Johnston to act as his aid. He was at that time past the conscription age, and was not compelled to enter the army. I accompanied my husband to Richmond.

Q. He was at the headquarters of General Johnston?

A. He was an aid of his, and with him most of the time; but he was frequently at home, and passing backward and forward.

By Mr. ELDRIDGE:

Q. Was the federal army in your neighborhood while you were there?

A. Yes. General Patterson's army passed through Charlestown and down the turnpike just by our farm. I was in the Valley at the time. It was only my extremely delicate health, and my unprotected condition there, which forced me to leave home.

Q. Did you have opportunities, or occasion, to render any assistance to the federal soldiers?

A Very frequently, at my father's house, near Richmond.

Q. And you did so?

A. I did so; the color of their coats made no difference with me, when they were wounded men. I had as many a fervent "God bless you" from Union soldiers as from rebel. My father's house was near the White House, just in the lines of the most active portion of hostilities.

Q. You had often occasion to administer to the wants of the suffering?

A. Many a time there were sick and wounded in the house and yard and lying on our porch.

Q. You never refused what aid you could render to Union soldiers?

A. Never, sir.

WASHINGTON, D. C., *Tuesday, May* 28, 1867.

HUGH MCCULLOCH, Secretary of the Treasury, sworn and examined:

By Mr. MARSHALL:

Q. Have any persons been appointed to office in the southern States since the close of the rebellion, and been allowed to enter on the duties of their offices, without taking what is commonly called the test oath?

A. A number of persons have been appointed to office in the southern States who were unable to take the test oath of 1862.

Q. State to the Committee, without further interrogation, the circumstances of their appointment, &c.

A. In reply to a resolution of the Senate, dated December 13, 1865, calling for information on the subject, I addressed to the Senate a reply, which is to be found in executive document No. 3, 39th Congress, 1st session. As I stated the facts as they occurred concisely at the time, I would like to make that reply a part of my testimony in this case.

The paper referred to was read by the witness, and is as follows:

TREASURY DEPARTMENT, *December* 18, 1865.

SIR: I have the honor to acknowledge the receipt of a copy of the following preamble and resolution, passed by the Senate on the 13th instant, viz.:

IN THE SENATE OF THE UNITED STATES,
December 13, 1865.

Whereas, it is provided by act of Congress that every person in the civil, military, or naval departments of the public service, excepting the President of the United States, shall, before entering upon the duties of his office, and before being entitled to any of the salary or other emoluments thereof, take and subscribe a certain oath, in prescribed form; and it is further provided in another act of Congress (February 9, 1863, chapter 25, section 2,) that "no money shall be paid from the treasury of the United States to any person acting as an officer, civil, military, or naval, as salary in any office, which office is not authorized by some previously existing law, unless where such office shall subsequently be sanctioned by law;" and

Whereas, it is reported that, notwithstanding these acts of Congress, certain persons have been allowed to enter upon the duties of office, and to receive the salary and emoluments thereof, without taking the prescribed oath, and certain other persons have been appointed to offices 'not authorized by any previously existing law': Therefore,

Resolved, That the Secretary of the Treasury and the Secretary of War be requested, so far as the records of their respective departments allow, to inform the Senate whether any persons have been permitted to enter upon the duties of office, and to receive the salary and

emoluments thereof, without taking the oath prescribed by Congress; or, if they have taken it, adding thereto explanations; and also whether persons have been appointed to any office "not authorized by some previously existing law"; and if any persons have been so permitted or appointed, then to report if the same have received any salary or emoluments, and what they were, and out of what fund they have been paid, with the reasons for such permission or appointment, and also the explanations, if any, assigned by such parties at the time of taking such prescribed oath.

Attest: J. W. FORNEY, *Secretary.*

In reply, I have to say that the records of this department do not show that persons have been appointed to any office not authorized by some existing law; but they do show that some persons have been, in the recently insurgent States, appointed officers under the customs and internal revenue laws, and are still holding their offices, without having taken and subscribed the oath referred to in the resolution of the Senate; but, with a single exception, no salaries have been paid to them up to the present date.

The accompanying reports from the Commissioners of Customs and of Internal Revenue exhibit the names of such persons, and the form of oath subscribed by each, together with such explanations as will give to the Senate the necessary information upon the subject.

Upon the surrender of the confederate armies, it was regarded by the President and his Cabinet as a matter of great importance that revenue offices should be established in the southern States, in order that commerce and trade might be resumed, and the authority of the government in one of its most important branches should be again recognized in all parts of the Union with as little delay as practicable. It was also regarded as a matter of scarcely less importance that citizens of the respective States in which offices were located, and not strangers, should be appointed revenue officers. In carrying into effect these views it became necessary to call into requisition the services of some southern men who had participated in the rebellion. None, however, have been appointed to office, or permitted to hold office under the law for the collection of the revenues, who are known to have instigated the rebellion, or who could properly be considered as justly responsible for it. It has been my purpose to recommend the appointment, and to sanction the appointment, of such only as could take the oath literally; and failing to be able to find such persons, to confine the appointment to those who gave no aid to the rebellion until the government of the United States had failed to give them the protection to which they were entitled; and there was no government but rebel government (State and confederate) to which they could look for safety or support in the perilous circumstances in which, without any previous action of their own, they had been forced. It is believed that very few persons not belonging to one or the other of these classes are holding positions under this department.

In most of the southern States nearly every man of the character and intelligence necessary to qualify him for a position as a revenue officer, some time during the progress of the war, either engaged in hostilities against the government of the United States, or held (willingly or unwillingly) office under rebel authority. Hence it has been necessary, as before stated, to employ in a few important but not very remunerative positions, in most of the subordinate ones, men of this class, especially as the salary and emoluments of the offices were generally too small to induce northern men to accept them. Even if the offices were desirable to any but residents, I have not supposed that it would be the policy of Congress to subject the people of the South to the humiliation, or the revenue system to the odium, which would be the result of employing northern men to collect federal taxes in the southern States; and I have not doubted that Congress would so modify the oath that this department would be sustained in employing in the collecting of the revenues those who, by circumstances which they could not control, had been forced into the rebellion, but of whose present loyalty there is no question.

I would therefore respectfully suggest, in view of the facts thus presented, that immediate action upon this subject by Congress is absolutely necessary.

The accounts of officers who have not taken the qualifying oath have not been audited, and valuable services are being rendered by them, for which they are receiving no compensation. Very great inconvenience is already experienced, and grievous complaints are being made by some of our best officers, on account of the non-payment of their subordinates; and I deem it to be my duty to say that, without a modification of the oath, the revenue system cannot be safely or properly administered in many districts of the southern States.

HUGH McCULLOCH,
Secretary of the Treasury.

Hon. PRESIDENT *of the Senate.*

TREASURY DEPARTMENT,
Office of Commissioner of Customs, December 11, 1865.

SIR: As requested, I have the honor herewith to furnish you with such information, called for by resolution offered by Mr. Sumner, and passed by the Senate, in regard to officers who have not taken the oath prescribed by the act of July 2, 1862, as exists in this

office. Most of the officers of customs, or connected therewith, appointed since the adjournment of Congress on the 4th of March last, have taken the oath prescribed by the above-mentioned act; some of them, however, have not: but in most cases where it has not been taken entire, it has been varied by more or less being stricken out or omitted, according to the feelings or circumstances of the appointee. In some cases, instead of the oath prescribed by the act above mentioned, they have taken an oath called the "proclamation oath," which is hereto annexed as taken, together with other oaths taken.

The following persons have taken the oath prescribed by the act referred to, more or less of which they have stricken out, (copies of which are hereunto annexed,) to wit:

James M. Matthews, collector, Tappahannock, Virginia.
William S. Croft, collector, Georgetown, South Carolina.
Gordon Forbes, surveyor, Yeocomico, Virginia.
William Y. Leitch, surveyor, Charleston, South Carolina.
F. M. Robertson, special examiner of drugs, Charleston, South Carolina.
Edgar M. Lazarus, appraiser, Charleston, South Carolina.
J. F. W. Walter, appraiser, Charleston, South Carolina.

The proclamation oath, instead of the oath of act of July 2, 1862, was taken by—

M. J. Farrast, inspector, Mobile, Alabama.

The appointees named below have taken the oath of office, but have not taken the oath required by act of July 2, 1862:

Richard W. Woodbridge, deputy collector, Savannah, Georgia.
Zachariah N. Winkler, clerk, Savannah, Georgia.
Octave Aubert, clerk, Brownsville, Texas.
Ernest Tasset, book-keeper, Brownsville, Texas.
Fortune Jones, messenger, Brownsville, Texas.
Edmund Daly, inspector, Brownsville, Texas.
Francis Reast, deputy collector and inspector, Boston, Texas.
Joseph Backus, mounted inspector, Saluria, Texas.
James McCoppen, deputy collector pro tempore, Saluria, Texas.
Thomas P. McManus, deputy collector, pro tempore, Eagle Pass, Texas.
James Coffee, deputy collector pro tempore, Saluria, Texas.

The person last named, in his oath of office, which is a written one, omits the clause "I further swear that I will support the Constitution of the United States."

The collector at Brownsville, in his letter transmitting the oaths of some of his appointees, states that the only forms he could procure there were those which did not contain the oath of July 2, 1862. The collector of Saluria district, Texas, states that it is difficult for him to find suitable employés in his district who can take that oath. Where the oath has not been taken, the collectors have been notified by communications of the tenor of the letter annexed that such appointees were entitled to no compensation until they had taken the oath.

No oaths, either of office or of allegiance, have been received from the following named persons. Probably in most of the cases the oaths may have been taken, but they have not been forwarded by the collectors. They have been notified to transmit them to this office without delay.

William B. C. Duryee, deputy collector, Fernandina, Florida.
Benjamin Clark, porter, Fernandina, Florida.
William H. Sweetser, temporary inspector, Beaufort, North Carolina.
James H. Taylor, temporary inspector, Beaufort, North Carolina.
George P. Thayer, clerk, Nashville, Tennessee.
James B. Murtagh, deputy weigher, New Orleans, Louisiana.
John H. Ball, aid to revenue, New Orleans, Louisiana.
Joshua H. Dailey, inspector, Hatteras inlet, North Carolina.
Albert Bingham, chief clerk, Port Royal, South Carolina.
Walter F. Bingham, temporary clerk, Port Royal, South Carolina.
Thomas M. Gardner, temporary inspector, Wilmington, North Carolina.
H. D. Gilbert, temporary inspector, Wilmington, North Carolina.
William G. Burch, temporary inspector, Wilmington, North Carolina.
Thomas B. Smith, weigher and gauger, Wilmington, North Carolina.
John H. Wood, porter, Charleston, South Carolina.
Squire Summers, porter, Memphis, Tennessee.
E. Murray, inspector, weigher, &c., Mobile, Alabama.
Edmund K. Lowd, deputy collector, New Smyrna, Florida.

Very respectfully, your obedient servant,

N. SARGENT, *Commissioner.*

Hon. H. McCULLOCH, *Secretary of the Treasury.*

Q. You may explain to the Committee now in relation to the one person who got the salary?

* A. I do not recollect the circumstances, but I understood that in one of the departments an account had been audited in favor of a man who had failed to take the necessary oath. It was not discovered that he had failed to take the oath until after the account had been audited and the amount paid to him. I do not recollect who he was, or exactly under what circumstances he was paid. The mistake was made in one of the accounting offices—either in the office of the Commissioner of Customs, or of the Fifth Auditor or First Comptroller. Previously to the adoption of this resolution by the Senate, and the answer which was given to it, I had communicated to members of the Senate and of the House the awkward position in which we were placed in reference to those appointments, and as soon as the resolution was adopted, it was immediately replied to, in order that Congress might be put in possession of all the facts touching the case.

Q. Were those appointments made by the President?

A. The principal appointments are Presidential appointments. They were made by the President on the recommendation of the Secretary of the Treasury. I desire to state that this was considered a matter of so grave importance that, before any action was taken upon the subject of filling revenue offices at the South, it was a matter of Cabinet consultation; and, after a full and careful deliberation, it was agreed—as I recollect, unanimously—that, as it was important for the government that we should establish our revenue offices without delay, the Secretary of the Treasury would be justifiable in doing the best he could in regard to appointments, under the peculiar circumstances of the country.

By Mr. LAWRENCE:

Q. In appointing men who could not take the test oath?

A. In appointing the best men we could find, and running the risk in reference to the oath. It was well understood that it would be difficult, for a time at least, to find competent men at the South who could honestly take the oath.

Q. The President assenting to that?

A. The President did not dissent, and I think he assented to the views of the Cabinet. On this subject, if I recollect right, we were a unit.

By Mr. BOUTWELL:

Q. When was this Cabinet meeting held to which you refer?

A. I cannot name the time. It was the subject of conference at one or two meetings. It was pretty soon after the collapse of the rebellion—early in 1865.

Q. What efforts were made by your department, previous to that decision to which you refer, to ascertain whether men who could take the test oath could be found at the South?

A. We made no other efforts than to inquire of the men whom we met from the South in reference to the best persons in their neighborhoods to hold the respective offices, and to request that in all cases they would name persons, if they could do so, who were competent and could take the oath. That was about the only means we had of ascertaining.

Q. Can you name any of the persons of whom you made those inquiries as to who the proper men were in their neighborhoods?

A. Some of the persons who were appointed were known to officers of the department. As a general thing, we consulted with the persons who were appointed provisional governors. There happened, however, to be at the department, about the time we were making the appointments, some gentlemen from the South, and we consulted with them. I cannot now recollect what other means were taken, but I know we availed ourselves of all the means within our

* See note in testimony given on the 31st of May.

power of obtaining reliable information in reference to the standing and qualifications of persons appointed.

Q. Were not the provisional Governors, to whom you referred, men who generally had been themselves engaged in the rebellion?

A. Some, perhaps the most of them, were.

Q. And the other persons from the South of whom you asked counsel, were they not also persons who for the most part had been active in the rebellion?

A. I cannot recollect definitely as to the persons. I suppose most of the persons we consulted had in some manner participated in the rebellion, because nearly all the men who were at the South had, in the progress of the rebellion, to some extent become aiders and abettors of it.

Q. Has it not since been found practicable to organize and carry on the revenue system in the South by the aid of men who could take the test oath?

A. We are now collecting the revenues there through the agency of men who have taken the oath. Circumstances have changed very much since the time those persons were appointed. A good many men, who were then refugees at the North, have returned, and many northern men have gone into the southern States; and I think it not unlikely that some may have taken the test oath who were not over scrupulous.

By the CHAIRMAN:

Q. Are there any officers on duty now in the southern States who have not taken the test oath?

A. None, that I am aware of.

By Mr. BOUTWELL:

Q. When did you first come to the conclusion not to appoint any who could not take the test oath, and to remove those who had been previously appointed who could not take the test oath?

A. On the report that was made to the Senate no action was taken by Congress, and nothing was done in reference to the matter until some time in March, 1866, when I addressed a communication to the President on the subject. That communication was referred by the President to Congress. Soon after another communication was made—I think in April—in reply to a resolution of the Senate calling for more specific information than had been given, especially, if I recollect rightly, with reference to the subordinate appointments. About that time (I cannot recollect the precise time) it became pretty clear to my mind that no modification of the oath would be made by Congress, and I felt it then to be my duty to the government and to the officers to take steps to remove all of those who had not taken the oath, and to fill their places with those who could take it.

By Mr. MARSHALL:

Q. You made an effort, then, to do the best you could under the circumstances?

A. That was our aim—to do the best we could. The establishment of the revenue system was for the benefit of the government, and not for the benefit of the people of the South; and therefore I felt we might be, perhaps, justifiable in pursuing a different course in reference to appointment of officers in the revenue service than would be pursued in reference to the appointment of postmasters, as the postal service was regarded as being more for the benefit of the South than for the benefit of the government.

By Mr. BOUTWELL:

Q. Is it not true that the revenue system, so far as performance of duty by the officials is concerned, has been as well conducted since the change as before?

A. That is a mere matter of opinion. My own opinion is that the revenues

are not as well collected as they would have been if the original appointees had been permitted to retain their offices.

Q. Have you any information on that point?

A. I have no specific evidence, but it is my opinion that we should have collected more revenue if we had been permitted to retain the services of the men who were first employed. I wish to state to the Committee that we found comparatively little difficulty in filling the important offices in the commercial cities with men who could take the oath. We were successful in finding collectors of customs for Savannah, and for Charleston, and for Richmond; and, generally, my recollection is that we found no very great difficulty in finding men who could take the oath to fill the leading offices in the most important districts. The difficulty was rather in the interior, and with regard to subordinate offices. Mr. Wiley Woodbridge was appointed collector of customs at Savannah. He advised us that he was unable to find men who could fill the subordinate offices in the custom-house; and his account for salaries paid to some of his subordinates is for this reason still unsettled.

Q. Was Mr. Woodbridge himself unable to take the oath?

A. He was not; he took the oath.

Q. What we call the test oath?

A. He took the test oath. Dr. Mackey, the collector at Charleston, was able to take the oath. A very large proportion of the collectors of customs, and of the collectors and assessors of internal revenue, were able to take the oath, according to my present recollection.

Q. State whether or not, at the Cabinet meeting, it was given as one reason why persons should be appointed who could not take the test oath, that such a course would be calculated to conciliate the South.

A. I cannot recollect what particular reasons were given by the different members. I know that that consideration had no little influence on my own mind. Perhaps I looked at the question too much in a revenue point of view, but it occurred to me that it would advance the interest of the government to have the taxes collected in the South by southern men.

Q. And by men who had been engaged in the rebellion, as being more popular than those who had not participated in it?

A. Not so; but by southern men who could take the oath literally, if possible; at all events, by southern men who were not properly chargeable with being instrumental in bringing about the rebellion.

Q. In this report, made to the Senate in December, 1865, you have given the names of thirty-seven persons appointed in ten States; was it not, at the time those persons were employed, entirely practicable to find that number of persons in those southern States who had been entirely loyal to the government, and who were quite competent for the performance of those duties?

A. It might have been practicable, but we were not advised, at the time, of the existence of such persons in the proper localities.

Q. Had you not agents of the Treasury Department in various portions of the South who would have given information of loyal men if there were any?

A. At the time those appointments were made we had no agents in the interior of the southern States qualified to give us the information required.

Q. But you had agents, had you not, either resident or visiting occasionally at all the chief places in all of those States?

A. We had agents in New Orleans about the time those appointments were made. We were sending agents into the southern States for the collection of captured or abandoned property. Most of them, however, were men from the North, and were not men to whom we should have applied for information in reference to the status of southern men.

Q. Were they not persons who could have obtained information and communicated it to the department?

A. They could probably have obtained such information. I deem it proper to say to the Committee that the probability is we should not have filled the offices, or we should have made greater efforts to find men who could take the oath literally, if we had not expected that the test oath, so far as our revenue offices were concerned, would be somewhat modified by Congress immediately at the commencement of the session.

By Mr. MARSHALL:

Q. This resolution, to which you came in reference to appointing this class of men, was after the breaking down of the rebellion, and before the assemblage of Congress?

A. These appointments were made during the year 1865, and before the meeting of Congress.

By Mr. BOUTWELL:

Q. The Cabinet council, as I understand, on this subject, was prior to the appointments?

A. It was before the offices were filled.

By Mr. WILLIAMS:

Q. You have remarked that there were a good many refugees from the South then in the North, who had since returned, and you assigned that as a reason why there was less difficulty now in finding proper men to fill the offices?

A. I have assigned that as one reason.

Q. I wish to know whether those refugees would not have accepted the appointments before they returned, and whether they did not, in some instances, apply for them?

A. I know of no case where a refugee was an applicant for an office, and was competent to fill it, that he was not appointed.

Q. There were, then, such applications?

A. I think there were some persons who came here asking for office and claiming to have been loyal throughout the rebellion.

Q. Did you make search through the loyal States for men of that description?

A. We made no search, but we made inquiries of such men as were accessible to us in reference to the proper persons to fill the different offices in the respective districts.

Q. You state in one of your reports, as a reason for not sending northern men there, that its tendency would be to humiliate the South?

A. I made a remark something like that in the report which I have read.

Q. You say you entertained the opinion at the time of this consultation, and subsequently, that Congress would modify the law so as to make it conform to the ideas of the Cabinet. What reason had you to entertain such an opinion?

A. Because it seemed to me that it would be eminently wise and proper for Congress to do so.

Q. Do you hold that it is not your duty as an executive officer to take the law of Congress as declared and to obey it?

A. It is my opinion that an executive officer should obey the law literally.

Q. But still you acted on the notion that you had a right to exercise a dispensing power over the law, in the belief that Congress would modify it at the next session in accordance with your views.

A. I expected that Congress would modify the test oath because it seemed to me that the best interests of the country would be subserved by the employment of men who might have participated in the rebellion, but who were at the time of their appointment entirely loyal to the government. It was not my

purpose to violate the law. I kept the law as nearly as I could. But I thought that the peculiar circumstances of the country and the necessities of the service would justify me in appointing, and recommending for appointment, men who might not be able to take the oath, and in leaving the whole matter to such action as Congress might take when it should convene, especially as all those officers were advised that they could receive no compensation for their services until they took the oath.

Q. Did it not occur to you that there was a way of evading a violation of the law by calling Congress together to change it?

A. It did not occur to me that a special session of Congress for that purpose would be advisable.

Q. I thought you spoke of it as a matter of very grave importance?

A. I did consider it a matter of too grave importance to be determined by myself.

Q. And therefore you thought a session of Congress was not advisable?

A. I did not regard it as a matter of so grave importance as to justify the President in calling a special session of Congress.

Q. Was there any apprehension that if Congress came together it might run counter to his ideas?

A. None, as far as I know.

Q. Was it not the understanding that all this work was to be done, if practicable, in advance of the session; that these governments were to be set up and ready for presentation to Congress as soon as it convened?

A. My impression is that the President felt it to be his duty to establish civil government in the South, and to relieve the South from military rule just as soon as it could be practicably done.

Q. Would not the short way of dispensing with military rule and setting up national civil rule have been the calling of Congress together?

A. We thought we were establishing civil rule without Congress.

Q. Do you say that those States were not under military rule down to the time of the meeting of Congress?

A. I say only that they had no civil government at the time the Executive undertook to re-establish the government of the United States over them.

Q. Was there any law there but martial law as the predominant law down to the meeting of Congress?

A. That is a question for the judiciary to determine.

Q. I speak about it not as a matter of law but as a matter of fact.

A. We thought we had established civil government in the South.

Q. Were you not still exercising a control over those States, setting aside their laws, preventing their officers elect from taking their commissions, &c.?

A. All I can say on that subject is that I have had no participation myself in setting aside any law of the southern States.

Q. It was the law of Congress only that you would set aside?

A. We considered that the country was in a transition state, that the circumstances were peculiar, that the law was not intended to apply to a condition of things such as then existed, and we merely did in good faith what we believed was best to be done under the circumstances. We may have erred, but if we did, it was an error of judgment only.

Q. If I understand you, then, your opinion was, that in this anomalous transition state, where there was no law, it was the duty of the executive department of the government to supply the law?

A. You put a forced construction on my remark.

Q. The question is whether I am so to understand you?

A. You are not so to understand me. I intend to say nothing of the kind.

Q. Was there any consultation as to the necessity of a convocation of the Congress of the United States in reference to this question?

A. According to my best recollection the subject of convening Congress was never agitated in the Cabinet. We were never advised that there was any desire on the part of the people of any section that there should be a special session of Congress. I at least never heard, while the President was engaged in reorganizing States at the South, that there was any demand on the part of the people of any part of the Union for a special session.

Q. In what shape would you have expected the demand to come, to satisfy you?

A. I suppose it would have reached us through the press, the action of public meetings, or through some other reliable channels.

By Mr. ELDRIDGE:

Q. Did brother Williams ever write a letter to any of the Cabinet, to your knowledge, requesting a special session of Congress?

A. I had no correspondence with Mr. Williams. I should have been very happy to have received a communication from him, but he did not favor me.

Q. I ask you whether any leading man, of any party, to your knowledge, wrote to the President, or to any member of the Cabinet, requesting a special session of Congress?

A. Not to my knowledge.

By Mr. LAWRENCE:

Q. Did you have an opportunity to see the President's correspondence?

A. I did not have the opportunity of seeing his private correspondence, and yet I was in daily conference with him, and I think he communicated as freely to me as he did to anybody else. I had correspondence with different persons, in different parts of the country, but I never received an intimation from any one that in his judgment the condition of the country required a special session of Congress.

By Mr. WILLIAMS:

Q. In making your selections of officers of internal revenue and of customs for the southern States, did you confer with any other men than such as had taken an active part in the rebellion, and could not take the test oath themselves?

A. I conferred with representative men from the South who were at the time in Washington. I do not think I conferred with any one who was an original secessionist. My conference was chiefly with men who, during the course of the rebellion, were drawn into it, as nearly all the people of the South were, sooner or later.

Q. I wish to know whether those representative men you speak of were not men who took a leading and active part in the rebellion, and were on that account regarded as representative men?

A. No. We consulted, for instance, in reference to appointments in Alabama, Governor Parsons, and in reference to the appointments in Mississippi, Judge Sharkey. Neither of them was a secessionist, and yet I think both of them did participate in the rebellion to some extent, and that neither of them could take the oath of 1862.

Q. You mean, by saying that neither of them was a secessionist, that neither of them was so, theoretically, in advance of the rebellion?

A. I mean that neither of them was a secessionist, that both were Union men, and opposed to the rebellion, and yet that both, as I understood, became, after the secession of their States, implicated in the war against the United States, or connected in some way with the so-called confederate government, or the rebel State governments.

By Mr. LAWRENCE:

Q. That fact was understood by the President and the Cabinet before Judge Sharkey was appointed provisional Governor?

A. I can only speak for myself. I had nothing to do with the appointment of Judge Sharkey. I give merely my own opinion of the man.

Q. You knew that before he was appointed provisional Governor?

A. I do not know at what time I became acquainted with the position which Governor Sharkey occupied in reference to the rebellion. I knew that he had been an old line whig, and I understood that he had always been a strong Union man, and was an earnest opponent of secession. To what extent he became connected with the rebellion I have never been advised; but I do believe that neither he nor Governor Parsons were ever regarded as leading men in the cause of rebellion, but the reverse.

Q. That is, that, after they joined it, they took no prominent part?

A. I have no reason to suppose they ever took a prominent part, but I do suppose they took such part in the rebellion as would prevent them, as honorable men, from taking the oath.

Q. Had not Sharkey been Governor of Mississippi during the rebellion?

A. I do not know.

Q. And Parsons, Governor of Alabama?

A. I do not know. I think Governor Parsons said to me that he went into the rebel legislature of Alabama, with many others, for the purpose of bringing that State back into the Union.

By the CHAIRMAN:

Q. State the motive which controlled yourself, and, so far as you know, the President, in making the appointments that have been referred to; state also the reasons you have for believing that such motive controlled the President?

A. I can only answer for myself. I acted according to the dictates of my best judgment. I thought it was necessary for us to establish the revenue system in the southern States without delay, and that it was proper for me to use the best men for the purpose that I could find. I had no intention to disregard the law, but only a sincere desire to promote, according to my judgment, the best interests of the service and of the government. I have no reason to believe that the President or any member of the Cabinet was influenced by any other motives than those that governed me.

Q. Still, were you not aware at the time that such appointments were a violation of the act of Congress?

A. The law was before us. I knew that every man appointed to office was required to take the oath before entering on the discharge of the duties of his office. The penalty, it seemed to me, was a forfeiture of pay. Still, I felt that such appointments under ordinary circumstances would be improper, and a violation of law. But I thought that the peculiar condition of the country would justify the appointments. I recommended them in good faith, expecting that Congress would take the matter in charge, and so dispose of the appointments or so modify the oath as would relieve the department of all responsibility in the matter.

Q. Can you give any reason why Congress was not informed of that action until the Senate called for information by resolution?

A. I have no other reason to give than this, that the action of the Treasury Department and of thePost Office Department in reference to appointments to southern offices was, as we understood, known to Congress without any formal communications. I had myself frequent conversations with leading men on the subject. No communication was made to Congress, because I thought it was generally understood that such appointments had been made, and it was expected

that Congress would take some action in the matter without a formal communication.

By Mr. WILLIAMS:

Q. State, in this connection, to what member of Congress you ever made any such communication.

A. I cannot recollect definitely with whom I conferred. I think I did speak once or twice to Mr. Fessenden on the subject; and, without being able to give names, my impression is that I spoke to perhaps a dozen others, explaining fully the course which had been taken by the Secretary of the Treasury. I wish to say that, after Congress had failed to take action on the report which I made in December, after waiting for some action and none being had, in March I addressed a communication to the President on the subject, and that communication was referred to Congress. As soon as I understood that Congress was hardening, as I deemed it, toward the South, and that there would be no modification of the oath, I took the most prompt measures in my power to have all the occupants who had not taken the oath dismissed from or to resign office, and others appointed in their places.

By Mr. LAWRENCE:

Q. Have all those men who did not take the oath been paid their salaries?

*A. Not a dollar to my knowledge, with the single exception referred to. Some have been applicants to Congress for relief.

Q. Did not collectors retain their salaries out of money which came into their hands?

A. Under present regulations, and I think under regulations which were then in existence, a collector of internal revenue does not retain his compensation, but is compelled to deposit the entire amount of his receipts, he receiving at the proper time a draft for his commissions, &c.

By Mr. WILLIAMS:

Q. Be good enough to state whether you paid any money, or whether any money was paid by your order, to Mrs. Washington, or to the rebel colonel Lewis Washington, arising out of the proceeds of personal property claimed to have belonged to him, and sold under the orders of the government.

A. The personal property of Colonel Lewis Washington was taken by the military authorities, brought to Washington, and turned over to an agent of the Treasury Department. From the records of the office I ascertained that Mr. Chase was of the opinion that the furniture which came into the possession of the government should not be sold, but should be carefully boxed up and preserved, with the intention, as it seemed to me, of returning it to the owner. It turned out that, without any direct order from the Treasury Department, as I supposed, the furniture of Colonel Washington was sold at Alexandria at a very large sacrifice. I think the sale was made either by Mr. Risley, or by a man named Silvey. It seemed to me proper and right that furniture, which was not considered a subject of rightful or proper capture, should be restored to the owner; and I thought it no more than right that where a valuable property had been sacrificed without authority of the department, the small amount which had been received should at least be returned to the owner.

Q. How was it repaid?

A. Mr. Risley was the agent for the Treasury Department for that part of Virginia, as I now recollect, and, as such agent, had in his possession certain moneys which had not been covered into the treasury, probably the identical money which had been received from the sale of this furniture. On his recom-

* See note of the Secretary, dated June 3, 1867, accompanying testimony of May 31.

mendation, after giving the subject careful consideration, I deemed it proper and right to return to Colonel Washington the proceeds of the sale of his furniture. And I may say in reference to furniture generally, that where it came into possession of the government, and was, at the close of the rebellion, claimed by loyal persons, or by persons who had taken the amnesty oath, the furniture was restored to them. I did not believe it was proper for this great government to lay its hands on the furniture of private persons, dispose of it, and cover the money in the treasury.

Q. By whom was the amount paid to Mrs. Washington?

A. It was paid to her or to her husband, I presume, by Mr. Risley, and by my authority, although I have no definite recollection on this point. We considered furniture as exceptional property. We never supposed that the government intended to capture anything but cotton, tobacco, and other leading articles that were used by the rebels in their efforts to overthrow the government of the United States. We did not suppose, and never have supposed, that furniture was a legitimate subject of capture.

Q. Do you recollect at what time this property was sold?

A. I do not. I understood that it had been sold, and that the proceeds amounted to some $1,200; and I felt that, as I would have returned the furniture, (as I supposed it was the intention of Mr. Chase that it should be restored,) it was also proper that I should also return the small amount which had been received for it, especially as the property had been unnecessarily sacrificed.

Q. When was the money returned?

A. Some time in the summer of 1865.

Q. Had Colonel Washington been pardoned at that time?

A. I understood he had been. I recollect no instance of property having been returned to persons who have not taken the amnesty oath, or who have not been pardoned by the President.

Q. Can you furnish the papers in the case—the communication of Mr. Risley, or of the agent of the department, and the copy of your order, with the date of sale and the date of payment?

A. I presume I can furnish all the papers in the case. Application was made for the restoration of the real estate, which, at that time, had been leased by an agent of the department, for a return of such of the furniture as remained unsold, and for a return of the money that had been received for that which had been disposed of. According to my recollection the real estate had passed over to the Freedmen's Bureau by operation of law, and the right of the government to it was released by the Commissioner of that bureau.

By Mr. BOUTWELL:

Q. Do you know what investigation was made to ascertain whether the money received from the sale of the furniture was actually covered into the treasury?

A. I do not know.

By Mr. LAWRENCE:

Q. Have not large amounts of furniture been sold from time to time at different places, and the proceeds paid into the treasury?

A. I am not aware that there were any considerable sales of furniture.

Q. Had not the Treasury Department agents in the different States, under the act of Congress, to take possession of and to sell all personal property captured?

A. So far as I know, our agents were employed to collect the property which belonged to the confederate government, but I think it never was the intention of the Secretary of the Treasury, or of any man connected with the government, (I trust it was not,) that household furniture should be the subject of capture, and that it should be sold and the proceeds covered into the treasury.

Some other man than myself would necessarily have been selected to perform that duty if the performance of it had been required.

By Mr. WILLIAMS:

Q. Was not Colonel Washington an officer of the rebel army at the time his furniture was captured?

A. I do not know what position he held. I was not advised that he ever was an officer in the army of the confederacy.

By Mr. ELDRIDGE:

Q. What did you understand to be the value of the property sacrificed out of which this $1,200 was received?

A. My information on that subject was derived from Colonel Washington, or Mrs. Washington. I think they were of the opinion that the furniture was worth some $12,000 or $15,000, and only a very small remnant of it was left unsold.

By Mr. WILLIAMS:

Q. Was Mrs. Washington pardoned?

A. I think not. I never heard of a woman being pardoned. I never heard of any application by a woman for pardon of herself, but there may have been such cases.

By Mr. LAWRENCE

Q. Was the money paid to her or to her husband?

A. I do not recollect whether it was paid to her or to Colonel Washington. He was here at the time, and I presume it was paid to him.

By Mr. MARSHALL:

Q. Have you seen a book recently published by L. C. Baker?

A. I have seen the book.

Q. Have you seen any statement in it in which he speaks of appointments having been made in the Treasury Department of men who had been convicted of crime?

A. I sent for the book because I understood it contained a statement of that kind, and I looked through it to ascertain whether such statement was contained in it, but I failed to find it. I did not examine the book very carefully. The statement referred to might have been overlooked by me.

By Mr. CHURCHILL:

Q. Do you know of the appointment of one John Devlin, who had been imprisoned in the penitentiary?

A. I understand that we appointed one John Devlin, in New York, to some office in the Internal Revenue bureau; but I understand, also, that it was not the same John Devlin who had been convicted by a military commission, but a respectable man. It is possible we may have been deceived in the immense number of appointments which we have been called upon to make. We have doubtless made many mistakes; but we never have appointed a man to office who, to our knowledge, had been convicted of any infamous crime, with, perhaps, one exception in New Hampshire. On the recommendation of General Marston and a number of other very prominent men in New Hampshire we did appoint to a special agency a man who had been convicted of smuggling, but who was supposed to have repented, and to possess such knowledge as would enable the department more efficiently to detect and punish smugglers.

By Mr. MARSHALL:

Q. Do you know anything of John Cahill, who was convicted of forging enlistment papers, and who afterwards received an appointment in thePost Office Department?

A. I know nothing of the case. I would say, in reference to those subordinate appointments, that they are made almost entirely on the recommendation of the Commissioner of Internal Revenue, or of the Commissioner of Customs, and I can, of course, know very little of the characters of the men appointed.

By the CHAIRMAN:

Q. Have you ever appointed to an office, or approved of the appointment to office by one of your subordinates, a person convicted of crime?

A. Never, to my knowledge, with the exception of the case referred to.

Q. Do you know of any case of appointment by the President to any office of any person or persons who had been convicted of crime?

A. I do not. We have doubtless appointed a good many who ought to be convicted for offences committed after their appointment.

By Mr. WILLIAMS:

Q. I understand, from the testimony of some witnesses examined here, that the subject of captured and abandoned property was turned over to the Solicitor of the Treasury Department?

A. No, sir; that is not so. The Solicitor of the Treasury has nothing to do with the custody of captured property. The Solicitor of the Treasury is the law officer of the department.

Q. The act of Congress of March 3, 1863, seems to give you jurisdiction over the subject-matter?

A. The duty of the Secretary of the Treasury, under that law, was to take possession of property captured or abandoned, sell it, and cover the proceeds into the treasury. We have at times taken the advice of the Solicitor of the Treasury in reference to our action under the captured and abandoned property acts, but he had no control over such property.

Q. Have you, since the surrender of the rebel armies in the spring of 1865, taken any means to bring about the sale, or to realize the possession of property of that sort comprehended within that act of Congress?

A. A very large duty, and a very uncomfortable duty, has been devolved on the Secretary of the Treasury, of collecting through the southern States property that belonged to the confederate government, and which was property captured by the armies of the United States, or abandoned by the owners.

Q. Have you initiated any proceedings for the recovery or sale of property of this kind?

A. We have collected a large amount of such property, sold the same, and have covered a large portion of the proceeds—all but a small balance—into the treasury.

Q. Did the property of which you speak consist of anything but cotton?

A. Cotton, tobacco, military stores, and some other articles; but the great article has been cotton. It was about the only article that the confederate government dealt largely in, or used for the purpose of maintaining the war against the United States.

Q. Mr. Starbuck, district attorney for North Carolina, states in his testimony that he was referred to the Solicitor of the Treasury on questions of that kind?

A. Very likely, if it was a question arising under the interpretation of the statutes. Such questions were frequently referred to the Solicitor of the Treasury for advice.

Q. He speaks of the Piedmont railroad, which he states to have been built

by the confederate government, and says he proposed to initiate proceedings for its condemnation, and that the reason he did not proceed was in consequence of a communication from Mr. Goodloe, United States marshal in North Carolina. It is his impression that Goodloe said it was not the desire of the Secretary of the Treasury—at least that the authorities at Washington did not wish—that any proceedings should be taken in regard to it that time?

A. It was the policy of the government at the time not to interfere with the railroads at the South, except in special cases. I do not recollect the circumstances in reference to this particular road.

Q. There is some evidence in reference to a wharf, warehouse, and other property belonging to the confederate government in the city of Wilmington, against which he proposed to institute proceedings; he says he called on the Solicitor of the Treasury in reference to that case?

A. I do not know anything about it. It was our aim to take possession of all real as well as personal estate that belonged to the confederate government. The Solicitor of the Treasury would have the supervision of all suits commenced under his general directions. I know nothing about that case. I take it for granted that no district attorney would be inclined to commence a suit in the name of the government of the United States without consulting the head of the department particularly interested.

WASHINGTON, D. C., *Tuesday, May* 28, 1867.

JOHN F. COYLE sworn and examined.

By the CHAIRMAN:

Q. Did you ever address a note to Mr. Evans, who was a Senator elect from the proposed State of Colorado, requesting him to call upon Mr. Cooper, formerly private secretary to the President?

A. Never, to my memory.

Q. Look at this note (copied in the testimony of William G. Moore) and state whether you recognize it.

A. Yes, sir; that is my writing. I had forgotten it.

Q. Will you state the circumstances under which it was written?

A. I really cannot, for I do not recollect them at all. I did not know that I ever wrote it.

Q. Did you at or about the same time address a similar note to Chaffee, the other Senator elect?

A. I do not recollect that I did, nor do I recollect this, either; but that is my handwriting. I cannot at this moment recall the circumstances.

Q. Did you have any conversation with the President or Mr. Cooper relative to the admission of Colorado as a State?

A. Not that I recollect. I cannot recollect at this moment what could have induced me to address this note to Mr. Evans.

Q. This note seems to have been written at the time the Colorado bill was before the President awaiting his action on it; does that fact refresh your memory?

A. I assure you I cannot recall it. I did not know that I had ever addressed such a note.

By Mr. BOUTWELL:

Q. You could not have written that note without suggestion from some person that it was desired?

A. I should say not. During the period Mr. Cooper was there I was at the

White House frequently, and Mr. Cooper may have asked me to write such a note, but I cannot at this moment recall it.

By the CHAIRMAN:

Q. Did not Mr. Cooper state to you that he desired to have an interview with Mr. Evans on the subject of the Colorado bill?

A. I cannot recollect any conversation with Mr. Cooper on that subject; but from that note I presume Mr. Cooper must have asked me to write it.

Q. Can you state any reason why Mr. Cooper should ask you to write that note instead of writing it himself?

A. I really cannot.

By Mr. BOUTWELL:

Q. Do you know whether the President had anything to do with it?

A. I never had any conversation with the President on the subject.

By Mr. ELDRIDGE:

Q. May you not have been requested to call upon Mr. Evans, and not finding him in, left that note?

A. That is my impression. It is very hastily written. I had no acquaintance with the gentleman, and consequently put no name to the note.

WASHINGTON, D. C., *Tuesday, May* 28, 1867.

JAMES M. SCOVEL, of Camden, New Jersey, sworn and examined.

By the CHAIRMAN:

Q. State whether you have ever had any conversation with the President of the United States with reference to the exercise of the appointing power.

A. I have had some such conversation.

Q. State what was said by the President in that conversation?

A. I have prepared a written statement since I came to Washington, and will read it to the Committee as a part of my testimony:

I am summoned before the Judiciary Committee of the House of Representatives to give evidence in regard to the supposed abuse of the power of the President in regard to patronage in New Jersey. Upon this subject I desire to say, that after the 22d of February speech my feelings were strongly against the policy of the President of the United States; that on the 27th of the same month, I think, (February, 1866,) I made a speech in the senate of New Jersey in which I said, in regard to Andrew Johnson's veto of the Freedmen's Bureau bill, "Infidelity to liberty is a bad investment, wherever made. In vetoing the Freedmen's Bureau bill Andrew Johnson has abandoned justice and trampled upon every principle that elevated him to power." I had no reason to change or modify my opinion expressed in that speech till after the legislature of New Jersey had adjourned.

Being anxious to control the appointments in my congressional district against a very powerful combination inside of my own party bent upon controlling New Jersey, I wrote to Mr. Johnson on the 13th of April, requesting an interview, I think, on the subsequent Friday. In response to that letter I received a reply dated "Executive mansion, Washington, D. C., April 17, 1867," of which the following is an exact copy:

SIR: The President directs me to say, in reply to your note of the 13th instant, that he would be pleased to see you should you call on Friday morning.

I have the honor to be, with great respect, your obedient servant,

R MORROW,

Brevet Lieutenant Colonel and Assistant Adjutant General

Hon. JAMES M. SCOVEL, *Camden, New Jersey.*

I called on Friday and was admitted to his excellency's presence. He was in excellent humor, and informed me that he was making a fight not against republican principles, but for republican ideas inside of the republican lines.

Having had something to do in the Baltimore convention with the nomination of Lincoln and Johnson, and having made considerable exertion in 1864 to assist in their election, I was very much inclined to believe Mr. Johnson's statements, the newspapers to the contrary notwithstanding, for the press of the country had villified and abused me most unconscionably for what I thought a manly act, while a member of the New Jersey legislature, and I assured him of my sympathy, but saying that I did not approve of his 22d of February speech, in which Mr. Sumner and Mr. Stevens were denounced as traitors.

In a few days after this I again called at the Executive mansion, with George B. Halstead and Dudley S. Gregory, jr., the latter person a candidate for collector in the fifth district of New Jersey, an office he did not get. It was understood all around that all candidates for office must endorse the President's policy. Among the appointments I requested was that of General Carman as postmaster of Newark, New Jersey. Colonel Cooper, private secretary, who seemed to run the office-giving machine, assured us that there would be no trouble about Mr. Carman, who was an old friend of his in Tennessee. After much trouble, and many delays, General Carman's name was sent to the Senate, and by the Senate confirmed. He told me himself that there was trouble about his commission. At last he received it, but was telegraphed, as nearly as I remember, to return it. General Carman never got the Newark post office, which was finally given to Craven, the biographer of Jefferson Davis. Upon this question General Carman is better authority than myself.

At my request the President endorsed the removal of Joseph A. Porter, deputy collector of Camden. The Commissioner of Internal Revenue requested his removal at the hands of William S. Sharp, collector of the first district of New Jersey. Sharp declined to do it, or to appoint Mr. Ables in Porter's place, though Mr. Rollins endorsed and recommended Ables's appointment, as will appear by Commissioner Rollins's letter to me of May 28, 1866. I learned afterwards that Mr. Rollins privately informed Sharp that he need not remove Porter. It was never done.

By Mr. ELDRIDGE:

Q. Did the President, in his conversation with you, say anything more than you have stated?

A. I do not recollect that he did at that interview. It was a distinct understanding all around that no man should be appointed to office unless he endorsed the President's policy.

Q. Did the President say any such thing to you?

A. My recollection is distinct that he did, after saying to me that this fight was a fight inside the republican party.

Q. Just state the words which the President used to you on this subject, in reference to the policy of appointing men to office.

A. I called there in response to this letter, in which he stated that he wished to see me. In conversation with Mr. Johnson I mentioned the fact that I desired to control those appointments in my own district. It was then that he told me that this fight was, on his part, inside of the republican party, and that he would make no appointments other than of men who were inside of that party, and who voted (I think was the expression) for Lincoln and Johnson. That is my recollection of his language.

Q. I wish to know whether you did not get that understanding and knowledge which you had outside of your conversation with the President—did you not infer that from what you knew, outside of his policy?

A. I inferred that much from what Mr. Cooper said; I inferred that much

from what the newspapers said; I inferred that much from what the outside world said; and I inferred that much from what the President said to me.

Q. You drew the inference from the words of the President which you have now stated that the President used to you?

A. Yes, sir.

Q. Did you tell the President that you were in favor of his policy?

A. I never remember telling the President I was in favor of his policy, further than I expressed my dissent to his speech of the 22d of February, but I went on to say that his subsequent speech, which had no offensive allusion to either Mr. Sumner or Mr. Stevens, I had no objection to; after which he informed me that it was a strife within the republican party. Having such a strife within my own district, I very naturally sympathized with him.

Q. The fault you found with his 22d of February speech was that he spoke harshly in it about Mr. Sumner and Mr. Stevens?

A. I of course objected to the use of any such language towards men whom I considered among the most patriotic men of the country; and if he held such sentiments as those, he held sentiments at variance with ninety-nine out of every one hundred persons of the republican party.

Q. Was that the objection you made to the President in regard to his 22d of February speech?

A. Because he stigmatized men who held the opinions of Mr. Stevens and Mr. Sumner as traitors and disunionists.

Q. Did you, to the President, make any other objection to that speech?

A. I do not recollect that I did.

Q. Did you tell him that you agreed with the balance of that speech?

A. I think that I did not.

Q. What other speech of his was it that you told him you did agree with?

A. It was the next public speech that he made after the 22d of February.

Q. You did agree with that speech?

A. Not altogether.

Q. Did you not tell him so?

A. Not altogether.

Q. I understood you to say, in your examination, that you approved of it?

A. No. I said I approved a good portion of it, and that it was not open to the objections to the first speech.

Q. What was in the last speech to which you objected?

A. I objected to what I supposed to be a general sympathy with those opposed to the republican party.

Q. Give us some single thing in that speech to which you objected?

A. I do not recollect.

Q. I want to see how you managed to get the control of appointments in your district?

A. I did not control a great many of them.

Q. Did you tell the President that you approved of his second speech to the Johnson club?

A. Part of it, I did.

Q. Did you tell him you approved the whole of it?

A. I did not.

Q. Did you specify any part of it to which you dissented?

A. Not to my recollection.

Q. Did you not tell him that you approved of that speech?

A. Not all of it.

Q. Did you not say that you did not approve of his 22d of February speech because he denounced Mr. Sumner and Mr. Stevens, but that the speech he made subsequently you did approve of?

A. I do not think I told him so in that language. As near as I recollect, I

told him that the second speech was not open to the same objections which would hold against the first speech, in which he denounced men who held the same views as I did as "traitors at the other end of the line."

Q. Did you tell him you agreed with the Johnson policy?

A. Not in specified terms.

Q. Did you in substance?

A. My recollection of that is, that I approved of his fight so far as it was a personal fight, for the republican principles inside of republican lines.

Q. You told him that in that language?

A. As near as I recollect.

Q. Did you tell him that you disagreed with Congress, and did not approve of the course of Congress?

A. So far as personal denunciation of himself was concerned, I think I did.

Q. Well, in principle?

A. No, sir.

Q. Whom did you agree with at that time, Congress or the President?

A. At heart I agreed with Congress.

Q. In head whom did you agree with?

A. I was in what the Methodist preacher denominated "an unenviable state of betweenity," as many other men were at that time.

Q. You were a little unsettled in your political mind at that time?

A. I have not said I was.

Q. You say you were in a state of "betweenity?"

A. Yes, between the President and Congress.

Q. You did not know exactly which you were with?

A. I did know exactly which I was with.

Q. Which were you with?

A. I did not exactly know where he was.

Q. Where were you?

A. As I tell you, I was at heart with Congress. I had hoped, as Secretary Stanton and the Attorney General, and many others hoped, to unite the conflicting interests inside of the republican party, and therefore I took no stand either way.

Q. Whom did you represent to the President that you agreed with?

A. I do not recollect that I said with whom I agreed.

Q. Were you dealing entirely frank with the President, or were you trying to deceive him?

A. I was not trying to deceive him.

Q. Then you dealt perfectly frank with him?

A. That is a hard question to answer—a very hard question.

Q. You can answer it as you please.

A. I must answer that question by saying that, taking the President's statement as he made it to me as the truth, I was inclined to side with the President.

Q. Taking into consideration both his speeches?

A. No, sir, not his first speech.

Q. Had the President backed out of either of his speeches to you?

A. He asked me what I objected to, and I frankly said I objected to his denunciation of those men as "traitors at the other end of the line."

Q. Did he back down on his first speech at all?

A. There is not much back down about him. I do not know that he did.

Q. Did he take back anything that he said in that speech, in order to get your good will?

A. He did not. He is not likely to take back anything.

Q. You rather agreed with the President in the views expressed by him in the 22d of February speech and the other speech?

A. No, sir; the speech of the 22d of February had my unqualified reprobation.

Q. He had made both speeches?

A. He had.

Q. And in view of both those speeches you still agreed with the President, did you not?

A. That is a hard question to answer.

Q. Did you not represent to him that you agreed with him in all these things?

A. Leaving outside of the question his 22d of February speech, and taking his statement to me that he was fighting for republican principles inside of the republican party, I was inclined to side with him.

Q. The principles enunciated in that second speech you agreed with, did you?

A. No, sir.

Q. Did you not agree with both of those speeches, so far as they enunciated any principles?

A. No, sir; I only submitted to the second speech, and did not find any special objection to it, because I thought I could reconcile it consistently with the republican faith which I possessed.

By Mr. BOUTWELL:

Q. To what office was Dr. Craven appointed?

A. To the office of postmaster at Newark.

Q. Was Dr. Craven a man of any public fame in his course during the war either for or against the government?

A. I never heard of him in any other capacity than as Jeff. Davis's physician I always thought it was that which gave him the office.

By Mr. ELDRIDGE:

Q. In recommending the men whom you got appointed to office, did you recommend them as agreeing with Mr. Johnson?

A. These men had been, as I had been, and expected to be, radicals. We agreed with Mr. Johnson so far as he stated that he was of the same faith as us, but that he was having a personal quarrel for precedence inside of the republican party.

Q. Did you represent those men to Mr. Johnson as agreeing with him in politics?

A. No further than I have just stated.

Q. Was that all the recommendation that you made of them?

A. All that I recollect.

Q. And that was satisfactory to Mr. Johnson?

A. It did not seem to be, for none of them got the offices.

Q. Did you not succeed in getting appointments for them?

A. I believe I got two village postmasters relieved after that, but not one of those appointments was made. The President nominated Brigadier General Carman for the Newark postmastership, and the Senate confirmed, but he was never permitted to use his commission, and the office was given to Dr. Craven.

Q. Was General Carman appointed on your recommendation?

A. Yes, and on Mr. Cooper's saying that he knew him in Tennessee.

Q. Did you recommend him as agreeing with Mr. Johnson's policy?

A. I recommended him as a soldier. All these men—Carman, Gregory, and Halstead—were soldiers.

Q. Then the President did not insist, as you say he did, that they must agree with his policy?

A. I think that was also understood.

Q. Then you recommended those men as agreeing with his policy?

A. I do not know that I did.

Q. Then that was not a *sine qua non* with Mr. Johnson?

A. The understanding was that it was a *sine qua non*.

By the CHAIRMAN:

Q. How did the President get the knowledge that these men were to sustain his policy in return for the appointments?

A. One of the candidates was required to state so in writing. I think Gregory so stated in writing.

Q. What did he state?

A. He stated that he sustained Mr. Johnson's policy.

Q. How did the President acquire a knowledge of that fact in reference to the others?

A. I think it very likely that Mr. Carman told Mr. Cooper so. They were in confidential relations, having known each other in Tennessee.

By Mr. ELDRIDGE:

Q. Did not you recommend him?

A. I also did.

Q. Then Mr. Johnson had the assurance that these men agreed with him in policy?

A. In one way or other he had, either through Colonel Cooper or directly to himself.

Q. Did you write any letters to the President about that time recommending anybody.

A. I think I did.

Q. What person did you recommend by letter?

A. I recommended the appointment of John Smith, who endorsed the President's policy in writing. He never got the appointment he was looking for—collector for the first district of New Jersey.

Q. Did you state in that letter that John Smith agreed with the president in policy?

A. I think I did not, but I am quite confident that Mr. Smith in his letter endorsed the President's policy.

Q. Did you write any other letters to the President at that time?

A. I may have done so. I do not recollect.

Q. Do you recollect any other person whom you recommended?

A. I recommended this General Carman, but not in writing. I recommended Mr. Goldsmith for the postmastership at Camden. His name was sent in by the President, but he was not confirmed by the Senate.

Q. Did you recommend him as being in favor of Mr. Johnson's policy?

A. I think not, but he recommended himself in that way. He had been a soldier, and heartily approved the President's policy.

Q. This other village postmaster whom you recommended, what was his name?

A. His name was Fowler. He was an applicant for a small post office at Haddonfield, New Jersey.

Q. Did you recommend him in writing?

A. I do not think I did. He himself had a letter to the present Postmaster General that he was "sound on the goose."

Q. Did not you endorse those letters?

A. I think not; it was not required of me.

Q. Do you say that you wrote no letters to the President recommending persons to office because they supported his policy?

A. I may have done so, but I do not recollect. I did, in his presence, recommend Smith, who had signed a letter stating that he sustained President Johnson's policy.

Q. You understood that the President had a distinct policy?

A. Yes, but I did not know what it was.

Q. You did not understand it was the policy enunciated in the two speeches to which you have referred?

A. The speeches conflicted with themselves. In the first one he denounced all the men who thought as I did as "traitors at the other end of the line." The second speech contained no such language.

Q. Did he not state his policy in that speech more expressly and emphatically than in the first?

A. If he did, I do not recollect what that policy was.

Q. Then you did not know whether you did agree with the President's policy?

A. I am not right certain that he knew himself what he meant.

Q. Were you right certain that you knew what you meant?

A. No, I was not. Things were much mixed at that time.

By the CHAIRMAN:

Q. You say that none of the applicants recommended by you were appointed, save one?

A. General Carman received, after much delay and trouble, his commission; but Mr. Randall telegraphed him to send back his commission, and Jeff. Davis's friend, Dr. Craven, got that place.

Q. I asked you whether there was more than one person who was recommended by you appointed by the President?

A. Carman and Goldsmith were appointed by the President. A postmaster at Cape May and a postmaster at Haddonfield were also appointed.

Q. It was the agreement between you and the President that you should control the President's patronage in your district on condition that you supported the President's policy?

A. It was so distinctly understood.

Q. Now state distinctly how that understanding was brought about.

A. We had conversations with Colonel Cooper; and it is due to the President to say that he generally referred us to Colonel Cooper, who managed this office-giving machine. The conversations were chiefly with him.

Q. State precisely what was said by you and by Mr. Cooper, which resulted in the understanding that you were to control the patronage in your district in return for your support of the President's policy.

A. I do not recollect the exact language that was used, but I do remember most distinctly that, in repeated conversations with Colonel Cooper, that was the understanding—that nobody should be recommended by me that did not support the President's policy. Nor would he appoint anybody that did not support the President's policy; and most of the applicants wrote letters to the effect that they would. I cannot recollect the particular times or the precise language, but I am clear as to the fact.

Q. I want to get to the fact as to when it was demanded that you should agree to support the President's policy, and that, in return for that promise on your part, you were to control the Executive patronage in your district.

A. I do not recollect the terms of any such agreement, nor do I remember the language which Cooper then used. I simply remember that I called upon him in company with the applicants, and that they assured him of their support of the President's policy. My impression is, that the reason why General Carman did not get the position after being confirmed by the Senate was, that it was thought that he was not sound on the President's policy. He never did get hold of his office.

By Mr. ELDRIDGE:

Q. You say now that you did make such an agreement as that with the

President and Colonel Cooper, that you were to control the offices in your district on condition that you would sustain the President and his policy?

A. That was the understanding, chiefly with Mr Cooper.

Q. Now tell the Committee what policy of the President you agreed to support.

A. We were assured that the policy of the President was the policy of Abraham Lincoln in regard to restoration, and that Mr. Johnson (he so informed me himself) was carrying out the policy of Mr. Lincoln. What that policy was I do not at this time distinctly remember.

Q. Was that the policy which you agreed to support?

A. That was the policy as I, at that time, understood it.

Q. Were you not supporting that policy before?

A. Yes, what I understood to be that policy.

Q. Did you agree with the President to change your course of policy in any regard?

A. I did not agree with the President to change my conduct in any regard whatever.

Q. He did not ask you to do so?

A. He at that time satisfied me that his policy was the policy of Abraham Lincoln. I have had occasion since to change my mind.

Q. Then the President only required of you to support a policy such as was Abraham Lincoln's?

A. Such as he stated was Abraham Lincoln's.

Q. Did he state to you what it was?

A. I do not know that he did.

Q. Then you went into an agreement to support a line of policy without knowing what that policy was; do you mean to be so understood?

A. It was the understanding that I was to support the President's policy. Up to that time there had been no distinct issues between Congress and the President, for this was before the Constitutional amendment was proclaimed as the ultimatum of Congress.

Q. You did not understand that there was any real difference at that time between the President and Congress?

A. There was no vital difference which would divide the republican party.

Q. Then what did the President want you to support?

A. You may ask him.

Q. You made the bargain; did you not know what it was?

A. I agreed to support that policy as long as it was the policy of Abraham Lincoln. When the Constitutional amendment became an ultimatum, I abandoned the field, and let Mr. Johnson take his offices.

Q. Specify, if you can, what bargain you did make with Mr. Johnson, if you made one.

A. I cannot specify that bargain, because there was no vital difference between the President and Congress.

Q. The President and Congress really agreed at that time?

A. I did not understand that there was any essential or vital difference between them.

Q. Then you did not understand at that time that the policy of the President differed from that of Congress?

A. I did not understand that I violated any principle whatever.

Q. Did you understand that you agreed to support any policy different from the policy of Congress?

A. The only way that I can answer that question is, as I have already answered it, by saying that I agreed to support what I regarded to be the policy of Abraham Lincoln. What Mr. Johnson's understanding of that policy was I cannot answer.

Q. Did you agree to support any policy different from that which Congress was pursuing?

A. I never agreed to support any policy different from that which Congress was pursuing.

Q. Did the President require you to agree to anything else?

A. He required us to sustain his policy. At that time we were ignorant of what that policy was.

By the CHAIRMAN:

Q. Did you ever converse with the President in reference to the adoption or rejection by the States of the Constitutional amendment submitted by the Thirty-ninth Congress to the States?

A. Not with the President directly.

Q. Were you not referred by the President to Colonel Cooper as the person who had charge of the offices?

A. I was; he told me repeatedly to see Cooper.

By Mr. MARSHALL:

Q. Do you intend to state that the President referred you to Colonel Cooper for his opinions on the Constitutional amendment?

A. I said I had no conversation directly with the President in regard to the Constitutional amendment. In reference to the matter of offices he repeatedly said, "see Cooper."

Q. I want to know whether you intend to be understood as stating that the President referred you to Colonel Cooper for the President's opinions in reference to the Constitutional amendment.

A. The President did not so refer me, but I understood Colonel Cooper to represent the President authoritatively on all those subjects.

By Mr. THOMAS:

Q. Did you understand that from the President himself?

A. Not in reference to the Constitutional amendment.

Q. But as to what his policy of government was?

A. Yes, sir.

Q. Did you from the President learn that Colonel Cooper was authorized to explain to you his policy and wishes about public affairs?

A. I did so understand it more than once.

By Mr. MARSHALL:

Q. Was that in reference to the Constitutional amendment?

A. It was in reference to all matters connected with his policy, and in reference to those offices.

Q. Was that before or after the Constitutional amendment came up?

A. It was about that time; I do not recollect distinctly whether it was before or after that I had a conversation with Colonel Cooper in reference to that amendment.

Q. You have spoken of the President referring you to Colonel Cooper for the President's opinions of policy; was that in the conversation to which you referred when you called upon him and made this arrangement, or at what time was it?

A. More than once, prior to the time of the Constitutional amendment and about that particular time. I was here off and on nearly every day. I anticipated being a candidate for Congress in my district.

Question repeated.

A. I did not have such conversation.

Q. You have stated that you understood from the President that you were to

have interviews with Colonel Cooper in order to ascertain the President's views of public policy?

A. That was my understanding, that in reference to such matters Colonel Cooper was to speak authoritatively. The Secretary of State also told me the position of the government in reference to the Constitutional amendment.

Q. How was it that you had this understanding with the President that Colonel Cooper would represent him in relation to the Constitutional amendment. Out of what did that understanding spring?

A. My frank answer to that question is, that I think the President began to suppose that I was not going quite so far as he wished me to go; in other words, he was growing suspicious of me, and then he referred me to Colonel Cooper in reference to all those subjects, and I went to Colonel Cooper.

Q. Did he refer you to Colonel Cooper with reference to the Constitutional amendment?

A. My direct answer to that is, that I do not recollect whether I ever distinctly spoke to the President of the question of the Constitutional amendment, because his office was constantly surrounded with all sorts of people, and I was not in the habit of waiting there for five or six hours; and when he referred me to Colonel Cooper, I took that as a general reference, and used to run in and out to Colonel Cooper and give my opinions.

Q. You say that that was before the passage of the Constitutional amendment by Congress?

A. Yes, and about that time.

Q. Now state what Colonel Cooper represented to you as being the President's policy with reference to the Constitutional amendment.

A. I told him that I liked the Constitutional amendment. He asked me whether I would vote against the amendment. It will be recollected that my vote was the casting vote in the New Jersey senate. I told him I was prepared to vote for that amendment. After that I never received any favors of any kind from the administration.

Q. Had you received any before?

A. As I told you, I received appointments for two village postmasters, and the nominations of Mr. Carman and Mr. Goldsmith. Mr. Carman's commission was withdrawn, and Mr. Goldsmith's nomination was not confirmed.

By Mr. CHURCHILL:

Q. Had any appointments been refused you before that?

A. They were very liberal in promises, but not very liberal in fulfilling them.

By the CHAIRMAN:

Q. Did you have any interview with the President after your conversation with Colonel Cooper?

A. I had a conversation with the President, I think, on the very day that we got the news of the New Orleans massacre, at which I complained of Colonel Cooper making so many promises and never fulfilling any. He begged me to be patient, and that all would be right. That was my last visit to the White House. I will give you the reason why I changed front: About the 30th of July I met William H. C. King, supposed to be the editor of the New Orleans Times, and he informed me in reference to the "no usurpation" despatch directed to Attorney General Herron and Lieutenant Governor Voorhies. Mr. King showed me that despatch, and said he had suggested or dictated it, and that the President was with them; by which I understood him to mean that the President was with the men who approved or planned the New Orleans massacre. That was something which shocked the conscience of the North and my own conscience. I left Washington the next day, and asked no further favors from the President. I had no further communication with him, except after the Pennsylvania election, when I

telegraphed to him that he ought to stand by the Constitutional amendment, and renounce the democratic party as being false to him and false to the country.

Q. State whether this is the despatch to Attorney General Herron to which you allude; if so, read it.

A. This is the despatch; but my impression is that it was directed to Herron and Voorhies. I saw the despatch myself in the hands of King. It was a written despatch. It reads as follows:

EXECUTIVE MANSION,
Washington, D. C., July 30, 1866.

You will call on General Sheridan, or whoever may be in command, for sufficient forces to sustain the civil authorities in suppressing all illegal or unlawful assemblies which usurp or assume to exercise any power or authority without first having obtained the consent of the people of the State. If there is to be a convention, let it be composed of delegates chosen fresh from the people of the whole State. The people must be first consulted in reference to changing the organic law of the State. Usurpation will not be tolerated. The law and the Constitution must be sustained, and thereby peace and order.

ANDREW JOHNSON.

ANDREW HERRON, *Attorney General of Louisiana, New Orleans.*

By Mr. MARSHALL:

Q. Was it the day after you heard of the riot that you saw the despatch in Mr. King's hands?

A. It was that day or the day subsequent. It was the day after my arrival at Willard's Hotel, which was about the time of the New Orleans massacre.

By Mr. THOMAS:

Q. Do we understand you to say that this gentleman, King, told you that he prepared the despatch for the President?

A. My recollection of the language was, that he dictated or suggested that despatch. I then said, "Herron is a Union man," or words to that effect. He said, "Oh, no, you have got the wrong man," adding that Herron had been with them during the war. I supposed it be General Herron, whom I understood to be a Union man. This satisfied me, for the first time, that the President was not in accord, but in direct and distinct conflict with the republican party; and I felt that I had no further lot or part with him. I went home, resumed the practice of the law, and abandoned the practice of politics. To my recollection I have had no further communication with the President, except to send him a despatch long after that, in October, asking him to stand by the Constitutional amendment, and to abandon the democratic party, as I believed it false to the country and false to him. After I went home I wrote a letter to Governor Ward, suggesting that he should convene the legislature of New Jersey. The legislature was convened, and the Constitutional amendment was adopted by it.

Q. Did Colonel Cooper urge you to give your casting vote against that amendment?

A. He never did. He did inform me that it was no part of the policy of the administration to sustain that amendment, and he referred me to the National Intelligencer, which contained some article supposed to embody the views of the administration on that subject, and so did the Secretary of State.

By the CHAIRMAN:

Q. You say that Colonel Cooper did not request you to vote against the Constitutional amendment.

A. He never requested me in terms.

Q. Did he state to you that the amendment was not a part of the policy of the administration, and that the government was hostile to it?

A. I clearly did get that from him; and he referred me to the article in the

National Intelligencer, of the same day, I think, which did give the line of policy of the administration.

Q. Was that article the one that contained the amendment which was sent out to the associated press as the proposition of the President to Dixon?

A. I am not clear about that.

Q. Did Mr. Cooper, in any manner, express to you the desire that you, as a supporter of the President's policy, should vote against the ratification of the amendment, as a member of the New Jersey senate?

A. He did not, in direct terms. He never requested me to vote against it, but he was very anxious to know how I would vote on that question—giving me to understand that the policy of the administration was hostile to that amendment.

Q. Did he offer you any inducement to vote against the amendment?

A. It was clearly understood on his part and on my part that I should control the offices in west New Jersey, if not in the whole State, if I sustained the policy of the administration, including the defeat of the Constitutional amendment. It was on that that I divided with the administration.

Q. You commenced a statement with reference to something that the Secretary of State said to you in relation to the policy of the administration?

A. He said that Governor Ward would not call the legislature together, and that it was desirable to defeat the Constitutional amendment. I asked his advice about it, because I desired to have faith in what was left of Mr. Lincoln's administration, and I desired to run with the President if I could. For that reason I called on Mr. Seward with the honest intention to find out what I ought to do, and what his views were about it. He then said, in his jaunty manner, that the Governor would not call the legislature together; and he gave me to understand that the amendment would not be ratified.

By Mr. BOUTWELL:

Q. Did he make a statement as to whether it was the policy of the administration to defeat the Constitutional amendment?

A. He gave me to understand that he desired its defeat.

Q. Did he make any mention of the President in connection with it in this conversation?

A. I do not think he did. He spoke for the government, for the administration, but did not mention Andrew Johnson.

By Mr. WILLIAMS:

Q. Had you any correspondence or conversation with the President in relation to the election of a United States Senator from the State of New Jersey?

A. I desire to say, on the contrary, that Mr. Johnson in no way, directly or indirectly, influenced my action in reference to the election of a United States Senator.

Q. That is not the question I put to you. I desire to know whether you have ever had any correspondence or conversation with Mr. Johnson on that subject.

A. No, sir. The newspaper fabrications about that were sheer falsehoods. There was not a word of truth in them. I did not go near the President until after the legislature had adjourned.

By Mr. MARSHALL:

Q. You used, I think, this language: that it was distinctly understood that you were to have control of the offices in your district, and that on your part you were to support the policy of the President; that there was an arrangement of that kind.

A. I so said.

Q. That was the understanding that you had from conversations which you

had with Colonel Cooper, and with the President also. State distinctly what the President said to you on that subject.

A. President Johnson did not, in terms, ever make any such agreement as that with me. When we were in his room he sent for Colonel Cooper, and referred those credentials to him.

Q. What credentials?

A. The credentials of the first applicant for office. The President desired him to give us an answer that day, but Cooper put us off until some future day; and after that time the President referred us always to Colonel Cooper.

Q. State distinctly what the President said and did.

A. He said: "Cooper, take these recommendations and look at them," and he told us he would give us an answer at 3 o'clock; but when we came, Mr. Cooper said that the matter was postponed until Monday. The President said nothing more.

Q. State distinctly what the President said to you, and all that he said to you, and not what anybody else said, in reference to those appointments and to any arrangement with you.

A. He first said that he was anxious to fight this fight out inside the Union lines, and he said he would appoint no democrats to office, but only men who had voted for Lincoln and Johnson, and who would sustain the policy of the administration.

Q. Did he say anything else to you in reference to making an arrangement with you?

A. I remember no other language on his part in that regard.

Q. Than that which you have now repeated?

A. I remember nothing else, except when he referred me to Colonel Cooper.

Q. That was in reference to appointments?

A. Yes. I have already said he called Colonel Cooper into the room and gave him the recommendations.

Q. Was not that the ordinary course of disposing of applications for office presented to him?

A. I am not familiar with his ordinary course. It was not so with Mr. Lincoln. He made his own appointments.

Q. Do you understand that the reference of papers applying for an office by the President to his private secretary is a proposition to make a bargain?

A. Of course I do not.

Q. I understood you now to say that the language which you have now repeated, in answer to my former question, is all that the President said to you on the subject?

A. It is all that the President said in terms to me. I have given you all the President's language. The President said nothing further, in terms, to me. When I complained of the tardiness of Cooper, and suspected that he did not mean to play fair with me, the President always referred me to Cooper, and said that Cooper had that matter in charge, and I so understood it—referring to these appointments.

Q. If I understand you correctly, the President never did say anything to you in reference to making a bargain with you for your support of the administration?

A. He never made any bargain with me.

Q. And he never said anything to you about making a bargain with you in reference to it in any way?

A. On the contrary, he referred the matter in relation to the offices to Colonel Cooper entirely.

Q. In reference to appointments?

A. In relation to the whole question.

Q. What question did you bring up—the question of selling out to him?

A. No, sir. I am not in the habit of selling out to anybody.

Q. Did the President refer to Colonel Cooper anything except your application for those appointments?

A. In precise terms he did not.

Q. What do you mean by using that language, "in precise terms?"

A. I had reason to believe that Colonel Cooper was authorized by the President to act on his own responsibility in reference to the matter of giving office to those who sustained his administration.

Q. But you have stated in answer to my former questions all that the President said to you on that subject?

A. Directly. Yes, I have; all that I recollect.

Q. Well, what did he say indirectly?

A. Nothing more than when this question was under discussion he called Colonel Cooper into his private room and handed him the credentials and referred the whole matter to him.

Q. What question was under discussion?

A. The question had been discussed in reference to giving offices to those who sustained the administration, and to none others; to men inside the republican party who had voted for Lincoln and Johnson, and who at that time supported the policy of the administration. He referred the whole matter then to Colonel Cooper. Colonel Cooper took the papers; and at subsequent interviews, when I complained to the President of the delay in making the appointments, he said, "see Cooper."

Q. You say he referred the whole matter of these applications to Mr. Cooper?

A. Yes; and the general subject.

Q. What was the language of the President?

A. It was, "Mr. Cooper will take those papers and I will give you an answer at 3 o'clock." I do not recollect anything but those words. Colonel Cooper postponed it until some future time, and we did not get the answer at 3 o'clock.

By Mr. THOMAS:

Q. Do you mean to say, in your answer to Mr. Marshall, that on no other occasion the President used to you any other language than that which you now detail?

A. I do not mean to say that. Being a republican, and desiring to do what I considered my duty, I wrote to the President about the time of the Constitutional amendment, and got an answer from Mr. Cooper, which I think I have at home, stating that the President would see me if I called. My recollection is (there were so many interviews that it is impossible for me to be correct) that at that time the President referred me to Mr. Cooper, and Mr. Cooper gave me to understand that the administration was adverse to the Constitutional amendment.

Q. Can you state the contents of the letter which you addressed to the President?

A. I cannot give you the exact words, but it was something like this: "I am desirous of getting the opinion of the administration in reference to the Constitutional amendment, as its ratification in New Jersey depends upon my vote." This was after the legislature had adjourned. The Constitutional amendment had not taken shape until after the 6th of April, when our legislature adjourned. I received an answer to that from Colonel Cooper, and I came to Washington.

Q. State what the President said at that interview?

A. My recollection of it is that when I went in there was a crowd there, and the President told me to see Cooper. I do not think he said anything more or anything less. My impression is that the crowd was in the President's room at that time.

Q. You stated to the President that you had called in pursuance of the note which you had received from Colonel Cooper, or you gave him to understand that?

A. Yes; I do not think he had any doubt about that. It is barely possible that my first note may have been addressed to Colonel Cooper instead of to the President, stating to Mr. Cooper that I wished him to inform the President that I would be there at such a time, and the answer came from the President through Cooper.

Q. State what you said to the President on that occasion.

A. In general terms I said that I came down to get his opinion on the constitutional amendment.

Q. What was the President's language in reply to that?

A. It was either "see Cooper" or "I refer you to Mr. Cooper on that question." He did not directly say one word about it himself.

Q. He referred you to Cooper?

A. Yes; as he did at other interviews.

By the CHAIRMAN:

Q. Did you have any other subject to present to the President on that occasion?

A. The general subject that afflicted me then was as to getting some of those office-holders out and some of my friends in.

Q. At that interview did you say anything to the President about those offices?

A. My impression is that I did. One subject generally went with the other. The offices were pretty prominent in my mind.

Q. Then you mentioned both the subject of the Constitutional amendment and of the offices to the President on that occasion?

A. Such is my recollection.

Q. And in reply he said, "see Mr. Cooper?"

A. That is my recollection distinctly.

Q. When you called on Mr. Cooper, state what you said to him, and what he said to you with reference both to the Constitutional amendment and to the appointments.

A. My impression is that I began the subject in reference to the offices, and said to him, "Why are not those appointments made." He informed me that Senatorial confirmation was necessary, and that there was no need, therefore, of great haste. He gave me to understand that the removals which I asked for would be made. That is all that I remember in relation to the offices.

Q. What did you say to Colonel Cooper?

A. I read him the letter which I had addressed to Governor Ward on the 4th of July, asking the Governor to convene the legislature to ratify the Constitutional amendment. Colonel Cooper disapproved of the publication of the letter, and then suggested that if I desired to know the policy of the administration in that regard I should consult that day's issue of the National Intelligencer. That is all that I remember.

By Mr. BOUTWELL:

Q. Can you state any more definitely the contents of your letter to the President of the 13th April, 1866, or have you any copy of that letter?

A. I never keep copies of my correspondence. My letter was very brief, stating that I desired an interview.

Q. Did you state any particular business on which you desired to see the President?

A. I think not, sir.

WASHINGTON, D. C., *Tuesday, May* 28, 1867.

ROBERT MORROW sworn and examined.

By Mr. BOUTWELL:

Q. Are you private secretary to the President?

A. I am assistant private secretary.

Q. Have you, at any time, had in your possession or control any bonds, State or railroad, or coupons of such bonds, belonging to President Johnson?

A. I never had in my possession or control any such bonds. Coupons of such bonds have passed through my hands to the bank.

Q. Of what bonds were they coupons?

A. Of some bonds of the Nashville and Chattanooga Railway Company, endorsed by the State of Tennessee; one of the Tennessee and Virginia Railway Company, endorsed by the State of Tennessee, and State bonds of Tennessee. I believe that is all.

Q. At what bank were they delivered?

A. The coupons were taken to the First National Bank of Washington, D. C. for collection in New York, at the agency there.

Q. Do you recollect the amount of the coupons of the Nashville and Chattanooga railroad?

A. No, sir; I do not recollect the number of bonds. No interest has been collected on the bonds for a long time, I think from the commencement of the war. There were quite a number of coupons, and that confuses my memory as to the number of bonds.

Q. Do you recollect that there were coupons of bonds of any other railroad company?

A. No, sir.

Q. When were those coupons delivered to the First National Bank?

A. I think in June or July, 1866.

Q. Were any of the coupons more recent than that?

A. There were some of them due on the 1st of July, but I do not think they were paid then. I think I left them, and that they were paid afterwards.

By Mr. WILLIAMS.

Q. You say there were some Tennessee State bonds. Do you know whether they were bonds that were issued to railroad companies in that State?

A. They were not. So far as I recollect now, I think that the State bonds and railroad bonds both bore endorsement to Andrew Johnson, dated some time in 1853. I think they all do. Most of them do, I am certain. They are endorsed by the officer of the bank in Nashville, Cave Johnson, in 1853, '54, and '55.

By Mr. ELDRIDGE:

Q. Where did you get the coupons?

A. I got them from the bonds to which I refer.

Q. Do you recollect the whole nominal amount of the coupons you deposited?

A. No, sir; I do not. I think it was between $1,000 and $2,000.

Q. You do not recollect the number or denominations of the railroad bonds?

A. I think the whole number of all the different bonds is 30—that is $30,000. I do not know whether they are all $1,000 bonds or not.

Q. You do not know how many of them were State bonds?

A. No, sir; I do not.

Q. Can you state whether there were more of them than there were railroad bonds?

A. No, sir; I cannot state that either.

Q. Those coupons were the coupons of several years?

A. Yes, sir; running back, I think, until July 1, 1861.

Q. Did the coupons on all the bonds run back to 1861?

A. Yes, sir; so far as I recollect.

By Mr. BOUTWELL:

Q. Did not the State of Tennessee pay the interest on its bonds during the war?

A. I do not know whether it did or not, but those coupons had never been detached from the bonds, or collected; and this back interest, I may state, was paid, not directly, but by funding. The State paid the interest on the State bonds as well as on the railroad bonds. They were endorsed by the State, and the interest was paid by it.

By Mr. ELDRIDGE:

Q. Do you know whether the President had held those bonds for several years?

A. I do not know it, but I know that on them is an endorsement or transfer signed by Cave Johnson, who was an officer of one of the banks of Nashville in 1853, '54, and '55. The date of transfer was about that time.

Q. That is as to the railroad bonds?

A. I think as to all of them, State and railroad. I have not seen the bonds since that time nor before.

Q. The bonds were given to you by Mr. Johnson?

A. Yes, to detach the coupons, and collect the interest the best I could for him.

By Mr. LAWRENCE:

Q. Were they the property of the President?

A. I suppose so.; he gave them to me.

By the CHAIRMAN:

Q. What amount of those bonds bears the endorsements of 1853, '54, and '55?

A. My impression is that they all do, but I may be mistaken. I can get the bonds to look at them, and can give positive testimony in regard to the matter. I have seen them only once, and then but for a short time.

By Mr. BOUTWELL:

Q. Do you recollect giving to Mr. Warden a copy of the despatch received from General Sheridan, dated August 1, 1866?

A. I do not recollect giving to Mr. Warden a copy of any despatch. I remember allowing him to look over some despatches and take from them ome information.

Q. Look at the despatch, on page 472 of Congressional document, "Riots in New Orleans, 1866," directed to General Grant, signed by General Sheridan. Read it and see if you have any recollection of that despatch.

(The despatch is as follows:)

NEW ORLEANS, *August* 1—1:30 *P. M.*

General U. S. GRANT, *Washington*:

You are doubtless aware of the serious riot which occurred in this city on the 30th. A political body, styling itself the convention of 1864, met on the 30th, for, it is alleged, the purpose of remodeling the present constitution of the State. The leaders were political agitators and revolutionary men, and the action of the convention was liable to produce breaches of the public peace. I had made up my mind to arrest the head men, if the proceedings of the convention were calculated to disturb the tranquility of the department; but I had no cause for action until they committed the overt act.

About forty whites and blacks were killed, and about one hundred and sixty wounded. Everything is now quiet; but I deem it best to maintain a military supremacy in the city for a few days, until the affair is fully investigated. I believe the sentiment of the general community is great regret at this unnecessary cruelty, and the police could have made any arrest they saw fit, without sacrificing lives.

(Signed) P. H. SHERIDAN,
Major General Commanding.

A. What I remember in reference to that despatch of General Sheridan is this: Mr. Warden was in the room of the President when I was called by the President to see him. The President told me to allow Mr. Warden to look over the despatches from General Sheridan and other parties in reference to the New Orleans riots, and give him such news out of them as in my discretion I thought best. He was in my office afterwards with me, and we read over together all of the despatches received in reference to it. I believe he said that all but one of the despatches (which one I cannot tell certainly) had been published, but that that one he would like to have as a matter of news. I told him that he could take the facts mentioned in that despatch and publish them. I cannot further define that despatch in my mind than to say this, that I was surprised, a day or two after that interview between Mr. Warden and myself, to see a despatch published in his column in one of the newspapers, purporting to be a copy of the despatch of General Sheridan to General Grant. I had given him no copy, nor did I suppose that he would publish it as a copy. I had given him the despatch, and suggested to him what I thought it discreet for all concerned—General Sheridan, as well as others—to have published. That part was published, but it was published as a *verbatim* despatch, and it surprised me. I recollect there was some public discussion in the newspapers in reference to it. I expressed to him, a few days after, my surprise at the form in which it appeared. I had given him no *verbatim* copy, but had simply shown him the despatch, telling him what I thought it was discreet to publish. My own recollection was that I desired him to take the facts as given; but I did not think it best, until all the facts were known, to publish any comments made by official persons on the subject.

Q. Do you mean to say that you put the despatch into his hands, and that he took from it and used it in making up his despatch?

A. My recollection is that Mr. Warden and I sat down at a table together, and looked over all the despatches until we came to this one. He wanted to publish that just as it stood. I told him that he might take the facts out of it, and might state that a telegram had been received from General Sheridan stating those facts, but that there were certain comments in the despatch which, in view of the fact that General Sheridan had but just arrived there, and that the whole matter would be published at last, had better be withheld until a full report of all the facts of the case had been received.

Q. Can you identify the despatch referred to in a previous question as the despatch which was the subject of conversation?

A. I cannot swear that it is the same despatch; but I know that I did recollect it as being the same despatch, at the time it was published, which I had shown to Mr. Warden.

Q. In the same volume, page 352, is found what purports to be a true copy of the despatch as it was actually received, and which compares with that on page 472, with the exception that it contains these words additional: "In the mean time official duty called me to Texas, and the mayor of the city, during my absence, suppressed the convention by the use of their police force, and in so doing attacked the members of the convention and a party of two hundred negroes, and with fire-arms, clubs, and knives, in a manner so unnecessary and atrocious as to compel me to say that it was murder." Have you any knowledge of any fact or circumstance which explains the omission of that sentence from the despatch which Mr. Warden transmitted to the New York Times?

A. From the fact that this is a telegram out of which something is left, and from the fact that the discussion in the public newspapers was had at the time in relation to part of a despatch being left out, I should say that this is the despatch referred to. My reason for suggesting to Mr. Warden to omit that sentence in his publication was, that the matter had been left to my discretion, and I believed it best for all concerned that those things which were not stated

as evidently coming within the General's knowledge had better be withheld till all the facts were known. I had no idea, however, that it would be published as a copy of the despatch—as a *verbatim* copy, or as an extract—but merely as the substance of a despatch received by General Grant and the President from General Sheridan.

By Mr. THOMAS:

Q. Can you mention any instance in which you ever before omitted to have published a despatch entire when any part of it was published?

A. No, sir.

Q. You have stated that you were unwilling to publish opinions until all the facts of the case were well ascertained, and that, on that account, you desired this sentence to be omitted?

A. I said I deemed it best for General Sheridan and all concerned that that portion of the despatch which was not given as facts proven, and which I believed would not be proven in the end, should be omitted.

Q. I find the sentence omitted to read thus: [quoting it.] Is not that a rehearsal of facts?

A. I believe so; but I have given my idea that I did not believe that the statement would be carried out by investigation.

Q. Other parts of this despatch contain similar statements of facts; why did you allow them to be published?

A. I suppose, from looking at those two despatches, that I deemed it best, in the exercise of the discretion given me, to have only this much of the despatch published. The part omitted I did not believe would be sustained by investigation, and I deemed it best, for General Sheridan's sake, and for the sake of the people, not to have it published. I did not tell Mr. Warden to omit any part at all, but I suggested to him the propriety of doing so, in which suggestion he acquiesced.

Q. Then you are more comprehensive than in the first instance; you not only suggested to him to omit opinions but to omit facts also?

A. I did not authorize him to omit anything. I suggested to him that it would be better not to telegraph that portion of the despatch.

Q. Why did you think it better to withhold those facts and allow other facts to be published?

A. For the reason that I did not believe that this statement would be carried out in the full investigation, and because the facts stated seemed to have taken place during General Sheridan's absence.

Q. Why did you suppose that those facts would not be finally sustained by evidence, any less than other facts mentioned in the telegraphic despatch?

A. I supposed so from all the correspondence that had been received at the President's office in relation to it.

Q. State any fact that led you to suppose so.

A. All the correspondence received at the President's House has been published. There were despatches from the Attorney General and the Lieutenant Governor of Louisiana, and other prominent citizens of the State.

Q. You founded your opinion on nothing but the publications which the public generally has seen; you had no private reasons for believing that those facts would not be sustained?

A. No, sir.

By Mr. BOUTWELL:

Q. Do you recollect distinctly that Mr. Warden saw the original despatch? May it not have been that you read to him from the despatch, and that he took down the words in short-hand or otherwise?

A. My recollection is distinct that Mr. Warden knew all that was in the

despatch. Whether I read to him or he read with me I do not recollect; but my recollection is distinct that he knew all that was in the despatch, because I talked to him about the propriety of its publication.

Q. You feel sure that he had knowledge that this sentence, omitted from the Times's report, was really in the despatch?

A. Yes, sir.

Q. Did you have any directions from the President in relation to that despatch, or in relation tot he despatches received from New Orleans as a whole?

A. He gave me all our despatches as a whole, and told me I might give to Mr. Warden for publication such news out of them as, in my discretion, I deemed best.

Q. He gave you no directions as to any part that should be omitted from Sheridan's despatch?

A. None.

Q. Nor did he suggest to you the topics which should not be placed before the public?

A. No, sir.

Q. You mean to say that it was merely your own judgment that this particular sentence had better not be published?

A. Yes, sir. I knew at the time, or at least I believed, that all the correspondence in relation to it would be published.

Q. Did you feel that you had authority to withhold a portion of an official despatch?

A. I felt I had a right to give to Mr. Warden such portions of the despatch as news—not as extracts or copies—as I might see fit.

Q. It was your expectation that Mr. Warden would not give to the public a literal copy of the despatch?

A. I did not suppose so, and was surprised when I saw it published as such, and when I saw the mistake that was made, and the erroneous impression that was conveyed to the public.

By Mr. ELDRIDGE:

Q. What was your general habit as to giving news to Mr. Warden and other newspaper correspondents: did you take the telegraph book and read such portions as you desired published, or did you let him read over the despatch and take such portion as he pleased?

A. I cannot recall the manner of his taking it, whether he took the book or whether I read to him.

Q. Was he in the habit of coming to you for telegraphic news previous to that time?

A. No, sir; I do not recall any instance where he had been to me before that time or since. It is not a part of my duty to keep the telegrams.

Q. Who did have charge of the telegraph book?

A. Colonel Wright Rives has charge of the telegrams. My own remembrance is that Warden knew all the contents of the despatch. As to the specific manner in which that knowledge was conveyed I cannot say, but I think it was from reading the whole of it.

Q. In the sentence omitted there is a charge of the crime of murder on certain parties. Did that have anything to do with your coming to the conclusion that it should not be given to the public?

A. That part of the telegram conflicts, as it seemed to me, with other parts of it, and also conveyed to my mind at the time (perhaps a wrong impression) that General Sheridan did not make as positive a statement in regard to that portion as in regard to other portions. Besides, I did not think that the circumstances of the case would bear out that portion of the despatch. It was not given to Mr. Warden for publication, but merely for the object of affording him an opportunity to get at the facts.

Q. You knew him to be simply a gatherer of news?

A. Yes, sir.

Q. And you gave it to him as a gatherer of news?

A. Yes, sir.

Q. Had the President directed to you in any manner what portion of that despatch should be given?

A. No, sir.

Q. Did he know at the time what portion you had concluded to give?

A. No, sir. I did not see the President in relation to it after Mr. Warden got it.

Q. Had you and the President talked over that despatch, so as to get his opinion?

A. Not as to that particular despatch. I asked him in relation to all the despatches, whether I should give them all, and he told me to use my own discretion.

By Mr. WILLIAMS:

Q. Did you not state that the President had left it with you to say how much of that despatch should be given to the public?

A. The President gave me the despatches and told me to give Warden such news from them as I deemed best to go to the public.

Q. Did you entertain the opinion, at that time, that the contemplated assembling of the convention in New Orleans was an unlawful assembly, and that it should be dispersed?

A. So far as I could form any opinion, I believed that it was in conflict with the law.

Q. Did you in that view harmonize with the sentiment of the President of the United States?

A. I think so.

Q. Did he not know that?

A. I suppose so. I had not discussed the matter with him.

Q. Had you ever talked with him on the subject?

A. I do not think I had, but generally I have humbly agreed with him, and I suppose he concluded that.

Q. What part of the country do you come from?

A. Tennessee.

Q. Were you in the federal army during the war?

A. Yes, sir; I was in the army from the time I escaped from the rebel lines, in April, 1863, till the close of the war.

By Mr. ELDRIDGE:

Q. Were you colonel in the federal army?

A. I was captain during the war, and was promoted to a majority by Mr. Johnson after the war was over.

By Mr. WILLIAMS:

Q. Did you suppress any portion of the despatch of the Lieutenant Governor and the Attorney General of Louisiana, wherein they indulged in the expression of opinion, or did you allow their despatches to be published at length?

A. I had nothing at all to do with them. They had been already published at the time when this conversation took place between Warden and myself.

Q. You were not consulted about them?

A. No, sir; I ran over them, and he said they had been all published.

By Mr. THOMAS:

Q. Why did you not omit these words: "About forty whites and blacks were killed, and about one hundred and sixty wounded;" why did you allow this to be published and prompt the omission of the other statement in the despatch?

A. I do not see any reason why that was not published.

Q. Had you any reason to foresee that that statement would be sustained afterwards by testimony any more than the other statement?

A. No, sir. Taking into consideration all the circumstances of the riot, and the fact that the number killed and the number wounded could be obtained after the mob dispersed, I supposed that that was a probable statement.

Q. Was it any more probable than that which you omitted, as follows: "In the mean time official duty called me to Texas, and the mayor of the city, during my absence, suppressed the convention by the use of their police force, and in so doing attacked the members of the convention and a party of two hundred negroes, and with fire-arms, clubs, and knives, in a manner so unnecessary and atrocious as to compel me to say that it was murder."

A. That part which you have read was just as probable as the other. That the mayor of the city had used the police force I considered probable, because if he had not done so there would probably have been no collision; but that in so doing he used unnecessary violence, in so atrocious a manner as to be murder, I did not then believe.

Q. Below that there is an opinion of General Sheridan, as follows: "I believe the sentiment of the general community is great regret at this unnecessary cruelty." If you were suppressing one paragraph, out of consideration for General Sheridan, why not suppress the other?

A. One reason was in reference to its probable truth, and another reason was in reference to the state of the public mind at the time.

Q. General Sheridan gives another opinion: "The police could have made any arrests they saw fit without sacrificing lives." What reason had you to suppose that that would be sustained by subsequent disclosures more than the other opinions?

A. That was my judgment at the time.

Q. You have no special reason to assign for the difference of judgment?

A. None that is not in possession of other persons. I have stated, as clearly as I can, my reasons, and the discretionary power which I had in the matter.

By Mr. ELDRIDGE:

Q. Did you take much time to consider it, or did you act under the impulse of the moment?

A. I think the whole thing passed in five or ten minutes.

Q. Had you considered it before Mr. Warden came there?

A. No, sir; I do not think I had seen it before.

Q. You formed your judgment on the instant?

A. On the reading of the despatch at the time. I have been in the army, and have often found it very important to the community and to the government that a part of a despatch should be published, and a part of it suppressed; but in my connection with Mr. Johnson I have never been called upon to exercise any discretion of that sort in any important matter that I remember, except on this occasion—if it was important. The whole matter turned on the probable truth of the statements contained in the telegram. I believed that the final result of a full investigation would not justify the charge of unnecessary and atrocious murder.

By Mr. THOMAS:

Q. Why not have satisfied yourself with omitting the mere opinion of General Sheridan, instead of suppressing the facts on which that opinion was founded?

A. I do not suppose that I took into consideration at all the fact that a portion of the sentence might have been published without the whole of it being. I do not believe that I studied it carefully enough to think of that. I may just

have said to Mr. Warden that I did not think the statement would have been carried out, and that the sentence should be left out.

By Mr. MARSHALL:

Q. I understood you already to state that you did not authorize a verbatim publication of any part of it?

A. No, sir; nor did I suppose that Mr. Warden understood it as such.

By Mr. BOUTWELL:

Q. Do you know Mr. King, of New Orleans, who is connected with one of the papers there?

A. I know William H. C. King, of the New Orleans Times.

Q. Do you know of his being at Washington, at the Executive mansion, about the time of the New Orleans riots?

A. Without anything to refresh my memory, I cannot recall having seen him at that time.

By Mr. WILLIAMS:

Q. I wish you to state whether, on the facts presented in General Sheridan's despatch, you did not yourself come to the conclusion that the killing of these men was not murder, and whether that was not the reason why you suppressed that portion of the despatch?

A. No, sir; I do not think I formed a positive idea as to that.

Q. Was not that the inclination of your mind?

A. What I thought of the matter was, that the charge of atrocious and unnecessary killing would not be carried out by the full and impartial investigation of all the facts in the case.

Q. Was not that because you held the opinion that the dispersing of those men by force was a lawful act on the part of the public authorities?

A. You can account for it as well as I can. I admit that I believed the assembling of the convention illegal I stated that before.

Q Did you not entertain the opinion that it was not murder to kill those people, and that, if necessary for the purpose of dispersing them, any amount of violence might be used?

A. No, sir; I did not. I think that it is better sometimes to submit to a breach of the law than to cause so much loss of life.

By Mr. BOUTWELL:

Q. Did you, about the time those events were taking place at New Orleans, hear from the President any expression of opinion upon them, or upon the convention?

A. I have a general remembrance, without recalling any distinct words or conversation, of the President's position; and I may have implied what it was from his despatch to General Sheridan, sent after the receipt of the General's despatch, in which the President asked for certain information. That despatch I wrote at the President's dictation.

Q. Can you furnish the Committee with a copy of that despatch which you wrote at the President's dictation in reply to General Sheridan?

A. I do not know exactly that it was in reply to that, but I think it was sent after the receipt of General Sheridan's despatch. It is a despatch containing inquiries, asking the General to answer him on certain points.

Q. State what the views of the President were, as expressed to you.

A. I do not recollect any particular expression of his views to me in relation to the matter; but my general impression from what he said at the time is that he believed the convention to be an illegal body, and that it ought not to have assembled, and that it was the duty of the authorities to have used their influ-

ence and prevented its assembling. I cannot recall any remark of his in reference to the use of violence in prevention of its meeting.

By Mr. ELDRIDGE:

Q. You do not think that he was ever inclined to justify any violence of any sort?

A. I do not recall anything of that sort.

By Mr. THOMAS:

Q. Do you recollect that among the despatches sent by the President on that occasion was one to General Baird, directing him to sustain the civil authorities in their measures, the despatch being as follows:

To General A. BAIRD, *Commanding Department of Louisiana:*

You will not interpose any obstacle in the way of the civil authorities, but render whatever aid may be required by them for the preservation of the public peace.

The foregoing telegram is transmitted to you by order of the President.

E. D. TOWNSEND, *Ass't Adj't General.*

A. No, sir; I do not recollect such a despatch as that. It was probably dictated to General Townsend in a personal interview between him and the President.

Q. Do you recollect at this time whether the President knew that the civil authorities at New Orleans intended to use force to disperse the convention?

A. No, sir.

Q. Do you recollect having heard any conversation between the President and other persons, at that time, on that particular point?

A. No, sir; I do not recollect any expression on the part of the President indicating that he had any knowledge whatever of the intended use of violence in the suppression of the convention. I may state, further, that the President mentioned, after the news that the riot had occurred, that if the military had made known their desire that the convention should not meet, it would not have met, and there would have been no necessity for the use of violence?

Q. Did the President desire that the military should make known in New Orleans a wish that the convention should not assemble?

A. I do not know that, because what I have referred to was expressed after the occurrence.

Q. Did he express regret that the military authorities had not, by that means, prevented the assembling of the convention?

A. He expressed regret that the military authorities had not used their influence to prevent the assembling of the convention, because, if they had, there would have been no violence or loss of life.

By the CHAIRMAN:

Q. I call your attention to a telegram on page 5, executive document 68, House of Representatives, and ask you whether you have any knowledge of who wrote that despatch. It is as follows:

EXECUTIVE MANSION, *Washington, D. C., July* 20, 1866.

ANDREW J. HERRON, *Attorney General of Louisiana, New Orleans:*

You will call on General Sheridan, or whoever may be in command, for sufficient forces to sustain the civil authority in suppressing all illegal or unlawful assemblies which usurp or assume to exercise any power or authority, without first having obtained the consent of the people of the State. If there is to be a convention, let it be composed of delegates chosen fresh from the people of the whole State. The people must be first consulted in relation to changing the organic law of the State. Usurpation will not be tolerated. The law and the Constitution must be sustained, and thereby peace and order.

ANDREW JOHNSON.

A. I have no positive knowledge in reference to the writing of that telegram.

Q. Do you know it was written, or who were present when it was prepared?

A. No, sir; I have no positive knowledge in reference to the writing of the telegram at all. It was not written by me, so far as I recollect.

Q. What other secretaries or clerks were employed in writing any of those telegrams?

A. There are on duty with the President, (and any of them may be called in to write a despatch,) his son, Colonel Robert Johnson, Colonel William G. Moore, Colonel A. K. Long, Lieutenant Colonel Wright Rives, and myself.

Q. Does the President write any despatches himself?

A. He is not in the general habit of writing at all.

Q. Do you know whether he wrote any of these?

A. I do not know that he did.

Q. Who dictates the despatches?

A. He usually dictates despatches. The telegram which I mentioned just now he dictated to me, and that is the only one I have knowledge of in the dictation or writing.

Q. You have no knowledge of the despatch to which I have directed your attention?

A. No, sir; none that I can recall.

Q. Do you know any reason why the President ceased to communicate with Governor Wells, and opened communication with Attorney General Herron and Lieutenant Governor Voorhies, of Louisiana?

A. No, sir. I know that among the first telegrams received from New Orleans was one from those gentlemen, and it was in reply to that communication that the President suggested to them what he did.

By Mr. WILLIAMS:

Q. State whether these two gentlemen (Lieutenant Governor Voorhies and Attorney General Herron) had not been engaged in the rebellion against the government?

A. I have no knowledge at all in reference to it.

WASHINGTON, D. C., *June* 1, 1867.

Colonel ROBERT MORROW recalled and examined.

By Mr. WILLIAMS:

Q. State, if you please, whether you have examined the bonds of the President from which coupons were taken by you, as stated in your former examination; and if so, state the character and amount of the bonds, and to whom issued.

A. I have seen these bonds again, and can give about this description of them: There are nineteen mortgage bonds of the Nashville and Chattanooga Railroad Company, issued under a special act of the legislature, and the payment of which is guaranteed by the State of Tennessee. Six of these have the following endorsement on the back, written in ink: "From Bank of Tennessee to Governor Johnson. C. J." I know the handwriting of the initials to be that of Cave Johnson, who was president of the Bank of Tennessee from 1853 until about the beginning of the war. The bonds were issued in 1854, or at least bear that date. The other thirteen of the nineteen correspond with the six I have described in every particular, except the endorsement of Cave Johnson. They are made payable to bearer, and may be transferred without any formal assignment. There are also ten bonds of the State of Tennessee, issued for the general purposes of the revenue of the State, bearing date 1859, for $1,000 each, five of them bearing the same endorsement, signed "C. J.," as the six Nashville and Chattanooga railroad bonds I have referred to. Four of the

other Tennessee State six per cent. bonds, of $1,000 each, have the following endorsement:

"Maxwell, Saulpaw & Co. sold this bond to A. Johnson, September 24, 1860.

"A. L. MAXWELL & CO."

These bonds were also issued by the State of Tennessee for general State purposes. One of the ten Tennessee State bonds bears no endorsement. There is also one bond of the East Tennessee and Virginia railroad for $1,000, bearing the following endorsement:

"Sold by me to Andrew Johnson on the 15th October, 1858.

"WM. M. LOWEY."

Making in all thirty bonds of $1,000 each. Then, in addition to these are four new bonds, into which the overdue interest on the Tennessee State bonds was funded. I cut the coupons from the thirty bonds for interest, which had accumulated since the first or middle of 1861, and, through the First National Bank of Washington, transmitted those cut from the Nashville and Chattanooga railroad bonds to New York, where they were paid in currency, and the ten Tennessee State bonds and one East Tennessee and Virginia railroad bond to Nashville to be funded, and for which the four new bonds were received, the difference, whatever it was, being paid.

By Mr. LAWRENCE:

Q. The nineteen Nashville and Chattanooga railroad bonds, I understand you to say, were issued by the railroad company, and the interest guaranteed by the State?

A. Yes, sir; they were issued by the railroad company, and the faith of the State of Tennessee for the payment of principal and interest was guaranteed by an endorsement on each bond, under a special act of the legislature.

By Mr. ELDRIDGE:

Q. Do you know when Mr. Johnson first became possessed of these bonds?

A. I do not, except so far as the endorsements indicate. Cave Johnson was president of the Bank of Tennessee from 1853 until some time near the commencement of the war. He has not been connected with the bank since the war commenced.

Q. Was the payment of interest suspended on these bonds during the war?

A. Yes, sir; I believe the rebel State government proposed to pay the interest in confederate notes, but nobody—at least no loyal party—would take them.

By the CHAIRMAN:

Q. Do you know whether the President had any other State bonds or any other coupons of State bonds except those you have testified to?

A. I have never known of any others, and I have been in charge of his private affairs a long time. I think if he had others I should have known it.

WASHINGTON, D. C., *Wednesday, May* 29, 1867.

WILLIAM M. EVARTS sworn and examined.

By the CHAIRMAN:

Q. State whether you were employed by the government to aid in the prosecution of Jefferson Davis, charged with the crime of treason?

A. I was retained, I think, in August, 1865. The manner of my retainer was a request, by telegraph, from Attorney General Speed to come to Washington, which I did as soon as I could command the opportunity, when I learned that the object of his message was that I should take a retainer from the government in the prosecution of Mr Davis, and, as I understood, of such other of the rebels as should be prosecuted by the government for treason.

Q. Have you had any interview with the President of the United States relative to the prosecution of that case?

A. I had at that visit, which was, I think, in August, 1865, an interview with the President in company with the Attorney General, Mr. Speed. I had, at a later visit to Washington, which, I think, was in the winter or spring of 1866, another interview with the President on that subject, in company with the Attorney General and with Governor Clifford, of Massachusetts, who was retained as counsel at the same time with myself. Those are the only interviews I have ever had with the President on that subject. I have had no interview of any kind with the President, I think, since this which I have last named.

Q. Did you have an interview with the President relative to the discharge of Davis on bail?

A. I did not.

Q. Please state all that you know concerning any arrangement for the admission of Davis to bail.

A. In the week preceding my attendance to Richmond I received a letter from Mr. Chandler, the United States attorney for the district of Virginia, written from Washington to me at New York, stating that my attendance on the return of the *habeas corpus* would be desired, and that Monday, the 13th of May, being the return day of the writ, it was desired that I should come to Washington to have an interview with himself and the Attorney General prior to going down to Richmond. I replied, I think, to the Attorney General, stating that I had received this letter, and that I would be in Washington on Friday or Saturday of that week, and would be prepared, if it was thought necessary, to go to Richmond, but stating that my engagements were of such a character that, unless it were important, I should rather be excused from either journey. The next day, I think, after I had received and replied in this way to this letter of Mr. Chandler's, Mr. Chandler himself came to my office in New York. I had never seen him before. He then told me that, having the time at his disposal, he had preferred to come to New York to confer with me on the subject of the return of the writ of *habeas corpus*; and we did so confer. I came to Washington, as it was understood between Mr. Chandler and myself that I should do, reaching here on Saturday morning, and spending the day here, going down to Richmond on Sunday morning; and during that visit, in company with Mr. Chandler, I had an interview with the Attorney General on the subject of the return of the *habeas corpus*, and what course would then be taken, as the result of Mr. Chandler's and my own interview in New York. These are the only interviews or correspondence that took place up to the time of my being in Richmond.

Q. Please state what transpired between you and Mr. Chandler at the interview in New York; also the interview in this city with the Attorney General.

A. I can only state the substance and the result of the interview, which, of course, was pretty informal, as between two lawyers on the same side talking together. I learned from Mr. Chandler that no bill of indictment had been found, excepting one that had been found a year or more before; and that he had not prepared, nor was he expecting to ask for, any other bill of indictment from the grand jury then in attendance on the circuit court. I then learned that he had not prepared, nor was he expecting, to try under that indictment. I also understood from him that, so far as he gathered from any conference he might have with the Attorney General, it was not expected that the trial would take place

at the current term of the court. There were some matters of professional opinion between us regarding the indictment.

Q. What reason did Mr. Chandler assign, at the interview in New York, for not being prepared to go on with the trial at the May term?

A. I understood from him that, if the trial was to be had of Mr. Davis for treason, he would prefer to have an additional indictment. I also understood from him that he had not expected that the arrangement of the court would be any different from what it had been during the preceding year; that he had supposed that the reasons of the Chief Justice for not presiding in the court, which had been publicly stated by the Chief Justice heretofore, would still prevail; that is to say, that the situation on which the Chief Justice's reasons were based was, as he (Mr. Chandler) supposed, the same, and would be viewed in the same way—not that he had received this from the Chief Justice, but that was his estimate. The result of the interview was that I could not see that we were in a position to ask for the trial of the prisoner during the pending term.

Q. Now proceed with the interview with the Attorney General in this city.

A. I found that Mr. Chandler had put Mr. Stanbery in possession of the result of the conference in New York; and I cannot say that anything else occurred in our interview than a repetition personally to the Attorney General by me of what was the result of that interview, and a statement that, unless otherwise instructed, I should attend at Richmond with that view of the course to be taken by the prosecution.

Q. How, and by whom, was the amount of bail determined?

A. The amount of bail had, somehow or other, been spoken of either at some preceding term or in some published statement, as being $100,000, or any other sum that the government should require or name. I had not been at any previous term of the court, and only derived a general impression that the prisoner's counsel supposed it in their power to offer any amount of bail that might be required. This sum of $100,000 had been named in some way, with the suggestion on their part that the amount was immaterial. In the interview at Washington between the Attorney General, Mr. Chandler, and myself, the legal question whether the offence was bailable was spoken of, the statutes were looked at, and then the question of amount, I think, was considered, very much in this view, perhaps stated by myself, that it ought to be a substantial amount, but ought not to be extravagant, so as to seem to be measured only by the degree of enthusiasm which Mr. Davis's supporters might be able to exhibit; and $100,000 was regarded, I think, by all of us as being as substantial a pecuniary pledge as any other sum would be.

Q. Did you have anything to do with the preparation of General Burton's return to the habeas corpus?

A. I wrote it.

Q. State why the cause of detention was not set out in the return.

A. The cause was supposed to be sufficiently stated that he was held as a prisoner under the military authority of the United States.

Q. Did Mr. Chandler inform you at Richmond that he deemed it safe to proceed with the trial at that term?

A. I do not think that there was any consideration there given, except on the point of whether, if the case was tried, and if we were ready for trial in other respects, and were satisfied with the indictment, a conviction could be had in regard to the disposition or proper performance of duty on the part of the jury. Something was said on that subject.

Q. Was there any reason for the continuance of the case other than the reason which you have already stated?

A. I do not know of any other reason, excepting that I was not instructed authoritatively to proceed with the trial, notwithstanding the situation which I have spoken of.

Q. Had you received any instructions from the President?

A. None whatever. My only interviews with the President were those I have spoken of, and I had no correspondence or other communication with him on the subject, nor any communication by message or messenger; and in those interviews with the President, which I have named, the only consideration on the President's part was of an examination and advice as to when and how the trial could properly take place.

By Mr. BOUTWELL:

Q. When was the last of those interviews?

A. I have stated it as being in the winter or spring of 1866.

By Mr. WOODBRIDGE:

Q. In that interview with the President did he express any opinion as to the time when Davis should be tried?

A. His views were that he should be tried when and where those to whose responsibility the question of the conduct of his trial was committed should be satisfied it could be done with a result satisfactory to public justice.

By the CHAIRMAN:

Q. Did you receive any instructions from the Attorney General with reference to the case?

A. I think the Attorney General's treatment of the matter was substantially this: that the district attorney was the responsible officer of the government, and that I was associate counsel, and that he had no other relation to the matter than what belonged to his office as Attorney General. The reasons which Mr. Chandler and myself had considered and repeated seemed to be such as approved themselves to the Attorney General.

By Mr. ELDRIDGE:

Q. Did the President, in those interviews which you had with him, express any opinion as to his desire that the trial should be had as speedily as it could be?

A. I understood the President to be very firm in his opinion that the trial should take place when and where those of us who were charged with the professional responsibility of the matter should think that a result satisfactory to public justice could be obtained.

Q. In those interviews with the President, was the subject of Mr. Davis's trial by military commission considered?

A. Not in the least.

Q. In neither of those interviews?

A. In neither. I had no retainer, as I understood it, other than for a judicial trial.

Q. Did you understand that that question was one which had been considered and determined at the time?

A. Not otherwise than as a member of the community—from public sources.

Q. Had you not been aware that it had been a subject of Cabinet council?

A. Only as a member of the community. I may have learned it from Mr. Speed, but not in my interviews with the President. Indeed, I cannot say whether I did learn it from Mr. Speed.

Q. At Richmond, did you and Mr. Chandler have an interview with Judge Underwood previous to the morning of the return of the writ?

A. We did.

Q. In that interview did Mr. Chandler urge the trial of the case, and insist that the prosecution was ready, and could go to trial?

A. I cannot say, with any precision, how much Mr. Chandler may have said about the prosecution being able to get ready for the trial at the term, if it were

decided that the trial should proceed. Probably something of that kind was said.

A. I wish to know distinctly whether Mr. Chandler did say that the case was ready for trial, and could be tried, so far as the prosecution was concerned.

A. I should think that, in the sense which I have indicated, something to that effect was said. It was not known by us what course the judge might take. I certainly should not wish to contradict any statement to that effect which Mr. Chandler may have made.

Q. Did you say to the judge that a conviction could not be had at this term if you went to trial?

A. If I am to continue to be a responsible adviser of the government in this case, I would rather not give any opinions concerning its legal situation or its future course. Still, if the Committee desire it, I will give you all, but it is purely a matter of opinion, which my own sense of propriety would withhold me from making public.

Q. Please to proceed.

A. Judge Underwood and Mr. Chandler both expressed quite confidently the opinion that a jury which should be empanelled in the case would find a verdict according to the truth of the case, as it should be proved; and it was assumed that that would be conviction, of course. I asked the question whether that was true a year ago, which was the period at which I had given the matter a deliberate consideration, and the judge's opinion was that it was not. I think Mr. Chandler was of the opinion that, at that earlier period, the result would have been suitable to justice—that is, conviction. I expressed, I think, some doubt whether they would not be disappointed in their calculations as to a jury at the present time, but said to them, "You, of course, have the materials of judgment, and I have not."

Q. Was it a fact, from the whole interview which you had with the judge, that Mr. Chandler was anxious to go to trial at this term, or you either?

A. I had no anxiety of any kind on the subject. Mr. Chandler was ready to proceed with the trial if it should be so ordered; and I suppose I should have taken part in it if it had been.

Q. State whether you, in your professional judgment, differed from Mr. Chandler on that question—he thinking that you could go to trial safely then, and you not.

A. In my professional judgment I was not in favor of going to trial at this term. In respect of the result of a verdict, I probably differed from Mr. Chandler, if that may be considered a professional estimate, which is, after all, only a matter of the calculation of probabilities as to the conduct of unknown men.

Q. Was that opinion based on the insufficiency, or doubt of the sufficiency, of the indictment?

A. I should not say that my judgment against going to trial was based on any difficulty in the indictment as the only or the principal consideration; but I certainly would not have proceeded to a trial unless satisfied with the indictment, and for my judgment concerning the indictment I relied entirely on what was said to me about it by the district attorney.

Q. Had you not read it?

A. I have an impression (it is only an impression) that Mr. Speed had a copy of the indictment, and spoke of it, but I do not think it was ever read by me. Certainly it was never examined with any particularity by me. It was then, I think, spoken of as an indictment which had been drawn with some haste and without any consideration of the law officers of the government here.

Q. What other considerations were spoken of in the presence of the judge?

A. It is very difficult for me to say what was expressed by me in the presence of the judge. I have no particular recollection of this matter of the insufficiency of the indictment being spoken of in the presence of the judge.

Q. State the other considerations that influenced your own mind.

A. The only consideration which has, at any time, been regarded by me as very important to determine the advisers of the government as to whether they should, at any particular time, proceed to a trial of Mr. Davis has been, substantially, whether a conviction could be procured and the appropriate penalty of the law executed on him.

Q. Did that apply only to this term of the court, or was it general?

A. It was general.

Q. Will that opinion control you in the future, as it has in the past?

A. My judgment would be the same.

Q. Would that go to the extent of never bringing him to trial—taking the facts as they exist, the uncertainties, and everything else, into consideration?

A. Whenever my judgment shall be desired by any one who shall properly ask it on the part of the government, I have no reason to think that it would be otherwise than what I have now stated; but whether I shall proceed in the prosecution, even if my own judgment did not lead me to expect that I could secure a proper result of the trial, would depend upon what directions or instructions I should receive from the authorities of the government from whom I received my retainer.

Q. Was your action, or the opinion that you gave in reference to going to trial at this term, in any manner controlled by instructions from the government?

A. No.

Q You were left free, so far as that was concerned, to act on your best professional judgment?

A. I gave my professional judgment, as I stated, to the district attorney and to the Attorney General. I did not suppose that either of them differed from me.

Q. In reference to the writ of *habeas corpus*, you stated in your examination that the cause of detention was deemed to be sufficiently stated; did you think that a sufficient cause was stated for Davis's detention as a military prisoner?

A. I thought that the return was a sufficient reply to the exigency of the writ on General Burton's part; that he had held him by the military authority of the government.

Q. Was the writ in the ordinary form?

A. Yes; nothing special about it.

Q. Did it require the cause to be stated?

A. Yes; to bring the body, together with the cause.

Q. Did you consider that that was a statement of the cause of his imprisonment?

A. I did.

Q. His being detained by the military was cause for detention?

A. It was General Burton's reason for holding him. I suppose it was the only reason that General Burton had.

Q. Was there to your knowledge any sufficient cause for his detention in the fort?

A. I know of no cause for his detention except that it was a continuance of his capture as a prisoner of war. Whether that is sufficient is a question of law, or of personal opinion, on which I have no particular objection to state my opinion; but it is purely an opinion and no fact.

Q. You do not desire to give your opinion?

A. I say I have no objection to do so. It is for the Committee to determine whether that is proper evidence.

Q. Was he, as a matter of fact, originally held in prison as a prisoner of war?

A. I suppose he was; but I have no more information on the subject than the public at large. I understood, and so stated in court, that on that day, for

the first time, he came within judicial control, or was in a position wherein the administration of justice was responsible in regard to his detention.

Q. He had never been arrested on any process from the court up to that time?

A. No.

Q. Had any process been issued for him?

A. I do not know; not with my knowledge.

Q. You said that you supposed it was a continuance of his capture as a prisoner of war?

A. Yes.

Q. Up to what time was he held as a prisoner of war?

A. Until General Burton brought him into court, in obedience to the writ of *habeas corpus*, as I understood. But this is wholly my judgment and estimate of the facts, as known to me in common with the rest of the community, as to his capture and deposit and safe-keeping.

Q. Did his imprisonment as a prisoner of war continue after peace was declared?

A. I so regard it.

By Mr. WILLIAMS:

Q. Were you advised with generally in reference to the disposition to be made of the case of Davis by the government?

A. Never otherwise than in the simple relation of an associate counsel on the part of the government in the accusation of treason or other crime for which he was to be judicially brought in question.

Q. Were you instructed by the government, or its officers with whom you conferred, that he was held only on the charge of treason?

A. I never heard of any other indictment or complaint being formally lodged against him than the single indictment which was found at Norfolk.

Q. Were you consulted with before you went to Richmond as to the form of the return?

A. Certainly not as to any form in which the return should be made. That first came up the night before the day when the prisoner was to be produced in court. General Burton was present with the writ, and Mr. Chandler; and I said, "Well now, General, this return must be made out in form. Hand me the writ and I will draw the return."

Q. If he had been held on any other charge than generally as a prisoner of war, would you not have considered it the duty of the government to insist on having it stated in the return?

A. I should, as a lawyer, have thought it of comparatively little importance to return the cause of the previous detention when the substance of the return was the production of the body and a surrender to the court.

Q. Supposing Davis to have been held—as the President has declared he was held, in reply to an inquiry of the Senate—on a charge of complicity in the assassination of the late President, would it not have been his duty to have so returned in order that Davis might still be held on that charge?

A. If he was held under military authority, and as a prisoner of war, although a charge of the nature which you have mentioned was made against him, and formed a reason for his military restraint, I do not suppose it would have been necessary to put that on the return.

Q. I speak of the duty of the government under the circumstances. I ask you the question whether, in that point of view, it was not very important to the interests of public justice that it should be known that there was some other charge on which he was held; and whether that is not the practice of the courts?

A. My own view would be this: that if the government had resolved to terminate his military imprisonment, and to deliver him to the court for restraint

by its authority, it could not be important in any legal view to state why the government had held him in military imprisonment.

Q. I find, on reference to an answer of the President to a resolution of the Senate adopted in December, 1865, that he states, through the Secretary of War, whose report he communicates, that "Jefferson Davis has not been arraigned on any indictment or formal charge of crime, but has been indicted for the crime of high treason by the grand jury of the District of Columbia, which indictment is now pending in the supreme court of said District; and is also charged with the crime of inciting the assassination of Abraham Lincoln, and with the murder of Union prisoners of war by starvation, and other barbarous and cruel treatment towards them." I desire to refer you to that statement of the government itself, and to ask you in that connection whether it was not its duty to state those facts in the return to that writ; and whether, if your attention had been called to that matter, you would not have felt bound, as a lawyer, so to advise?

A. I should not have regarded anything as open or suitable for the officer to whom the writ was directed except either to bring or refuse to bring the body into court, and in either case to state by what authority he, as a military officer, held him or claimed to continue to hold him, if he did not bring the body into court. In the latter case, I, as a lawyer, should have immediately thought it most important to consider and to return the particular circumstances under which the continued restraint of the prisoner was based. If Mr. Davis held as a prisoner of war under military authority, were so held subject further to the charge against him for crime or misconduct in his attitude of an enemy or rebel in the conduct of the rebellion, I should not have regarded it as necessary or important for the government, when it was disposed and ready to terminate the military imprisonment, to state to what charges he had been subjected during his restraint as a prisoner of war. If there had been an indictment or complaint judicially found against him in reference to the crime to which you have referred, or any other, it would not have been a matter of the military officer's concern unless he held him in some way under that civil or judicial complaint. It would be for the court or the legal officers of the government, when the military restraint was terminated, to give the reasons then why judicial restraint should be continued.

By Mr. BOUTWELL:

Q. You mean to say that that writ controlled General Burton and nobody else?

A. Yes.

Q. Nobody was obliged to come in and furnish anything in the way of reason to General Burton for his return?

A. I do not say that, but I would say this—that General Burton, before making a return, should have the instructions of his military superiors as to whether he should surrender his body or not. It is a part of his return that he did surrender him as ordered by the President.

By Mr. WILLIAMS:

Q. Is it not of the essence of a good return that it should state, not the authority by which, but the specific cause for which, the prisoner is held?

A. I would suppose it to be a matter of very much less concern when the body is to be delivered to the court than it would be when grounds were set up as a justification for his detention from the process of the court.

Q. If I understood you correctly, you are not certain that you have ever seen a copy of the indictment found against Jefferson Davis?

A. Yes; I stated that I certainly had not carefully examined it.

Q. What time did you go to Richmond?

A. On Sunday, the 12th of May. The time that I saw the indictment was, as I have already stated, if I saw it at all, a year previously.

Q. State whether you made inquiry for, and examined, the record when you went to Richmond?

A. I did not. The district attorney gave me his views.

Q. Then I would infer that you did not go there with the expectation that you would be called upon to try the case at that term; am I right in that inference?

A. I think that is justly inferable from what I have testified to.

Q. Was it not the understanding had with the government, or with its officers who conferred with you before you left Washington, that the case was not to be tried?

A. It is undoubtedly true, precisely as I stated it in court, that I represented the government, (by which I mean the prosecution,) and that I do not propose to prosecute the trial of the prisoner at the present term of that court.

Q. Was there any understanding that he was to be discharged on bail without objection on the part of the government?

A. It was considered that, in that attitude of the government as to proceeding with his trial, an application would be made to bail, and the question whether the offence was bailable of right, or whether, if not bailable of right, it was in the discretion of the court to bail him, was considered. My opinion as a lawyer, was that from the position I was expecting to take, and did take, on the part of the government, an application on the part of his counsel to bail him would be a proper application; that, if the offence charged was bailable of right, the court would be obliged to bail him, and if it was discretionary, the court would exercise its discretion.

Q. Am I to understand you as saying that, in your judgment, it would have been a proper case for the exercise of that discretion on the part of the government?

A. I think undoubtedly, in either alternative, the government saying that it was not ready to proceed to trial, it was a proper case for the court to consider the question whether the prisoner should be admitted to bail.

Q. Were there not good reasons which the government could assign for not trying him; the fact of the long duration of the war, the condition of public sentiment in Virginia; the difficulty of obtaining a verdict in accordance with the law and the facts; the general enormity of the crime? Were not all these circumstances which would have well warranted an objection on the part of counsel for the United States against Davis's admission to bail, and well warranted the judge in refusing bail?

A. If bail were a matter of right, of course nothing would have warranted the judge in refusing it. If bail was a matter of discretion, all those considerations might very properly have influenced the judge's discretion.

Q. I desire to know from you whether you considered them entitled to great weight, and well worthy of presentation?

A. I think they were all mainly involved in the consideration whether the government was ready to proceed to the trial.

Q. That puts the case on the single ground that there was a default of the government in that particular. Now I refer to other considerations by way of neutralizing the effect of that?

A. It is purely a matter of judgment. Some of the reasons which you have named I should not have thought judicious, as counsel, to name; and others were perfectly well understood, I suppose, without naming them.

By Mr. BOUTWELL:

Q. At the time you had interviews with the President was anything said by him in reference to Davis's complicity in the assassination?

A. I cannot recollect that nothing was said, and I have no recollection that anything was said.

Q. Do you recollect any reference being made at either interview to the proclamation of the President charging him with complicity, and offering the reward, or to the payment of the reward?

A. No; I have no recollection that they were topics of conversation. I think, on reflection, that it is more probable that in these interviews something may have been said in the way of consultation as to whether any trial, other than judicial, of Mr. Davis should or should not be had. I think it very possible that that may have been a subject which would occur, perhaps which did occur. But the whole occasion, the circumstances of the interview, and my whole connection with the subject, were with reference to a judicial trial in a civil court. I never regarded myself as having been asked to represent the government or to advise it at all on the question of military trial, and I have no doubt I truly understood my position.

Q. At any time after your last interview with the President did you seek any further interview with him on the subject of the trial of Davis?

A. I never did.

Q. Did you receive from him any intimation of a desire to see you?

A. Never. Both my interviews with him were in company with the Attorney General.

Q. During Mr. Speed's term of office?

A. Yes.

Q You never saw the President on the subject during Mr. Stanbery's term?

A. No. I have not seen the President since Mr. Stanbery has been in office.

Q. In your interview with Mr. Stanbery, on the Saturday preceding the hearing at Richmond, was any statement made by Mr. Stanbery expressing the opinions or words of the President in reference to the matter?

A. I think not at all. I think there was no conference except what belonged to three lawyers consulting together, representing the same interest.

Q. Was the conference confined to the point whether bail could be claimed as a right, and to the other point whether it was in the discretion of the court, or did the conference also include the consideration of the question whether, under all the circumstances, the government ought to listen to the request for the release of Davis on bail?

A. I think the whole subject of professional consideration was, whether we were going to try him at that term, in the first place; and secondly, what consequences would follow from that decision taken by the government. First, under this second head, whether the crime was bailable of right, in which case there would be no alternative but his being admitted to bail the moment he came under judicial instead of military control. Second, if not bailable of right, it was known that he was bailable at the discretion of the court, and then, I think, we expected that the court would exercise its discretion under all the circumstances, and we perfectly understood that the government had no other duty than to see that those were fairly presented.

Q. At that conference did you reach a conclusion as to whether, as a question of law, he was bailable as a matter of right?

A. I examined the statute to learn that he was bailable as a matter of right unless he was capitally punishable; and I was told, and the fact is, I suppose, that the indictment found against him was wholly under the act of 1862.

By Mr. WILLIAMS:

Q. Under which section?

A. That I cannot say. I probably assumed that it covered both sections. I do not know how the fact is.

Q. You do not know whether the indictment contained any more than one count.

A. That I cannot say. I never have examined that indictment as one on which the trial was expected to be had. The opinion of the district attorney and of the Attorney General seemed to be that on an indictment under that act he was bailable of right. I examined, in that connection, (not in company with those gentlemen, but afterwards) the charge of the circuit court in California on a trial for treason had there against some persons engaged in fitting out a ship to take part in the rebellion against the government, in which I understood that court to hold that, on the indictment in that case, which was under the act of 1862, the penalty of death could not be inflicted. That is all the examination I gave to the question. I did, however, distinctly inquire whether it was intended by the district attorney to find any other bill at that court, and he told me it was not.

Q. You did not then look into the history of that act for the purpose of ascertaining the reasons on which it was founded?

A. No; they were all merged in the act itself.

By Mr. BOUTWELL:

Q. At any time previous to that interview did you have a consultation with Mr. Speed, or Mr. Stanbery, or Mr. Chandler, with reference to the expediency of obtaining another indictment on the ground of the insufficiency of the pending indictment?

A. My impression is that the way the subject came up was with Mr. Speed, that whenever it should be determined that the trial was to be proceeded with, and the district in which it would be advisable that the trial should take place was ascertained, that it would be necessary to take up the subject of this indictment. The indictment in the District of Columbia was also spoken of. That indictment I never saw, and I never understood that the government had any expectation of proceeding with it, nor did I advise it.

Q. The subject of obtaining a new indictment at Richmond was never taken up?

A. Never.

Q. Is it, then, to be understood that, so far as you knew, there was no purpose on the part of the Attorney General, or of the government here, to try Mr. Davis in the district of Virginia; that up to the time when you went to Richmond, on the 12th of May, there had never been a purpose to try Mr. Davis?

A. So far as I ever knew, or so far as my interviews with the President went, I believe that the purpose and wish of the President were that the trial of Mr. Davis, whenever it could be expected to result in conviction, should take place; and we lawyers had no other purpose, or wish, or duty, than to satisfy ourselves when and where such prosecution could take place with the expectation of a result suitable to public justice.

Q. Could you have expected, reasonably, at any future time, better assurances that public justice would be done in the trial of Mr. Davis, than the assurance which you received at Richmond from the district attorney, and from the judge, that in their opinion the jury which would be empaneled would find a verdict according to the law and the facts; and if you waited for better assurance, what kind of assurance would have satisfied you, representing the government, that it was safe to proceed to trial?

A. If the government had expected and insisted upon the trial of Mr. Davis at the term held in Richmond in May, I should have undertaken to compare opinions with the district attorney, (whether with the judge or not I do not know; I am not in the habit of consulting with judges about trials,) and endeavored to assist him, or get him to assist me in coming to a conclusion as to the probabilities of the jury. I should have regarded him as much better authority on the subject than myself, except that some experience or observation of my own, not based on personal knowledge of the feeling there, might correct his judgment.

Q. I understood, from a former answer of yours, that in the conversation between yourself, Judge Underwood, and Mr. Chandler, preceding the return of the writ next day, both Judge Underwood and Mr. Chandler expressed the opinion that, in the existing state of public sentiment, such a jury would be empaneled as would find a verdict according to the law and the facts?

A. That is so; but I was not there to consult Judge Underwood. I was there to state to him what I expected to do.

Q. What better assurance could the law officer of the government expect as a necessary pre-requisite to proceeding with the trial?

A. It did not form the subject of conference, and if it had, I should have had given to me in responsible detail the reasons and views on which they based their opinion.

Q. Why was not that inquiry instituted at the time, and your own opinion formed as to whether such a jury was likely to be empaneled?

A. Because, as I have stated, the result of the conference between Mr. Chandler, the Attorney General, and myself, was that the government would not proceed to trial at that time, and that the indictment was not satisfactory.

Q. The fact that the indictment was not satisfactory was known as long ago as Mr. Speed's time?

A. Yes.

Q. Do you know any reason why a new indictment had not been found?

A. I do not know any reason; that is to say, I do not know any other reason than that it never formed any further subject of conference on my part with anybody. It is a matter on which I should have nothing to do until it was brought to my attention either by the district attorney or the Attorney General.

Q. It was understood in that early conference, a year ago or more, that there would be no trial ever had by the government on the then existing indictment?

A. Mr. Chandler was a party to that conference. It was Mr. Speed's opinion, expressed to me about the matter, that whenever we made up our mind that we could, with proper care to the public interest, proceed to the trial of Mr. Davis, the subject of indictment would need to be considered.

Q. Then does it follow, as a matter of fact, that up to the 13th of May the government had never reached the determination that it would proceed to the trial of Mr. Davis?

A. It is certainly to be understood that I had never been advised or requested by the law officers of the government to be ready to attend the trial of Mr. Davis. I was occasionally at Washington, and not unfrequently in company with Attorney General Speed, in relation to matters of business; and there was, undoubtedly, more or less reflection and consideration between us as to what we should do.

Q. Is not this the fact, that always, and up to the time when Mr. Davis was brought to Richmond, there was no settled purpose on the part of the government to try him?

A. I think there was a settled intention of the government to try Davis when and where it could be satisfied that a conviction could be had; and it is also true that there never has been an opinion on the part of the advisers of the government that at any particular term of court the trial was desirable.

Q. Was it not the purpose of the government to postpone and delay the trial indefinitely, so far as you know, and continuing, perhaps, from the time you were first employed in the matter up to the time when Davis was actually released on bail?

A. So far as a desire or intention was concerned, I think it was the intention and desire of the government to try him as soon and under such circumstances as would secure his conviction; and I know of no change or deviation from that purpose on the part of any one. Certainly there was no such deviation on my part.

Q. What act was done by the Attorney General, or directed by him to be done, at any time during your connection with the case, which looked to the trial of Jefferson Davis?

A. Mr. Speed, Governor Clifford, and myself, had very careful and thorough consideration, during the period of our joint examination of the matter, of the questions of law and of fact, and as to the district to which we might best look for the opportunities of a trial which would result in a proper verdict; and all the considerations of facts, and the responsibilities of the government's action in a public trial, were taken into view so far as our intelligence of them went.

Q. What was the result of that conference on the question of district—as to which district of the country should be selected for his trial, within those districts from which the selection could be made?

A. I think the result was, that, whatever the fate of the prosecution, it was most suitable that the trial should take place in the Virginia district. That was a mixed question of law and of political duty.

Q. That being the opinion of the counsel, and it also being the opinion of the counsel that the indictment thus found in that district was unsatisfactory, what step was then taken looking to the trial of Davis?

A. So far as I had to do with the subject, it ended, at every time it was considered, at the period I have named, in the opinion that we could not then proceed in any court to be held in Virginia.

Q. What was the difficulty?

A. Besides the general difficulty and uncertainty as to the conduct of the jury, I always regarded it an important consideration whether the Chief Justice would preside on the trial; and I think that was the opinion of Mr. Speed also.

Q. Omitting the conversation in regard to the presence of the Chief Justice, was there any obstacle, of which you had any knowledge, in the way of an effort to obtain an indictment which should meet the case?

A. No.

Q. There was no effort made?

A. I did not know that, until Mr. Chandler came to me the first week in May.

Q. Was it stated by Mr. Chandler, or by Judge Underwood, that they did expect, or had reason to expect, that the Chief Justice would attend the court at Richmond at the close of the term of the Supreme Court here, which was expected to occur about the 20th of May?

A. Judge Underwood stated in court, on Monday, at some stage of the proceedings there, that he had a letter from the Chief Justice, saying that he would be there in the first week of June, I think.

Q. The grand jury was then in session, was it not?

A. I so understood.

Q. Was there, then, any practical difficulty in the way of presenting the matter anew to the grand jury, and asking for such a bill as would meet the case?

A. There was no difficulty on my part.

Q. There was none stated by Mr. Chandler?

A. None. I suppose he had some reasons satisfactory to himself. I did not inquire.

Q. Did you know of any difficulty in the way of postponing the trial until after the 20th of May, or until the first week in June, and arraigning him on such an indictment as might be found by the grand jury?

A. I dare say that, in that interval, he might have been bailed.

Q. What reason, if any, is known to you why that course was not taken?

A. No other than the general reasons I have given.

Q. Is there any other reason than that, representing the government, you were not ready to try Davis?

A. That is, that the government was not ready—that is, was not intending to try him. I do not know of any other.

Q. What reason existed, within your knowledge, why the government was not ready, after the 20th of May, or by the 1st of June?

A. I do not know of any special or circumstantial reasons.

Q. What authority, then, had you for saying that the government was not ready to try Davis?

A. I said the government did not intend to try him. That was the result of my conference with Mr. Chandler and the Attorney General.

Q. What was said by the Attorney General which justified you in making that statement, or on which you rested for support for the statement which you made?

A. A concurrence between himself, Mr. Chandler, and myself, that the government did not propose to try him at that time.

Q. And what reasons existed, so far as you knew, in the mind of the Attorney General, either of his own, or derived from his knowledge of the views of the President, which led to that concurrence on his part?

A. I did not understand him to give any views from the President at all on the subject.

Q. Did he give any reasons as of his own?

A. I do not think he did—any other reason than that the government was not expecting or proposing to try him at that term.

Q. Can you say whether or not, at that time, Mr. Stanbery had any purpose to try him at any other term?

A. I cannot speak on that subject. I said to the Attorney General that I had assumed always that whenever the trial should take place, the Attorney General would represent the government. I had never any other expectation than that. I expected to be associated with him. I was not retained to take the place of the Attorney General.

Q. You expected the Attorney General to attend at the trial and take his place in court?

A. I did; but it was not based on anything that had passed between Mr. Stanbery and myself in relation to it. Since Mr. Stanbery has been Attorney General very little has occurred on the subject. Mr. Speed, I assumed, and had a right to assume, expected to take part in the trial.

By Mr. ELDRIDGE:

Q. Do you not know that Mr. Stanbery takes a different view of his duty?

A. Mr. Stanbery, I understand, takes this view: that the legal obligations of his office do not require him to represent the government on any criminal trial; and whatever I do understand, as to any purpose or inclination on his part to take part in the trial, if it ever takes place, I learned, for the first time, on that Saturday preceding the return of the writ at Richmond.

Q. Did you not understand from him that it was not his purpose to take part in trials away from Washington?

A. I have stated what I understood to be his view of his duty; and I presume I understood that he did not feel called upon to do more than his office required him to do, except under special circumstances; but I insisted that there was a reasonable public expectation, in case of the trial of Mr. Davis for treason, that the Attorney General would lead for the government.

Q. Did Mr. Stanbery, in any manner, undertake to control the prosecution of Mr. Davis at the last term of the court, or to give any directions whatever in reference to it?

A. He certainly did not overrule Mr. Chandler or me, but we did confer together

Q. You have stated several times, in substance, that it was not the purpose of the government to try Mr. Davis at that term of the court—that you so understood it. Now, I wish to know if you understood that from Mr. Stanbery by anything that he said?

A. I have stated, I suppose, all that I can state on that subject—that I conferred with the Attorney General and the district attorney, at the request of both of them, and that the result of that conference was, that we did not expect to try Mr. Davis at that term.

By Mr. BOUTWELL:

Q. And in that the Attorney General concurred?

A. So I have stated.

By Mr. ELDRIDGE:

Q. Do you mean that he did anything more than not to dissent?

A. I mean that we were of the same opinion. The Attorney General did not then take this view of the matter—that he, by his office, was not required to take any part in the trial—which I met by saying, that "whether that be so or not, I think that public opinion, and the duty of the government, in a trial of this nature, will require the Attorney General to lead for it when the trial takes place;" and I had no other idea than that.

Q. It would seem from some of your answers that there was some purpose in the law officer of the government not to try the case at that term, for reasons which were either not given, or which you have not given; were there any reasons?

A. I do not think there were any other reasons than such as I have given.

Q. As I understand, you learned, for the first time, at the Saturday conference that the Attorney General would not lead at that trial?

A. Yes; that was the first time the subject had been spoken of. I never considered myself as substituted for the Attorney General in that prosecution.

By Mr. CHURCHILL:

Q. Did the President, in either of your interviews with him, refer you to the Attorney General?

A. They were both in the presence of the Attorney General.

Q. Did you understand the President as intending to leave the question as to whether Jefferson Davis should be tried at all, as well as the question when and where the trial should take place, to the law officers of the government?

A. I cannot say that I understood he would leave it to them, but I did understand that he regarded us as responsible for our best advice on the subject.

Q. You were retained not only in that case, but in such other indictments for treason as might be found?

A. Yes, so I understood. It was in this way: I came on in response to a telegraphic message, and the Attorney General then told me that he desired to retain me as counsel for the government in the prosecution of Mr. Davis, or of any others of the leaders of the rebels (perhaps some such expression as that was used) who should be prosecuted.

Q. There were indictments found against some other leaders of the rebellion?

A. That I do not know. I have never been advised with in relation to other leaders. At that time I believe all the members of the rebel cabinet were in confinement.

Q. You have never received any notice that an indictment has been found against any other?

A. No; I have never been advised of or requested to attend to any other matter. I never regarded myself as under any other relations to the prosecution

than as associate counsel with the Attorney General, bound to do what I could on the trial, and before the trial to give the best advice I could to the government on questions either of policy or of law.

Q. Have you been advised with, either by the President or the Attorney General, as to the advisability of proceedings against other leaders of the rebellion except Davis?

Q. No, I do not think I have been.

By Mr. BOUTWELL:

Q. Are any steps being taken at present towards obtaining another indictment against Davis?

A. Not within my knowledge.

By Mr. WILLIAMS:

Q. In the consultation between the Attorney General, Mr. Chandler, and yourself, did not Mr. Chandler express the opinion, which he afterwards repeated at Richmond, that the government might go on then safely with the trial?

A. I do not know.

Q. Was not that one of the considerations involved?

A. It was one of the considerations involved in the general opinion and advice.

Q. In that connection I wish to enquire whether Mr. Chandler expressed an opinion of the same character as he subsequently expressed in Richmond?

A. I have no recollection; I cannot say whether it was or was not said; I should just as readily believe that it was as that it was not.

Q. The opinion did not surprise you when it came from him at Richmond?

A. It did not convince me. He had seen me in New York, where he had come for the express purpose of talking this matter over with me.

Q. Did he express the same opinion in New York?

A. I think he did—I have no doubt he did. That would be one of my first questions, and I have no reason for thinking he may not have said so before the Attorney General.

By Mr. LAWRENCE:

Q. Have you been asked for, or given, any opinion on the question whether Jefferson Davis is liable to be convicted of treason proper for acts committed by him since the 17th of July, 1862, or only for rebellion, under section 2 of the act of July 17, 1862?

A. I have regarded the whole question as one of simple treason, under the act of 1790. I never had in my mind any other trial for, or accusation of, treason, except that involving the penalty of death.

Q. Then, if I understand you, you did not concur in the opinion of Judge Field in the case tried in the circuit court of California?

A. That was an indictment under the act of 1862.

Q. The indictment of Davis was under the act of 1862.

A. Yes; but then another bill could be found. The subject of Davis's trial, conviction and punishment has been always, in my mind, treason, with penalty of death.

Q. Assuming that he is to be tried under the act of 1862, have you been asked for, or have you given, an opinion on the question whether he would be liable to be convicted of treason proper for acts committed by him since 17th July, 1862?

A. I have not.

Q. Have you considered that question?

A. No; I have never been asked to consider the question of his prosecution, or trial, or amenableness to justice under the act of 1862.

Q. Has the limitation in the act of 1862 run out yet?
A. That I do not know.

By the CHAIRMAN:

Q. Was there anything said by the district attorney, during your interview with him at Richmond, about the danger of having an indictment found by the grand jury at the then term, because of its being composed in part of persons of color?
A. Nothing. I do not think the idea was suggested.

By Mr. LAWRENCE:

Q. There was no application at the present term of the circuit court in Virginia, while you were there, for a *venire* for a new grand jury?
A. Not to my knowledge.
Q. You were not advised with about the necessity for that?
A. Not in the least. I took the district attorney's answer as final that he did not propose to find an indictment at the present term of the court.

WASHINGTON, D. C., *May* 29, 1867.

WILLIAM E. CHANDLER, having been recalled for further answers to questions put on former examination, testifies as follows:

Upon examining the records of the department it seems that all the names of treasury officers mentioned in House Executive Document No. 67, 2d session 39th Congress, were sent from the department to the President, except the following: James M. Barrett, collector of customs, Plymouth, North Carolina, who declined the office, and E. H. Willis, who, having held the office for four years and been confirmed by the Senate previously, was retained in office; John A. Dix, naval officer at New York, who resigned November 26, 1866, and also those embraced in the list of officers of the customs appointed during the recess of the Senate in 1865, and whose names were not subsequently submitted to the Senate, indicated at the bottom of page 12. These names were not sent to the President for reasons stated in a note at the bottom of page 13, as follows:

Of the number enumerated above, whose nominations were withheld from the Senate, two died during the recess and one during the session of the Senate, three could not take the oath required by law, three were removed for malfeasance or misfeasance in office, two resigned, four continued in office until the nominations of others were submitted in their places, and the names of eleven were accidentally omitted in sending in nominations. Of the latter, appointments of nine persons have since been made in their places.

The name of Peter McGough, found on page 9, was also omitted at a former session, to be sent by the department to the President.

All the names of officers of the internal revenue appointed during the recess of 1865, and whose nominations were withheld from the Senate in 1866, found at the bottom of page 9, were sent by the department to the President.

The records of the department do not show that the President sent for the brief and recommendations in any case in the lists referred to. It has been his practice to send in some cases, but not by written instructions, and the records of the department would not ordinarily show whether the President had sent for the papers. The general practice is, as I have stated, to retain the brief and recommendations at the departments, mentioning the names of the principal persons recommending the appointment, on a slip of paper or in the letter of transmission.

The whole number of names sent to the Senate which that body failed to act upon appears to be eleven, being the officers of customs mentioned in the second list on page 12, and the first list on page 13 of the document in question, as follows:

List of officers of the customs reappointed, in whose cases no action had been taken by the Senate on their nominations in 1866.

Name of person appointed.	Office.	District.	Port and State.	Date of nomination to the Senate.	Date of reappointment.
Wm. L. Ashmore	Collector	Burlington	Lamberton, N. J	Mar. 3, 1866.	Aug. 3, 1866.
Wm. F. Johnson	do	Philadelphia	Philadelphia, Pa	July 26, 1866.	do
Robert M. Klug	do	St. Mary's	St. Mary's, Ga	Dec. 4, 1866.	do
C. H. Hildreth	Surveyor	Gloucester	Gloucester, Mass	June 2, 1866.	do
Sylvester Birdsell	do	Bridgetown	Camden, N. J	Jan. 3, 1866.	do
John W. Bennett	do	Annapolis	St. Mary's, Md	do	do
S. Ferguson Beach	do	Alexandria	Alexandria, Va	July 18, 1866.	Aug. 17, 1866.
Wm. Q. Smith	do	New Orleans	Selma, Ala	Jan. 3 & May 11, 1866.	Aug. 3, 1866.
Isaac W. Jones	Assayer U. S. mint.	Charlotte	Charlotte, N. C	June 26, 1866.	Aug. 4, 1866.

List of officers of the customs appointed in place of those whose nominations were not acted upon by the Senate in 1866.

Name of person appointed.	Office.	District.	Port and State.	Date of appointment.	Name of person whose nomination was not acted upon.
William G. Snyder	Surveyor	Tappahannock	Yeocomico, Va	Aug. 6, 1866.	John H. Norris.
Thomas E. Durnut	do	New Orleans	Quincy, Ill	Aug. 23, 1866.	James J. Langdon.

In answer to the interrogatory submitted by Mr. Lawrence, I have to submit a list of the officers of the customs who were appointed, but failed to take the test oath, stating the date of the appointment of such officers, the date of removal or resignation where the officer has been displaced; also, a similar list of internal revenue officers, with a letter of the Commissioner accompanying, as follows:

Name and office.	Station.	Date of appointment.	Date of removal or resignation.	Remarks.
James M. Matthews, collector	Tappahannock, Va.	Sept. 6, 1865	Not displaced.	Proper oath on file.
William S. Croft, collector	Georgetown, S. C.	July 22, 1865	July 13, 1866	No payment.
Gordon Forbes, surveyor	Yeocomico, Va	Sept. 21, 1865	Aug. 6, 1866	Do.
William Y. Leitch, surveyor	Charleston, S. C.	July 21, 1865	July 13, 1866	Do.
F. M. Robertson, exam'r of drugs	do	July 22, 1865	June 21, 1866	Do.
E. M. Lazarus, appraiser	do	do	July 13, 1866	Do.
J. F. W. Walter, appraiser	do	do	do	Do.
J. F. Marrast, inspector	Mobile, Ala	Nov. 10, 1865	May 14, 1866	Proper oath filed.
R. W. Woodbridge, dep'y collector	Savannah, Ga	Oct. 2, 1865	Nov. 30, 1866	No payment.
Z. N. Winkler, clerk	do	do	Not known	Do.
Octave Aubert, clerk	Brownsville, Texas	Sept. 1, 1865	do	Proper oath filed.
Ernest Tasset, bookkeeper	do	Nov. 25, 1865	do	Do.
Fortune Jones, messenger	do	do	do	No payment.
Edmund Daly, inspector	do	Sept. 20, 1865	do	Proper oath filed
Francis Reast, deputy collector and inspector.	Boston, Texas	Nov. 25, 1865	do	Do.
Jos. Backus, mounted inspector	Saluria, Texas	Dec. 6, 1865	do	Do.
Jas. McCoppen, deputy collector	do	Nov. 11, 1865	Mar. 23, 1866	No payment.
Thos. P. McManus, dep'y collector	Eagle Pass, Texas	Dec. 6, 1865	Not known	Do.
James Coffee, deputy collector	Saluria, Texas	Nov. 20, 1865	do	Proper oath filed.
W. B. C. Duryee, dep'y collector	Fernandina, Fla	April 20, 1865	do	Do.
Benj. Clark, porter	do	May 15, 1865	do	Do.
W. H. Sweetzer, temporary inspector	Beaufort, N. C	Not known	do	No payment.
J. H. Tayler, temporary inspector	do	do	do	Do.
Geo. P. Thayer, clerk	Nashville, Tenn	Aug. 22, 1865	do	Do.

List of Internal Revenue Officers—Continued.

Name and office.	Station.	Date of appointment.	Date of removal or resignation.	Remarks.
J. B. Murtaugh, deputy weigher	New Orleans, La	Not known	do	Proper oath filed.
J. H. Ball, aid to revenue	do	do	do	Do.
Joshua H. Dailey, inspector	Hatteras Inlet, N. C.	Oct. 25, 1865	Jan. —, 1866	No payment.
Albert Bingham, chief clerk	Port Royal, S. C.	Oct. 6, 1865	Oct. —, 1866	Proper oath filed.
W. F. Bingham, temporary clerk	do	do	Dec. 1, 1866	Do.
T. M. Gardner, temporary inspector	Wilmington, N. C.	Sept. 1, 1865	Not displaced	Do.
H. D. Gilbert, temporary inspector	do	do	Declined	Do.
W. G. Burch, temporary inspector	do	do	Oct. 17, 1866	No payment.
T. B. Smith, weigher and gauger	do	Nov. 6, 1865	Not displaced	Proper oath filed.
John H. Wood, porter	Charleston, S. C.	Not known	Sept. 4, 1866	No payment.
Squire Summers, porter	Memphis, Tenn	Sept. 1, 1865	Not known	Do.
E. Murray, inspector, weigher, &c	Mobile, Ala	Nov. 10, 1865	do	Proper oath filed.
E. K. Lowd, deputy collector	New Smyrna, Fla	Nov. 17, 1865	do	Do.
F. J. Lord, special dep'y collector	Wilmington, N. C.	Sept. 1, 1865	July 7, 1866	Proper oath on file.
J. Jansen, night inspector	Galveston, Texas	Nov. 27, 1865	Not known	No payment.
Charles Jersig, messenger	do	Jan. 15, 1866	May 1, 1866	Proper oath filed.
C. Ricklefsen, night watchman	do	do	Not displaced	Do.
R. Smith, night inspector	do	Nov. 27, 1865	Not known	No payment.
Charles M. Fennel, clerk	Pensacola, Fla	Oct. 1, 1865	do	Do.
B. Williams, weigher and gauger	Apalachicola, Fla	Dec. 6, 1865	do	Do.
C. D. Williams, clerk	Mobile, Ala	Sept. 18, 1865	Dec. 1, 1865	Do.
J. O'Brien, watchman	do	Dec. 14, 1865	Not known	Proper oath filed.
W. Frens, watchman	do	do	Nov. 6, 1866	Do.
J. Espala, bargeman	do	do	Not known	No payment.
J. P. Burrill, clerk	Savannah, Ga	Dec. 27, 1865	do	Do.
C. K. Osgood, inspector	do	Dec. 8, 1865	Dec. 10, 1866	Proper oath filed.
E. Wilmot Walter, inspector	Charleston, S. C.	Feb. 3, 1866	June 28, 1866	No payment.
Isaac Hargreaves, porter	do	Oct. 24, 1865	Not known	Proper oath filed.
R Edmonds, deputy collector	Tappahannock, Va	Dec. 14, 1865	Mar. 4, 1867	Do.
George Westerfield, inspector	Brownsville, Texas	July 17, 1865	Not known	Do.
T. M. Wells, acting naval officer	New Orleans, La	Mar. 18, 1865	July 28, 1866	Do.

TREASURY DEPARTMENT, OFFICE OF INTERNAL REVENUE,
Washington, May 30, 1867.

SIR: Agreeably to your request, I herewith hand you a schedule of the names of assessors, collectors, and assistant assessors, who have received compensation for services rendered, but who have taken the test oath, so called, in a qualified form. The salary of these officers was paid by the collectors of their respective collection districts, acting under the law as disbursing officers. The commissions were paid by the accounting officers of the Treasury Department.

Under the law and the practice of the department the collectors of the several districts send to this office their monthly estimates for the current expenses of their several districts during the month for which such estimates are made. These estimates are carefully examined in this office and forwarded to that of the Fifth Auditor of the Treasury, by whom, after examination, they are sent to the office of the First Comptroller for further examination. For such sum as the Comptroller shall ultimately allow, warrants are drawn by the Hon. Secretary of the Treasury, and drafts are issued by the Treasurer in favor of the several collectors.

It has long been the practice of the department to forward to assessors the commissions for their assistant assessors; with these commissions are sent the oath of office and the test oath. These two oaths have been printed together.

The act of June 30, 1864, provided that certificates of the official oaths of assessors and assistant assessors should be delivered to the collector of the district for which such assessors or assistant assessors should be appointed. This, it is presumed, was for the guidance of collectors in making their disbursements. The test oaths with the official oaths of these officers have been filed with the collectors. In many instances, therefore, these oaths have not been received at the department until several months after they were issued, especially from remote and newly established districts.

I have not now the means of determining at what time the certificates of the assistant assessors whose names appear upon the schedule were received at my office in Washington. The oaths of collectors accompany their official bonds, and are filed in the office of the First Comptroller of the Treasury.

I have stated the disposition of these certificates and the manner of paying these officers thus particularly, in order that you may see precisely where the responsibility of these payments belongs.

Very respectfully,

E. A. ROLLINS,
Commissioner.

Hon. WILLIAM E. CHANDLER,
Assistant Secretary of the Treasury, Washington, D. C.

Schedule of names of assessors and collectors who have received compensation for services, but who have taken the test oath, so called, of July 2, 1862, in a qualified form, and amount paid.

State.	District.	Name.	Office.	Amount paid.	
S. Carolina...	1st.....	Montgomery Moses.....	Collector.....	$1,098 00	{ Salary, $410 00 { Coms., 688 00
Alabama.....	1st.....	Alex. M. McDowell.....	Assessor.....	1,039 40	Commissions.
Texas.....	1st.....	Benj. F. McDonough.....	Assessor.....	607 58	Salary.

Schedule of names of assistant assessors who have received compensation for services, but have taken the test oath, so called, of July 2, 1862, in a qualified form, and the amount paid.

District	Division.	Name.	State.	Am't paid.
1st.....	5th.....	Daniel Valentine.....	North Carolina.....	$595 43
3d.....	3d.....	Bolivar J. Hays.....	South Carolina.....	124 62
3d.....	14th.....	J. M. Graham.....	South Carolina.....	232 15
3d.....	31st.....	H. F. Adickes.....	South Carolina.....	279 20
2d.....	4th.....	J. H. Griffin.....	Georgia.....	656 98
2d.....	10th.....	A. N. Hines.....	Georgia.....	1,806 26
2d.....	17th.....	Byron B. Bowers.....	Georgia.....	808 16
2d.....	18th.....	Oliver T. Bacon.....	Georgia.....	651 73
2d.....	19th.....	Thomas W. King.....	Georgia.....	1,686 41
2d.....	27th.....	Geo. W. Forbes.....	Georgia.....	587 16
2d.....	31st.....	Edward Barber.....	Georgia.....	624 19
1st.....	3d.....	Ishmael S. Harwell.....	Alabama.....	1,094 60
1st.....	6th.....	S. M. Lanier.....	Alabama.....	847 35
1st.....	7th.....	Lem. A. Collier.....	Alabama.....	193 01
1st.....	9th.....	C. W. Braswell.....	Alabama.....	402 07
1st.....	10th.....	John W. Leslie.....	Alabama.....	567 21
1st.....	11th.....	Thos. E. Randolph.....	Alabama.....	1,213 60
1st.....	12th.....	Chas. R. Warren.....	Alabama.....	1,220 21
1st.....	13th.....	Joseph Silver.....	Alabama.....	610 43
1st.....	15th.....	Lewis J. Laird.....	Alabama.....	349 78
1st.....	18th.....	Edward Ward.....	Alabama.....	703 04

The only case of the payment of money to any officers who failed to take the test oath are those explained by the Commissioner of Internal Revenue in his letter accompanying the list before placed in evidence, furnished from his office. As soon as it became evident that Congress would not modify the law requiring the test oath to be administered, it was decided by the department, with the consent of the President, to procure the resignation of, or to remove, every officer who had failed to take the oath. This decision was reached about the first of June, 1866; and thereupon the following letter was addressed to the officers named at the end of the same:

[Copy.]

TREASURY DEPARTMENT, *June* 4, 1866.

SIR: On account of your inability to take the oath required by law, I am reluctantly compelled to suggest that I shall be under the necessity of requesting you to forward your resignation, to take effect as soon as a successor is appointed and qualified. The department will make a communication to Congress upon the subject of the compensation for services already rendered by officers who have been unable to take the oath, and I trust that suitable provisions will be made in some way for such payment.

I am, respectfully,

(Signed) H. MCCULLOCH,
Secretary of the Treasury.

James M. Matthews; also to F. M. Robertson, W. Y. Leitch, J. F. W. Walter, W. S. Crofts, Gordon Forbes.

On the second of June I addressed to all the commissioned officers of customs in the southern States, thirty-seven in number, the following letter:

[Copy.]

TREASURY DEPARTMENT, *June* 2, 1866.

SIR: I am directed by the Secretary to instruct you to dispense at once with the services of all your subordinates who cannot take the oath prescribed by act of July 2, 1862.

I am, respectfully,

(Signed) WM. E. CHANDLER,
Assistant Secretary of the Treasury.

To all Commissioned Officers of the Customs (37) in the southern States.

Previous to this, on the 11th of May, the Secretary had addressed the following letter to all commissioned officers of customs in the southern States:

[Copy.]

TREASURY DEPARTMENT, *May* 11, 1866.

SIR: Hereafter you will nominate no person for appointment under this department who cannot take the oath of office and allegiance prescribed by the act approved July 2, 1862.

You will state the fact in your nominations that they can take the oath referred to.

I am, very respectfully,

(Signed) H. McCULLOCH,
Secretary of the Treasury.

To all Commissioned Officers of Customs (40) in the southern States.

And these notices were followed up until all officers who could not take the oath were displaced, as stated in the lists produced. I cannot find that John Devlin has ever been employed as an officer in the custom-house at New York. James Develin was a marker in the custom-house, but went out in 1858, and is the only name of Develin I can find that exists upon the books of the custom-house.

By Mr. LAWRENCE:

In cases of officers appointed by the President, and whose names were not sent to the Senate for confirmation, you have stated that, with certain exceptions, the nominations were sent from the Treasury Department to be signed by him; will you state at what time such nominations were sent?

A. They were all, I have no doubt, seasonably sent to the President. I know it was the intention of myself, with reference to the customs appointments, and of the Commissioner of Internal Revenue, with reference to the internal revenue appointments, to get the nominations to the Executive mansion in ample time for consideration by the President before sending them to the Senate. There may possibly have been an exception to this rule, but I do not remember it.

WASHINGTON, D. C., *May* 29, 1867.

JOSEPH R. COBB sworn and examined.

By the CHAIRMAN:

Q. Do you know anything of an application for pardon by one Clarence J. Howell?

A. I do.

Q. State what you know about it.

A. In October, 1865, S. S. Jones called at the Union Hotel, Georgetown, where I was residing, and presented his card as an attorney-at-law, stating that he wanted to see Mrs. Cobb; that he was desirous of obtaining a pardon for a friend. We then had our trunks packed and were on the eve of going to Harrisburg, Pennsylvania, in reference to a petition signed by Governor Curtin and other prominent men for the establishment of a pension office at Harrisburg. While in Harrisburg I received a telegraphic despatch to come to Washington

immediately. The despatch was addressed to Mrs. Cobb, and had no name signed to it, but, I presumed, came from this man Jones. We came down to Washington, and stopped at the Avenue House, on the corner of Seventh street. A few days after this, on Saturday, November 5, while lying sick at the Avenue House, a card was sent up to our room, with the name of S. S. Jones. I put on my pants, went down into the parlor, and Jones introduced me to his friend Clarence J. Howell, stating that he was a refugee from Canada, and that he was being pursued by Baker's detectives. He wanted a pardon. He thought if he could get released from the detectives, and get to see Mr. Stanton, he could manage the matter himself; that he was stopping at Willard's Hotel under an assumed name. He wanted to see my wife, understanding that she had some influence and could assist him. I told him Mrs. Cobb had then gone to Willard's, and that he would probably find her in the parlor there. They started off. Howell returned again in the evening, and had a petition drawn up—and very well and ably drawn up—purporting to have been witnessed before a magistrate, and to have a notarial seal, in Canada. Among other things, he stated that on one occasion he had, at the risk of his own life, saved that of Brigadier General John P. Slough. I had known General Slough well. We were schoolmates in Ohio for many years. General Slough was not only a general in the army but a democrat in politics, and very favorable to the administration, and a warm personal friend of Secretary Stanton. Mrs. Cobb took the petition to the Attorney General, and also went, by reference, with it to Judge Holt. Judge Holt said there were no such charges against that man as he had alleged; that there was no sentence of death against him; that there were no such disabilities against him as he himself admitted, and no reason for his not obtaining his pardon. She then went to the President with the petition, stating the information Judge Holt had given her, and also stating that he had been the means of saving General John P. Slough's life. That was the principal appeal made in connection with the petition. During Tuesday and Wednesday she went with it to the Secretary of State, to the Attorney General, and to the President, and Wednesday evening the pardon was granted and delivered to Mrs. Cobb with the condition that, before being given to the party, he must take the oath of allegiance. During that evening Howell called upon Mrs. Cobb and myself, and, after seeing the pardon, paid $200, the residue of the commission agreed upon, $100 having been paid in advance. He was then very anxious to obtain the pardon. I told him he could not have it, but that if he would call Thursday morning I would go with him to a magistrate, and, when he had taken the oath of allegiance, he could have it. He agreed to that and went out, promising to call in the morning; and in about twenty minutes after Baker's detectives arrived. Somebody knocked at the door, and a man walked in, remarking, "I have been looking for you some time. I know you both." Said I, "Who are you?" He said, "I am General Baker, of the War Department." Said I, "Have you any warrant?" He replied, "I do not require any warrant; get on your duds, and go with me." We hesitated. He said, "If you want notoriety I will give you all the notoriety you want." I told him we did not want notoriety and did not want any difficulty. I put on my coat and hat, and Mrs. Cobb put on her furs and bonnet, went down stairs, got into a carriage, and drove with them to Baker's headquarters. He took us at first into the reception room. He then separated us, and took Mrs. Cobb up stairs. What took place there I have no knowledge of, not being present. About 12 o'clock that night he released us, having entirely changed his tone. He was very polite, invited us to take a carriage, and told the driver to take us home. The next day I had him indicted for robbery and for felony. He sent a note up to our room at the hotel, signed "Gen. Baker," requesting my wife to call at the Executive mansion and see the President.

By Mr. ELDRIDGE:

Q. Have you that note?

A. No, sir; it was a little intrinsic thing. I put no value upon it, and it passed away. One of his lawyers or advisers, ex-Governor Ford, subsequently sent to see me at the Treasury, where I was clerking, and wanted to compromise the matter. He said he thought I could make a good thing out of it; that I could make some money. I told him I wanted no compromise; that what I wanted was satisfaction by having justice. I pursued the matter as far as I could before the law. Now, gentlemen, if you will allow me, I invite the strictest examination, free of all delicacy. I desire it.

By the CHAIRMAN:

Q. You say the application of Jones was made to you first, and at the Union Hotel; then to Mrs. Cobb, by Hines, alias Howell. With whom was the arrangement made for the payment of this $300?

A. With us both, by Howell, in my room at the Avenue Hotel.

Q. Was the pardon granted on the same day the application was made?

A. Oh, no; the application was made on Monday morning, and the pardon was not granted until Wednesday evening. It was, as I said, referred first to the Attorney General, then to Judge Holt, then to the President, and through the different departments, until Wednesday, about three or four o'clock in the afternoon, it was granted, and Mrs. Cobb returned with it to the Avenue House.

Q. Where is Mrs. Cobb now?

A. In Albany, New York.

By Mr. WILLIAMS:

Q. The whole work, as I understand you, was done by Mrs. Cobb?

A. Yes, sir; I was a clerk in the Treasury Department, and could not, without a violation of the act of Congress of 1864, do anything of the kind.

Q. When was the application presented to the President?

A. Some time Monday, at general reception.

Q. What did he say or do?

A. I do not know, except that the principal ground of appeal was that this Howell had saved the life of General Slough at the risk of his own, and General Slough being an influential democrat and friend of Stanton and Johnson, it was thought that appeal would have weight with the President. The petition was, as I said, very ably drawn up, as it would itself show, if I could produce it before the Committee, which I have been anxious to do. I supposed Judge Hughes had it, but he said he thought it was with the President. I went to see the President He was very formal with me about it. He said he did not know where it was; that he supposed Judge Hughes had it. I telegraphed to Mrs. Cobb if she could find it to send it on. To show that it was well drawn up, it passed through the clerical force at the Attorney General's office, at the State Department, and at the Executive department, and it is not strange that it should have deceived persons of our inexperience.

Q. What did the President do with it when he read it?

A. He referred it to the Attorney General.

Q. Did Mrs. Cobb carry it to the Attorney General?

A. Yes, sir; I think so.

Q. What did he do with it?

A. He referred it to Judge Holt to ascertain whether the disabilities Howell alleged against himself existed.

Q. Did she call on Judge Holt?

A. Yes, sir; and obtained from him the information that no such charges existed. The matter then went to the Attorney General again.

Q. Did she carry the papers there?

A. Yes, sir.

Q. What did the Attorney General do with it?

A. I do not know the particulars. I know she was running backwards and forwards to the different departments and to the Executive mansion for three days, perhaps a dozen times, until it had gone through its regular process.

Q. Who carried it to the State Department?

A. I think she accompanied the messenger who carried it.

Q. What was done with it there?

A. It went through the usual form. I think a seal was attached to it.

Q. Was there not an order from the President to the Secretary of State to issue the pardon?

A. Not that I remember. If that was the usual form, I presume there was such an order. I know it went through the usual form for issuing pardons.

Q. Was the pardon issued under seal of the State Department?

A. Yes, sir.

Q. How did it come into Mrs. Cobb's hands then?

A. It had to be carried to the President by a messenger. She was anxious to get it through that afternoon, and asked the privilege of accompanying the messenger, so as to get it through that afternoon. One of the pardon clerks, I do not know which one, delivered it to her, on condition that she would not give it to Howell until he had taken an oath of allegiance.

Q. How many pardons did Mrs. Cobb procure?

A. Two; she got one for an old gentleman by the name of Honeywell, of Virginia, a very aged man, who had been a long time trying to obtain it for the purpose, as he stated, of making his children and grandchildren heirs to his property. She obtained it without commission or pay, and the old man had scarcely reached home with it before he died. She obtained another one for a Texan, for which she had a commission of $100. These are all she ever obtained, except the forged one for Howell.

Q. How many applications has she had?

A. A great many. I suppose five hundred have applied, but she never obtained but these two; and for the $100 she received for one of these, I suppose it has cost me $400, besides her trouble and labor in following them up for three or four months. I suppose five hundred people have applied to her for assistance in getting pardons. She applied for a great many, but only obtained these two, although they were granting pardons very freely at that time, and there was very little difficulty ordinarily in other persons obtaining them.

Q. Has she not been in the habit of visiting the White House almost every day for two years after the close of the war?

A. She has been there frequently trying to get me a position, or trying to assist in doing so.

Q. Did she get any letters from the President recommending you?

A. Nothing whatever.

Q. Did he give you none to the Secretary of the Treasury?

A. Never. He never did the first thing for me, but just the reverse. He crushed everything in my favor, or it appeared so to me.

Q. Did she never get any letter from the President to any of the heads of departments recommending you for some position, or asking them to give you a place?

A. She never could do it. I was recommended by twenty-three or twenty-four members of Congress for a sutlership; I could call off their names, but it seemed to me the President defeated me in that. I tried for three or four months to get a pension agency. I was recommended by Governor Curtin; by Mr. Flemming, speaker of the senate of Pennsylvania; also, Hon. Thad. Stevens, and by many prominent men in Pennsylvania; but he killed that. I then applied for a position as paymaster in the regular army, and was recommended for

the place by Senators Wade and Pomeroy, and by Chief Justice Chase; but I failed in that.

By Mr. ELDRIDGE:

Q. Were you a resident of Ohio?

A. Yes, sir; I was born in Cincinnati, but I have lived a great deal in Pennsylvania.

Q. Did you raise a regiment there?

A. I did—the 47th regiment.

Q. Did you bring that regiment into the field?

A. I did. I have a letter received this morning from Governor Dennison virtually admitting that fact. It has no reference to my pay. My accounts have never been settled by the government for that service to this day.

By Mr. WILLIAMS:

Q. Have you ever had employment in any of the departments of the government in this city?

A. Yes, sir; Judge N. L. Swayne and Mr. Chase gave me a clerkship in the treasury. He got me an appointment as assistant paymaster in the navy, by personal application to Mr. Welles, and I had my bond filed when General Baker arrested me.

Q. Do you live in Pennsylvania?

A. Yes, sir.

Q. You were married in Washington, I believe?

A. In Baltimore city.

Q. How long ago?

A. In the early part of 1864.

By Mr. LAWRENCE:

Q. You have an office in the Treasury now, have you not?

A. No, sir; they will not give me anything.

Q. You were a clerk in the Treasury Department?

A. Yes, sir; after I was arrested.

Q. How long had you been a clerk there?

A. In the early part of 1863, after the battle of Cedar Mountain, Mr. Chase obtained for me an appointment as assistant paymaster in the navy, but having been ruptured, the doctor said salt diet would disagree with me, and I was in doubt whether to accept the position, but I went so far as to have my bond filed when Baker arrested me. I then wrote a letter to Mr. Chase, and he gave me a clerkship in the Treasury in lieu of it.

By Mr. WILLIAMS:

Q. How long did you continue to hold that place?

A. Until the 3d day of last December.

Q. What have you been doing since that time?

A. I have been out in New Mexico, Colorado, and the Indian Territory.

Q. How did your wife come to embark in the business of pardon brokerage?

A. It was not a pardon brokerage business. I had taken out a license as a claim agent, but after I was in the employ of the government I could not practice under it, and my salary of $1,200 was not sufficient for us to live on.

Q. Had she any peculiar qualifications for following that business?

A. None whatever, and it has cost me a large sum of money which I had on deposit.

Q. Had she any peculiar acquaintance with Mr. Johnson?

A. No, sir; and she did not visit the White House oftener after he became President than when Mr. Lincoln was President. She visited Mr. Lincoln a great many times, endeavoring to get me a sutlership at Giesboro'

By Mr. ELDRIDGE:

Q. You had taken out a license as a claim agent before going into the Treasury, as I understand, and ceased to use it after that. What did you do with the license?

A. My wife had it transferred to her for the unexpired portion of the year, and then took out a license in her own name afterwards. My salary was only $1,200 a year; I could not get promoted, and the amount was not sufficient for us to live on.

Q. Did you know this man, S. S. Jones?

A. Only by his presenting his card as S. S. Jones, attorney-at-law.

Q. Who was he in fact?

A. That was his real name. He was one of Baker's detectives.

Q. Do you know anything about him now?

A. I saw him in a street car here a few days ago.

Q. Does he reside in Washington?

A. I understand he resides in New York. As soon as his friend got under arrest he left.

Q. Had you any suspicion that Baker and his detective, Jones, were practicing a fraud upon you and your wife?

A. None at all. We suspected nothing of it until Baker came there to arrest us.

Q. The first time you saw this man Jones, as I understand you, your wife was not present. When did he first see your wife?

A. My wife was down at the Treasury Department when he called upon me in Georgetown. He called two or three times again that same day, and the second or third time saw Mrs. Cobb.

Q. When did he present a petition for the pardon of Howell?

A. Jones never presented the petition. Jones came on the 5th of November, when we were at the Avenue House, and introduced Howell. We had then returned from Pennsylvania.

Q. Had you ever seen Howell before?

A. Never before that afternoon.

Q. Do you know what his real name is?

A. Hine. I learned from General Slough that that was his name; that he had been confined in the Alton prison for acting as a confederate spy.

Q. Did Baker know that?

A. Yes, sir; it was that that gave Baker complete control over him, and that made him so perfectly a tool of Baker.

Q. Did he present his petition, and was that the time the bargain with him was made, when he called on this 5th of November.

A. No, sir; he presented his petition on his second visit, that same night, and agreed to pay $100 down, which he paid, and to pay $200 more when the pardon was obtained.

Q. In what was the payment of $100 made?

A. In two $50 greenbacks.

Q. Who gave him a receipt for it?

A. Mrs. Cobb gave it in my presence. The next time Howell came by himself. Jones never came again.

Q. Did your wife see him alone when he came the next time?

A. No, sir; I was present. To tell you the truth, I rather objected to her engaging in the matter, but she was very sanguine of being able to contribute to our income by these means.

Q. When did you see him again?

A. He came the next day, Sunday, and appeared to be very anxious. He said Baker's detectives were dogging him around; that he could not go anywhere; that he had to appear at Willard's under a fictitious name.

Q. What name did he go by there?

A. I do not remember the name.

Q. Was it Kelly?

A. No; I do not think that was the name.

Q. How long afterwards was it before you obtained the pardon?

A. The petition was brought to us Saturday afternoon, second visit, and the pardon was granted the next Wednesday afternoon, uncompleted.

Q. Did your wife go voluntarily to Baker's headquarters at the time he told you he knew you?

A. No, indeed; he said we had got to put on our duds and go with him, and that he would give us all the notoriety we wanted. He said he arrested us both.

Q. Who was with him then?

A. A man by the name of Speer.

Q. Did Speer have anything to say about it?

A. No. He was very quiet. He did not open his mouth. For a man of that kind he behaved very decently.

Q. How long did Baker keep you and your wife separate at his headquarters?

A. He arrested us between five and six o'clock, just as we were going to tea. I was nearly sick abed. He kept us until about ten or fifteen minutes to twelve that night.

Q. Did Speer remain in the reception room with you while your wife was with Baker up in his private office?

A. He was in and out. There was a guard placed over me. I was quite sick and became very nervous. I asked if I could not go to a restaurant. I was told that I could not go. I then said I was very sick, and asked to be taken to a restaurant, and Speer took me to one.

Q. Did not Speer invite you to go over to the restaurant?

A. No, sir; I went as a prisoner.

Q. He did not treat you?

A. No, sir; he went up and drank, and one or two others went up and drank at my expense.

Q. Did he not ask you to drink?

A. No, sir; I merely asked as a sick man to be taken out, and I went as a prisoner. I am not in the habit of drinking.

Q. After you took a drink, where then did you go?

A. We returned immediately to Baker's headquarters.

Q. Where was your wife in the mean time?

A. Up stairs, a prisoner.

Q. Who was up stairs with her?

A. Baker and a man who remained on guard over her when he was absent. Baker went out to the White House, I suppose, and staid an hour and a half each time.

Q. Who was the man left in charge of your wife while he was away?

A. I do not know, and my wife did not know. She knew he was a detective.

Q. While you were there did Baker get back this money Howell had given your wife?

A. Yes, sir; he took it from her by force.

Q. Did you see it taken away?

A. No, sir; but it appeared in evidence on the trial, and Baker did not deny it.

Q. While you were there was this pardon produced?

A. Yes, sir; it was obtained through a fraud practiced upon me by Speer. He came down from up stairs and stated that my wife requested me to go to the hotel and get the pardon. It was obtained through falsehood on his part.

Q. Why do you say it is falsehood?

A. Because she took an oath on the stand that she made no such request, and they did not refute it. We went then back to the Avenue House, unlocked my door and took the pardon out of a bureau drawer.

Q. Did not Speer tell you where the pardon was?

A. No, sir, he did not; and he did not know. I placed it in the bureau drawer myself. I do not think my wife knew where it was.

Q. Was this man Speer sworn on your trial?

A. I suppose so; I saw his evidence reported in the paper. I was lying sick and out of my mind at the time the trial took place.

Q. What else did you get besides the pardon?

A. The petition, I think.

Q. Did you get a letter addressed to the Secretary of State?

A. Yes, sir; that refreshes my mind. This man Howell, in my presence and at my request, sat down and wrote an acknowledgment that he had received the pardon, although he had not then received it, and was not to receive it until he had taken an oath of allegiance, and this letter I also took up that night with the pardon.

Q. Was the letter written by Howell?

A. Yes, sir; and very well written, in a beautiful hand.

Q. Did they take that from you?

A. Yes, sir.

Q. Did you voluntarily give these things up?

A. No, indeed; I was a prisoner, and came for them under the false assumption that my wife had sent for them.

Q. Where is General Slough now?

A. He is chief justice of the supreme court of New Mexico.

Q. Did you bring suit against Baker?

A. Yes, sir; and got a verdict against him from the jury, but the court did not seem to think it very important. Tom Ford offered to compromise the matter on Baker's part, and he has since told me I was a great fool for not doing it, that I could have made $20,000. The verdict of the jury was guilty of false arrest and guilty of false imprisonment. The suit brought by myself has not yet been tried. The verdict to which I refer was in the criminal trial.

By Mr. WILLIAMS:

Q. Were you summoned here by the Committee, or did you come at your own instance?

A. I came at my own request.

Q. For the purpose of making explanations relative to the charges against your wife?

A. Yes, sir.

Q. Did you hold any office in the regiment raised by you?

A. Yes, sir; lieutenant and quartermaster, at my request. Baker's statement of his tearing the straps from my shoulders must have been purely from his imagination, for I never wore shoulder straps.

Q. What other statement is there in his book that is untrue?

A. The whole conversation that he purports to give as taking place in my room is transposed; and a refutation of such a print would add to its importance.

WASHINGTON, D. C., *May* 30, 1867.

THOMAS T. ECKERT, late assistant Secretary of War, sworn and examined

By Mr. BOUTWELL:

Q. Were you in the service of the government during the years 1864 and 1865; and if so, in what capacity?

A. In 1864 I was a major, and in charge of the military telegraph office. I was subsequently brevetted brigadier general, but continued substantially with the rank of major, as acting assistant Secretary of War up to the time I left the department.

Q. What duties did you perform in the capacity of acting assistant Secretary of War?

A. The general business assigned to that officer. I had charge of many important papers coming into the department.

Q. Did you have any knowledge of the diary said to have been taken from the body of J. Wilkes Booth after his death?

A. I did.

Q. When did you first see it, and in whose hands was it?

A. I saw it the day the body of Booth was brought to Washington. From my own recollection—I do not remember the date—my impression is that it was the 26th of April, 1865. It was brought to the Secretary of War by either Conger or Baker. They reached the Secretary's house before I did, and I do not know in whose hands the diary was up to that time. The diary was then turned over to me. I sealed it up and put it away in my safe, and there it remained until turned over to Judge Holt. Once I made an examination of the register at the National Hotel, to see if I could get some trace of Booth's movements in this city. I found three or four entries of his name. I went to the court room at the arsenal and gave Judge Holt the dates. Judge Bingham asked me if I had examined the diary to see if there was any entry there that would correspond. I told him I had not. I came back, opened the package, but found nothing at all that would compare with these dates. Once it was opened and shown to Judge Bingham and Judge Holt, before it passed into the hands of Judge Holt from me. With these two exceptions it was never from under seal or out of the safe after it came into my hands until it was turned over to Judge Holt.

Q. How long did you retain it in your possession?

A. I do not remember how long. I had so many of these things in my charge, with pretty hard work at that time, that I did not charge my memory with dates. I turned it over on an order from Judge Holt. I looked for that order or receipt yesterday, but did not find it. I may have it in New York among my private papers.

Q. When you received the diary did you make a careful examination of it or not?

A. I made a careful examination of it, I think.

Q. Did you read what was written in it?

A. I did.

Q. Did you then observe whether any leaves had been cut from the diary or not.

A. I did.

Q. Did you notice how many had been cut out?

A. I did not.

Q. When did you last see the diary?

A. This morning.

Q. Did you make an examination of it this morning?

A. Yes, sir; not of the contents, however; simply of the diary itself, with reference to the cutting of the leaves. I did not read anything in it.

Q. State whether the diary is in the same condition it was when you received it, and how otherwise, if not.

A. I believe it is in the same condition it was when I received it. I did not see any change.

Q. Do you know anything of a diamond pin taken from Booth's body?

A. I do.

Q. What of it do you know?

A. I saw it yesterday.

Q. In whose possession?

A. General Townsend's; I hold his receipt for it. It is in exactly the same condition it was when I received it and when I turned it over to General Townsend. That pin was not given to me at the time I received the diary.

Q. From whom did you receive it?

A. I received it from General Baker.

Q. Did you have knowledge of the telegraph lines at or about the time of the assassination of President Lincoln?

A. I did.

Q. Was there any interruption of the lines that night?

A. Yes, sir.

Q. What was it?

A. It was my impression at the time they were cut, but we got circuit again very early the next morning. The manager of the Commercial office reported the cause to have been crossing of wires in main batteries. Throwing a ground wire over the main wires would have caused the same trouble, and taking it off would have put it in ordinary working condition.

Q. Was there an investigation into what was the real cause of the difficulty?

A. No, sir. It did not at the time seem to be sufficiently important, as the interruption only continued about two hours. I was so full of business of almost every character that I could not give it my personal attention. The interruption was only of a portion of the lines between Washington and Baltimore. We worked our City Point line all the time.

Q. Do you know whether the Commercial lines were interrupted at that time?

A. Yes, sir. It was only the Commercial lines that were interrupted; it was in the Commercial office and not in the War Department office. I could not ascertain with certainty what the facts were without making a personal investigation, and I had not the time to do that.

Q. Were you acquainted with the persons who were tried and executed for participation in the assassination?

A. I knew them, but not until after their arrest.

Q. Did you receive statements from any of them?

A. I did from Payne; yes, sir.

Q. Did you from any of the others?

A. No, sir.

Q. Was his statement reduced to writing?

A. No, sir; it was not. I have a memorandum some place. I supposed it was in the War Department, but it may be in New York. It was simply for the purpose of writing out, when I should have the leisure to do so, for Mr. Seward, what Payne said about him, what his intentions and motives were, &c. Mr. Seward asked me to remember what I could of it, and some day when I got time write it out. That is why I made a memorandum. It is not full. It is only of points, and was made for the purpose of recalling them to memory when I came to write it out, but I have never been able to do it.

Q. Did he make any statement as to his knowledge of Booth's designs, or as to the designs of any person connected or concerned with Booth?

A. He told me he knew but little about the details; that he was not very inquisitive, and Booth did not seem disposed to make him a confidant. His statements were particularly with reference to himself and his own movements. I tried very hard to get something else from him, but did not succeed. He told me he was induced to do what he did by Booth; that he met Booth the first time in Richmond—I forget the year. It was during the war. It is my impression it was in 1863, but I am not positive. He saw him there for perhaps

a week almost every day; then did not see him again until after the battle of Gettysburg, and then he saw him in Baltimore.

Q. Did he speak of the associates of Booth in Richmond?

A. He did not. I could not get him to make any statement upon that subject. He was very particular when I put a question not to allow any information affecting others to be drawn out of him.

Q. In what capacity did Payne claim to act?

A. He claimed to be acting as a soldier under Booth.

Q. Did he state that Booth was his superior officer?

A. He did recognize him as his superior officer.

By Mr. WILLIAMS:

Q. Did he hold any grade or commission himself in the confederate army?

A. He did not claim to hold any.

Q. Did he state what commission was held by Booth?

A. He called him captain. I asked him if Booth held a commission. He replied he did not know.

Q. Did he state any reason for attempting to assassinate Mr. Seward?

A. No, sir; he said he knew nothing at all about that; that he was sworn to perform the duty allotted to him, and that was his portion of the work.

Q. Did he state whether or not he knew anything of the designs or attempts upon other persons?

A. I asked him about that. He told me he could not give particulars, but that it was his impression that arrangements had been made with others for the same disposition as he was to make of Mr. Seward. He was very careful about speaking of any one else. He did once speak of Herold, and his remark was that he was a "little blab." Said he: "I never was satisfied with him myself, and so expressed myself to Booth." I tried very hard to get from him how he was drawn into the matter, who he received his money from, and how much he was to get for the job; but although I put a great many questions to him from time to time, there is nothing at all that I obtained from him giving any clue to anybody else. I did not consider it of sufficient importance at the time to make a written statement, and made none. The conversation was at his own instance. I kept him off for four or five days after he expressed a desire for an interview with me. Finally, he became so much distressed that I listened to him; but it was simply a statement of his own action the night of the assassination, of his feelings while in the room and after he left the room, and where he went, up to the time of his arrest.

By the CHAIRMAN:

Q. Did he make any statement as to what other persons were implicated in the plot for assassination?

A. The reply he made to me in answer to that question, (which I put a great many times,) besides implicating John Surratt, was: "All I can say about that is, that you have not got the one-half of them."

Q. Did he make any statement with regard to what other persons were to be assassinated?

A. No, sir, nothing, except as to the President and Mr. Seward. He knew in reference to the intention to assassinate the President, because Booth tried to get him to shoot the President the night of the celebration after the fall of Richmond. The President made a speech that night from one of the windows of the White House, and he and Booth were in the grounds in front. Booth tried to persuade him to shoot the President while in the window, but he told Booth he would take no such risk; that he left then and walked around the square, and that Booth remarked: "That is the last speech he will ever make."

By Mr. BOUTWELL:

Q. Did he make any statement as to his having received money for his services?

A. He told me he received his expenses and his clothing only. I asked him from whom he received it. He said, from Booth.

Q. How long did he represent himself to have been in the service of Booth in that way?

A. He did not give me any data in respect to that. He was wounded at the battle of Gettysburg, and remained in hospital for some time, he thought perhaps for two weeks. While there he tried to make himself generally useful; that he managed to get out, and finally escaped to Baltimore. I asked him if he left Gettysburg with a view to go to Baltimore to meet Booth. He said he did not. I questioned him very strongly on that, and he laughingly replied that I must believe him; that his meeting with Booth in Baltimore was accidental.

Q. Was it at that interview that he went into the service of Booth?

A. Not at that interview. He met him again the next day, when the time and place was appointed to take the oath and enter service.

Q. It must have been in 1863, then?

A. I asked him what the oath was, but he would not tell me. He said he did not remember all of it—said it was very strong.

Q. Did you have a knowledge of the cipher despatch used at Richmond during the war?

A. Yes, sir.

Q. Was there a cipher despatch found upon the body of Booth?

A. I think not. A cipher key was found among his papers, but whether it was obtained at the time of his death, or from his baggage which was shipped from Canada, I do not remember.

Q. Do you know whether that was the same as that used at Richmond?

A. It is my recollection that it was substantially the same.

Q. Was there a key found at Richmond?

A. Yes, sir.

Q. Was it brought here.

A. Yes, sir.

Q. Where was that found?

A. It was found, I believe, in the desk of the Secretary of State. I think Mr. Dana found it. It was delivered to me by him.

Q. Do you know whether the key so found corresponded with the key Booth had?

A. I think it did. It was a key we had worked out pretty well previously, so as to enable us to translate telegrams with accuracy before we got hold of this key.

Q. Have you yourself ever invented or prepared a key to a cipher despatch?

A. I have assisted in it. It was our custom to work at that more or less all the time, and to make frequent changes so as to guard ourselves against any exposure that might be made

Q. That was at the War Department?

A. It was for the War Department and for the service generally.

Q. Have you ever assisted in making any such cipher that was not to be used in the War Department?

A. Not during my connection with the War Department. Since I have been in my present position as superintendent of the commercial lines, I have caused ciphers to be made for my own use, but for no other purpose whatever; they are not the same as used by the government.

By Mr. WOODBRIDGE:

Q. Did the Executive department have a cipher independent of the War Department?

A. Not that I am aware of. Nothing passed through my hands except in the military cipher, in use at the War Department. Business of the Executive department, while I was at the War Department, so far as my knowledge goes, was entrusted to my care, and it was put in our own cipher. We had a great many ciphers on the same general principle, capable of being so varied that the different armies had different ciphers.

By Mr. ELDRIDGE:

Q. Do you remember what papers there were in the memorandum book taken from the body of Booth?

A. I do not. It contained photographs and papers, but what they were I could not now describe.

Q. Did you examine the papers this morning?

A. I did not examine the papers. I examined the book with reference to the leaves being cut out more particularly than anything else. I remember yesterday seeing a paper taken from Dr. Stewart when he was arrested, and I wanted to see whether it was written on a leaf taken from that book. I examined it, and I believe it was. I have the paper here, and I believe it is the original which accompanied the $2 50 sent by Booth to Dr. Stewart.

Q. Did you examine the papers at the time as carefully as you did the book?

A. I did; but it was with a view to find out what his movements were, not thoroughly in regard to the contents. If it did not point to some circumstance connected with Booth's movements, I did not pay much attention to it. I looked carefully with a view of getting something of that kind.

Q. Were you able to recognize the papers now in the book as those you saw in it at the time the diary was first delivered to you?

A. I did not examine the papers this morning. I simply looked at the book with a view to ascertain in reference to the leaves being cut out.

Q. In any manner can you say, generally, whether they were the same?

A. They seemed to be the same, and to the best of my belief they are.

Q. Were they given to you at the same time the book was?

A. Yes, sir; they were in the book, all of them.

Q. You recollect about this letter written to Dr. Stewart?

A. Yes, sir; I remember to have read in Dr. Stewart's statement that he had received from Booth this paper.

Q. Was that in the book at the time you first received it?

A. Not the original paper to which I refer, and which I have in this package of papers, which I found in the War Department in the same condition as I left it.

Q. Did you compare it with the one in the book?

A. No, sir; but they are substantially the same as I saw published, except the sum of money stated as sent was $5, while in this it was $2 50; and my theory is, that the one in the book was written first, but as Booth did not have a great deal of money about him he concluded to reduce the amount sent.

Q. Did you compare this Dr. Stewart letter in the book to see whether that was torn from the book also?

A. My impression is that it was.

Q. And you compared this also to see whether it was torn from the book?

A. Yes, sir.

Q. Did they agree as to date?

A. Yes, sir.

Q. Wherein did they differ?

A. In the amount of money stated. You will see that a part of the writing on the paper found in the book is torn off. This, you will see, is complete. Dr. Stewart's statement is that this paper came to his house sealed up. It was pinned, and bears the marks of the pin used in fastening it. It had no envelope. The address is on the paper itself, and the money was rolled up in it. ("A," previous page in the book.)

Q. When was this paper presented to you?

A. I do not know the date. It was delivered to us at the War Department by General Baker, or Lieutenant Baker. I do not recollect distinctly about it.

Q. Do you recollect Lieutenant Baker?

A. Yes, sir.

Q. Did he deliver it to you?

A. I do not think he did. It is my recollection that General Baker delivered it to me. It was his custom to deliver such papers in person.

Q. How long after the memorandum book was delivered to you?

A. I do not remember. I was at the time of the arrest and examination of Dr. Stewart. He speaks of it in his examination, and of having turned it over to Baker. I received it from Baker.

Q. Please read the paper.

A. It reads as follows:

DEAR SIR: Forgive me, but I have some little pride. I hate to blame you for your want of hospitality; you know your own affairs. I was sick and tired, with a broken leg, in need of medical advice. I would not have turned a dog from my door in such a condition. However, you were kind enough to give me something to eat, for which I not only thank you, but on account of the reluctant manner in which it was bestowed, I feel bound to pay for it. It is not the substance, but the manner in which a kindness is extended, that makes one happy in the acceptance thereof. The sauce is meat is ceremony; meeting were bare without it. Be kind enough to accept the enclosed two dollars and a half (though hard to spare) for what we have received.

Yours, respectfully, STRANGER.

APRIL 24, 1865.

To Dr. STEWART.

Q. Do you know whether the letter addressed to Dr. Stewart, and which is now in the book, was in the book at the time it was delivered to you?

A. I think it was.

Q. Do you recollect of reading it?

A. I recollect of reading it; but whether my recollection is of reading that or this, or both, I am not certain. It is my impression that I read it at the time I received the book.

Q. Do you recollect of sending this Lieutenant Baker back on the track of the party that pursued Booth, some days after, to see what discoveries he could make?

A. I do not remember, but think I did not give any such order.

Q. What articles were delivered to you as taken from the body of Booth?

A. I cannot, from memory, enumerate all. I have a receipt covering everything, taken from General Townsend. General Baker holds my receipt for all he turned over to me.

Q. Name them as far as you can.

A. There was a breastpin, an opera-glass, and I do not remember whether anything else. There were more articles brought into the War Department, but they were turned over to Colonel Burnet.

Q. Was there any money or drafts turned over to General Townsend?

A. I do not remember that there was.

Q. A pipe?

A. The pipe was turned over to Colonel Burnet, according to a memorandum which I have here.

Q. Are you able to state any other articles that were found on the body of Booth?

A. No, sir. I had articles found upon Booth, upon Payne, and upon many others; and did not pay particular attention to them, other than to see that they were placed in separate boxes, labeled, and the boxes locked.

Q. You stated that you had charge during the war of the military telegraph office; did all the war and Executive telegrams go through you from the department?

A. I could not state that. Executive telegrams may have been sent through the Commercial office. It is presumed, however, that they would go through the War Department.

Q. When they went through the War Department, was any record of the originals kept in the department?

A. The intention was to preserve the originals, always.

Q. Are they still preserved?

A. It is my impression that they are. They were, up to the time of my leaving. There may have been instances where the originals were taken, but were returned to the files again.

Q. When did you leave the War Department?

A. In August, 1866.

Q. Did you have a personal supervision of sending the telegrams? Were you an operator at the time?

A. A personal supervision was given to all business that passed through the office. I did not act in the capacity of an operator.

Q. Did you examine the telegrams before they were sent?

A. Sometimes; not always.

Q. Mr. Baker states in his testimony that there were telegrams sent to Nashville, in cipher, from the office at the War Department, that Parson Brownlow was at the time very ill, and Mr. Johnson hoped he would be taken away as soon as possible; that it was the only salvation for the State of Tennessee, and a great many other things Baker could not remember, as he could not get possession of the telegrams, but the operators all regarded it as a conspiracy against the loyal State government of Tennessee. Can you give us any information upon that subject?

A. I cannot.

Q. Do you know of any time when all the operators of the office in the War Department regarded the despatches sent by President Johnson as a conspiracy against the loyal government of Tennessee?

A. I do not. If they had any such impressions, they were not given to me. I did not permit my men to advance opinions in regard to telegrams sent, and particularly to those outside. I never heard of any such opinions on the part of the operators, myself.

Q. You are not aware of any such idea growing out of telegrams sent by the Executive department through the War Office?

A. I do not recollect any, and I do not recollect the telegrams he refers to. I could not answer the question whether any such telegrams were sent without making an examination. I can tell by examination whether the records remain in the same condition they were in when I left the office.

Q. Have you a recollection whether any despatches were sent by the Executive department to Tennessee concerning Governor Brownlow?

A. I do not now recollect.

Q. Did the President, at any time, send despatches through your office, in cipher, to Tennessee?

A. I think he did. All important despatches went in cipher.

Q. In what cipher?

A. Our own. We had no other.

Q. Did you ever know of his sending by any other cipher?

A. I did not. If they were sent by any other cipher, they were not sent through the War Department. If any such telegram as you mention was sent, it must have gone through the Commercial office. It was not, to my knowledge, sent through the War Department.

Q. The same witness speaks of a statement that the President applied to Eckert to arrange a cipher that nobody but himself and one operator in Nashville had a key to; was there any such cipher as that arranged by you?

A. There was not.

Q. Did General Baker ever speak to you about the President sending cipher despatches to Tennessee?

A. He may have done so. I do not now recollect any such conversation.

Q. Were you applied to to arrange a cipher different from that in use in the War Department at any time?

A. I do not think I was.

Q. Did you ever state to Baker that the President had applied to you to arrange a cipher for him?

A. No, sir. I do not remember to have made any such statement.

Q. Can you not be positive about that?

A. I am very positive I did not.

By Mr. MARSHALL:

Q. If you had made such a statement, do you not think you would certainly remember it?

A. I think I should.

Q. Who was the operator at Nashville at that time?

A. J. J. Wickham.

Q. Can you state, positively, whether you, as chief operator, arranged a cipher that nobody had the key to except parties in the office here, and one operator at Nashville?

A. I know there never was such a cipher, and if there was ever any such application, I do not now remember it. I never arranged any. That was a branch of the business I did not talk to people about.

Q. Who gave the order with reference to the burial of Booth's body?

A. The Secretary of War.

Q. Did you?

A. No, sir; or, if I gave any order, it was an order given me by the Secretary of War; and such an order would of necessity be in writing.

Q. Did you give a verbal order to Baker to take the body and dispose of it, and how?

A. I did not.

Q. Do you recollect to whom the charge of that matter was given?

A. It is my impression the order was given to Colonel Benton—whatever order was given. I may, by direction of the Secretary of War, have instructed Baker to take the body to Colonel Benton. I do not recollect that distinctly.

Q. Were you present at the burial of Booth?

A. I was not present when the body was put into the grave.

Q. Did you see the grave?

A. I did.

Q. In what room was the burial to take place?

A. In a large room in the arsenal building.

Q. Please describe that room.

A. The only description I can give of it is, that it is the largest room in the building. It is a room perhaps thirty feet square, and possibly more. I never was in it but twice. It is in the old penitentiary building.

Q. Which side of the building is it on?

A. In going in at the main entrance, it is on the left; what side that is in respect to the points of the compass I cannot give a guess. It was in the night when I went in, and very dark.

Q. Who directed the room in which the body should be buried?

A. It is my impression that Colonel Benton suggested it.

Q. Is that room enclosed completely?

A. Yes, sir. I think it was used as a room in which to walk and give exercise to the prisoners, and, perhaps, for invalids who might be there. That was an impression I got from its size.

Q. What is the height of the room?

A. I do not remember. I could not have judged of the height if I had looked; there was not light sufficient. I have always been under the impression that Colonel Benton had whatever order there was on the subject.

By Mr. THOMAS:

Q. If you had the memorandum, to which you refer, of your conversation with Payne, do you think you could add to the information you have already given?

A. I do not think I could.

By Mr. ELDRIDGE:

Q. When was that statement made by Payne to you?

A. It was the first Sunday night after the prisoners were taken to the old penitentiary.

Q. After the trial?

A. Before the trial.

Q. Were you sworn on the trial?

A. I was sworn on the trial, but not in reference to any point against Payne. What I had would have been of no service in aiding to convict any but those on trial.

Q. Where was the statement made by Payne received by you?

A. In the cell.

Q. Who was present?

A. No one but ourselves. I never wrote a word in his presence, nor he in mine.

By the CHAIRMAN:

Q. Do you know anything of statements made by other of the conspirators?

A. No, sir.

Q. It has been stated that statements were made by Mrs. Surratt, and by Atzerodt. Do you know whether any such statements were made?

A. I think Atzerodt made a statement to one of McPhail's men, by the name of Smith, a cousin of Atzerodt. What that statement was I do not now remember. It was put in writing, I think, by Smith.

Q. Do you know where it is now?

A. I presume it is in the War Department. I talked with Atzerodt, and with all except Mrs. Surratt, but was not able to get anything from them. I never spoke to Mrs. Surratt.

WASHINGTON, D. C., *Friday, May* 31, 1867.

HUGH MCCULLOCH, Secretary of the Treasury, recalled.

By Mr. LAWRENCE:

Q. In Senate Executive Document No. 26, first session Thirty-ninth Congress, page 17, is a letter from the Secretary of State to provisional Governor Holden,

of North Carolina, in which it is said: "It is understood here that besides cotton, which has been taken by the Secretary of the Treasury under act of Congress, there were quantities of rosin and other articles, as well as funds, lying about in different places in the State, and elsewhere, not reduced into possession by United States officers as insurgent property. The President is of opinion that you can appropriate these for the inevitable and indispensable expenses of the civil government of the State during the continuance of the provisional government." State what amount of cotton belonging to the government of the United States was taken by the provisional government of North Carolina for the purposes indicated in that letter; also, what other property, if any, of the United States was so used.

A. No cotton that I am aware of was ever delivered to the State of North Carolina for the purposes mentioned in Mr. Seward's communication. In order that the whole matter may be understood, it will be best for me to refer to the correspondence between the Treasury Department and the State officers of North Carolina on this subject, and with the permission of the Committee I will run briefly through the correspondence, which I think will clearly indicate our position on the subject and be more satisfactory to the Committee than anything I can say without such reference. The first thing I find in the records of the department on the subject is a telegram from David Heaton, special agent of the Treasury Department, of which the following is a copy:

[Telegram.]

RALEIGH, NORTH CAROLINA, *June* 14, 1865.

Hon. H. MCCULLOCH, *Secretary of the Treasury, Washington, D. C.*:

Governor Holden informs me he has sent a telegram to the President in relation to certain cotton, called State cotton. The military authorities took possession of this property several weeks ago and notified me it was captured. Considerable expense has been incurred in getting it ready for market. It was procured to exchange for clothing to aid rebel soldiers in waging the war. What shall be done in the case?

D HEATON,
Special Agent Treasury Department.

In reply I sent to him a telegram as follows:

[Telegram.]

TREASURY DEPARTMENT, *June* 15, 1865.

DAVID HEATON, *Supervising Treasury Agent, Raleigh, North Carolina:*

Retain custody of State cotton, and keep it in its present position until further instructed by me.

HUGH MCCULLOCH, *Secretary of the Treasury.*

On June 16 I instructed him as follows:

[Telegram.]

TREASURY DEPARTMENT, *June* 16, 1867.

DAVID HEATON, *Treasury Agent, Raleigh N. C.:*

Ship the so-called State cotton to New York as captured property without regard to State claims. Use utmost economy and despatch.

H. MCCULLOCH, *Secretary of the Treasury.*

On the 8th of July a letter was received from Governor Worth, dated June 21, of which the following is a copy:

TREASURY DEPARTMENT OF NORTH CAROLINA,
Raleigh, June 21, 1865.

DEAR SIR: The undersigned, under the appointment of Governor Holden, is public treasurer of North Carolina, with the duty assigned, among other things, of securing the property belonging to the State.

This property consists, so far as I have ascertained, of some 600 bales of cotton at Graham, on the North Carolina railroad; another considerable lot, say 500 bales, at Clarksville Junction, on the Raleigh and Gaston railroad; another considerable lot in Georgia; a small lot of rosin in this State, precise locality not known to me; a quantity of goods (of which I have no invoice) in the West Indies, and an unknown amount of money in England arising from the sale of cotton exported by running through the blockade; a lot of teams, some of which belonged to the State quartermaster's department and some to the State salt commissioner; and

of the State library, mineralogical cabinet, and furniture of the State capitol and the Governor's residence.

On learning a few days ago that the cotton at Graham and Clarksville Junction was claimed and about to be shipped by Mr. Heaton, your agent, I asked the favor of General Schofield to request Mr. Heaton to abstain from shipping until we could communicate with the authorities at Washington. We are not supplied with the acts of Congress and the regulations adopted since the war, and hence not well posted as to our present rights and duties. The Governor also had an interview with Mr. Heaton and sent a telegram to the President on the subject. No answer to the telegram has been received. Mr. Heaton called upon me and obligingly presented me with a pamphlet copy of rules and regulations in relation to captured and abandoned property, and he has since sent to the Governor a copy of your telegram to him of the 17th instant, in which you direct him to "ship the so-called (State) cotton to New York as captured property without regard to State claims."

From this telegram I learn that you claim the cotton as "captured property."

I find in the rules and regulations captured property defined to be "that which has been or may be seized or taken from hostile possession by the military or naval forces of the United States."

None of this property was taken or seized by any military or naval force until many days after the capitulation of General Joseph E. Johnston with General Sherman, but was in the possession of the agents of the State *at and after* the proclamation of General Schofield of the 27th April last, in which he announces "to the army and the people of North Carolina that hostilities within the State have definitely ceased." The cotton and other property, with the exception of the books, mineralogical cabinet, and furniture in the capitol, were not seized or taken from "hostile possession," and upon being satisfied of this fact by enquiry of your agents, we hope you will have pleasure in directing them to restore to the State all property captured *after* the date of this proclamation on the ground that it was illegally captured.

You will readily perceive that it is important that I know as soon as practicable what property I shall be allowed to take into my possession as State property, and I respectfully ask to be informed at as early a day as practicable.

I believe all the horses, mules and wagons, and some other property captured with them, have not been turned over from the military to the treasury agent, and General Schofield, in an interview I had with him last week, assured me he would have no hesitation in delivering them to me for the use of the State, but he considered the cotton as having passed out of his control.

Our people are anxious that real concord be restored between them and the United States, and we sincerely desire that, in readjusting the disordered machinery of our State government, not the slightest jar may occur, and that our people may find and believe that the United States authorities appreciate their distresses, and are not disposed to treat them with undue rigor. We have no money in the treasury. The war, never sanctioned by any vote of our people, has annihilated at least two-thirds of our wealth, probably three-fourths of it. Very few have money or property which they can spare, which will command money. We are now called upon for the United States land tax, which is four-fold greater than any land tax paid by this State prior to the war. We are soon to be called upon to pay other taxes to the United States. Our bonded debt, made prior to the war, is about $12,000,000, with the coupons payable in New York, and very few of them paid within the past four years. It would be ruinous to our people to raise money out of them by taxation to pay the expenses of the convention, general assembly, and other necessary expenses which must be incurred for this year and the early part of the next. If we are allowed to use the State cotton and other property we will be able to defray the expenses of the State for a year, and to take steps looking to the payment of our overdue coupons and otherwise restoring our credit, without taxing our people, until they shall have had time to get in condition to pay.

If the government shall withdraw its claims as to State property it will cheer our people and tend greatly to create that kindness of feeling towards their government so essential to restored harmony and prosperity.

If our wishes cannot be gratified, we hope you may be able to give us such explanation of the grounds of your refusal as may reconcile us to our deplorable condition.

Very respectfully, your obedient servant,

JONATHAN WORTH,
Public Treasurer of North Carolina.

Hon. HUGH MCCULLOCH,
Secretary of the Treasury.

Endorsed as follows:

EXECUTIVE DEPARTMENT, NORTH CAROLINA,
Raleigh, June 23, 1865.

I respectfully invite attention to the letter of Mr. Worth, the public treasurer. It is desirable that the right to the State property should be clearly defined. No complaint is intended, but the communication from the public treasurer is simply designed to obtain information as to settle definitely the question in relation to the property referred to.

W. W. HOLDEN.

To the SECRETARY OF THE TREASURY.

That letter was substantially answered by our telegrams. On the 1st of July the following communication was received from General Cox:

HEADQUARTERS ARMY OF THE OHIO,
AND DEPARTMENT OF NORTH CAROLINA,
Raleigh, June 26, 1865.

SIR: I have the honor to state that, upon the occupation of western North Carolina by our troops, I ordered the seizure of several hundred bales of cotton at Graham, which was reported to me as "government cotton," and have since turned the same over to Mr. Heaton, the supervising agent of the treasury in this State.

I now learn that the provisional government claim that the cotton belongs to the State of North Carolina, and Mr. Worth, the State treasurer, visits you in relation to the claim. I have not any evidence before me on the subject, and made the seizure and transfer upon the reports of people in the vicinity, by which I was led to suppose that the "government" referred to was the *confederate* government. I did not know of the claim of the State, and write this in order that their claim may not be prejudiced by my action.

Very respectfully your obedient servant,

J. D. COX, *Major General Commanding.*

Hon. HUGH MCCULLOCH, *Secretary of the Treasury.*

Mr. Heaton, in reply to the telegram read, on the 19th of June sent me the following telegram:

[Copy—Telegram.]

NEWBERN, NORTH CAROLINA, *June* 19, 1865.

Hon. H. MCCULLOCH, *Secretary of the Treasury, Washington, D. C.:*

Telegrams of fourteenth (14th,) fifteenth (15th,) and seventeenth (17th,) all received. The so-called State cotton, as well as other captured property, is being gathered and shipped as rapidly as possible. Captured and abandoned cotton and other property, such as tobacco, hides in process of tanning, naval stores, and copper, are held by the so-called confederate government, and worth large sums in the aggregate, are reported. I propose to have this property saved, shipped, and converted into money. Shall I proceed with the full approval of the President and yourself?

(Signed) D. HEATON, *Special Agent.*

In reply to that I said:

[Copy—Telegram.]

TREASURY DEPARTMENT, *June* 20, 1867.

DAVID HEATON, *Treasury Agent, Newbern, North Carolina:*

Telegram of nineteenth (19th) received. All right. Proceed with captured and abandoned property according to regulations and previous instructions.

(Signed) H. MCCULLOCH,
Secretary of the Treasury.

There does not seem to have been further correspondence on the subject up to October 19, when we were advised from Raleigh as follows:

WAR DEPARTMENT,
OFFICE UNITED STATES MILITARY TELEGRAPH.

The following telegram received at Washington, 9 p. m., October 19, 1865, from Raleigh, October 19, 1865:

"Hon. H. MCCULLOCH:

"SIR: The Hon. W. H. Seward, by order of the President, dated July 8, 1865, authorized me to take possession of resin and other articles, as well as funds, lying about in different places in the State and elsewhere, not reduced into possession by the United States officers as insurgent property. I have relied mainly on this property to defray the inevitable expenses of the State government during the continuance of the provisional government. I have just received the following telegram:

EUFALA, *October* 17, 1865.

"'Governor HOLDEN, *Raleigh:*

"'The military are taking the cotton in our warehouses that did belong to the State of North Carolina.

(Signed) "'S. CLARK,
"'HART, & CO,
"'L. F. JONSON."

"I respectfully request that you direct your officers to abstain from the seizure of the cotton.

"W. W. HOLDEN, *Provisional Governor.*"

In reply to that I sent a despatch on the 20th of October as follows:

[Copy—Telegram.]

TREASURY DEPARTMENT, *October* 20, 1865.

Hon. W. W. HOLDEN, *Raleigh, North Carolina:*

Your despatch of nineteenth (19th) received. I do not see that the case you present is covered by the Secretary of State's letter referred to; but if it were, I have not the power to control the action of the military authorities as reported.

(Signed) HUGH McCULLOCH,
Secretary of the Treasury.

I did not consider the instructions of Mr. Seward as having anything to do with cotton. I think he intended to except it, although the word "besides," used in his communication, is a little misfortunate. On the 25th of October the following letter was received from Mr. Worth:

STATE OF NORTH CAROLINA, TREASURY DEPARTMENT,
Raleigh, October 20, 1865.

DEAR SIR: I learn that your officers have collected all the confederate property they could find in this State. There are still small lots of hides in tan, and some other property scattered about in this State, which the agents of the State could collect. Major Heaton thought there would be no objection to the State agents taking possession of any confederate property in this State not reduced into possession by the officers of the United States.

Will you please inform me whether it meets your views that the State officers glean these fragments for the use of the State to defray expenses of the provisional government?

Yours, very respectfully,

JONATHAN WORTH,
Treasurer and Superintendent of Public Property.

Hon. HUGH McCULLOCH,
Secretary of the Treasury, Washington, D. C.

Endorsed as follows:

EXECUTIVE OFFICE, NORTH CAROLINA
Raleigh, October 21, 1865.

SIR: I entirely approve of the within letter of Mr. Treasurer Worth.

Very respectfully,

W. W. HOLDEN,
Provisional Governor.

Hon. HUGH McCULLOCH,
Secretary of the Treasury.

On the 14th of November I replied as follows to Mr. Worth:

[Copy.]

TREASURY DEPARTMENT, *November* 14, 1865.

SIR: I have received your letter of the 20th ultimo, relative to small uncollected lots of property, heretofore under the control of the so-called confederate States government, lying within the limits of North Carolina, asking whether it meets my views that the State officers should gather these fragments for the use of the State to defray the expenses of its provisional government.

I had already, under date of June 30th last, given such instructions to Mr. Heaton, the supervising special agent for North Carolina, as would, in my opinion, meet the ends desired by you. A copy of the same is herewith enclosed for your information. On receipt hereof, please confer with Mr. Heaton on the subject, and if you jointly think any further action by me is necessary, and will so inform me, I will take the necessary steps in the premises.

Respectfully,

(Signed) H. McCULLOCH,
Secretary of the Treasury.

JONATHAN WORTH, Esq.,
Public Treasurer, North Carolina, Raleigh, N. C.

The following are copies of the circular letter of instructions to officers of the Treasury Department, dated June 27, 1862, and of a communication from the Department of State to the provisional Governor of North Carolina, dated July 8, 1865:

Circular letter of instructions to officers of the Treasury Department relative to commercial intercourse, captured, abandoned, and confiscable property, freedmen, &c.

TREASURY DEPARTMENT, *June* 27, 1865.

The various rules and regulations heretofore prescribed by the Secretary of the Treasury in regard to the above-named subjects having been rendered nugatory, in whole or in part, by the changed condition of affairs in the southern States and Executive orders and proclamations, and the War Department having assumed charge of freedmen, abandoned lands, &c., under the provisions of the act of Congress approved March 3, 1865, the following instructions as to the duties of officers of the Treasury Department in the premises are prescribed, and will be regarded as in full force and effect immediately on the receipt thereof by any officer whose action is in anywise affected thereby:

1. All restrictions on commercial intercourse in and with States and parts of States heretofore declared in insurrection, and on the purchase, transportation, and sale of the products thereof, are removed; *except* as to the transportation thereto or therein of arms, ammunition, articles from which ammunition is made, gray uniforms, and gray cloth; and *except, also*, those relating to property heretofore purchased by the agents or captured by or surrendered to the military forces of the United States. Nor will any fees or taxes be charged or collected except those imposed by the customs and internal revenue laws. And the supervision necessary to prevent the shipment of the prohibited articles will be exercised only by the regular and ordinary officers of the customs, acting under the revenue laws of the United States.

2. Subordinate officers discharging duties in regard to commercial intercourse, under the regulations referred to, will consider their official connection with this department as terminating with the 30th instant, without further notice.

3. Agents for the purchase of products of insurrectionary States on government account will close their official business east of the Mississippi with the transactions of the 13th instant, and west of it with the transactions of the 24th instant, returning to sellers all property or money received or collected since those dates, respectively, and using such despatch in the premises that their connection with the department may, if possible, terminate with the 30th instant.

4. Officers of this department charged with the duty of receiving and collecting, or having in their possession or under their control captured, abandoned, or confiscable personal property, will dispose of the same, in accordance with regulations on the subject heretofore prescribed, at the earliest time consistent with the public interests, and will refrain from receiving such from military or naval authorities after the 30th instant. This will not be construed, however, as interfering with the operations of the agents now engaged in receiving or collecting the property recently captured by or surrendered to the forces of the United States, whether or not covered by or included in the records, &c., delivered to the United States military or treasury authorities by rebel military officers or cotton agents. Those so acting will continue to discharge the duties thus imposed until such property is all received or satisfactorily accounted for, and until the amount so secured is shipped or otherwise disposed of under the regulations on the subject heretofore prescribed. And they will use all the means at their command, with the utmost vigor, to the end that all the property so collected, captured, or turned over shall be secured to the United States with the least possible cost and delay.

After the 30th instant the duty of receiving captured and abandoned property not embraced in the above exception will be discharged by the usual and regular officers of the customs at the several places where they may be located, in accordance with regulations relating to the subject; and officers heretofore performing that duty will give them all the aid and information in their power to enable them to carry out the same.

5. Officers of this department charged with the care or supervision of, or having in their possession or under their control any abandoned or confiscable lands, houses, and tenements, will turn them over to a duly authorized officer of the Bureau of Refugees, Freedmen, and Abandoned Lands, so far as they may be required or demanded by the same, together with all moneys, books, records, and papers arising from or relating to the property so turned over, taking proper receipts or vouchers therefor. This rule will also govern the action of all agents of this department connected in any way with the care of freedmen, &c., so far as it may be applicable.

And all persons asking for any information in regard to the property so turned over, or for the release of the same, or for the release of any proceeds or moneys arising therefrom, will be referred to the Commissioner of Refugees, Freedmen, and Abandoned Lands, at Washington, to whom communications on the subject should be addressed.

6. Officers of this department having in their possession or under their control any moneys whatever arising from fees collected under the commercial intercourse regulations, (except those collected for the benefit of freedmen, which will be disposed of under section 5,) or from the sales of captured, abandoned, or confiscable personal property, will forthwith deposit the same with the nearest assistant treasurer, designated depositary, or deposit bank, (keeping the amounts from the different sources separate,) to the credit of H. A. Risley, esq., supervising special agent, &c., taking therefor receipts in quadruplicate—which receipts must show whence the sums were received—one of which will be retained by the officer so depositing,

one forthwith sent to the Secretary of the Treasury, one to the Commissioner of Customs, and one to Mr. Risley, at Washington.

7. All officers above referred to, except proper officers of the customs, acting exclusively under the revenue laws, will, after they have closed their official business, as above directed, and sold at auction, to the highest bidder, the furniture and property remaining on hand, and accounted for the proceeds of the same, forthwith systematically arrange the books, records, papers, &c., of their late offices, that they may easily be referred to and examined, pack them in secure and water-proof boxes, and forward the same, so marked as to indicate their contents, together with their respective resignations, addressed to the Secretary of the Treasury, Washington city.

HUGH McCULLOCH,
Secretary of the Treasury.

[Copy.]

DEPARTMENT OF STATE,
Washington, July 8, 1865.

SIR: Your letter to the President, of the 26th ultimo, was delivered by Mr. North. The President is gratified with the opinion expressed favorable to the prospect of State organization in North Carolina. Your remarks in regard to collisions between colored troops and white persons have been referred to the War Department. Mr. North will make an estimate of the expenses which may attend the special trust conferred upon you, namely, the organization of the State of North Carolina. The amount, thus reasonably estimated, will be paid at the War Department as an expense incident to the suppression of the rebellion. The estimate, however, will carefully exclude all expenses which may arise from the administration of the civil government of the State, including the charities thereof. It is understood here that, besides cotton which has been taken by the Secretary of the Treasury, under act of Congress, there were quantities of resin and other articles, as well as funds, lying about in different places in the State and elsewhere, not reduced into possession by United States officers as insurgent property. The President is of opinion that you can appropriate these for the inevitable and indispensable expenses of the civil government of the State during the continuance of the provisional government. He is also of the opinion that you can levy taxes or assessment for the inevitable and indispensable expenses prescribed as aforesaid, and enforce their collection. Should you adopt this course and find yourself impeded or embarrassed in the execution of the measure, you will then report to this department, and orders will be given by the War Department to the military authorities to take charge of the matter.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

His Excellency W. W. HOLDEN,
Provisional Governor of North Carolina, Raleigh.

On June 30, 1865, the following letter was sent to Mr. Heaton:

[Copy.]

TREASURY DEPARTMENT, *June* 30, 1865.

SIR: Since my letter to you of yesterday, enclosing copy of the circular letter of the 27th, conveying to you instructions as to the duty of agents in regard to collecting and receiving captured and abandoned property, I have been waited upon by a delegation of citizens of North Carolina, who represent that, in consequence of the extreme destitution of the people, and the want of means at the disposal of the new State government, it will be almost impossible to put it fairly in operation; and they ask that some relief be afforded through the medium of property captured from or abandoned by the late rebel State or confederate government.

Of course, none of the property already turned over to or collected by our agents as such can properly be appropriated for that purpose, but I incline to the opinion that the public good will be as well promoted, and the true spirit of the laws on the subject as fairly carried out, by allowing the new organization to have the benefit of some of the ungathered debris scattered through the State, as to have it gathered by agents of this department, and the proceeds thereof go into the treasury; and I have accordingly indicated to the gentlemen composing the delegation that our agents should not be too inquisitorial in their researches, nor too exhaustive in their labors in this direction, and that I have no objection to the present State government having the benefit of any property which belonged to its rebel predecessor that it may be able to collect.

I will thank you to so shape your action and direct your subordinates as to substantially carry out the policy above indicated.

Respectfully,

(Signed) H. McCULLOCH,
Secretary of the Treasury.

DAVID HEATON, Esq.,
Supervising Special Agent, &c., Newbern, N. C.

On the 21st of December, 1865, a letter, of which the following is a copy, was received from Mr. Holden, provisional Governor of North Carolina:

RALEIGH, N. C., *December* 16, 1865.

DEAR SIR: The undersigned having been employed as agent of your department in collecting the debris of property belonging to the State, and having visited various counties in the interior on the business of his agency, would respectfully make the following suggestions:

At the time of the surrender of the armies of Generals Lee and Johnston, there were small lots of cotton in various localities, generally tithe cotton, which had been paid in to the tithe agents of the so-called confederate States.

These lots were generally seized by companies of soldiers and others, and scattered over a considerable district of country. It has long since been sold and shipped, as far as I know.

In addition to this, there were lots of drugs, too, formerly belonging to the rebellious States, which I have heard of, and which were taken and scattered abroad among various persons.

I think if your agents had the right they could, by a rigorous course of action, under your orders, make many of the parties who have thus seized on the public property pay for it.

I am informed that the treasury agents of the United States have desisted from all attempts to collect up these lots of property, or to make the parties pay for them.

I would respectfully suggest that you lay the subject before his excellency W. W. Holden, to the end that he may, if deemed advisable, bring the matter to the attention of the Secretary of the Treasury of the United States, in the hope that he will relinquish to the State all the right of the government in these lots of cotton, drugs, and other property not yet seized in North Carolina, and for which the parties have not yet been forced to account.

Very respectfully, your obedient servant,

J. J. JACKSON, *State Agent.*

Dr. WM. SLOAN, *Public Treasurer of North Carolina.*

TREASURY DEPARTMENT,
Raleigh, December 16, 1865.

SIR: I respectfully recommend the foregoing communication to your consideration, and, if you approve the suggestions therein made, that you will recommend it to the favorable consideration of the Secretary of the Treasury of the United States.

Very respectfully,

WM. SLOAN, *Public Treasurer.*

To his Excellency Governor W. W. HOLDEN.

Endorsed as follows:

The attention of the Secretary of the Treasury is respectfully invited to the within. I hope the Secretary may find it compatible with his sense of public duty to grant the request of the provisional treasurer.

W. W. HOLDEN,
Provisional Governor.

DECEMBER 17, 1865.

In the same letter he transmits a copy of a letter to the Secretary of State, and of an order which the Secretary of State gave on the subject. The cotton went forward as fast as collected, and the other property also. The next letter appears to be dated January 25, 1866, and is as follows:

STATE OF NORTH CAROLINA, TREASURY DEPARTMENT,
Raleigh, January 25, 1866.

DEAR SIR: Allow me to call your attention to a matter which requires immediate action.

On the 8th of July last Mr. Secretary Seward addressed to provisional Governor Holden a letter, in which he says: "It is understood here that, besides cotton which has been taken by the Secretary of the Treasury, under act of Congress, there were quantities of resin and other articles lying about in different places in the State and elsewhere, and not reduced into possession by United States officers as insurgent property. The President is of opinion that you can appropriate these for the inevitable and indispensable expenses of the civil government of the State during the continuance of the provisional government."

In a letter from you to D. Heaton, dated June 30, 1865, a copy of which was filed in this office, you say: "I have no objections to the present State government having the benefit of any property which belonged to its rebel predecessor that it may be able to collect."

Under the authority of the above order, confirmed by your letter, an agent was sent to Georgia for the purpose of collecting and forwarding to market the scattered articles of property to which the State of North Carolina had title.

One Bivins had possession of seventy bales of cotton, purchased by the State and left with him for safe-keeping. He at first refused to deliver to the agent of the State, and in consequence an attorney was employed by him, who, after long delay, succeeded on the 14th of January, 1866, in inducing Bivins to give it up. It was hauled to the depot, and while awaiting transportation was seized on the 18th of January, 1866, by Wharton, a treasury agent, whose action is approved by Colonel Buckley, general supervising agent of the United States treasury in Georgia.

The expenses incurred by the State for this lot of cotton have been large, all of which will be lost if you insist on a refusal to turn it over to my order.

As the expenses of the provisional government have not yet been paid, and as this cotton has been saved by the exertions of the State, I respectfully submit it will be hard and unjust to deprive the State of its proceeds.

I respectfully request that you will order this cotton to be transferred over to such persons as may be designated by me.

Respectfully, your obedient servant,

(Signed) KEMP P. BATTLE,
Public Treasurer.

Hon. HUGH MCCULLOCH,
Secretary of the Treasury, Washington, D. C.

A letter in similar terms, dated March 3, 1866, from the same person, was received at the Treasury Department, and in response the following letter was written:

[Copy.]

TREASURY DEPARTMENT, *March* 14, 1866

SIR: I have received and considered your letter of the 3d instant, asking the restoration, to such person as may be designated by you, certain seventy (70) bales of cotton, claimed as the property of the State of North Carolina, alleged to be in the possession of an agent of this department in Georgia, the application being based on a letter written by the Secretary of State to the provisional Governor of North Carolina, under date 8th July last, and one from myself to Supervising Special Agent Heaton, dated June 30th.

The rule of the government has been to treat the property owned or controlled by the insurgent authorities of the several States and that of the consolidated rebel organization alike, and it was only for the special reasons set forth in my letter referred to that an exception was made in the case of North Carolina; and that exception, as will be seen by reading the whole letter, was limited, applying as it did only to "some of the ungathered *débris* scattered *through the State.*" Further than this, cotton was expressly excepted, by its terms, from the intention and effect of the letter of the Secretary of State, to which you refer; and in no case has that article been surrendered or restored by the government to any State setting up claim to the same.

I am constrained, therefore, to deny your prayer.

Very respectfully,

(Signed) H. MCCULLOCH,
Secretary of the Treasury.

KEMP P. BATTLE, Esq.,
Public Treasurer of North Carolina, Raleigh, N. C.

Mr. Edwards Pierrepont, of New York, wrote to the department April 17, 1866, as follows:

16 WALL STREET, NEW YORK, *April* 17, 1866.

DEAR SIR: I am employed by the treasurer of the State of North Carolina, the honorable Kemp P. Battle, to advise in relation to the seizure of one hundred and seventy-five bales of cotton belonging to the State, and taken since the proclamation of peace.

Does the government intend to hold it? Second, does the Secretary desire, before action, any formal petition by the State of North Carolina as a *basis* of action?

Very respectfully,

EDWARDS PIERREPONT

The Honorable HUGH MCCULLOCH,
Secretary of the Treasury.

The next is a protest by Kemp P. Battle, treasurer of North Carolina, as follows:

STATE OF NORTH CAROLINA,
TREASURY DEPARTMENT,
Raleigh, April 14, 1866.

SIR: Since the declaration of peace, the 2d of April, one hundred and seventy-five bales of cotton, consigned to New York by this State, have been seized, as alleged, by your order.

I respectfully protest against this action, and request that you will order the release of the cotton.

Your obedient servant,

KEMP P. BATTLE,
Public Treasurer.

Hon. H. MCCULLOCH, *Secretary of the Treasury.*

The next is a copy of the reply of the Treasury Department to Mr. Pierrepont:

[Copy.]

TREASURY DEPARTMENT, *July* 3, 1866.

SIR: I have received your letter of the 28th ultimo, asking—

First. Whether the Secretary of the Treasury declines to give up certain one hundred and seventy-five (175) bales of cotton, or its proceeds, to the State of North Carolina?

Second. If it is determined not to give it up, does the Secretary decline to pay the actual expenses in sending the cotton to New York?

In reply, I have to say that the question as to the disposition of the cottons referred to, and others of their class, has been fully considered by the Executive.

The policy decided upon in relation thereto is, that it should be taken, forwarded to New York, and sold—the proceeds to be held for such ultimate decision as might be made in the premises, either by the action of the Court of Claims, or Congress, or by order of the Executive.

In the mean time, if a statement of the actual expenses referred to is forwarded to me, and found to be reasonable and legitimate charges against the cotton, I will transmit it to the United States cotton agent at New York, with instructions to pay the amount found due to the person duly empowered to receive it, and to charge the same as an item of expense against the cotton, to be taken into account on the final adjustment of the case.

Very respectfully,

(Signed) H. MCCULLOCH,
Secretary of the Treasury.

Hon. EDWARDS PIERREPONT, 16 *Wall street, New York.*

I find no other correspondence appertaining to that subject. The cotton went forward, and was sold. It was the policy of the department to treat all property owned by the insurgent State authorities in the same manner as property owned by the insurgent confederate authorities. We did not make any difference between insurgents assuming to act under State authority and insurgents acting under confederate authority. All the articles of value that belonged to the one or the other we endeavored to collect and send forward to New York. We understood that the War Department was paying the expenses of the provisional governments; and as there were remnants of property, which they called *debris*, scattered over the State which we never would have made anything out of, I consented, under the order of the Secretary of State, that the provisional State authorities of North Carolina should collect that, and make the best use they could of it in meeting the expenses of the State government. On the 4th of December, 1865, there seems to have been a correspondence in the matter of horses. The following is a copy of a letter sent to Mr. Heaton on that subject:

[Copy.]

TREASURY DEPARTMENT, *December* 4, 1865.

SIR: The matter of horses, mules, army wagons, ambulances, etc., used by one or the other of the contending armies in the late war, which have by some means or other come into the possession of private individuals in the States heretofore in insurrection, having been presented

to me, and instructions asked as to the proper course to be pursued in relation thereto, I desire that the action of the several agents of the Treasury Department in the premises shall be uniform and in accordance with the spirit of this letter.

Where any of the animals or articles in question are found in the hands of persons making active use of them for the purpose of cultivating the soil, or earning their livelihood, it is thought that the public interest will be best served by allowing them to remain in their undisturbed possession: *Provided*, in all cases, they are not held in such quantities as to warrant the supposition that the persons are in such circumstances as to be able to procure stock and materials by purchase, rather than in the manner indicated, and that they are not held for speculative purposes.

Where any of the animals or articles named are found in large lots, in any specific locality, and it is evident that they have not yet passed into the possession of the industrial classes, they should be taken charge of by agents of the department, and disposed of as other captured and abandoned property.

Sales thereof should, however, be made within the agricultural districts, as it is believed that not only will a better price be obtained therefor in such localities, but that they will supply a widely felt demand.

Please communicate a copy of this letter, or its substance, to your subordinate agents, with instructions that its spirit be carried out by them.

Very respectfully,

(Signed) H. McCULLOCH,
Secretary of the Treasury.

DAVID HEATON, Esq.,
Supervising Special Agent, Treasury Department, Newbern, N. C.

I understood that General Grant had made a general order by which that kind of property was turned over or loaned to the people. That was my understanding in relation to it.

By Mr. ELDRIDGE:

Q. These were horses that were left by the armies as they passed along, which were, at that time, incapacitated for service—other horses being taken for them from the people?

A. Yes. Our soldiers took good horses and left the disabled ones behind. The only other thing that then came up from North Carolina was an application by the Governor for the removal of the wreck of a rebel ram sunk in the Neuse river.

The following are copies of letters in the department on that subject:

TREASURY DEPARTMENT, *September* 16, 1865.

SIR: In reply to your communication of the 2d instant, in regard to raising a steam ram which lies sunk in the Neuse river, I have to state that the matter has been referred to the supervising special agent, Heaton, for such action as he may consider necessary and proper under the regulations of this department concerning captured and abandoned property.

You will please confer with Mr. Heaton on the subject.

Very respectfully,

H. McCULLOCH,
Secretary of the Treasury.

Hon. W. W. HOLDEN,
Provisional Governor, &c., Raleigh, N. C.

TREASURY DEPARTMENT, *November* 24, 1865.

SIR: I have received your letter of the 18th instant, relative to the sale by you of the vessel known as the "Rebel Ram"—sunk in the Neuse river, near Kingston—for the sum of thirty-five hundred dollars ($3,500.)

Your action in the premises is approved, and in view of the suggestion made by Governor Holden, that the property in question might well be sold for five hundred dollars, the result obtained by you is highly gratifying.

Very respectfully,

H. McCULLOCH,
Secretary of the Treasury.

DAVID HEATON, Esq.,
Supervising Special Agent, Newbern, N. C.

By Mr. LAWRENCE:

Q. Did you ever require from the authorities of North Carolina any statement of the property belonging to the United States which had been converted to the use of North Carolina?

A. I have no recollection of any such requirement.

Q. Are you able to state whether all the expenses of the provisional government, except such as were paid by the War Department, were paid out of property belonging to the United States?

A. I cannot make any definite statement in regard to the amount of the *debris* released to the State of North Carolina, or how the expenses of the provisional government were paid.

Q. Can you state whether any cotton or other property of the United States was appropriated by any of the other provisional governments in the South in payment of their expenses?

A. The agents of the Treasury Department only undertook to collect cotton, tobacco, and other articles of considerable value. I am not aware that either cotton, tobacco, or any other article which we considered it advisable for us to collect as captured or abandoned property, and which would pay the cost of collecting, was ever used for the support of the provisional government, or for any other purpose than to be sold, and the proceeds paid into the treasury of the United States.

Q. Was any account ever required from any of the provisional governments of property belonging to the United States which had been converted to the use of those governments?

A. No account was ever required of the provisional governments by the Treasury Department. Our agents were instructed to collect everything which they considered proper to be collected, and we did not call for any account of the collections by State governments, because we did not suppose there was very much of value left for them to collect.

By Mr. WILLIAMS:

Q. Did you say that you had adopted the same course in reference to the other rebel States as you adopted in North Carolina?

A. I will not be certain in reference to that; but my impression is that a similar order in reference to the collection and use of what we considered the *debris* was issued to the provisional Governor of Alabama, and perhaps also to the provisional Governor of Mississippi.

Q. Were there not like terms made in all of those States?

A. I think not. In most of the States there was very little of such property to be collected. The collections in North Carolina and Mississippi must have been very unimportant. It was the intention of the Treasury Department to collect everything that belonged to the confederate government, everything that had been owned and controlled by the confederate government, and everything that had been owned and controlled by the State insurgent authorities that we supposed would pay the expense of collecting and transportation.*

Q. Your letter of June 30th to Mr. Heaton, in which you say that the public good would be as well promoted by allowing the benefit of the scattered *debris* to the provisional government—was it written on your own motion, or by direction of the President?

A. I do not recollect of having had any conference with the President on that subject. I understood generally that the expenses of organizing the provisional governments were being borne by the War Department, and I thought it would be better, if anything could be saved out of the wreck for the payment of those expenses, that it should be done, rather than for us to undertake to collect the

*See explanatory note concluding this testimony.

property scattered over the State, out of which very little could be realized by the government.

Q. In this letter there does not seem to be any exception made in favor of cotton and tobacco.

A. That was because our general instructions were well understood by our agents. We speak in that letter of *debris*. It was not necessary for us to say anything about cotton, because the instructions to our agent had been specific to take all cotton and all tobacco. I apprehend that, before that letter was written, all the cotton and tobacco that could then be identified had been seized as captured or abandoned.

By Mr. ELDRIDGE:

Q. You did not consider *debris* to include cotton and tobacco?

A. They were expressly excluded in all the instructions that we gave to our agents.

By Mr. BOUTWELL:

Q. If they did not gather up anything but cotton and tobacco, what was the necessity for the language used in this letter?

A. I cannot say. Most of the official letters are written by clerks, and I have not an opportunity to examine carefully and critically every letter that comes before me. All that I know is that our agents were not instructed to deliver to the provisional governments either cotton or tobacco, or any other article liable to seizure that was considered worth collecting. The field had been pretty well gleaned, and I think that before that circular was written nearly everything of any considerable value had been taken possession of, or was in the course of being taken possession of.

By Mr. ELDRIDGE:

Q. Did your instructions intend to include the gathering up of property belonging to private individuals?

A. We did not suppose that we had any authority whatever to collect anything but property that belonged to the confederate government, or that had been used in aid of the confederate government in its war on the United States, or had been captured or abandoned. There was a question as to whether the property owned or controlled by the rebel States should be treated as property owned or controlled by the confederate government was treated. After giving the subject careful consideration, I concluded that we ought not to make any distinction, but that we should treat all insurgent property in the same way—whether it was confederate insurgent property, or State insurgent property.

Q. Where cotton and tobacco were found in considerable quantities in possession of a person claiming to be the owner, were the agents to gather up and dispose of such property?

A. Our agents were instructed to abstain from taking possession of private property, but to be sure that they were not imposed upon. They were not to permit any property which properly belonged to the confederate government to escape seizure on account of its being claimed by private individuals We had the records of the confederate authorities. The lists were turned over to us by the military authorities, and by those lists we endeavored to make our collections, and to determine what was confederate and what was individual property.

Q. Has there ever been any report showing the amount of moneys released from such sources?

A. We have made two or three reports on the subject.

Q. Covering the entire seizures and releases?

A. Yes, covering the whole ground, as nearly as could be ascertained. Cotton was the main article, the mainstay of the rebellion, the chief article in which the confederate government dealt.

Q. The moneys that are covered into the treasury, are they the net proceeds or the gross proceeds?

A. No money was covered into the treasury but net proceeds—the moneys raised from the sale of confederate and captured or abandoned property, after the payment of all expenses. When money is once covered into the treasury by a covering warrant, it can only be taken out by virtue of an act of Congress.

Q. What do you mean by covering money into the treasury by warrant?

A. I mean the process by which the money which goes into the treasury is charged to the Treasurer. For instance, a collector of customs receives moneys for duties upon imports, and deposits them with an assistant treasurer; or a collector of internal revenue receives moneys for internal taxes, and deposits them with a national bank; these moneys, although the moneys of the United States, are not legally in the treasury and charged to the Treasurer until the warrants are drawn by the Secretary and countersigned by the proper accounting officers of the department, upon the respective officers making the deposits for the amounts deposited. The warrants thus drawn are receipted by the Treasurer, and his liability is thus fixed, and the amounts named in the warrants are thus, as the phrase is, "covered into the treasury." The Treasurer, of course, has in his possession, when he receipts a covering warrant, either the money named therein, or evidence that it has been deposited to his credit in some legal depositary, which depositary is or has been charged with the same.

Q. Was there any principle on which the goods of Colonel Washington could have been sold and disposed of, and the money paid into the treasury, which would not also justify the Treasury Department in selling the goods of all the conquered people of those States?

A. I know of no difference between the personal property of Colonel Washington and the personal property of all disloyal men who lived in the southern States, except the fact that the property of Colonel Washington was taken possession of, and the property of others was not taken possession of; but I know nothing in principle to distinguish his furniture from the furniture of other rebels.

Q. Was there anything to justify the original seizure of this property which would not justify the seizure of the furniture and household property of any person engaged in the rebellion?

A. Not that I am aware of. I am not, of course, acquainted with all the circumstances under which that seizure was made; but I know of no reason for the seizure of this property that would not have justified the seizure of that of any other man in the South engaged in the rebellion, or disloyal to the government.

By Mr. CHURCHILL:

Q. Was not abandoned personal property, including household furniture, taken possession of by the agents of the department?

A. Yes—all abandoned property; but I do not understand that the property of Colonel Washington was abandoned. I understand and believe that it was in the custody of a tenant, and that it was not abandoned in the sense in which the term is used in the statute.

Q. The real estate was taken possession of by the Treasury Department?

A. Yes.

Q. How was it regarded—as abandoned property or not?

A. It was regarded, I suppose, when taken possession of by the agent as abandoned property; but I do not think it was abandoned according to the proper intention of Congress.

Q. On what ground was it finally surrendered to him—on the ground of his pardon, or on the ground that it was improperly seized as not being abandoned property?

A. All the real estate that was in possession of the agent of the government,

at a certain day, went over, by the operation of law, to the Freedmen's Bureau, and I think this property was released by order of General Howard, either as not being needed by the Freedmen's Bureau, or because he (Colonel Washington) had taken the amnesty oath and been pardoned.

By Mr. ELDRIDGE:

Q. Was it the policy or practice of the government to treat as abandoned estates which the owners had left in the hands of their authorized agents?

A. I apprehend that property which was in the possession of tenants of the owners, or of lessees of the owners, was not regarded as abandoned property.

Q. Was there any distinction made as to the employment or status of the owner at the time?

A. One of the acts regulating captured and abandoned property defined what should be considered abandoned property, and declared all property abandoned the owner of which was absent from it prosecuting war against the United States.

By Mr. BOUTWELL:

Q. Was not that exactly Colonel Washington's case?

A. I was not aware of it.

Q. Did you not know that Colonel Washington was in the rebel service?

A. I did not.

Q. Were you not informed of it?

A. I was not aware that Colonel Washington was in the service of the confederate government.

Q. Did you not know that the officers of the government had seized his property as abandoned previous to the time you made the repayment of $1,200?

A. I know that the property had been taken possession of either by the military authorities directly, or by our agents acting under the direction of the military authorities; but I was not aware that it was taken possession of as abandoned property under the statute.

Q. Do you know any law by which property can be taken possession of by an agent of the treasury or the Freedmen's Bureau, except a statute which declares certain property to be abandoned property?

A. I do not. All agents acted under the laws regulating captured or abandoned property.

Q. Knowing that this property had come into the possession of the treasury agents or of the Freedmen's Bureau, were you not bound to presume that it was lawfully in their possession?

A. I felt it was the duty, at that time, of the Secretary of the Treasury to enquire into the lawfulness or unlawfulness of all seizures that had been made by the agents of the government, or by the military authorities who had subsequently turned over the property to the treasury agent.

Q. Did you make any enquiry in this particular case, before you paid Mrs. Washington, for the purpose of ascertaining whether the property had been taken possession of as abandoned property?

A. I do not recollect now how thoroughly I examined the case. It did not seem to me that it was a case of very much importance. I supposed that the property could not have been taken with an intention of being held or sold by the government of the United States, and that it was due to the government, and due to the claimants, that the proceeds of it should be restored.

Q. Did you make any enquiry personally, or through any officer of the department? and if so, have you any report of such officer showing whether this property was taken possession of as abandoned property?

A. I do not recollect that I made any particular investigation of the points presented. I only know that, from the best information I could obtain from the files of the department, I came to the conclusion that it was not the intention of

my predecessor, Mr. Chase, that household furniture which came into the possession of the treasury should be sold. According to the best of my recollection, an order was made by Mr. Chase that such property should be boxed and preserved, with the intention, as I supposed, of its being returned to its rightful owner.

Q. Will you furnish the Committee with whatever the records of the department contain in reference to Mrs. Washington's property?

A. I will.

Q. Is it not true that in reference to all movable property the law provides a way by which all persons entitled to the property, or its proceeds, can obtain it by going to the Court of Claims?

A. A provision was made for the recovery of such property, or its proceeds.

Q. Why, then, if you supposed Mrs. Washington entitled to the restoration of her property, or to the payment over of the proceeds, did you not refer the matter, under the law, to the Court of Claims?

A. Simply because I believed it unjust to Colonel Washington, and disreputable to the government, to compel him to go to the Court of Claims, at great expense, for the recovery of the proceeds of his furniture.

Q. Do you mean to say that where a way is pointed out for the adjustment of a claim of an individual against the government by the law, that the way is an improper and unjust way, and that you, as an officer of the government, are justified in adopting some other course for the adjustment of that question?

A. I do not mean to say anything of the kind. I mean only to say that I felt it to be my duty, as an officer of the government, to ascertain whether or not this property was properly captured, and whether it was such property as ought to be sold; and having come to the conclusion that it was not properly captured, and ought not to be sold, and the proceeds covered into the treasury, I felt it to be my duty to return to Colonel Washington the balance of the property which had not been sold, and the proceeds of that which had been disposed of.

Q. What means did you take to ascertain whether it was really abandoned property or not?

A. I took no other means, that I now recollect, than to call on Mr. Risley for a full report of the facts in the case. I have only a general recollection that the case was examined carefully, and that he considered it one where it was evidently right that the proceeds should be paid to the claimant.

Q. Have any other applications been made for payment of money over on account of sales of property that had been sold as abandoned property?

A. I do not recollect that any applications have been made for the restoration of proceeds of furniture.

Q. Any other movable property?

A. Large amounts have been claimed by different parties, and large amounts of property have been returned, and large amounts of money paid over to the applicants under the authority of Mr. Chase, Mr. Fessenden, and myself.

Q. What has been the rule of the department in reference to those applications—what has it been necessary for the applicant to show?

A. It has been necessary for the applicant to show that the property claimed by him was individual property, not owned by the confederate government, and not captured by military authority, or abandoned. On being satisfied that our agents had taken property which they were not authorized to take, or which had not been turned over to them by the military authorities as property captured, I have felt it to be my duty, as my predecessors had felt it to be theirs, to restore such property, or the proceeds, so far as they could be identified. In other words, our agents were sent into the southern States to collect only the property belonging to the confederate government and to the insurgent State governments—in general terms, captured or abandoned property; and whenever

they seized the property of private individuals, not captured or abandoned, I felt it to be my duty to investigate the claims presented for the same with great care, and, on being satisfied that it had been improperly seized, and that it was private property, to restore either the property, or the proceeds, if it had been sold.

Q. There has been no other application for furniture, as I understand?

A. By a general order of the department, all furniture in hands of our agents, which had not been disposed of, and which was claimed by men who had been pardoned, or who had taken the amnesty oath, was restored to them.

Q. How was it in reference to property that had been sold?

A. I do not recollect any particular case in which furniture had been sold, but considerable quantities of furniture may have been sold at different places, for which there never has been a claimant. This was the only case that I recollect in which the proceeds of furniture that had been sold were claimed by the owner.

Q. What has been the rule of the department in reference to claimants of cotton, or of the proceeds of cotton when it was sold?

A. They have been required to furnish proof that the seizure was illegal and improper. I wish to state that in the testimony which I have given before the Committee I have only undertaken to give my general recollection of facts; that to the detail of general business in the Treasury Department I am not able to give particular personal attention, and that therefore I do not pretend to be perfectly accurate in my statements of minor transactions.

By Mr. WILLIAMS:

Q. In your report to Congress, of officers appointed by the President, during the recess, in 1865, and not nominated to the Senate at its next session, you refer to some of them as cases of accidental omission, and you state also in your testimony, if my recollection serves me correctly, to the same effect. I desire to know whether this was merely an expression of opinion on your part, or whether you had any knowledge which warranted that conclusion?

A. As far as the Treasury Department was at fault, the omissions were purely accidental.

Q. I am now speaking of the cases sent to the President by the department, in which he failed to make nominations to the Senate.

A. In regard to the omissions by the President to send nominations to the Senate, I have only to say that the circumstances were such as to leave no doubt on my mind that the omission on his part was likewise accidental. I cannot, however, of course, speak definitely of a matter that was in the bosom of the President; I only say that the circumstances were such as to leave no doubt upon my mind.

Q. To what circumstances do you refer?

A. Near the close of that session, Mr. Cooper, who had been the secretary of the President in charge of nominations, took his seat in Congress as a representative from Tennessee, as the result of which there was some confusion in regard to the business which had been before transacted by him. As soon after the adjournment of Congress as I discovered that nominations had been omitted to be made by the President, I called his attention to the fact, and the appointments were promptly made, and in a number of instances the same persons were appointed who had held the offices, and who were not supposed to be in entire sympathy with the President upon the great questions of reconstruction.

By Mr. ELDRIDGE:

Q. I wish to ask you whether some of the persons whose names were not sent in by the President were not republicans, and afterwards reappointed by him?

A. That was the fact in regard to the surveyor and naval officer at Philadelphia, and perhaps in regard to one or two collectors of internal revenue in Philadelphia.

By Mr. WILLIAMS:

Q. These, then, as I understand you, are the facts upon which you rest that opinion?

A. These facts, and the manner in which the whole subject was treated by the President after his attention was called to the circumstances, satisfied me that they were purely accidental.

Q. How was the subject treated?

A. They were acted upon promptly, and in many cases appointments made of persons who were republicans.

Q. Did not some of them stand over for a month?

A. The President acted promptly, in filling all the vacant offices, as soon as his attention was called to them. It was, in some instances, many days before we discovered the omissions.

The above testimony, on being submitted to the witness for examination, was returned with the following statement:

JUNE 3, 1867.—Since my examination by the Committee on the 28th and 31st ultimo, I have learned that I have been misinformed in regard to the number of officers at the South who had received compensation without having taken the test oath. From a letter addressed by Mr. Rollins to W. E. Chandler, who has testified before the Committee upon this subject, (to which letter I respectfully refer the Committee for the facts and explanations,) it appears that one collector and two assessors of internal revenue, and twenty-one assistant assessors, received some compensation without having taken the oath. I regret that the accounting officers of the department had not, instead of the Secretary and the assistant Secretary, been examined on this subject, as they were in the possession of the facts which were not communicated to the Secretary or assistant. Since my examination I have also ascertained that Colonel Washington's land and furniture were taken possession of, against the remonstrances of the tenant, in July, 1862. The act declaring property to be "abandoned" when the owner was absent aiding the rebellion was passed July 2, 1864, and was not retroactive.

In July, 1863, Mr. Chase gave the following directions to agents in regard to furniture, indicating, I think, that he did not contemplate its sale: "In case furniture or other movable property of like character is abandoned or captured, you will cause it to be retained and left on the premises where found, whenever it can be done with safety; otherwise, if practicable and not attended with too great cost, you will have it safely stored and properly marked and numbered, and will report the facts to this department and await further instructions."

I have ascertained also that, except in the case of North Carolina, no property was given up or surrendered to the provisional Governor of any State, so far as is shown by the records of the Treasury Department.

The only case other than that of North Carolina, in which property, collected or uncollected, was surrendered to public uses by any Executive order, or in pursuance of any policy of the general government, of which I find any record, was that of the State of Alabama. By an Executive order, dated November 11, 1865, all captured and abandoned property in that State, except cotton, was turned over to the assistant Commissioner of Freedmen, General Swayne, this being regarded as the best and most economical use that could be made of it. The following is a copy of the order:

EXECUTIVE OFFICE,
Washington City, November 11, 1865.

Ordered, That the civil and military agents of the government transfer to the assistant Commissioner of the Bureau of Refugees, Freedmen, and Abandoned Lands for Alabama the use and

custody of all real estate, buildings, or other property, except cotton, seized or held by them in that State as belonging to the late rebel government, together with all such funds as may arise or have arisen from the rent, sale, or disposition of such property which have not been finally paid into the treasury of the United States.

(Signed) ANDREW JOHNSON,
President.

Official:

(Signed) E. D. TOWNSEND,
Assistant Adjutant General.

ADJUTANT GENERAL'S OFFICE, *November* 11, 1865.

I desire that the foregoing explanations and statements shall be a part of my testimony.

HUGH McCULLOCH.

WASHINGTON, D. C., *May* 31, 1867.

Hon. EDWIN M. STANTON recalled and examined.

By Mr. LAWRENCE:

Q. Can you state if any money was paid by the government of the United States towards defraying the expenses of the provisional government of North Carolina? If so, how much and for what purpose?

A. Seven thousand dollars were paid out of the army contingencies for the purposes specified in the "detailed statement of expenses of provisional government of North Carolina paid out of the fund of $7,000 advanced by the United States government," filed in the War Department by Governor Holden. This account furnishes the items of the whole expenditure, and exceeds by $31 43 the amount advanced by the government. The account is certified by William Sloan, provisional treasurer. I will furnish the Committee a copy of it. This amount is exclusive of what was paid for the salary of the Governor.

Q. Will you state if similar advances were made to the other provisional governments of the rebel States?

A. I think not. I have not now any recollection of other advances.

Q. Did the War Department pay the salaries of any of the other provisional Governors?

A. The War Department did pay the salaries specified in the letter of the Secretary of War, dated January 8, 1866, printed in Senate Executive Document No. 26, Thirty-ninth Congress, first session, and subsequently paid the salaries of other Governors, amounting in all to the sum of $11,429 38, a statement of the account of which will be furnished, exhibiting the amount paid to each Governor.

By Mr. ELDRIDGE:

Q. Did you pay these sums from the War Department, on your own judgment, without direction from the President?

A. No, sir; they were paid with the sanction and authority of the President—I, however, believing them to be proper payments out of that appropriation. The payment of expenses was made after consultation in Cabinet as to the necessity of furnishing expenses for the purpose of carrying on that government. An estimate was required of and made by the Governor before any payment. That estimate was larger than the sum advanced. It was reduced to the sum of $7,000, and an advance of that sum was made. When the question of the payment of salaries of Governors came up, on the application of Governor Perry for his first quarter's salary, it was referred by the War Department to the State Department, and returned, with an endorsement for payment, by order of the President. Subsequent payments were made upon presentation of the ac-

counts without any specific order. The drafts for salaries which were paid through drafts were addressed to the Secretary of State. Some of the latter payments were made on accounts rendered directly to the War Department. The reason why I believed them to be proper payments out of army contingencies are stated in my letter of January 8, before referred to, in these terms:

"These payments were made from the appropriation of army contingencies, because the duties performed by the parties were regarded of a temporary character, ancillary to the withdrawal of military force, the disbandment of armies, and the reduction of military expenditure by provisional organizations for the protection of civil rights and preservation of peace, and to take the place of the armed forces in the respective States."

Q. Was the whole subject of payment of salaries and of these expenses the subject of Cabinet consideration?

A. Yes, sir.

Q. And the money was paid according to Cabinet determination?

A. I cannot say that they determined anything about it. The matter was discussed in Cabinet, and the payment was made because I believed it to be right, and it met the approval of the President and the Cabinet.

Q. Will you state whether this Cabinet consultation was prior to or after Secretary Seward's letter of July 8, 1865?

A. I cannot state any specific date or any specific Cabinet meeting. The subject was discussed along with other questions relating to the plan of reconstruction then being put in force. There was probably no determination had upon the subject until the payment came to be made. Then there was an interchange of views by the members of the Cabinet upon the general subject. The specific payments were not, so far as I know, in any instance, made the subject of Cabinet consultation, and I do not undertake to state the opinion of any member of the Cabinet except myself; but I know of no dissent in their views.

By Mr. WILLIAMS:

Q. Was there any order made by the department in reference to the execution of General Sherman's order relating to the Sea Islands?

A. I cannot state from recollection, and without reference to the records, whether any official order was promulgated upon the subject or not. I was at Savannah and discussed the subject of that order with General Sherman, and approved of it in all its terms. I conceived his authority, at the head of an army of occupation, to be sufficient at that time to put it in force without any action on the part of the department.

Q. Did you issue any order to General Saxton relative to that subject?

A. No written order, I think. General Saxton either came to Savannah, or was invited there by me. I conversed with him upon the subject, and stated the principles of the order about to be issued by General Sherman, assigning him to the command of a particular district, and in conversation indicated to him the expectation that the order would be carried out by him, and that he would conform to it.

Q. Was not the effect of that order nullified by the President's order, or the order of the Freedmen's Bureau made under the direction of the President, ordering the restoration of lands in possession of the bureau?

A. Before I could answer that question, I should require to have the orders referred to before me; I should want to hear the question fully discussed, and then I should decide it according to my judgment of the law in the case. I do not feel competent as a witness, in answer to the interrogatory, to express any opinion upon the question of law involved.

Q. I put it to you not as a question of law, but as a question of fact, whether it did not take away practically the benefits of that order of General Sherman?

A. As a question of fact, I can state nothing from memory in regard to it, for I do not now remember who were put in possession of the lands under Gen-

eral Sherman's order, or who, if any, were deprived of lands under the President's order. These are matters of detail which appear, or should appear, in the record's of the Freedmen's Bureau. I do not know whether they came under my observation, and if they did, I do not recollect their contents.

Q. Do you know anything about the facts of General Saxton's removal from the place of assistant Commissioner of the bureau, and the reason for that removal?

A. He was removed by my order, upon the application of General Howard, who stated that there were difficulties and controversies down there, and that while he had entire confidence himself in General Saxton, he thought it would, on the whole, be for the benefit of the service that another competent officer should take his place.

Q. Was he not removed upon the special ground that he declined to surrender any portion of the Sea Island lands, except upon a special order, in each particular case, in conformity to Order No. 15, to which I have referred?

A. I have no knowledge of any such cause operating upon his removal, and I do not now remember what was his action upon that subject. I do not think I should have consented to his removal upon any such grounds, or upon any ground short of positive delinquency, (which, to my knowledge, was never charged against him,) without the assent of General Howard, chief of the Freedmen's Bureau.

Q Did you make the order removing General Saxton, upon your own judgment, or by direction of the President?

A. I am not aware that the President had any knowledge of his removal at the time it took place. I made it upon representation which operated upon my own judgment as above stated, and without any diminution of confidence or regard for General Saxton, whom I esteem as a very excellent officer, who has performed great service for the freedmen as well as in other branches of the military service.

Q. General Howard, as I understood you, did not state what the particular difficulties were?

A. Not at all that I remember.

Q. Was any one appointed as successor to General Saxton in that department?

A. My impression is that General Scott, who has been in that field ever since, was assigned to the duties that had been performed by General Saxton.

Q. Was he assigned to those duties by you or by order of the President?

A. By me, upon recommendation of General Howard, and without any conference with the President at all upon the subject. It was one of those acts which were daily performed by the Secretary of War, upon his own judgment upon the facts before him, and with which he never troubled the President.

WASHINGTON, *February* 13, 1866.

GENERAL: Lieutenant General Grant directs that your attention be called to the dangerously inflammatory course of the Richmond Examiner, a newspaper published in Richmond, Virginia, and orders that you take immediate military possession of said newspaper establishment and close it, and that you retain possession and prohibit the publication of the paper until further orders.

The editor, Mr. Pollard, will not be restrained in his personal liberty unless his arrest is necessary to preserve order, or charges setting forth specifically his offences are preferred.

T. S. BOWERS,
Assistant Adjutant General.

Major General A. H. TERRY,
Commanding Department of Virginia, Richmond, Virginia.

EBBITT HOUSE,
Washington, D. C., February 16, 1866.

GENERAL: Referring to my request of this morning that the Examiner be permitted to resume its publication, it is only necessary, after our free and full conversation, to repeat what I then stated, that it is not my purpose to pursue a policy in anywise inimical to the government, but to continue an earnest and cordial support of President Johnson.

It remains only for me to remind you, general, that all my personal interests are involved in this matter, and that they would be hopelessly sacrificed by even a slight delay.

As the President has promised me an interview on the subject at 3 p. m. to-day, I should be glad if you would see him previous to that hour.

I have the honor to be, &c.,

H. RIVES POLLARD.

Lieutenant General GRANT.

HEADQUARTERS ARMIES OF THE UNITED STATES,
Washington, February 17, 1866.

The course of the Examiner, in every number which I have seen, has been such as to foster and increase the ill feeling existing towards the government of the United States by the discontented portion of the southern people. I believe it to be for the best interests of the whole people, North and South, to suppress such utterances wherever the power exists to do so. The power certainly does exist where martial law prevails, and will be exercised.

Reluctant as I was to pursue the course I have felt it my duty to pursue in this instance, and as much as I dislike to interfere with the interests of individuals, I would deem it improper, and mischievous in tendency, to revoke the order for the suppression of the Richmond Examiner at this time.

U. S. GRANT,
Lieutenant General.

EXECUTIVE MANSION,
Washington, D. C., February 16, 1866.

GENERAL: I have sent R. H. Pollard, esq., of the Richmond Examiner, to you for the purpose of disposing of his case. I hope that if he makes satisfactory explanation, and promises to do better hereafter, you will be as moderate with him as possible.

Very respectfully, your obedient servant,

ANDREW JOHNSON.

Lieutenant General GRANT,
Commanding Armies of the United States.

EBBITT HOUSE,
Washington, February 17, 1866.

If the publication of the Examiner is permitted to be resumed, it is my purpose to give a cordial support to the Union, the Constitution, and the laws of the land. The policy of your administration will continue to receive the support of the journal.

I have the honor to be your obedient servant,

H. RIVES POLLARD.

The PRESIDENT.

EXECUTIVE MANSION,
Washington, D. C., February 17, 1866.

GENERAL: H. R. Pollard, esq., has been again to see me in reference to his case. I would not be considered importunate, but Mr. Pollard seems thoroughly penitent, and to give every reasonable promise for the future course of his paper, and I request that the order in regard to it may be suspended for the present.

If such an order is made, the conditions upon which it is done should be clearly stipulated and expressed.

Very respectfully, your obedient servant,

ANDREW JOHNSON.

Lieutenant General GRANT.
Commanding Armies of the United States.

WASHINGTON, *February* 19, 1866.

GENERAL: Your order of date the 13th instant, taking military possession of the Richmond Examiner, a newspaper published in Richmond, Virginia, and prohibiting its publication, made in pursuance of the directions of the Lieutenant General commanding, is hereby temporarily suspended; and the Richmond Examiner will be permitted to resume its publication, upon the express conditions that in future it will not pursue a course inimical to the government, or to the growth or expression in acts or words of Union sentiments among the people of the States lately in rebellion, or to the cultivation of friendly relations between the people of these States, or any of them, and the other States of the Union; and that it will not in anywise fail in its editorials, correspondence, or transfer of articles from other newspapers, to give support, countenance, and friendship to acts and expressions of loyalty to the Union and its supporters.

By command of Lieutenant General Grant:

T. S. BOWERS,
Assistant Adjutant General.

Major General A. H. TERRY,
Commanding Department of Virginia.

WAR DEPARTMENT, ADJUTANT GENERAL'S OFFICE,
Washington, May 31, 1867.

I hereby certify that the annexed documents are true copies of the originals on file in the War Department.

E. D. TOWNSEND,
Assistant Adjutant General.

Be it known that Edward D. Townsend, who has signed the foregoing certificate, is an assistant Adjutant General of the army of the United States, and that to his attestation as such full faith and credit are and ought to be given.

In testimony whereof, I, Edwin M. Stanton, Secretary of War, have hereunto set my hand and caused the seal of the Department of War of the United States of America to be hereunto affixed on this thirty-first day of May, one thousand eight hundred and sixty-seven.

[SEAL.] EDWIN M. STANTON,
Secretary of War.

[By telegraph from Mobile, Alabama, May 11, 1866.]

WM. D. WHIPPLE, *Assistant Adjutant General, Nashville, Tennessee:*

Raphael Semmes has been elected judge of probate for county of Mobile. Is any action in his case necessary?

C. R. WOODS,
Brevet Major General.

[By telegraph from Nashville, Tennessee, May 11, 1866.]

Hon. E. M. STANTON, *Secretary of War, Washington, D. C.:*

Raphael W. Semmes has been appointed probate judge at Mobile, Alabama. Shall I permit him to act?

GEORGE H. THOMAS,
Major General United States Army, Commanding.

[Telegram.]

MAY 16, 1866.

Major General C. R. WOODS:

Your despatch of May 11, referring to Raphael Semmes, received and referred to the Secretary of War. The following answer is furnished you for your guidance in this and similar cases. If this applies to Frank Gurley, you will notify Governor Patton that he, Gurley, will not be permitted to act as sheriff of Madison county.

By command of Major General Thomas:

WILLIAM D. WHIPPLE,
Assistant Adjutant General.

[By telegraph from Washington, D. C.]

To Major General THOMAS, *Commanding:*

Your telegram respecting Raphael Semmes has been presented to the President, who directs that Semmes be not permitted to hold or exercise the functions as probate judge in the city of Mobile, or any other civil or political office or trust, while he remains unpardoned by the President; if at any time a pardon shall be issued to him you will be notified thereof. The same instruction will be observed by you in respect to any unpardoned rebel in your command.

EDWIN M. STANTON,
Secretary of War.

HEADQUARTERS DEPARTMENT OF ALABAMA,
Mobile, Alabama, May, 16, 1866.

By command of the brevet major general commanding, I have the honor respectfully to state to you that it is the direction of his excellency the President of the United States that you be not permitted to hold or exercise the functions of probate judge of Mobile county, or any other civil or political office or trust, while you remain unpardoned by him.

The major general commanding also desires me to state that the above instructions were received only last night, and accompanied by orders for their enforcement, and that it is his hope and desire that you will comply with them without necessitating any further action.

Very respectfully, your obedient servant,

A. RAMSEY NININGER,
Assistant Adjutant General.

RAPHAEL SEMMES, Esq., *Mobile, Alabama.*

EXECUTIVE DEPARTMENT,
South Carolina, September 18, 1865.

DEAR SIR: The Hon. W. H. Seward, Secretary of State, has directed me to draw on the War Department monthly or quarterly for my salary and all necessary expenses of the provisional government of South Carolina. I have accordingly drawn for the first quarter's salary, and authorized John W. Grady to sign my name to any receipts or vouchers necessary. If the whole quarter's salary should not be paid because it wants a few days of being due, then please pay the two months' salary which is past due.

I am greatly in need of stationery and cannot procure it here; do order some to be sent me. It would be a great favor.

Yours, &c.,

B. F. PERRY.

Hon. EDWIN M. STANTON, *Secretary of War, United States.*

EXECUTIVE DEPARTMENT,
South Carolina, September 18, 1865.

In obedience to instructions received from the Hon. W. H. Seward, Secretary of State, directing me to draw on the War Department for my salary as provisional Governor of South Carolina, you will please pay to the order of John W. Grady seven hundred and fifty dollars, due me for first quarter's salary from the 1st day of July to the 1st day of October, 1865, being payable monthly or quarterly. And I do hereby authorize and empower the said John W. Grady to sign my name to any receipts, drafts, or vouchers necessary to receive the same or any part thereof.

B. F. PERRY,
Provisional Governor of South Carolina.

Hon. EDWIN M. STANTON, *Secretary of War, United States.*

EXECUTIVE OFFICE, *October 5, 1865.*

The Secretary of War is directed to pay the salary of Governor Perry out of the appropriation of contingencies.

ANDREW JOHNSON, *President.*

Amounts paid provisional Governors.

Sept. 4, 1865.—W. W. Holden, North Carolina	$750 00
Dec. 14, 1865.—W. W. Holden, North Carolina	1,000 00
	1,750 00
Sept. 30, 1865.—B. F. Perry, South Carolina	$720 00
Feb. 9, 1866.—B. F. Perry, South Carolina	1,516 95
	2,236 95
Oct. 14, 1865.—James Johnson, Georgia	$750 00
Mar. 2, 1866.—James Johnson, Georgia	500 00
Dec. 14, 1866.—James Johnson, Georgia	250 00
	1,500 00
Nov. 3, 1865.—Lewis E. Parsons, Alabama	$1,000 00
Feb. 14, 1866.—Lewis E. Parsons, Alabama	1,740 00
	2,740 00
Jan. 23, 1866.—William Marvin, Florida	$1,722 44
May 7, 1866.—William Marvin, Florida	1,479 99
	3,202 43

Recapitulation.

W. W. Holden	$1,750 00
B. F. Perry	2,236 95
James Johnson	1,500 00
Lewis E. Parsons	2,740 00
William Marvin	3,202 43
Total	11,429 38

Detailed statement of expenses of the provisional government of North Carolina, paid out of the fund of seven thousand dollars advanced by the United States government.

Date.	For what object.	Amount.	Total.
July, 1865.	Amount paid T. N. Ramsay, clerk and messenger in executive office, salary from June 5 to August 5, 1865	$90 00	
	R. C. Badger, traveling expenses to western North Carolina, on business as commissioner of provisional Governor	50 00	
	W. E. Pell, for advertising circular of provisional Treasurer in North Carolina Christian Advocate	2 50	
	Alexander Moore, (colored,) compensation for two months' services in attending on officers in capitol	30 00	
	P. A. Wiley, chief clerk to provisional Treasurer, his salary from 12th of June to 25th of July, and for articles furnished treasurer's office	92 95	
			$265 45
Aug., 1865	Andrew Miller, clerk in executive office, his compensation for fifteen days' services from 10th of July	45 00	
	W. H. Bugley, on account of salary as assistant secretary to provisional Governor	150 00	
	Tod R. Caldwell, on account of salary as aide-de-camp to provisional Governor	150 00	

Detailed statement of the expenses of the provisional government of North Carolina, &c — Continued.

Date.	For what object.	Amount.	Total.
Aug., 1865.	Joseph S. Cannon, on account of salary as aide-de-camp to provisional Governor	$250 00	
	S. M. Parish, compensation for one month as clerk in executive office	80 00	
	Lewis Hanes, private secretary to provisional Governor, his salary for one month	100 00	
	R. C. Badger, on account of salary as assistant secretary to provisional Governor	180 00	
	Tod R. Caldwell, on account of salary as aide-de-camp to provisional Governor	150 00	
	D. W. Bain, chief clerk to provisional Treasurer, his salary for one month from 25th of July	75 00	
	Huffham & Cobb, for advertising for provisional Treasurer in Daily Record	5 00	
	Huffham & Cobb, for advertising proclamation of provisional Governor in Daily Record	46 50	
Aug., 1865.	Sundry persons for advertising proclamation of provisional Governor and circular of provisional Treasurer, as follows:		
	J. L. Pennington & Co., Daily Progress	62 75	
	Dennis Heartt, Hillsboro' Recorder	44 00	
	L. V. Blum, People's Press	45 00	
	I. I. Stewart, Salisbury Banner	46 00	
	Cannon & Holden, for printing and advertising for executive and treasury departments	226 25	
	Alexander Moore, (colored,) on account of services rendered in capitol	10 00	
	W. H. Bagley, on account of expenses in distributing amnesty oath and other documents in sundry eastern counties of North Carolina	250 00	
	W. J. Palmer, for paper furnished for blank books for amnesty oath	364 00	
	R. C. Badger, on account of expenses in distributing amnesty oath and other documents in sundry western counties of the State	200 00	
	Mrs. F. M. Bumpass, advertising circular of provisional Treasurer in Weekly Message	4 00	
	Sundry persons, on account of expenses as messengers of provisional Governor on public business, as follows:		
	James H. Moore	100 00	
	John R. Harrison	50 00	
	H. P. Tucker	50 00	
	W. J. Holleman	100 00	
	Patrick McGowan	50 00	
	John R. Harrison	17 50	
	H. P. Tucker	58 90	
	Cannon & Holden, for printing for executive department and advertising second proclamation of provisional Governor in North Carolina Standard	492 20	
	T. N. Ramsay, for payment of express freight on books and documents from Washington city to provisional Governor	10 75	
	J. L. Pennington & Co., advertising second proclamation of provisional Governor in Daily Progress	210 00	
	W. E. Pell, advertising second proclamation of provisional Governor in Daily Sentinel	200 00	
	Alexander Moore, (colored,) compensation for one month in attending officers in capitol	20 00	
			$3,342 85
Sept., 1865.	S. M. Parish, clerk in executive office, one month's salary	80 00	

Detailed statement of the expenses of the provisional government of North Carolina, &c.—Continued.

Date.	For what object.	Amount.	Total.
Sept., 1865.	T. N. Ramsay, clerk in executive office, one month's salary	$45 00	
	Lewis Hunes, private secretary to provisional Governor, one month's salary	100 00	
	Joseph S. Cannon, on account of salary as aide-de-camp to provisional Governor	150 00	
	Tod R. Caldwell, on account of salary as aide-de-camp to provisional Governor	35 00	
	R. C. Badger, assistant secretary to provisional Governor, on account of salary	90 00	
	W. H. Bagley, assistant secretary to provisional Governor, on account of salary	140 00	
	C. R. Thomas, his salary as provisional Secretary of State from June 5 to August 12, 1865	149 33	
	Jonathan Worth, provisional Treasurer, his salary from June 12 to September 1, 1865	443 80	
	D. W. Bain, chief clerk to provisional Treasurer, his salary for month ending September 25, 1865	75 00	
	Sundry persons, for advertising proclamations of provisional Governor, as follows:		
	W. J. Yates, Western Democrat	179 50	
	L. V. Blum, People's Press	82 50	
	Huffham & Cobb, Daily Record	200 00	
	T. M. Cooke & Co, Wilmington Herald	260 00	
	T. N. Ramsay, for payment of expenses of executive department	10 00	
	W. J. Palmer, furnishing paper for printing amnesty oath and binding same in books, at North Carolina institution for deaf and dumb and the blind	853 00	
	W. J. Palmer, two blank books furnished provisional Treasurer's office	30 00	
			$2,923 13
	Total		7,631 43

TREASURY DEPARTMENT,
Raleigh, North Carolina, January 1, 1866.

I, William Sloan, provisional Treasurer of the State of North Carolina, hereby certify that the foregoing is a true statement of the expenses of the provisional government of this State, (as shown by the proper vouchers on file in this office,) and as paid out of the fund of seven thousand dollars advanced by the government of the United States to W. W. Holden, provisional Governor.

WILLIAM SLOAN, *Provisional Public Treasurer.*

HEADQUARTERS MILITARY DIVISION OF THE MISSISSIPPI,
In the Field, Raleigh, North Carolina, April 18, 1865.

GENERAL: I have agreed with General Joseph E. Johnston for a temporary cessation of active hostilities, to enable me to lay before our government at Washington the agreement made between us, with the full sanction of Mr. Davis, in the presence of Mr. Breckinridge, for the disbandment of all the armies of the confederacy from here to the Rio Grande. If any of your forces are moving towards Johnston, I beg you to check them where they are, or at the extremity of any railroad where they may be supplied, until you receive orders from General Grant, or until I notify you that the agreement is at an end, and hostilities resumed.

I have the honor to be your obedient servant,

W. T. SHERMAN,
Major General Commanding.

The COMMANDING GENERAL,
Armies of the United States in Virginia.

HEADQUARTERS MILITARY DIVISION OF THE MISSISSIPPI,
In the Field, Raleigh, North Carolina, April 18, 1865.

GENERAL: I enclose herewith a copy of an agreement made this day between General Joseph E. Johnston and myself, which, if approved by the President of the United States, will produce peace from the Potomac to the Rio Grande. Mr. Breckinridge was present at our conference in his capacity as major general, and satisfied me of the ability of General Johnston to carry out to the full extent the terms of this agreement, and if you will get the President to simply endorse the copy, and commission me to carry out the terms, I will follow them to the conclusion.

You will observe that it is an absolute submission of the enemy to the lawful authority of the United States, and disperses his armies absolutely; and the point to which I attach most importance is that the dispersion and disbandment of these armies is done in such a manner as to prevent their breaking up into guerilla bands. On the other hand, we can retain just as much of our army as we please. I agreed to the mode and manner of the surrender of arms set forth, as it gives the States the means of repressing guerillas, which we could not expect them to do if we stripped them of all arms.

Both Generals Johnston and Breckinridge admitted that slavery was dead, and I could not insist on embracing it in such a paper, because it can be made with the States in detail. I know that all the men of substance South sincerely want peace, and I do not believe they will resort to war again during this century. I have no doubt that they will in the future be perfectly subordinate to the laws of the United States.

The moment my action in this matter is approved, I can spare five corps, and will ask for orders to leave General Schofield here with the 10th corps, and to march myself with the 14th, 15th, 17th, 20th and 23d corps, *via* Burkesville and Gordonsville, to Frederick or Hagerstown, there to be paid and mustered out.

The question of finance is now the chief one, and every soldier and officer not needed should be got home at work.

I would like to be able to begin the march North by May 1. I urge on the part of the President speedy action, as it is important to get the confederate armies to their homes as well as our own.

I am, with great respect, your obedient servant,

W. T. SHERMAN,
Major General Commanding.

Lieutenant General U. S. GRANT,
or Major General HALLECK,
Washington, D. C.

Memorandum, or basis of agreement, made this 18th day of April, 1865, near Durham's Station, in the State of North Carolina, by and between General Joseph E. Johnston, commanding the confederate army, and Major General William T. Sherman, commanding the army of the United States in North Carolina, both present.

First. The contending armies now in the field to maintain the *status quo* until notice is given by the commanding general of any one to its opponent, and reasonable time, say forty-eight hours, allowed

Second. The confederate armies now in existence to be disbanded and conducted to their several State capitals, there to deposit their arms and public property in the State arsenal, and each officer and man to execute and file an agreement to cease from acts of war, and to abide the action of both State and Federal authority. The number of arms and munitions of war to be reported to the chief of ordnance at Washington city, subject to the future action of the Congress of the United States, and in the mean time to be used solely to maintain peace and order within the borders of the States, respectively.

Third. The recognition by the Executive of the United States of the several State governments, on their officers and legislatures taking the oaths prescribed by the Constitution of the United States; and where conflicting State governments have resulted from the war, the legitimacy of all shall be submitted to the Supreme Court of the United States.

Fourth. The re-establishment of all the federal courts in the several States, with powers as defined by the Constitution and laws of Congress.

Fifth. The people and inhabitants of all the States to be guaranteed, so far as the Executive can, their political rights and franchises, as well as their rights of person and property, as defined by the Constitution of the United States and of the States, respectively.

Sixth. The executive authority of the government of the United States not to disturb any of the people by reason of the late war so long as they live in peace and quiet, abstain from acts of armed hostility, and obey the laws in existence at the place of their residence.

Seventh. In general terms, the war to cease; a general amnesty, so far as the Executive of the United States can command, on condition of the disbandment of the confederate armies, the distribution of the arms, and the resumption of peaceful pursuits by the officers and men hitherto composing said armies.

Not being fully empowered by our respective principals to fulfil these terms, we individually and officially pledge ourselves to promptly obtain the necessary authority and to carry out the above programme.

W. T. SHERMAN,
Major General, Commanding
Armies United States in North Carolina.
J. E. JOHNSTON,
General, Commanding
Confederate States Army in North Carolina.

Compared with the original in my possession and hereby certified.

W. T. SHERMAN,
Major General Commanding.

As the avowed motive of the government of the United States for the prosecution of the existing war with the confederate States is to secure a reunion of all the States under one common government, and as wisdom and sound policy alike require that a common government should rest on the consent and be supported by the affections of all the people who compose it: now, in order to ascertain whether it be practicable to put an end to the existing war, and to the consequent destruction of life and property, having in view the correspondence and conversation which has recently taken place between Major General W. T. Sherman and myself, I propose the following points as a basis of pacification:

1. The disbanding of the military forces of the confederacy.
2. The recognition of the Constitution and authority of the government of the United States on the following conditions:
3. The preservation and continuance of the existing State governments.
4. The preservation to the people of all the political rights and rights of person and property secured to them by the Constitution of the United States and of their several States.
5. Freedom from future prosecution or penalties for their participation in the present war
6. Agreement to a general suspension of hostilities pending these negotiations.

J. E. JOHNSTON.

HEADQUARTERS IN THE FIELD, *April* 14, 1865

GENERAL: The results of the recent campaign in Virginia have changed the relative military condition of the belligerents. I am therefore induced to address you, in this form, the inquiry whether, in order to stop the further effusion of blood and devastation of property, you are willing to make a temporary suspension of active operations, and to communicate with Lieutenant General Grant, commanding the armies of the United States, the request that he will take like action in regard to the other armies; the object being to permit the civil authorities to enter into the needful arrangements to terminate the existing war.

I have the honor to be, very respectfully, your obedient servant,

J. E. JOHNSTON, *General.*

Major General W. T. SHERMAN, *Commanding United States Forces.*

Official:

L. M. DAYTON,
Major and Assistant Adjutant General.

HEADQUARTERS MILITARY DIVISION OF THE MISSISSIPPI,
In the Field, Raleigh, N. C., April 14, 1865.

GENERAL: I have this moment received your communication of this date. I am fully empowered to arrange with you any terms for the suspension of further hostilities as between the armies commanded by you and those commanded by myself, and will be willing to confer with you to that end. I will limit the advance of my main column to-morrow to Morrisville, and the cavalry to the University, and expect that you will also maintain the present position of your forces until each has notice of a failure to agree.

That a basis of action may be had, I undertake to abide by the same terms and conditions as were made by Generals Grant and Lee, at Appomattox Court House, on the 9th instant, relative to our two armies; and, furthermore, to obtain from General Grant an order to suspend the movements of any troops from the direction of Virginia. General Stoneman is under my command, and my order will suspend any devastation or destruction contemplated

by him. I will add that I really desire to save the people of North Carolina the damages they would sustain by the march of this army through the central or western parts of the State.

I am, with respect, your obedient servant,

W. T. SHERMAN,
Major General.

General J. E. JOHNSTON,
Commanding Confederate Army.

Official:

L. M. DAYTON,
Major and Assistant Adjutant General.

[Telegram.]

DURHAM STATION, *April* 16, 1865.

Major General SHERMAN:

The following despatch has just been received from Lieutenant General Wade Hampton.

J. KILPATRICK,
Brevet Major General.

GENERAL: The general commanding directs me to arrange for a meeting between himself and Major General Sherman. In accordance with these instructions, I beg to enquir. when and where this meeting can most conveniently be held. I suggest 10 o'clock a. m. to-morrow as the hour, and a point on the Hillsboro' road, equidistant from the picket of your command and my own, as the place for the proposed meeting.

I am, respectfully, yours,

NED WADE HAMPTON,
Lieutenant General.

Major General KILPATRICK, *United States.*

Official:

L. M. DAYTON,
Major and Assistant Adjutant General.

GREENSBORO', *April* 19, 1865.

GENERAL: As your troops are moving from the coast towards the interior of South Carolina, and from Columbus towards Macon, Georgia, I respectfully suggest that you send copies of your orders, announcing the suspension of hostilities, for transmittal to them by me, supposing the interior route to be shortest.

Most respectfully, your obedient servant,

J. E. JOHNSTON,
General Confederate States Army.

Major General W. T. SHERMAN,
Commanding United States Forces in North Carolina.

Official:

L. M. DAYTON,
Major and Assistant Adjutant General.

HEADQUARTERS MILITARY DIVISION OF THE MISSISSIPPI,
In the Field, Raleigh, N. C., April 20, 1865.

GENERAL: At your request, I send you by Major Sanders several written and printed copies of an order I have made to this army, which announces the cessation of hostilities, &c. I despatched a steamer from Morehead City yesterday for Charleston, with orders to General Gillmore to cease all acts of destruction, public or private, and to draw Generals Hatch and Potter back of the Santee. Also, by 11½ a. m. yesterday, Major Hitchcock was on a fleet steamer at Morehead City, carrying a request to General Meade to check the movement of his army on Danville and Weldon, so that I hope your people will be spared in the Carolinas; but I am apprehensive of Wilson, who is impetuous and rapid. If you will send by telegraph and courier a single word, he will stop, and then the enclosed order will place his command at a point convenient to our supplies.

I send you a late paper, showing that in Virginia the State authorities are acknowledged and invited to resume their lawful functions.

Yours, with respect,

W T. SHERMAN,
Major General.

General J. E. JOHNSTON, *Greensboro'.*

Official:

L. M. DAYTON,
Major and Assistant Adjutant General.

[Special Field Orders, No. 58.]

HEADQUARTERS MILITARY DIVISION OF THE MISSISSIPPI,
Raleigh, N. C., April 19, 1865.

The general commanding announces to the army a suspension of hostilities, and an agreement with General Johnston and other high officials, which, when finally ratified, will make peace from the Potomac to the Rio Grande. Until the absolute peace is arranged, a line passing through Tyrrill's Mount, Chapel Hill University, Durham's Station, and West Point on the Neuse, will separate the two armies. Each army commander will group his camps entirely with a view to comfort, health, and good police. All the details of military discipline must still be maintained, and the general hopes and believes that, in a very few days, it will be his good fortune to conduct you all to your homes. The fame of this army for courage, industry, and discipline is admitted all over the world. Then let each officer and man see that it is not stained by any act of vulgarity, rowdyism, or petty crime. The cavalry will patrol the front line, General Howard will take charge of the district from Raleigh up to the cavalry, General Slocum to the left of Raleigh, and General Schofield in Raleigh, its right and rear.

Quartermasters and commissaries will keep their supplies up to a light load for wagons, and the railroad superintendent will arrange a depot for the convenience of each separate army.

By order of Major General W. T. Sherman:

L. M. DAYTON,
Assistant Adjutant General.

HEADQUARTERS UNITED STATES FORCES,
Goldsboro', N. C., April 19, 1865.

Official:

S. T. HYDE,
Lieutenant and Acting Assistant Adjutant General.

[Cipher.]

HEADQUARTERS CAVALRY CORPS,
MILITARY DIVISION OF THE MISSISSIPPI,
Macon, Georgia, April 20, 1865.

Major General W. T. SHERMAN, *(through headquarters General Beauregard:)*

My advance received surrender of this city, with its garrison, this evening. General Cobb had previously sent me, under flag of truce, a copy of a telegram from Beauregard declaring existence of an armistice between all troops under your command and those under his. Without questioning the authenticity of this despatch, or its application to my command, could not communicate orders to my advance in time to prevent the capture of the place. I shall, therefore, hold its garrison, including Major Generals G. W. Smith and Cobb and Brigadier General McCall, prisoners of war, reasonable length of time to hear from you.

J. H. WILSON,
Brevet Major General.

Official:

L. M. DAYTON,
Major and Assistant Adjutant General.

[Telegram.]

HEADQUARTERS ARMY OF THE TENNESSEE,
April 21, 1865—9.30 a. m.

Major General W. T. SHERMAN, *(care Lieutenant General Hampton, via Hillsboro':)*

I transmit a despatch just received by telegraph from Major General Wilson, U. S. A. Should you desire to give the orders asked for in the same manner, I beg you to send them to me through Lieutenant General Hampton's office.

I hope that for the sake of expedition you are willing to take this course. I also send for your information a copy of a despatch received from Major General Cobb.

J. E. JOHNSTON.

Official:

H. B. McCLELLAN,
Assistant Adjutant General.

fficial:

L. M. DAYTON,
Major and Assistant Adjutant General.

[Telegram.]

HEADQUARTERS ARMY OF TENNESSEE,
April 21, 1865—9.30 a. m.

Lieutenant General HAMPTON:

Transmit to General Sherman the following despatch, dated Headquarters Cavalry Corps, Military Division of the West, Macon, Georgia, April 20, 1865:

"Major General W. T. SHERMAN, *(through headquarters of General Beauregard:)*

"My advance received the surrender of this city with its garrison this evening. General Cobb had previously sent me, under flag of truce, a copy of the telegram from General Beauregard, declaring the existence of an armistice between all the troops under your command and those of General Johnston. Without questioning the authority of this despatch or its application to my command, I could not communicate orders to my advance in time to prevent the capture. I shall therefore hold the garrison, including Major Generals Cobb and G. W. Smith, and Brigadier General McCall, prisoners of war. Please send me orders. I shall remain here a reasonable length of time to hear from you.

"J. H. WILSON,
"*Brevet Major General U. S. Army.*"

Official: J. E. JOHNSTON, *General.*

H. B. McCLELLAN,
Assistant Adjutant General.
Official: L. M. DAYTON,
Major and Assistant Adjutant General.

HEADQUARTERS MILITARY DIVISION OF THE MISSISSIPPI,
In the Field, Raleigh, North Carolina, April 21, 1865.

GENERAL: I send you a letter for General Wilson, which if sent by telegraph and courier will check his career. He may mistrust the telegraph; therefore, better send the original, for he cannot mistake my handwriting, with which he is familiar.

He seems to have his blood up, and will be hard to hold. If he can buy corn, fodder, and rations down about Fort Valley, it will obviate the necessity of his going up to Rome or Dalton. It is reported to me from Cairo that Mobile is in our possession, but it is not minute or official.

General Baker sent in to me, wanting to surrender his command, on the theory that the whole confederate army was surrendered. I explained to him or his staff officer the exact truth, and left him to act as he thought proper. He seems to have disbanded his men, deposited a few arms about twenty miles from here, and himself awaits your action. I will not hold him, his men, or arms subject to any condition other than the final one we may agree on.

I shall look for Major Hitchcock back from Washington on Wednesday, and shall promptly notify you of the result. By the action of General Weitzel in relation to the Virginia legislature, I feel certain we will have no trouble on the score of recognizing existing State governments. It may be the lawyers will want us to define more minutely what is meant by the guarantee of rights of person and property. It may be construed into a compact for us to undo the past as to the rights of slaves, and leases of plantations on the Mississippi of vacant and abandoned plantations. I wish you would talk to the best men you have on these points, and if possible let us in our final convention make these points so clear as to leave no room for angry controversy.

I believe that if the South would simply and publicly declare what we all feel, that slavery is dead, you would inaugurate an era of peace and prosperity that would soon efface the ravages of the past four years of war. Negroes would remain in the South, and afford you abundance of cheap labor, which otherwise will be driven away; and it will save the country the senseless discussions which have kept us all in hot water for fifty years.

Although, strictly speaking, this is no subject of a military convention, yet I am honestly convinced that our simple declaration of a result will be accepted as good law everywhere. Of course, I have not a single word from Washington on this or any other point of our agreement, but I know the effect of such a step by us will be universally accepted.

I am, with great respect, your obedient servant,

W. T. SHERMAN,
Major General United States Army.

General J. E. JOHNSTON,
Commanding Confederate Army.

Official:

L. M. DAYTON,
Major and Assistant Adjutant General.

[By telegraph, through General J. E. Johnston.]

HEADQUARTERS MILITARY DIVISION OF THE MISSISSIPPI,
In the Field, Raleigh, North Carolina, April 21, 1865.

GENERAL: A suspension of hostilities was agreed on between General Johnston and myself on Tuesday, April 18, at twelve noon. I want that agreement religiously observed, and you may release the generals captured at Macon, occupy ground convenient, and contract for supplies for your command, and forbear any act of hostility until you hear, or have reason to believe, hostilities are resumed. In the mean time, it is also agreed the position of the enemy's forces must not be altered to our prejudice.

You know by this time that General Lee has surrendered to General Grant the rebel army of northern Virginia, and that I only await the sanction of the President to conclude terms of peace coextensive with the boundaries of the United States. You will shape your conduct on this knowledge, unless you have overwhelming proof to the contrary.

W. T. SHERMAN,
Major General Commanding.

General JAMES H. WILSON,
Commanding Cav. Div. Miss., Macon, Georgia.

After the above is telegraphed, this original should be sent General Wilson as rapidly as possible.

W. T. SHERMAN, *Major General.*

Official:

L. M. DAYTON,
Major and Assistant Adjutant General.

HEADQUARTERS CAV. CORPS, MIL. DIVISION MISSISSIPPI,
Macon, Georgia, April 21, 1865.

Major General W. T. SHERMAN, *(through General Johnston:)*

Your despatch of yesterday is just received. I shall at once proceed to carry out your instructions if proper arrangements can be made to have sugar, coffee, and clothing sent from Savannah to Augusta. They can be brought hither by the way of Atlanta by railroad, or they can be sent by boat directly to this place from Darien.

I shall be able to get forage, bread, and meat from southeastern Georgia. The railroad from Atlanta to Dalton or Cleveland cannot be repaired in three months. I have arranged to send an officer at once, *via* Eufaula, to General Canby, with a copy of your despatch. General Cobb will also notify General Taylor of the armistice. I have about three thousand (3,000) prisoners of war, including Generals Cobb, Smith, McCall, Mercer, and Robertson. Can you arrange with General Johnston for their immediate release? Please answer at once. I shall start a staff officer to you to-morrow.

J. H. WILSON,
Brevet Major General, Commanding.

Official:

L. M. DAYTON,
Major and Assistant Adjutant General.

[Telegram.]

HEADQUARTERS ARMY OF TENNESSEE,
April 21, 1865—9:30 a. m.

Lieutenant General HAMPTON:

Transmit to General Sherman the following despatch, dated Macon, Georgia, April 20:

"General G. T. BEAUREGARD:

"On receipt of your despatch of 11 o'clock to-day I sent a flag of truce to General Wilson with a copy of the same, and informing him that I had issued orders to carry out the armistice, desisting from military operations, and requesting an interview to perfect operations. The flag met the advance fourteen miles from the city. Before hearing from it the advance moved on the city; and having moved, my pickets were in the city before I was aware of their approach. An unconditional surrender was demanded, to which I was forced to submit.

under protest. General Wilson has since arrived, and holds the city and garrison as captured, notwithstanding my protest. He informs me he will remain in his present position a reasonable length of time to hear from his despatch to General Sherman, sent to your care.

"HOWELL COBB, *Major-General.*"

J. E. JOHNSTON, *General.*

Official:

H. B. McCLELLAN,
Assistant Adjutant General.

Official:

L. M. DAYTON,
Major and Assistant Adjutant General.

[Telegram.]

HEADQUARTERS ARMY OF THE TENNESSEE,
April 22, 1865—2:30 p. m.

Major General W. T. SHERMAN,
Commanding United States Forces, Raleigh, N. C.:

Your telegram to Brevet Major General Wilson is just received. I respectfully suggest that the sentence, "In the mean time it is also agreed that the position of the enemy's forces must not be altered to our prejudice," be so modified as to read, "In the mean time it is also agreed that the position of the forces of neither belligerent shall be altered to the prejudice of the other;" and that on this principle you direct Major General Wilson to withdraw from Macon and release its garrison.

J. E. JOHNSTON, *General.*

Official:

H. B. McCLELLAN,
Assistant Adjutant General.

Official:

L. M. DAYTON,
Major and Assistant Adjutant General.

HEADQUARTERS MILITARY DIVISION OF THE MISSISSIPPI,
In the Field, Raleigh, North Carolina, April 23, 1865.

GENERAL: Your communication of 2:30 p. m. of yesterday is received. My line of communication with General Wilson is not secure enough for me to confuse him by a change in mere words. Of course the *status quo* is mutual, but I allow him to apply it to his case, according to his surroundings.

I would not instruct him to undo all done by him between the actual date of our agreement and the time the knowledge reached him; I beg, therefore, to leave him free to apply the rule to his own case; indeed, I have almost exceeded the bounds of prudence in checking him without the means of direct communication, and only did so on my absolute faith in your personal character.

I enclose a despatch to General Wilson, in cipher, which, translated, simply advises him to keep his command well together, and to act according to the best of his ability, doing as little harm to the country as possible, until he knows hostilities are resumed.

I am, with respect,

W. T. SHERMAN.
Major General.

General JOSEPH E. JOHNSTON,
Commanding Confederate Army, Greensboro'.

Official:

L. M. DAYTON,
Major and Assistant Adjutant General.

[Cipher.]

HEADQUARTERS MILITARY DIVISION OF THE MISSISSIPPI,
In the Field, Raleigh, April 23, 1865.

General WILSON:

Cipher despatch received. There is a general suspension of hostilities, awaiting the assent of our new President to certain civil points before making a final military convention of peace. Act according to your own good sense until you are certain the war is over. Keep

possession of some key point that will secure your present advantages; rest your men and horses, and in a few days you will either receive positive information of peace, or can infer the contrary. My messenger should be back from Washington to-morrow.

W. T. SHERMAN.
Major General.

Official:

L. M. DAYTON,
Major and Assistant Adjutant General.

HEADQUARTERS MILITARY DIVISION OF THE MISSISSIPPI,
In the Field, Raleigh, N. C., April 23, 1865—8 p. m.

General JOSEPH E. JOHNSTON, *C. S. A.:*

Major Hitchcock reports his arrival at Morehead City with despatches from Washington, and will be here in the morning. Please be in readiness to resume negotiations when the contents of despatches are known.

Very respectfully,

W. T. SHERMAN,
Major General United States Army.

Official:

L. M. DAYTON,
Major and Assistant Adjutant General.

WAR DEPARTMENT,
Washington City, April 21, 1865.

GENERAL: The memorandum or basis agreed upon between General Sherman and General Johnston having been submitted to the President, they are disapproved. You will give notice of the disapproval to General Sherman, and direct him to resume hostilities at the earliest moment.

The instructions given to you by the late President, Abraham Lincoln, on the 3d of March, by my telegram of that date addressed to you, express substantially the views of President Andrew Johnson, and will be observed by General Sherman. A copy is herewith appended.

The President desires that you proceed immediately to the headquarters of General Sherman and direct operations against the enemy.

Yours, truly,

EDWIN M. STANTON,
Secretary of War.

Lieutenant General GRANT.

HEADQUARTERS ARMIES OF THE UNITED STATES,
May 8, 1865.

Official:

GEO. K. LEET,
Assistant Adjutant General.

Copy of President Lincoln's instructions.

[Cipher.]

WAR DEPARTMENT,
Washington City, March, 3, 1865.

Lieutenant General GRANT:

The President directs me to say to you that he wishes you to have no conference with General Lee, unless it be for the capitulation of General Lee's army, or upon some minor and purely military matter.

He wishes me to say that you are not to decide, discuss, or confer upon any political question; such questions the President holds in his own hands, and will submit them to no military conferences or conventions.

Meantime you are to press to your utmost your military advantages.

EDWIN M. STANTON,
Secretary of War.

HEADQUARTERS ARMIES OF THE UNITED STATES,
May 8, 1865.

Official copy:

GEO. K. LEET,
Assistant Adjutant General.

[Cipher.—3:30 p. m.]

FORT MONROE, *April* 22, 1865.

Major General HALLECK, *Richmond, Va:*

The truce entered into by Sherman will be ended as soon as I can reach Raleigh. Move Sheridan with his cavalry towards Greensboro', North Carolina, as soon as possible. I think it would be well to send one corps of infantry also—the whole under Sheridan. The infantry need not go further than Danville, unless they receive orders hereafter to do so.

U. S. GRANT,
Lieutenant General.

Official copy:

GEO. K. LEET,
Assistant Adjutant General.

HEADQUARTERS MILITARY DIVISION OF THE MISSISSIPPI,
In the Field, Raleigh, North Carolina, April 24, 1865—6 a. m.

General JOHNSTON, *Commanding Confederate Army, Greensboro':*

You will take notice that the truce or suspension of hostilities agreed to between us will cease in forty-eight hours after this is received at your lines, under the first of the articles of our agreement.

W. T. SHERMAN,
Major General.

Official:

L. M. DAYTON,
Major and Assistant Adjutant General.

[Special Field Orders No. 62.]

HEADQUARTERS MILITARY DIVISION OF THE MISSISSIPPI,
In the Field, Raleigh, North Carolina, April 24, 1865.

The suspension of hostilities proclaimed in Special Field Orders No. 58 will terminate at 12 m on Wednesday, the 26th instant, and hostilities will be made according to the plan laid down in Special Field Orders No. 55, of date April 14, 1865.

By order of Major General W. T. Sherman:

L. M. DAYTON,
Assistant Adjutant General.

HEADQUARTERS MILITARY DIVISION OF THE MISSISSIPPI,
In the Field, Raleigh, North Carolina, April 24, 1865.

General WILSON, *Macon:*

The truce will expire on the morning of the 26th. You will renew your operations according to your original instructions.

W. T. SHERMAN,
Major General Commanding.

Official:

L. M. DAYTON,
Major and Assistant Adjutant General.

IN THE FIELD, *Greensboro', April* 24, 1865.

Major General W. T. SHERMAN, *Commanding:*

In forwarding the following despatch, I respectfully suggest the propriety of releasing the prisoners taken at Macon, and the withdrawal of General Wilson's troops to some point beyond that at which he received from General Cobb information of the armistice.

J. E. JOHNSTON, *General.*

Official:

L. M. DAYTON,
Major and Assistant Adjutant General

HEADQUARTERS MILITARY DIVISION OF THE MISSISSIPPI,
In the Field, Raleigh, April 24, 1865.

General JOHNSTON, *Commanding Confederate Armies:*

I have replies from Washington to my communications of April 18. I am instructed to limit my operations to your immediate command, and not to attempt civil negotiations. I therefore demand the surrender of your army on the same terms as were given to General Lee at Appomattox, of April 9, pure and simple.

W. T. SHERMAN,
Major General.

Official:

L. M. DAYTON,
Major and Assistant Adjutant General.

[Telegram.]

HEADQUARTERS ARMY OF THE TENNESSEE,
In the Field, April 25, 1865.

Major General SHERMAN, *United States Army:*

Your despatch of yesterday received. I propose a modification of the terms you offered: such terms for the army as you wrote on the eighteenth; they also modified according to change of circumstances, and a further armistice to arrange details and meeting for that purpose.

J. E. JOHNSTON, *General*

Official:

L. M. DAYTON,
Major and Assistant Adjutant General.

HEADQUARTERS MILITARY DIVISION OF THE MISSISSIPPI,
In the Field, Raleigh, April 25, 1865.

General JOHNSTON:

I will meet you at the same time and place as before, to-morrow, at 12 o'clock noon.

W. T. SHERMAN,
Major General.

Official:

L. M. DAYTON,
Major and Assistant Adjutant General.

[Telegram.]

GREENSBORO', *April* 26, 1865—2 a. m.

Major General SHERMAN, (*through General Butler:*)

I will meet you at the time and place you designated.

Is armistice, with *status quo*, renewed?

J. E. JOHNSTON, *General.*

Official:

L. M. DAYTON,
Major and Assistant Adjutant General.

[Telegram.]

IN THE FIELD, *April* 26, 1865.

GENERAL: I have had the honor to receive your despatch of yesterday summoning this army to surrender on the terms accepted by General Lee at Appomattox Court House. I propose, instead of such surrender, terms based on those drawn up by you, on the 18th, for disbanding this army, and a further armistice and a conference to arrange these terms.

The disbanding of General Lee's army has afflicted this country with numerous bands having no means of subsistence but robbery, a knowledge of which would, I am sure, induce you to agree to other conditions.

Most respectfully, your obedient servant,

J. E. JOHNSTON, *General.*

Major General W. T. SHERMAN,
Commanding United States Forces.

Official:

L. M. DAYTON,
Major and Assistant Adjutant General.

Terms of a military convention entered into this twenty-sixth (26th) day of April, 1865, at Bennett's house, near Durham's Station, North Carolina, between General Joseph E. Johnston, commanding the confederate army, and Major General W. T. Sherman, commanding the United States army, North Carolina.

All acts of war on the part of the troops under General Johnston's command to cease from this date. All arms and public property to be deposited at Greensboro', and delivered to an ordnance officer of the United States army. Rolls of all the officers and men to be made in duplicate; one copy to be retained by the commander of the troops, and the other to be given to an officer to be designated by General Sherman. Each officer and man to give his individual obligation, in writing, not to take up arms against the government of the United States until properly relensed from this obligation.

The side-arms of officers, and their private horses and baggage, to be retained by them. This being done, all the officers and men will be permitted to return to their homes, not to be disturbed by the United States authorities so long as they observe their obligation and the laws in force where they may reside.

J. E. JOHNSTON, *General.*
W. T. SHERMAN,
Major General Commanding U. S. Forces in North Carolina.

Approved:

U. S. GRANT,
Lieutenant General.

RALEIGH, N. C., *April* 26, 1865.

Official:

L. M. DAYTON,
Assistant Adjutant General.

Military convention of April 26, 1865.—*Supplemental terms.*

I. The field transportation to be loaned to the troops for their march to their homes, and for subsequent use in their industrial pursuits. Artillery horses may be used in field transportation if necessary.

II. Each brigade or separate body to retain a number of arms equal to one-seventh of its effective total, which, when the troops reach capitals of their States, will be disposed of as the general commanding the department may direct.

III. Private horses and other private property of both officers and men to be retained by them.

IV. The commanding general of the military division of west Mississippi, Major General Canby, will be requested to give transportation, by water, from Mobile or New Orleans, to the troops from Arkansas and Texas.

V. The "obligations" of officers and soldiers to be signed by their immediate commanders.

VI. Naval forces within the limits of General Johnston's command, to be included in the terms of this convention.

J. E. JOHNSTON,
General Commanding C. S. Troops in North Carolina.
J. M. SCHOFIELD,
Major General Commanding U. S. Forces in North Carolina.

Endorsed:

W. T. SHERMAN,
Major General Commanding.

A true copy:

FREDERICK ANDERSON,
Lieutenant and Acting Assistant Adjutant General.

HEADQUARTERS MILITARY DIVISION OF THE MISSISSIPPI,
In the Field, Raleigh, North Carolina, April 27, 1865.

GENERAL: I herewith enclose you copies of my Field Orders Nos. 65 and 66, which give General Schofield full and ample powers to carry into effect our convention; and I hope at your personal interview with General Schofield you satisfied your mind of his ability and kind disposition towards the inhabitants of North Carolina. In addition to the points made at our interview of yesterday, I have further instructed General Schofield to facilitate what you and I and all good men desire—the return to their homes of the officers and men composing your army—to let you have of his stores ten days' rations for twenty-five thousand men. We have abundance of provisions at Morehead City, and if you send trains here they may go down with our trains, and return to Greensboro' with the rations specified.

Colonel Wright did intend to send his construction train up to-day, but did not get up his carpenters in time. The train, with square timber and carpenters, will go up in the morning; and I think by the morning of the 29th your trains can run down on the road and fall in with ours of the 30th.

I can hardly estimate how many animals fit for farm purposes will be loaned to the farmers; but enough, I hope, to insure a crop.

I can hardly commit myself how far commerce will be free; but I think the cotton still in the country and the crude turpentine will make money with which to procure supplies. General Schofield, in a few days, will be able to arrange such matters. I wish you would send the enclosed parcel for General Wilson, as it contains the Orders 65 and 66, and instructions to release all his prisoners on the conditions of our convention.

Now that war is over, I am as willing to risk my person and reputation, as heretofore, to heal the wounds made by the past war: and I think my feeling is shared by the whole army. I also think a similar feeling actuates the mass of your army; but there are some unthinking young men, who have no sense or experience, that, unless controlled, may embroil their neighbors. If we are forced to deal with them it must be with severity; but I hope they will be managed by the people of the south.

I am, with respect, your obedient servant,

W. T. SHERMAN,
Major General United States Army.

General JOHNSTON,
Commanding Confederate Armies, &c., Greensboro'.

Official:

T. S. BOWERS,
Assistant Adjutant General.

Official copy:

H. CLAY WOOD,
Assistant Adjutant General.

[Special Field Order No. 65.]

HEADQUARTERS MILITARY DIVISION OF THE MISSISSIPPI,
In the Field, Raleigh, North Carolina, April 27, 1865.

The general commanding announces a further suspension of hostilities and a final agreement with General Johnston, which terminates the war as to the armies under his command and the country east of the Chattahoochee.

Copies of the terms of convention will be furnished Major Generals Schofield, Gillmore, and Wilson, who are especially charged with the execution of its details in the department of North Carolina, department of the South, and at Macon and in western Georgia.

Captain Myers, ordnance department United States army, is hereby designated to receive the arms, &c., at Greensboro'. Any commanding officer of a post may receive the arms of any detachment, and see that they are properly stored and accounted for.

General Schofield will procure at once the necessary blanks, and supply the other army commanders, that uniformity may prevail; and great care must be taken that all the terms and stipulations on our part be fulfilled with the most scrupulous fidelity, while those imposed on our hitherto enemies be received in a spirit becoming a brave and generous army.

Army commanders may at once loan to the inhabitants such of the captured mules, horses, wagons, and vehicles as can be spared from immediate use; and the commanding generals of armies may issue provisions, animals, or any public supplies that can be spared to relieve present wants, and to encourage the inhabitants to renew their peaceful pursuits, and to restore the relations of friendship among our fellow-citizens and countrymen.

Foraging will forthwith cease; and when necessity or long marches compel the taking of forage, provisions, or any kind of private property, compensation will be made on the spot: or when the disbursing officers are not provided with funds, vouchers will be given in proper form, payable at the nearest military depot.

By order of Major General W. T. Sherman:

L. M. DAYTON,
Assistant Adjutant General.

[Special Field Orders No. 66.]

HEADQUARTERS MILITARY DIVISION OF THE MISSISSIPPI,
In the Field, Raleigh, North Carolina, April 27, 1865.

Hostilities having ceased, the following changes and dispositions of troops in the field will be made with as little delay as practicable:

I. The 10th and 23d corps will remain in the department of North Carolina, and Major General J. M. Schofield will transfer back to Major General Gillmore, commanding the department of the South, the two brigades formerly belonging to the division of Brevet Major General Grover at Savannah. The third division, cavalry corps, Brevet Major General J. Kilpatrick commanding, is hereby transferred to the department of North Carolina, and General Kilpatrick will report in person to Major General Schofield for orders.

II. The cavalry command of Major General George Stoneman will return to East Tennessee, and that of Brevet Major General J. H. Wilson will be conducted back to the Tennessee river, in the neighborhood of Decatur, Alabama.

III. Major General Howard will conduct the army of the Tennessee to Richmond, Virginia, following roads substantially by Lewisburg, Warrenton, Lawrenceville, and Petersburg, or to the right of that line. Major General Slocum will conduct the army of Georgia to Richmond by roads to the left of the one indicated for General Howard, viz: by Oxford, Boydtown, and Nottoway Court House. These armies will turn in at this point the contents of their ordnance trains, and use the wagons for extra forage and provisions. These columns will be conducted slowly and in the best of order, and will aim to be at Richmond, ready to resume the march, by the middle of May.

IV. The chief quartermaster and commissary of the military division, Generals Easton and Beckwith, after making the proper dispositions of their departments here, will proceed to Richmond and make suitable preparations to receive those columns, and to provide them for the farther journey.

By order of Major General W. T. Sherman:

L. M. DAYTON,
Assistant Adjutant General.

HEADQUARTERS MILITARY DIVISION OF THE MISSISSIPPI,
In the Field, Raleigh, North Carolina, April 27, 1865.

GENERAL: The negotiations which have been progressing for some days, and which may have led to conflicting orders by you, are now complete. I send you a copy of the convention signed by General Johnston and myself, together with copies of my orders to carry out its terms. You may treat the prisoners in your hands as under the convention, and have all sign an obligation such as is contemplated in it. After you have concluded this business, I want your cavalry about Decatur, where they can be sent according to further developments. I regard the war as over, but it is well to be prudent and cautious, as there is much danger of some of the discharged soldiers of both armies infesting the country as robbers. If you encounter any of these, either punish them with extreme severity, or carry them where the civil authorities of an organized State can try and punish.

I will order so that, if possible, you can get supplies at Savannah or Augusta.

Yours, truly,

W. T. SHERMAN,
Major General Commanding.

General J. H. WILSON, *Commanding Cavalry Corps.*

Official:

T. S. BOWERS,
Assistant Adjutant General.

Official copy:

H. CLAY WOOD,
Assistant Adjutant General.

[Telegram.]

General Johnston to Major General Schofield.

APRIL 28, 1865.

Major General W. T. SHERMAN,
Commanding U. S. Forces, (care General R. H. Anderson:)

I have the honor to inform you that yesterday I was informed that the cavalry at Hillsboro' was moving westward, but I immediately communicated, through the commanding officer at Salisbury, an order to the officer commanding a division of cavalry on the Yadkin to inter-

cept those moving from Hillsboro', and all stragglers. In answer to this order I received the reply that three divisions of cavalry were also moving with them. I regret the movement of these troops, fearing it may embarrass me in settling matters in Georgia and South Carolina.

I succeeded in stopping one brigade and a portion of another moving from Hillsboro', but have not those that were yesterday beyond Salisbury.

J. E. JOHNSTON, *General*,
By ARCHIE ANDERSON,
Assistant Adjutant General.

Official copy:

J. A. CAMPBELL,
Assistant Adjutant General.

[Telegram.]

General Johnston to Major General Schofield.

APRIL 28, 1865—11:30 a. m.

Major General SCHOFIELD,
United States Army (care Brigadier General R. H. Anderson:)

We are now ready for the printed forms of obligation. Please send them.

J. E. JOHNSTON, *General.*

A true copy:

J. A. CAMPBELL,
Assistant Adjutant General.

[Telegram.]

General Johnston to Major General Schofield.

GREENSBORO', N. C., *April* 29, 1865.

Major General SCHOFIELD:

I said by telegraph yesterday that we were ready for the forms of obligation.

J. E. JOHNSTON, *General.*

A true copy:

J. A. CAMPBELL,
Assistant Adjutant General.

[Telegram.]

General Johnston to Major General Schofield.

APRIL 29, 1865.

Major General SCHOFIELD:

I reported by telegraph yesterday that we were ready for the printed forms. I have ordered the arms to be sent to Greensboro', where we have ordnance officers and a sufficient guard. The arms turned in will be as safe under that guard as your own. I hope, therefore, that your troops will not be brought up yet. We are ready for your staff officers. Our troops are a good deal dispersed to procure forage.

J. E. JOHNSTON.

A true copy:

J. A. CAMPBELL,
Assistant Adjutant General.

Major General Schofield to General Johnston.

SUPPLEMENTAL TERMS.

APRIL 26, 1865.

1. The confederate troops to retain their field transportation until they reach the capitals of their respective States, when it will be disposed of as the general commanding the department in which the State is embraced may direct. Artillery horses may be used in field transportation if necessary.

II. Each brigade or separate body to retain a number of arms equal to one-seventh of its effective total, which, when the troops reach capitals of their States, will be disposed of as the general commanding may direct.

III. Private horses, and other private property, of both officers and men, to be retained by them.

IV. The commanding general of the military division of west Mississippi, Major General Canby, will be requested to give transportation by water from Mobile or New Orleans to the troops from Arkansas and Texas.

V. The "obligation" of the officers and soldiers to be signed by their immediate commanders.

VI. Naval forces within the limits of General Johnston's command to be included in the terms of this convention.

Major General Schofield to General Johnston.

RALEIGH, NORTH CAROLINA, *April* 29, 1865.

GENERAL: I have received your communication of yesterday, enclosing supplemental terms to the convention of April 26. I find it is necessary to modify them to some extent, but I hope they will be satisfactory to you.

General Sherman has vested in his several department commanders the power to carry into effect the convention of April 26, within the limits of their departments, respectively, and to dispose of the captured animals and wagons by loans to citizens.

It is not in my power to make the terms proposed, as to the time when the officers and men shall be released from their obligation.

Mobile and New Orleans, and the country west of the Mississippi, are in General Canby's military division. Hence, the most I can do is to ask him to give the transportation you desire for men from Arkansas and Texas.

I enclose a copy of the supplemental terms, as modified. I will send up the printed forms, and officers to execute them, to-morrow. I propose that obligation be written upon the face of roll, and certified by the commanding officer and one of my staff officers, and that each officer and man be furnished with a certificate bearing the same signatures.

Very respectfully, your obedient servant,

J. M. SCHOFIELD,
Major General Commanding.

General JOSEPH E. JOHNSTON,
Commanding Confederate Forces, Greensboro', North Carolina.

A true copy:

J. A. CAMPBELL,
Assistant Adjutant General.

[Telegram.]

Major General Schofield to General Johnston.

RALEIGH, NORTH CAROLINA, *April* 29, 1865.

General JOSEPH E. JOHNSTON,
Confederate States Army, Greensboro', North Carolina:

The printed forms of obligation are not quite ready. I hope to be able to send them to-morrow.

J. M. SCHOFIELD, *Major General.*

A true copy:

J. A. CAMPBELL,
Assistant Adjutant General.

Major General Schofield to General Johnston.

RALEIGH, NORTH CAROLINA, *April* 29, 1865.

When will you be ready to turn over the arms and other public property at Greensboro'? I propose to send up a regiment of infantry with the staff officer to-morrow to guard the property turned over. If this meets with your views please inform me.

I will send up this evening my approval of the supplemental terms with some modification which I deem necessary.

J. M. SCHOFIELD, *Major General.*

General JOSEPH E. JOHNSTON,
Greensboro, North Carolina.

A true copy:

J. A. CAMPBELL, *Ass't Adj't General.*

Major General Schofield to General Johnston.

RALEIGH, NORTH CAROLINA, *April* 30, 1865.

I will modify the first article of the supplemental terms as you request. It will not be necessary for your detachments to be collected to give their obligations. The certificate of commanding officers will be all the evidence necessary. I believe General Hartsuff understands it so. If not, please show him the despatch.

J. M. SCHOFIELD.

General JOHNSTON, *Greensboro'*.

A true copy:

J. A. CAMPBELL,
Assistant Adjutant General.

Major General Schofield to General Johnston.

RALEIGH, NORTH CAROLINA, *April* 30, 1865.

GENERAL: I return herewith the supplemental terms, modified in accordance with your desire. You are right in your recollection of our understanding on the 26th about the field transportation. Indeed, it is better as you propose.

J. M. SCHOFIELD,
Major General Commanding.

General J. E. JOHNSTON, *Greensboro', N. C.*

A true copy:

J. A. CAMPBELL,
Assistant Adjutant General.

Military convention of April 26, 1865.—Supplemental terms.

I. The field transportation to be loaned to the troops for their march to their homes, and for subsequent use in their industrial pursuits. Artillery horses may be used in field transportation if necessary.

II. Each brigade or separate body to retain a number of arms equal to one-seventh of its effective total, which, when the troops reach the capitals of their States, will be disposed of as the general commanding the department may direct.

III. Private horses and other private property of both officers and men to be retained by them.

IV. The commanding general of the military division of west Mississippi, Major General Canby, will be requested to give transportation by water from Mobile and New Orleans to the troops from Arkansas and Texas.

V. The obligations of officers and soldiers to be signed by their immediate commanders.

VI. Naval forces within the limits of General Johnston's command to be included in the terms of this convention.

J. M. SCHOFIELD,
Major General Commanding U. S. Forces in North Carolina.
J. E. JOHNSTON,
General Commanding C. S. Forces in North Carolina.

A true copy:

FREDERICK ANDERSON,
Lieutenant and Acting Assistant Adjutant General.

Approved and forwarded:

W. T. SHERMAN,
Major General Commanding.

GREENSBORO', NORTH CAROLINA, 1865.

In accordance with the terms of the military convention entered into on the twenty-sixth day of April, between General Joseph E. Johnston, commanding the confederate army, and Major General W. T. Sherman, commanding the United States army in North Carolina, ——— ——— has given his solemn obligation not to take up arms against the government

of the United States until properly released from this obligation, and is permitted to return to his home, not to be disturbed by the United States authorities so long as he observes this obligation and obeys the laws in force.

_____,
United States Army, Special Commissioner.

_____,
Confederate States Army, Commanding.

Major General Schofield to General Johnston.

RALEIGH, NORTH CAROLINA, *April* 30, 1865.

GENERAL: I have received your letter of the 28th, to Major General Sherman, and will forward it to him by the first mail.

I apprehend that the failure of so large a portion of your troops, especially cavalry, to comply with the terms of the convention, will give us no little trouble, and keep the country in a disturbed condition for a long time, but we must deal with them as best we can.

I would like to see you upon this and other matters, and will run up to Greensboro' in a few days if my official duties here will permit. If not, may I ask you to visit me here?

Your first train has arrived and will go on to Newbern to-night. There may be some delay on account of the large amount of stores taken by the armies north, but they shall not be detained unnecessarily.

I enclose certified copy of the convention of April 26, to replace the one you have lost.

Very respectfully, your obedient servant,

J. M. SCHOFIELD,
Major General Commanding.

General J. E. JOHNSTON, *Greensboro'*.

A true copy:

J. A. CAMPBELL,
Assistant Adjutant General.

HEADQUARTERS DEPARTMENT OF NORTH CAROLINA,
Army of the Ohio, Raleigh, North Carolina, May 12, 1865.

GENERAL: I send you by a special messenger the rolls of General J. E. Johnston's army, surrendered to you by the convention of April 26; also a consolidated return made from the rolls.

The number surrendered and paroled in North Carolina is forty general officers and thirty-six thousand nine hundred and seventy-one subordinate officers and men. This number does not embrace the cavalry which went south under orders from Davis as his escort, and since surrendered to General Wilson in Georgia, nor the men who went home during the suspension of hostilities without waiting for their paroles.

General Johnston found it impossible to deliver all the arms and other public property at Greensboro', and were compelled to receive them wherever the troops chose to throw them down. The staff officers are at work collecting all the property, and I will forward reports as soon as the work is completed.

I also enclose a copy of the "supplemental terms" agreed to by General Johnston and myself, in pursuance of your instructions.

I am, general, very respectfully your obedient servant,

J. M. SCHOFIELD,
Major General.

Major General W. T. SHERMAN,
Commanding Military Division of the Mississippi, Washington, D. C.

[Endorsement on above.]

Approved and forwarded:

W. T. SHERMAN,
Major General Commanding.

HEADQUARTERS DEPARTMENT OF NORTH CAROLINA,
Army of the Ohio, Raleigh, North Carolina, May 12, 1865.

COLONEL: I have the honor to report that, in obedience to the orders of the major general commanding, I proceeded, on the 30th of April, with three other officers from Major General Schofield's staff, three from Major General Cox's staff, and three from Major General Terry's staff, to the headquarters of General Johnston, at Greensboro', North Carolina, for the pur-

pose of paroling the officers and men of his army in this State. I found his army scattered along the North Carolina railroad, from Hillsboro' to Charlotte, a distance of about one hundred and thirty miles; the main portion of it being at or near Greensboro'. I distributed the officers who were with me to the different points where the troops were stationed, and commenced paroling on the morning of the 1st of May. General Johnston was not willing to have any men paroled but those who were actually present. I have now in my possession the rolls of every company and detachment of men of General Johnston's army who were serving in this State. From these rolls I have made a consolidated report, which I send you herewith.

General Johnston tried faithfully to carry out the terms of agreement between himself and Major General Sherman, but the terribly demoralized condition of his army, resulting from its being hastily disbanded, rendered it exceedingly difficult for him to control it. I think it would have been entirely disorganized but for the anxiety of the men to receive their paroles before going home. As it was, a large number did go home before they were paroled. I think the number that went off with Generals Wheeler and Hampton, and those who went to their homes after cessation of hostilities, together with those who were present, would amount to at least fifty thousand. I do not know the number of arms that were surrendered; I do not think the number will be equal to four-fifths of the arms-bearing men. Many of the men had broken or thrown away their arms. I am satisfied, however, that the number of arms carried away was not greater than was allowed by the terms of agreement.

The entire army, except the posts at Salisbury and Charlotte, was paroled in two days after we arrived at Greensboro', and commenced to march to their homes on the morning of the 3d of May.

Very respectfully, your obedient servant,

WILLIAM HARTSUFF,
Brevet Brigadier General, and Assistant Inspector General Army of the Ohio.

Lieutenant Colonel J. A. CAMPBELL,
Assistant Adjutant General, Department of North Carolina.

[Endorsements on foregoing.]

HEADQUARTERS DEPARTMENT OF NORTH CAROLINA,
Army of the Ohio, Raleigh, North Carolina, May 12, 1865.

Respectfully forwarded to the Adjutant General of the army, in connection with all the papers in the matter and rolls of the officers and men paroled.

J. M. SCHOFIELD,
Major General.

Approved and forwarded

W. T. SHERMAN,
Major General Commanding.

HEADQUARTERS MILITARY DIVISION OF THE MISSISSIPPI,
Camp near Alexandria, Virginia, May 19, 1865.

GENERAL: I have just received at the hands of Colonel William Wherry, of General Schofield's staff, the enclosed communication, with an abstract of the prisoners of war surrendered and paroled at Greensboro', North Carolina, about the first of May, pursuant to the terms of the capitulation made by General Johnston, near Durham's Station, on the 26th of April. The aggregate number paroled exceeds the number heretofore reported, and amounts to thirty-six thousand seven hundred and ninety-one men.

I am yours, truly

W. T. SHERMAN,
Major General.

General JOHN A. RAWLINS,
Chief of Staff, Washington, D. C.

[Endorsement on above.]

HEADQUARTERS ARMIES OF THE UNITED STATES,
June 17, 1865.

Respectfully forwarded to the Secretary of War, together with the rolls of officers and men of Johnston's army.

U. S. GRANT,
Lieutenant General.

WAR DEPARTMENT, *March* 3, 1862.

SIR: You are hereby appointed military Governor of the State of Tennessee, with authority to exercise and perform within the limits of that State all and singular the powers, duties, and functions pertaining to the office of military Governor, (including the power to establish all necessary offices and tribunals, and suspend the writ of *habeas corpus*,) during the pleasure of the President, or until the loyal inhabitants of that State shall organize a civil government in conformity with the Constitution of the United States.

EDWIN M. STANTON,
Secretary of War.

Hon. ANDREW JOHNSON.

WAR DEPARTMENT,
Washington City, D. C., March 4, 1862.

SIR: Your compensation as military Governor of Tennessee will be at the rate of three thousand dollars per annum, that being the rate of compensation for Governor in that State. Your accounts will be settled in this department.

Yours, truly,

EDWIN M. STANTON,
Secretary of War.

Hon. ANDREW JOHNSON,
Military Governor of Tennessee.

WAR DEPARTMENT,
Washington, D. C., March 4, 1862.

SIR: You are authorized to draw to the amount of $10,000 on the fund to aid in the organization of a home guard, in the hands of the assistant treasurer of the United States at Cincinnati, for the purpose of organizing a home guard of the Union men in Tennessee, loyal to the United States.

Yours, truly,

EDWIN M. STANTON,
Secretary of War.

Hon. ANDREW JOHNSON,
Military Governor, Tennessee.

WAR DEPARTMENT,
Washington City, D. C., May 14, 1863.

SIR: I am directed by the Secretary of War to say that it is seen in the authority given Colonel Stockton, of Michigan, to raise a brigade, that the condition of service in Tennessee is indicated, or at least implied, for these troops. Although it is the intention of the War Department to give them this destination, the enrolment or enlistment should be for the service of the United States unconditionally, and without qualification, expressed or implied, of any character whatever. It will, in his judgment, be exceedingly unwise to make any promises, or hold out any inducements, as the exigencies of the service may prevent their being realized, and this would lead to embarrassments of the gravest character.

I have the honor to be, very respectfully, your obedient servant,

ED. R. S. CANBY,
Brigadier General, and Assistant Adjutant General.

His Excellency A. JOHNSON,
Military Governor, &c., Nashville, Tennessee.

WAR DEPARTMENT,
Washington City, March 28, 1863.

Ordered, That Brigadier General Andrew Johnson, military Governor of Tennessee, be and he is hereby authorized to raise troops for the United States service, to rendezvous at such place or places in Tennessee as may be designated by him or the Secretary of War: infantry, cavalry, and artillery to be organized according to the rules and regulations of the service: the numbers to be ten regiments of infantry, ten of cavalry, and ten batteries of artillery.

Second. Governor Johnson will nominate the officers, who will be commissioned by the

department. They will be mustered into the service of the United States by Governor Johnson. The troops will be enlisted for the term of three years or during the war.

Third. Quartermasters and commissaries will issue supplies to the troops so raised upon the requisition of General Johnson, and whenever required by him.

Fourth. That Governor Johnson be also authorized to raise and muster into the service of the United States such force as he may deem adequate, not exceeding one brigade, for the purpose of a Governor's guard, which force shall be under his exclusive orders, and not to be withdrawn from his service, or otherwise employed, without his consent.

EDWIN M. STANTON,
Secretary of War.

Governor JOHNSON.

WAR DEPARTMENT,
Washington City, April 2, 1863.

GOVERNOR: Under your authority and commission as military Governor, you are authorized, in your discretion, to exercise, among others, the following powers:

First. To impose taxes for the support of the poor, for police purposes, and purposes of his government generally.

Second. To impose exactions upon all disloyal persons for the support of the wives and children of those who may have been expelled from the country, or who may be in the rebel service.

Third. To impose exactions upon all who have contributed to the rebel service by money, by property, or by the use of their slaves, the amount of exaction to be determined by the discretion of the Governor, or by a board whom he may appoint for that purpose.

Fourth. The power also to extend to the taking possession of property, and collecting rents for property, or hire of slaves owned by persons who are within the rebel lines.

Very respectfully, your obedient servant,

P. H. WATSON,
Assistant Secretary of War.

Brigadier General A. JOHNSON,
Military Governor of Tennessee.

WAR DEPARTMENT,
Washington City, April 18, 1863.

GENERAL: You will establish your headquarters as military Governor of the State of Tennessee at the city of Nashville, and as such officer will take possession of all the public buildings belonging to the State of Tennessee, and hold them in your charge and under your control for the public purposes for which they were designed or in which you may have occasion to employ them.

Second. You will appropriate such of the buildings to the civil officers, executive, legislative, and judicial, as may be required for the performance of their respective functions, employing such force of military or civil police as you may deem necessary for the security and proper care of such buildings, and all other public property in the city of Nashville.

Third. All the public commons and public property in the city of Nashville, and elsewhere in the State, will be in your charge as military Governor, and, so far as possible, you will exercise control over them, your authority and jurisdiction over all such public property being as exclusive and absolute as was exercised by the State of Tennessee, subject only to such military occupation and use as may, in the course of the war be authorized and directed by the general commanding the department.

Fourth. You will also take possession of and occupy all vacant and abandoned buildings and property within the city of Nashville, possessed or owned by persons engaged in the rebellion, and may apply them to such uses as you may deem proper. You will exercise also the same powers throughout the State of Tennessee.

Fifth. You will also take possession of all abandoned lands and plantations that may come within your power, and lease them for occupation and cultivation upon such terms as you may deem proper, keeping an account of the products and registering the name of the former proprietor, and the person and terms upon which they are leased, reporting the same to this department.

Sixth. You will take in charge all abandoned slaves or colored persons who have been held in bondage, and whose masters have been or are now engaged in rebellion, and may provide for their useful employment and subsistence in such manner as may be best adapted to their necessities and the circumstances in which you find them, having reference to the provisions of the acts of Congress relating to this class of persons, and being governed by their provisions.

Seventh. You will cause all such persons to be enrolled upon a descriptive roll, setting forth their names, their sex, their age, with any other remarks that may be useful in defining their capacity for usefulness, or as descriptive of their persons, and transmit a copy of them to this department. Such of them as are able-bodied, and can be usefully employed upon the fortifications or other public works, you will so employ, securing and causing to be paid to them reasonable wages for their labor.

Eighth. You will also take measures to secure employment and reasonable compensation for the labor of all others, of whatever age or sex, making, from time to time, report to this department. Such as may be sick or helpless, from age or infirmity, you will have provided with suitable hospital care and attendance.

Ninth. You will also furnish, from the quartermaster and commissary stores, such clothing and subsistence as may be necessary for the decent clothing and support of those who are poor or destitute, keeping a distinct account of all such appropriations.

Very respectfully, your obedient servant,

EDWIN M. STANTON,
Secretary of War.

Brigadier General ANDREW JOHNSON,
Military Governor of Tennessee.

WAR DEPARTMENT,
Washington City, October 21, 1863.

GENTLEMEN: You are authorized to appoint any persons whom you may deem suitable for raising, organizing, and commanding colored troops in the State of Tennessee, whether such persons have passed examination of the board or not, and, upon your designating such persons to the proper bureau at Washington, proper commissions will be made out. This exception to the general order on this subject is deemed essential to the service in your locality.

EDWIN M. STANTON,
Secretary of War.

Brigadier General ANDREW JOHNSON,
Military Governor of Tennessee.
Major STEARNS,
Superintendent of Raising, Organizing, and Commanding Colored Troops.

WAR DEPARTMENT,
Washington City, January 20, 1864.

GOVERNOR: Conflicts between the orders of General Grant and your orders under the telegram of the Secretary of War, dated October 8, 1863, in respect to arms and ammunition at the ordnance department in Nashville, having arisen, which tend to embarrass the service and to perplex the officers in charge of ordnance stores, it has become necessary to revoke the telegraphic order.

You will therefore please to make your requisitions upon the ordnance department here, and the necessary instructions will be given to fill them as promptly as supplies can be obtained.

In making requisitions for ordnance supplies, let them be signed by the proper officers of the company, battalion, or regiment for which they may be designed, and approved by yourself.

In any pressing emergency you can make requisition by telegraph.

Very respectfully, your obedient servant,

EDWIN M. STANTON,
Secretary of War.

His Excellency ANDREW JOHNSON,
Military Governor of Tennessee, Nashville, Tenn.

WAR DEPARTMENT,
Washington City, March 3, 1865.

SIR: This department has accepted your resignation as brigadier general and military Governor of Tennessee. Permit me, on this occasion, to render to you the thanks of this department for your patriotic and able services during the eventful period through which you have exercised the high trusts committed to your charge.

In one of the darkest hours of the great struggle for national existence against rebellious

foes, the government called you from the Senate, and from the comparatively safe and easy duties of civil life, to place you in the front of the enemy, and in a position of personal toil and danger perhaps more hazardous than was encountered by any other citizen or military officer of the United States.

With patriotic promptness you assumed the post, and maintained it under circumstances of unparalleled trials, until recent events have brought safety and deliverance to your State, and to the integrity of that Constitutional Union for which you so long and so gallantly perilled all that is dear to man on earth.

That you may be spared to enjoy the new honors, and perform the high duties to which you have been called by the people of the United States, is the sincere wish of one who, in every official and personal relation, has found you worthy of the confidence of the government, and the honor and esteem of your fellow-citizens.

Your obedient servant,

EDWIN M. STANTON,
Secretary of War.

His Excellency ANDREW JOHNSON,
Vice-President elect.

ADJUTANT GENERAL'S OFFICE,
Washington, March 8, 1865.

SIR: Your resignation has been accepted by the President of the United States, to take effect the 3d day of March, 1865.

I am, sir, very respectfully, your obedient servant,

S. F. CHALFIN,
Assistant Adjutant General.

Brigadier General ANDREW JOHNSON,
United States Volunteers, Vice-President.

WAR DEPARTMENT, *May* 19, 1862.

SIR: You are hereby appointed military Governor of the State of North Carolina, with authority to exercise and perform, within the limits of that State, all and singular the powers, duties, and functions pertaining to the office of military Governor, (including the power to establish all necessary offices and tribunals, and suspend the writ of *habeas corpus*,) during the pleasure of the President, or until the loyal inhabitants of that State shall organize a civil government in conformity with the Constitution of the United States.

[SEAL.] EDWIN M. STANTON,
Secretary of War.

Hon. EDWARD STANLEY, *Washington, D. C.*

WAR DEPARTMENT,
Washington City, D. C., May 20, 1862.

SIR: The commission you have received expresses on its face the nature and extent of the duties and powers devolved on you by the appointment of military Governor of North Carolina.

Instructions have been given to Major General Burnside to aid you in the performance of your duty and the exercise of your authority. He has also been instructed to detail an adequate military force for the special purpose of a Governor's guard, and to act under your directions.

It is obvious to you that the great purpose of your appointment is to re-establish the authority of the federal government in the State of North Carolina, and to provide the means of maintaining peace and security to the loyal inhabitants of that State until they shall be able to establish a civil government. Upon your wisdom and energetic action much will depend in accomplishing that result. It is not deemed necessary to give any specific instruction, but rather to confide in your sound discretion to adopt such measures as circumstances may demand. Specific instructions will be given when requested. You may rely upon the perfect confidence and full support of the department in the performance of your duties.

With respect, I am, your obedient servant,

EDWIN M. STANTON,
Secretary of War.

Hon. EDWARD STANLEY,
Military Governor of North Carolina.

WAR DEPARTMENT,
Washington City, D. C., May 20, 1862.

GENERAL: I have the pleasure of presenting to you the honorable Edward Stanley, who has been appointed military Governor of the State of North Carolina.

The nature and extent of Governor Stanley's authority and jurisdiction are expressed in his commission, which will be exhibited to you. Between him and yourself the President expects cordial co-operation for the restoration of the authority of the federal government. The province of Governor Stanley is to re-establish and maintain, under military form, the functions of civil government until the loyal inhabitants of North Carolina shall be able to assert their constitutional rights and privileges. In order to maintain peace and enforce respect, the Governor must be supported by a sufficient military force, to be detailed by you from your command, and report to him and act under his direction. You will please detail such force as may be adequate for this purpose, to be designated as a Governor's guard, and to be commanded by a competent officer. You will also at all times, upon the Governor's requisition, support his authority and enforce his orders by a military force competent for the occasion.

The well-known patriotism and discretion for which the Governor and yourself are distinguished render it superfluous to give any further general instructions. The President expects from your harmonious and intelligent action the most favorable results.

With great respect, I am, yours, &c.,

EDWIN M. STANTON,
Secretary of War.

Major General BURNSIDE,
Commanding, &c., &c.

WAR DEPARTMENT,
Washington City, July 24, 1862.

SIR: The Secretary of War directs me to acknowledge the receipt of your communication of the 20th instant, asking a leave of absence for a few weeks to enable you to attend to some important matters of business and to converse with him upon the future regulation of your official conduct in the department of North Carolina, and, in reply, to say that your request for leave is granted, and that he will be pleased to see and to consult with you.

Very respectfully, your obedient servant,

C. P. WOLCOTT,
Assistant Secretary of War.

Hon. EDWARD STANLEY,
Military Governor, Newbern, N. C.

WAR DEPARTMENT,
Washington, D. C., September 29, 1862.

GOVERNOR: You will receive herewith the instructions of the department on the points submitted by you, and also an authority to raise volunteers. Any further instructions you may require will be furnished when applied for. I avail myself of this opportunity to express my satisfaction with your administration, and to assure you of the cordial confidence and co-operation of the department.

Yours, truly,

EDWIN M. STANTON.
Secretary of War.

His Excellency EDWARD STANLEY,
Military Governor of North Carolina.

WAR DEPARTMEENT,
Washington, D. C., September 29, 1862.

Ordered, That the military Governor of North Carolina be, and he is hereby, authorized to enlist independent volunteer companies of loyal citizens to serve within the State or their respective counties and districts during the present rebellion, who shall be organized, officered, armed, equipped, and paid (while in actual service) and subsisted as other volunteers. The uniforms, equipments, arms, and ammunition to be procured by requisition upon the military commandant of the department, and the companies when in service to be under command of the military commandant, and called into actual service by him. The officers to be commissioned by the military Governor, and supplies furnished by the military commandant on requisition as aforesaid.

EDWIN M. STANTON,
Secretary of War.

WAR DEPARTMENT,
Washington, D. C., September 29, 1862.

Ordered, That the military Governors appointed by the War Department for States and Territories shall be uniformed, and rank as brigadier generals in the United States service.

EDWIN M. STANTON,
Secretary of War.

Memorandum of information requested from the Secretary of War, by Edward Stanley, military Governor of North Carolina.

WASHINGTON CITY, *September 29, 1862.*

EDWARD STANLEY, *Military Governor of North Carolina:*

1. It is desirable, in order to be able to pay loyal people for property destroyed and taken for public use, to establish some tribunal to audit claims. How many shall constitute said board?

A. Not more than three.

What shall it be called?

A. Assessors of damages sustained by the war.

What salary to be paid to each?

A. Three dollars per day.

What compensation to the clerk?

A. The same; not to exceed it.

Out of what fund, or how paid?

A. Trust to appropriation by Congress.

2. If military Governor appoints a sheriff or chief of police, how shall he be paid?

A. Out of contingent fund.

3. When Governor has a private secretary, what salary allowed, and how paid?

A. Out of contingent fund; about same as salary of private secretary to Governor at Raleigh.

4. Is it desired to have elections for members of Congress, and when, or at discretion of the military Governor?

A. See Secretary of State.

5. Are military Governors allowed travelling expenses?

A. Yes; a just allowance; same as allowed by military regulations.

6. Can military Governor allow salt, cotton, bagging, bale rope, &c., to be brought to North Carolina ports for loyal people?

A. No; not without special permit of Secretary of Treasury.

7. Can military Governor negotiate for exchange of political prisoners?

A. Yes.

8. How far are courts and functions of civil magistrates suspended by military law?

A. Not at all, unless they interfere with military affairs.

9. When can compensation be allowed to superintendents of the poor, and out of what fund paid?

A. Out of contingent fund: reasonable compensation according to service.

10. Can military Governor authorize loyal individuals to use steamboats, private property, in trading in the waters of North Carolina, and to carry arms for defence against rebels, subject to military regulation, as proposed by Mr. McCann?

A. Not until further orders.

11. Can military Governor hire out negroes within our lines, when not required for building forts, and other such military purposes, to loyal men, who will become responsible for their good treatment, feeding and clothing them, and paying reasonable wages to the negroes?

A. Better be in the hands of commissioner or superintendent of the poor, who shall see that the stipulations of the contract are fulfilled, and wages paid to the laborers.

12. What allowance is made for military Governors for subsistence, forage, and quarters, &c., according to what regulation, and for servants, horses, &c.?

A. The same as allowed by law for brigadier generals.

13. What voucher must be kept for disbursing secret service money?

A. Nothing more than an ordinary receipt.

14. The superintendents of the poor have (some of them) public money in their hands, State bank notes and United States treasury notes, arising from sales of provisions to persons not willing to take food gratuitously; to what officer ought this money to be paid?

A. Received by military Governor, and credited to contingent fund.

15. Cannot directions be given that one of the smaller steamboats in North Carolina be placed under orders of military Governor for visiting his department?

A. By requisition on the military commandant, as occasion requires.

16. Is it not advisable that military Governors should have some seal?
A. Better procure a seal with United States arms—pay expenses out of contingent fund; military Governor, department of North Carolina, on seal in the legend.
17. Can military Governors establish tribunals for trying civil and criminal cases?
A. Better to be left to regular tribunals.
18. Can property, real or personal, be transferred from rebels to loyal citizens?
A. Refer to act of July, 1861.
19. Can military Governor have authority to enlist and arm, under advice of general commanding, loyal citizens, to defend their own homes against guerillas, with a promise that they shall not be called from their own counties?
A. Under a special authority it can be done.
By order of the Secretary of War:

C. P. BUCKINGHAM,
Brigadier General and Assistant Adjutant General.

WAR DEPARTMENT,
Washington City, December 15, 1862.

SIR: The Secretary of War instructs me to say that he has received your letters of the 6th and 9th instant, advising him that you had heretofore frequently granted permits to merchants from New York and Boston to bring vessels laden with goods from Beaufort to Newbern, *via* Hatteras inlet, and also to loyal owners of lighters to trade in the navigable waters of your department, under certain specified conditions—that recently your power to grant permits of this nature has been questioned by Rear-Admiral Lee, commanding the North Carolina blockading squadron, and desiring to be informed by the department of the course you ought to pursue in the matter.

Under the like direction, I have now the honor to inform you that, with the exception of Beaufort, all the ports and navigable waters of the State of North Carolina remain subject to the blockade; that to avoid the embarrassing questions which would, otherwise, constantly arise with foreign nations as to its validity, it has been found absolutely necessary to interdict all traffic with such ports, or on such waters; and that this rule applies to all blockaded ports and navigable waters. The rule must, of course, be universal in its operation, and the application of it to your department must be decisive against your authority to grant any permission or license to trade between the ports or on the navigable waters of North Carolina.

I have the honor to be your obedient servant,

C. P. WOLCOTT,
Assistant Secretary of War.

Hon. EDWARD STANLEY,
Military Governor, &c., Newbern, North Carolina.

NEWBERN, N. C., *January* 15, 1863.

SIR: I respectfully request that you will hand the enclosed to the President, and do me the favor to inform me at an early day when I can be relieved without inconvenience to the public service.

I have the honor to be, &c.,

EDW. STANLEY,
Military Governor.

Hon. EDWIN M. STANTON,
Secretary of War.

NEWBERN, NORTH CAROLINA, *January* 15, 1863.

SIR: I most respectfully tender my resignation of the office of military Governor of North Carolina.

The reasons influencing me to do so I will briefly assign:

My earnest attachment to the people of my native State led me to lay aside, without hesitation, all considerations of personal interest, and leave my distant home to try whether any efforts of mine could induce them to separate from the wicked men whose counsels had involved them in the horrors of war, and to return to the allegiance of that government whose paternal care had conferred upon them unnumbered blessings. I believed that their deep devotion to the Union could not be easily eradicated.

I assured them in public addresses and in conversation that the administration, in its military movements, was only trying to restore the Union, and to secure to them all the rights and privileges they had enjoyed under the Constitution of the United States.

I need not say that, since the appearance of the proclamation of the first instant, I can no longer give such assurance.

My objections to that proclamation are such as you have probably heard too frequently to allow me to repeat them.

It is enough to say I fear it will do infinite mischief. It crushes all hope of making peace by any conciliatory measures. It will fill the hearts of Union men with despair, and strengthen the hands of the detestable traitors whose mad ambition has spread desolation and sorrow over our country.

To the negroes themselves it will bring the most direful calamities.

I have endeavored to act with deliberation, and every hour's reflection strengthens the opinion that I cannot with propriety continue to occupy my present position.

It being impossible for me to sustain the proclamation, it is proper that you should be informed of it—self-respect demands that you should be

Though I have not accomplished what I desired, I believe I have achieved as much as any one could have done under the circumstances.

That I have offended some is probable; but they were those whose schemes of plunder I defeated—whose oppressions of the innocent and helpless I resisted—whose purposes seemed to have been to join or follow the troops, and to encourage and participate in the most shameless pillaging and robbery that ever disgraced an army in any civilized land.

I am not aware of having omitted to have done anything that I ought to have done to attain success. You will be gratified to know that I have done something to alleviate the suffering of, and to prevent wrong to, many patriotic and oppressed people.

In the absence of all civil tribunals, the position I occupy is of great importance to all citizens. The two generals commanding this department since I have been here, have always been accessible—always patient in listening, and as ready to aid in protecting the helpless as they have been to risk their lives on the field of battle. But the management of the army demands all their time. Men in the humble walks of life will bear severe ills, unredressed, for fear of intruding upon them. It will, therefore, give me pleasure to remain until my successor can be appointed, and as long as my presence here can aid him by my experience or otherwise.

I beg to assure you that, though I quit this scene—dear to me from a thousand hallowed recollections—with regret that my labors have been unsuccessful, and with a heart full of the most mournful apprehensions for the future, I entertain a most grateful sense of the confidence and support you have given me. Though I cannot approve of the measures you adopt, I know your motives are good and your purposes patriotic.

I hope the God of our fathers will sustain you when right, and save you from further error: that you may live to see peace restored, and long enjoy the honor and love of that great country for whose welfare you have sincerely labored.

I have the honor to be, with great respect, your obedient servant,

EDW. STANLEY,
Military Governor

His Excellency ABRAHAM LINCOLN,
President of the United States.

ADJUTANT GENERAL'S OFFICE,
Washington, D. C., March 4, 1863.

SIR: I have the honor to acknowledge the receipt of your letter of January 15 to the Secretary of War, together with the tender of your resignation addressed to the President.

The President has accepted your resignation as military Governor of North Carolina, to take effect March 1, 1863.

I am, sir, very respectfully, your obedient servant,

L. THOMAS,
Adjutant General.

Hon. EDWARD STANLEY,
Military Governor of North Carolina, Newbern, N. C.

WAR DEPARTMENT,
Washington, June 3, 1862.

SIR: You are hereby appointed military Governor of the State of Louisiana, with authority to exercise and perform, within the limits of that State, all and singular the powers, duties, and functions pertaining to the office of military Governor, (including the power to establish all necessary offices and tribunals, and suspend the writ of *habeas corpus*,) during the pleasure of the President, or until the loyal inhabitants of that State shall organize a civil government in conformity with the Constitution of the United States.

By the President:
[SEAL.]

EDWIN M. STANTON,
Secretary of War.

Hon. GEORGE F. SHEPLEY.

WAR DEPARTMENT,
Washington City, D. C., June 3, 1862.

SIR: The commission you have received expresses on its face the nature and extent of the duties and power devolved on you by the appointment of military Governor of Louisiana.

Instructions have been given to Major General Butler to aid you in the performance of your duty and the exercise of your authority. He has also been instructed to detail an adequate military force for the special purpose of a Governor's guard.

It is obvious to you that the great purpose of your appointment is to re-establish the authority of the federal government in the State of Louisiana, and to provide the means of maintaining peace and security to the loyal inhabitants of that State until they shall be able to establish a civil government. Upon your wisdom and energetic action much will depend in accomplishing that result. It is not deemed necessary to give any specific instructions, but rather to confide in your sound discretion to adopt such measures as circumstances may demand. Specific instructions will be given when requested. You may rely upon the perfect confidence and full support of the department in the performance of your duties.

With respect, I am your obedient servant,

EDWIN M. STANTON,
Secretary of War.

Hon. GEORGE F. SHEPLEY,
Military Governor of Louisiana.

WAR DEPARTMENT,
Washington City, D. C., June 3, 1862.

SIR: This department has appointed Colonel George F. Shepley military Governor of the State of Louisiana. His jurisdiction will include the city of New Orleans. While exerting the military power to overcome the rebellion, the department desires to avoid any encroachments upon international rights, and would be glad to be favored with any suggestions which the State Department may think proper to be incorporated into the instructions to Governor Shepley.

Your obedient servant,

EDWIN M. STANTON,
Secretary of War.

Hon. WILLIAM H. SEWARD,
Secretary of State.

ADJUTANT GENERAL'S OFFICE,
Washington, June 16, 1865.

SIR: Your resignation has been accepted by the President of the United States, to take effect the 30th day of June, 1865.

I am, sir, very respectfully, your obedient servant,

S. F. CHALFIN,
Assistant Adjutant General.

Brigadier General G. F. SHEPLEY,
United States Volunteers, Portland, Maine.

WAR DEPARTMENT,
Washington City, D. C., July 19, 1862

SIR: The commission you have received expresses on its face the nature and extent of the duties and power devolved on you by the appointment of military Governor of Arkansas.

Instructions have been given to Major General Butler to aid you in the performance of your duty and the exercise of your authority. He has also been instructed to detail an adequate military force for the special purpose of a Governor's guard, and to act under your directions.

It is obvious to you that the great purpose of your appointment is to re-establish the authority of the federal government in the State of Arkansas, and to provide the means of maintaining peace and security to the loyal inhabitants of that State, until they shall be able to establish a civil government. Upon your wisdom and energetic action much will depend in accomplishing that result. It is not deemed necessary to give any specific instructions, but

rather to confide in your sound discretion to adopt such measures as circumstances may demand. Specific instructions will be given when requested. You may rely upon the perfect confidence and full support of the department in the performance of your duties.

With respect, I am your obedient servant,

EDWIN M. STANTON,
Secretary of War.

Hon. JOHN S. PHELPS,
Military Governor of Arkansas.

ST. LOUIS, MISSOURI, *July* 17, 1863.

GENERAL: By telegraph despatch of the 9th instant I am informed that by General Order No. 211 the office of military Governor of Arkansas is abolished. I have not yet received the order, but have ceased to act officially, and desire to be informed what disposition I shall make of the records and papers relating to that office, and which are in my possession in this city; also what disposition I shall make of money in my hands belonging to the government.

I presume these questions will be answered when the order shall reach me, but I do not wish to remain longer here than to be relieved of the public effects in my hands, and that at as early a date as practicable.

I am, with respect, your obedient servant,

JOHN S. PHELPS,
Late Military Governor of Arkansas.

General L. THOMAS,
Adjutant General United States Army.

Order abolishing Military Governorship of Arkansas.

[General Orders No. 211.]

WAR DEPARTMENT, ADJUTANT GENERAL'S OFFICE,
Washington, July 9, 1863.

Ordered, That the appointment of John S. Phelps, as military Governor of the State of Arkansas, and of Amos F. Eno, as secretary, be revoked, and the office of military Governor in said State is abolished, and that all authority, appointments, and powers heretofore granted to and exercised by them, or either of them, as military Governor or secretary, or by any person or persons appointed by or acting under them, is hereby revoked and annulled.

By order of the President:

E. D. TOWNSEND,
Assistant Adjutant General.

[Telegram.]

WAR DEPARTMENT, *Washington, July* 9, 1863.

Hon. JOHN S. PHELPS, *St. Louis, Missouri:*

[General Orders No. 211.]

WAR DEPARTMENT, ADJUTANT GENERAL'S OFFICE,
July 9, 1863.

Ordered, That the appointment of John S. Phelps, as military Governor of the State of Arkansas, and of Amos F. Eno, as secretary, be revoked, and the office of military Governor in said State is abolished, and that all authority, appointments, and power heretofore granted to and exercised by them, or either of them, as military Governor or secretary, or by any person or persons appointed by or acting under them, is hereby revoked and annulled.

By order of the President:

E. D. TOWNSEND,
Assistant Adjutant General.

WAR DEPARTMENT,
Washington City, D. C., November 14, 1862.

Ordered, That Brigadier General Hamilton be, and he is hereby, assigned to special duty as military Governor of Texas under the orders and directions of this department, and relieved from other duties until further orders.

EDWIN M. STANTON,
Secretary of War.

WAR DEPARTMENT,
Washington City, D. C., November 14, 1862.

SIR: The commission you have received expresses on its face the nature and extent of the duties and powers devolved on you by the appointment of military Governor of Texas.

Instructions have been given to Major General Banks to aid you in the performance of your duty and the exercise of your authority. He has also been instructed to detail an adequate military force for the special purpose of a Governor's guard, and to act under your directions.

It is obvious to you that the great purpose of your appointment is to re-establish the authority of the federal government in the State of Texas, and to provide the means of maintaining peace and security to the loyal inhabitants of that State until they shall be able to establish a civil government. Upon your wisdom and energetic action much will depend in accomplishing that result. It is not deemed necessary to give any specific instructions, but rather to confide in your sound discretion to adopt such measures as circumstances may demand. Specific instructions will be given when requested. You may rely upon the perfect confidence and full support of the department in the performance of your duties.

With respect, I am your obedient servant,

EDWIN M. STANTON,
Secretary of War.

Brigadier General HAMILTON,
Military Governor of Texas.

WAR DEPARTMENT,
Washington City, D. C., November 14, 1862.

GENERAL: I have the pleasure of presenting to you Brigadier General Hamilton, who has been appointed military Governor of Texas, with orders to report to and be subject to your direction.

The nature and extent of Governor Hamilton's authority and jurisdiction are expressed in his commission, which will be exhibited to you. Between him and yourself the President expects cordial co-operation for the restoration of the authority of the federal government. The province of Governor Hamilton is to re-establish and maintain, under military form, the functions of civil government until the loyal inhabitants of Texas shall be able to assert their constitutional rights and privileges. In order to maintain peace and enforce respect, the Governor must be supported by a sufficient military force, to be detailed by you from your command, and report to him and act under his direction.

You will please detail such force as may be adequate for this purpose, to be designated as a Governor's guard, and to be commanded by a competent officer. You will also, at all times, upon the Governor's requisition, support his authority and enforce his orders by a military force competent for the occasion

The well-known patriotism and discretion for which the Governor and yourself are distinguished render it superfluous to give any further general instructions. The President expects from your harmonious and intelligent action the most favorable results.

With great respect, I am yours, &c.,

EDWIN M. STANTON,
Secretary of War.

Major General BANKS, *Commanding, &c.*

WAR DEPARTMENT,
Washington City, D. C., November 14, 1862.

Ordered, That Brigadier General Hamilton, military Governor of Texas, be, and he is hereby, authorized to raise and muster into the service of the United States two regiments of Texas volunteers, to be organized according to the rules and regulations of the service, and when raised to be under his command, unless otherwise directed by the military commander or by this department.

General Hamilton is also authorized to appoint and commission, provisionally, the line and staff officers for said regiments, making report of his proceedings to this department.

EDWIN M. STANTON,
Secretary of War.

WAR DEPARTMENT,
Washington City, February 18, 1863.

Ordered, That Brigadier General Hamilton be, and he is hereby, authorized to raise and enlist into the military service of the United States five regiments of volunteers, to serve in the State of Texas for the term of three years or during the war. This authority is subject to condition—

1st. That the written consent of the Governors of the respective States in which the enlistment is to be made shall be procured by General Hamilton, and filed with the Adjutant General in the War Department before any enlistment is made.

2d. That the regiments be filled up to the regulation standard within three weeks from this date.

3d. The regiments shall be organized according to the rules and regulations of the infantry service, and shall be commissioned by the President.

EDWIN M. STANTON,
Secretary of War.

[Endorsement on the above.]

Received 22d February, 1863, at half past 9 o'clock p. m.
A. J. HAMILTON, *Brigadier General.*

The time for raising the forces, according to the within order, is extended to the 27th day of March next.

A. LINCOLN.

FEBRUARY 27, 1863.

ADJUTANT GENERAL'S OFFICE,
Washington June 21, 1865.

SIR: Your resignation has been accepted by the President of the United States, to take effect the 19th day of June, 1865.

I am, sir, very respectfully, your obedient servant,

S. F. CHALFIN,
Assistant Adjutant General.

Brigadier General A. J. HAMILTON,
United States Volunteers, Present.

OFFICE OF CHIEF ENGINEER U. S. MILITARY RAILROADS,
Washington, D. C., April 24, 1866.

GENERAL: I have the honor to submit the following extract from my final report, showing the amount and cost of work done for construction and maintenance of way on the several military railroads in what was the military division of the Mississippi.

This report only embraces the operations on these roads subsequent to the time they were placed in your charge. There are no means at my command of ascertaining the amount of work done, or the cost of it, previous to that time.

The railroads included in this report are the Nashville and Chattanooga, Shelbyville branch, McMinnville and Manchester, Nashville and Decatur, Mt. Pleasant branch, Memphis and Charleston, (eastern division,) Chattanooga and Knoxville, Cleveland and Dalton branch, Nashville and Northwestern, Chattanooga and Atlanta, Rome branch, Atlanta and Macon, Nashville and Clarksville, Knoxville and Bristol, Rogersville branch, Memphis and Charleston, (western division,) Mississippi Central, Mobile and Ohio, Louisville City.

The cost of materials used and labor performed on buildings is not included in the following statements of cost. All other materials not specified are included in the cost of labor.

I have the honor to be, very respectfully, your obedient servant,

W. W. WRIGHT,
Chief Engineer United States Military Railroads.

General D. C. MCCALLUM,
Director and General Manager U. S. Military Railroads.

QUARTERMASTER GENERAL'S OFFICE,
May 31, 1867.

Official copy from the records of the Quartermaster General's office.

BENJ. C. CARD,
Brevet Brigadier General, Assistant Quartermaster.

On the 19th of December, 1863, I received your order to accompany you "to Chattanooga, Tennessee, with such portion of the construction force as could be spared from the front" in Virginia. One division of the construction corps, numbering about 285 men, was taken, and we arrived in the military division of the Mississippi on the 1st of January, 1864.

At the time of our arrival the Nashville and Chattanooga railroad (151 miles long, extending from Nashville to Chattanooga) was being operated between Nashville and Bridgeport, and the Tennessee river and Running Water bridges were building. Our construction force was at once put to work between Bridgeport and Chattanooga—the bridge-builders to assist in the completion of the Running Water and other bridges, and the track-layers to repair the track and relay the portion that had been destroyed.

This work was completed, and the first train run into Chattanooga on the 14th of January, some three weeks sooner than was deemed possible previous to our taking charge of the work. There was great rejoicing in the army in Chattanooga at the completion of the railroad, and feeling confident that a sufficiency of supplies could now be obtained, the chief commissary of the department of the Cumberland issued full rations to the whole army on and after that day, the first time this had been done since the occupation of the town.

Although this road was now completed, it was not in condition to sustain the heavy traffic that would necessarily be thrown upon it when General Sherman's whole army would have to be supplied over it.

The superstructure was old and much worn, and had never been of first-class character. The rail used was light, and of the U pattern, and laid on longitudinal stringers, which were so much decayed in many places that they would not hold the spikes. Accordingly, orders were given to relay the track over the whole road with the T rail, in the best manner. For this work, and that to be done on the other lines which were to be opened up, a large additional force was required, and arrangements were at once made for an abundant supply of men.

The work of relaying the track was prosecuted steadily until completion, though necessarily at a great disadvantage, in consequence of the large number of trains constantly on the road.

When turned over to the company the road was in every respect in excellent condition.

The following statement embraces the whole construction work done on this line, with the exception of some small pieces of track rebuilt, which had been destroyed by guerillas, and of which no account was kept:

TRACK.

	Miles.
Rebuilt in first instance	115
Rebuilt after Wheeler's raid, in 1864	7
Rebuilt after Hood's invasion	7¾
Total main track	129¾

SIDE TRACKS.

Location.	Feet.	Location.	Feet.
Nashville	38,628	Tunnel	264
Barracks	1,600	Tantallon	1,500
Glenn Cliff Station	2,368	Condit	2,000
Antioch	990	Anderson	354
Lavergne	895	Stevenson	1,673
Smyrna	2,260	Bolivar	1,640
Stone river	1,660	Bridgeport	9,472
Winsteed	2,408	Carpenter's	1,037
Christiana	1,500	Alley's Spur	150
Fosterville	775	Whiteside	850
Normandy	929	Hooker	350
Tullahoma	609	Chattanooga	10,072
Estelle Springs	1,582		
Decherd	13,732	Total	100,277
Cowan	970		

RECAPITULATION.

	Miles.
Main track	129¾
Side track, 100,277 feet, or	19
Total track laid by government	148¾

BRIDGES.

No.	Location.	Height.	Length.	Remarks.
		Feet.	*Feet.*	
1	Mill creek, No. 1	16	260	Rebuilt five times.
2	Mill creek, No. 2	18	250	Rebuilt four times.
3	Mill creek, No. 3	16	256	Rebuilt four times.
4	Hurricane	.....	.....	
5	Smyrna	20	120	Rebuilt three times.
6	Stewart's creek	29	183	Do. do.
7	Overal's	20	160	Do. do.
8	Stone river	22	420	Do. do.
9	Lytle's creek	10	135	Do. do.
10	Murfreesboro'	9	140	Not destroyed.
	Do	6	40	
	Do	6	50	
	Creek branch	7	50	
11	Stone river, (east fork)	22	270	Rebuilt.
12	Christiana	.....	73	Do.
13	Bell Buckle	7	82	Do.
	Bragg's bridge	9	128	Not destroyed.
14	Wartrace	14	241	Rebuilt.
15	Garrison's fork	24	178	Rebuilt twice.
16	Duck river	30	350	Do.
17	Poor-house creek	13	100	Do.
18	Elk river	60	470	Rebuilt.
19	Cowan creek	26	160	Do.
20	Crow creek, (south fork)	17	160	Rebuilt twice.
21	Dry trestle, No. 1	12	84	Rebuilt.
22	Dry trestle, No. 2	10	75	Do.
23	Crow creek, No. 1	15	225	Not destroyed.
24	Crow creek, No. 2	11	225	Do.
25	Crow creek, No. 3	19	348	Rebuilt.
26	Crow creek, No. 4	16	254	Do.
27	Crow creek, No. 5	11	160	Do.
28	Crow creek, No. 6	8	100	Not destroyed.
29	Crow creek, No. 7	12	155	Rebuilt.
30	Crow creek, No. 8	18	143	Do.
31	Crow creek, No. 9	11	234	Not destroyed.
32	Crow creek, No. 10	21	240	Rebuilt.
33	Crow creek, No. 11	.....	226	Do.
34	Tennessee river	.....	1,520	
35	Ben's creek	10	100	
36	Widow's creek	24	127	Rebuilt.
37	Dry creek, No. 1	22	140	
38	Nickajack	34	200	Rebuilt twice.
39	Dry creek, No. 2	34	203	Rebuilt.
40	Dry Trestle	16	301	
41	Running Water	120	789	
42	Lookout creek	36	155	Rebuilt twice.
43	Chattanooga	38	263	Rebuilt.
	Total	.....	10,543	= 1 mile 5,263 feet.

Add to this amount rebuilt 12,236 feet, and we have a total length of bridging on this line of ..... 4 miles 1,659 feet.
Deduct bridges not destroyed ..... 1,052 "

Total built by government ..... 4 " 607 "

A portion of this bridging was built by contract. The total cost of contract work was $385,216 71.

Water stations were built at—

Nashville	5 tanks.	Fosterville	2 tanks.
Florence	1 "	Garrison's fork	2 "
Christiana	2 "	Decherd	2 "
Bell Buckle	2 "	Tantallon	2 "
Normandy	3 "	Stevenson	2 "
Cowan	2 "	Chattanooga	2 "
Anderson	4 "		
Poison Hollow	1 "	Total	35 "
Antioch	1 "		
Murfreesboro'	2 "		

The following tabular statement shows the cost of labor performed on this road for construction and maintenance of way, and the number of men in the construction corps employed each month:

Months.	Construction corps.		Transportation department.	Total.
	No. of men.	Am't of pay-rolls.	Am't of pay-rolls.	
1864.				
January	887	$31,130 16		$31,130 16
February	450	35,183 92	$53,270 73	88,454 65
March	338	26,784 45	51,970 14	78,754 59
April	264	16,324 18	83,233 97	99,558 15
May	144	13,132 81	88,977 16	102,109 97
June	181	12,271 36	99,046 30	111,317 66
July	202	13,856 63	91,534 53	105,391 16
August	157	10,098 73	103,278 39	113,377 12
September	392	7,589 55	112,042 78	119,632 33
October	64	3,891 00	106,443 78	110,334 78
November	56	3,513 78	99,183 54	102,697 32
December	622	21,290 81	114,568 49	135,859 30
1865.				
January	50	2,688 00	110,944 35	113,632 35
February	57	4,389 00	144,909 61	149,298 61
March	97	6,072 50	165,423 61	171,496 11
April	111	7,332 00	154,675 61	162,007 61
May	107	7,748 75	117,329 30	125,078 05
June	63	4,937 75	68,401 58	73,339 33
July	51	2,548 25	61,340 14	63,888 39
August	.....	.....	67,937 67	67,937 67
September	.....	.....	21,258 31	21,258 31
Total	4,293	230,783 63	1,915,769 99	2,146,553 62
Monthly average	226	12,146 50	95,788 49	102,216 84

SUMMARY OF COST.

Materials.

11,900 tons iron rails, at $120 per ton	$1,428,000 00	
595,000 pounds chairs, at 8 cents per pound	47,600 00	
892,500 pounds spikes, at 8½ cents per pound	75,862 50	
392,557 cross-ties, at 50 cents per tie	196,278 50	
		$1,747,741 00
Labor.		
Exclusive of that done on buildings	1,946,553 62	
Contract work.		
On bridges	385,216 71	
		2,331,770 33
Total		4,079,511 33

The Nashville and Chattanooga railroad was relinquished as a military road and turned over to the company September 15, 1865.

THE NASHVILLE AND DECATUR RAILROAD

Extends from Nashville to the Memphis and Charleston railroad at a point near Decatur, Alabama, and is 120 miles long. The repairs were completed and the road opened in March, 1864. Much of the work, in opening it the first time, was done by soldiers, and I have no account of the cost of what they did. General Dodge was in command of the force employed on this work.

The following statements show the amount of work and the cost of that done by the military railroad department:

TRACK.

Main track rebuilt in first instance	2
Do ..... after Forrest's raid	7¼
Do ..... after Wheeler's raids	22
Total main track	31¼

SIDINGS.

Location.	Feet.	
Eaton Depot	1,000	
Nashville Junction	8,025	
Brentwood	300	
Franklin	290	
Columbia	1,150	
Prospect	600	
Athens	1,480	
Decatur Junction	1,770	
Total	14,015	= 2 miles 3,455 feet.
Add main track rebuilt	.....	31 miles 2,640 feet.
Total track	.....	34 miles 815 feet.

BRIDGES.

No.	Location.	Height.	Length.	Remarks.	Rebuilt.
		Feet.	*Feet.*		*Feet.*
1	Brown's creek	12	38	Not destroyed	
2	Little Harpeth	14	74		
3	Spencer's creek	17	38		
4	Big Harpeth	38	187	Rebuilt twice and partly rebuilt twice.	454
5	West Harpeth	13	58		
6	Near Spring Hill	12	53		
7	Spring creek	15	21		
8	Carter's creek, No. 1	18	112	Rebuilt twice and partly rebuilt twice.	236
9	Carter's creek, No. 2	21	184	Rebuilt twice and partly rebuilt twice.	470
10	Carter's creek, No. 3	20	94	Rebuilt twice and partly rebuilt twice.	235
11	Carter's creek, No. 4	20	94	Rebuilt twice and partly rebuilt once.	228
12	Carter's creek, No. 5	30	235	Rebuilt twice and partly rebuilt twice.	587
13	Rutherford's creek, No. 1	26	130	Rebuilt three times and partly rebuilt twice.	455
14	Rutherford's creek, No. 2	27	265	Rebuilt twice and partly rebuilt three times.	723
15	Rutherford's creek, No. 3	30	295	Rebuilt twice and partly rebuilt three times.	811

Bridges—Continued.

No.	Location.	Height.	Length.	Remarks.	Rebuilt.
16	Rutherford's creek, No. 4.	50	270	Rebuilt twice and partly rebuilt twice.	676
17	Duck river	72	627	Rebuilt twice	1,254
18	Lydle's creek	14	22		
19	Hurricane creek	14	22		
20	Harris trestle	29	232		
21	Kalioki trestle	37	1,130	Rebuilt	1,130
22	Grace's trestle	42	637	Rebuilt	637
23	Robinson's forks	18	126	Rebuilt	126
24	Richland creek, No. 1	32	160	Rebuilt twice	320
25	Richland creek, No. 2	37	180	Rebuilt twice	360
26	Richland creek, No. 3	35	180	Rebuilt twice	360
27	Pigeon Roost creek	12	50	Rebuilt	50
28	Richland creek, No. 4	41	315	Rebuilt twice	630
29	Tunnel trestle	38	822	Rebuilt	822
30	Elk river	40	625	Rebuilt three times	1,875
31		10	48		
32	Mill creek	30	330	Rebuilt	330
33	White Sulphur	71	570	Rebuilt	570
34	Mud creek	5	62	Rebuilt	62
35	do	9	102	Rebuilt	102
36	Athens creek	10	134	Rebuilt	134
37	do	11	64	Rebuilt	64
38	Swan creek	11	340	Rebuilt	340
39	do	11	129	Rebuilt	129
40	Black creek	6	225	Rebuilt	225
41	Junction trestle	16	275	Rebuilt	275
	Total		9,555	or 1 mile 4,275 ft. Total	14,720
	Add to this amount rebuilt			14,720 ft.	
	And we have a total bridging by gov't of			4 miles 3,155 ft.	

A portion of this bridging was built by contract; the cost of which amounted to $637,768 46.

Water stations were built at—

	Tanks.		Tanks.
Little Harpeth	1	Lynnville	2
West Harpeth	1	Near Tunnel	1
Lytle's creek	2	McDonals	1
Pulaski	1		
Elkmont	2	Total	15
Franklin	2		
Carter's creek	2		

The following tabular statement shows the cost of labor on this road for construction and maintenance of way, and number of men in the construction corps employed each month:

Month.	Construction corps.		Transportation department.	Total.
	No. of men.	Amount of pay-rolls.	Amount of pay-rolls.	
1864.				
			$5,641 75	$5,641 75
February	.....	.....	10,631 99	10,631 99
March	.....	.....	15,405 07	15,405 07
April	.....	.....	18,299 10	18,299 10
May	.....	.....	16,209 39	16,209 39
June	.....	.....	18,828 20	18,828 20
July	.....	.....	26,574 16	26,574 16
August	.....	.....	23,357 52	23,357 52
September	.....	.....	27,043 23	27,043 23
October	.....	.....	.....	.....
November	564	$5,850 71	21,149 85	27,000 56
December	1,208	32,238 82	125,291 87	157,530 69
1865.				
January	1,320	78,187 23	32,058 73	110,245 96
February	601	27,616 95	26,518 82	54,135 77
March	309	19,686 45	29,034 54	48,720 99
April	75	6,891 25	28,243 64	35,134 89
May	150	6,574 50	26,760 82	33,335 32
June	.....	.....	22,506 06	22,506 06
July	.....	.....	17,382 13	17,382 13
August	.....	.....	20,983 98	20,983 98
September	.....	.....	3,869 15	3,869 15
Total	4,227	177,045 91	515,850 00	692,835 91
Monthly average	604	25,290 27	25,762 50	34,641 79

SUMMARY OF COST.

Materials.

2,732 tons iron rails, at $120 per ton	$327,840 00	
136,000 pounds chairs, at 8 cents per pound	10,880 00	
204,000 pounds spikes, at 8½ cents per pound	17,340 00	
120,840 cross-ties, at 50 cents per tie	60,420 00	
		$416,480 00
Labor	692,835 91	
Contract work on bridges	549,326 13	
		1,242,162 04
Total		1,658,642 04

The Nashville and Decatur railroad was relinquished as a military railroad and turned over to the company September 15, 1865.

THE MEMPHIS AND CHARLESTON RAILROAD

Extends from Memphis, Tennessee, to Stevenson, Alabama, and is 271 miles long. The eastern end of this line, from Stevenson to near Decatur, 80 miles long, was repaired and put in running order in March, 1864.

The following statements show the amount of work done on it by this department, and the cost of the same:

TRACK.

Main track		3 miles 2,600 feet.
Sidings at Decatur Junction	275 feet.	
Fackler's	700 feet.	
Stevenson	2,900 feet.	
Chattanooga	1,800 feet.	
	5,675 feet = 1 mile 395 feet.	
Total		4 miles 2,995 feet.

BRIDGES.

Location.	Height.	Length.	Remarks.	Rebuilt.
	Feet.	*Feet.*		*Feet.*
Little Piney	15	109	Rebuilt	109
Big Piney	12	153	Rebuilt	153
Big Limestone	10	210	Rebuilt	210
Little Limestone	13	72	Rebuilt	72
Beaver Dam	22	252	Not destroyed	
Bradford's creek	26	32	Not destroyed	
Indian creek	17	154	Rebuilt	154
Flint river	25	302	Rebuilt twice	604
Hurricane creek	12	271	Rebuilt	271
Paint Rock	38	313	Rebuilt twice	626
Mud creek	14	315	Rebuilt	315
Crow creek	20	265	Rebuilt	265
Total		2 448	Total	2,779
Deduct amount not destroyed		284		
		2,164		
Add amount rebuilt		2,779		
Total		4,943	feet bridging built by govern't.	

A portion of this bridging was built by contract, and cost $88,442 33.

Water stations were built at—

Little Piney	1 tank.	Brownsboro'	1 tank.
Huntsville	2 "	Near Woodville	1 "
Gurley's	2 "	Stevenson	4 "
Scottsboro'	1 "		
Indian creek	1 "		13

The following statement shows the cost of labor for construction and maintenance of way:

Month.	Am't of pay-rolls.	Month.	Am't of pay-rolls.
1864.		1865.	
February	$2,333 85	January	$16,029 36
March	1,834 38	February	13,259 40
April	7,263 68	March	14,517 26
May	9,523 28	April	14,121 81
June	11,184 42	May	13,880 40
July	9,418 08	June	11,253 02
August	13,287 07	July	8,691 05
September	13,178 75	August	10,491 98
October	13,521 60	September	7,738 41
November	10,574 97		
December	14,205 41	Total	216,308 18
		Monthly average	10,815 40

SUMMARY OF COST.

Materials.

360 tons iron rails, at $120 per ton	$43,200 00	
18,000 pounds chairs, at 8 cents per pound	1,440 00	
27,000 pounds spikes, at 7¼ cents per pound	2,295 00	
57,500 tons cross-ties, at 50 cents per tie	28,750 00	
		$75,685 00
Labor	216,308 18	
Contract work on bridges	88,442 33	
		304,750 51
Total		380,435 51

This portion of the Memphis and Charleston railroad was relinquished as a military railroad and turned over to the company September 1, 1865.

THE CHATTANOOGA AND KNOXVILLE OR EAST TENNESSEE AND GEORGIA RAILROAD

Extends from Chattanooga to Knoxville, 110 miles, with a branch from Cleveland to Dalton 27 miles long

Repairs were commenced on this road in January, 1864, and it was completed to the Tennessee river, at Loudon, on the 13th of February following. The portion of the road north of the Tennessee river had not been injured, and was being operated with the rolling stock captured by the Union forces at Knoxville.

A trestle bridge over the Tennessee river was immediately commenced, and the work upon it had progressed so far that it would have been completed on the 14th of March, but on the 25th of February General Schofield, commanding the department of the Ohio, ordered the work to be stopped, and it was not resumed until March 12.

The trestle bridge was completed on the 13th of April, and trains commenced running through between Chattanooga and Knoxville.

TRACK.

The track of this road had been broken and injured in a number of places, but none of the breaks were of great extent. The longest one was that next to Chattanooga, being about three miles long. The cross-ties, however, over the whole road were very much decayed, and much work was done in replacing them with new ones after trains commenced running.

The road was occasionally broken by guerillas, but never seriously injured until Wheeler's raid in August, 1864, when about twenty-five miles of track was torn up and destroyed.

Main track laid in first instance	5½	miles.
after several small raids	1	"
after Wheeler's raid in 1864	25	"
on Dalton branch in first instance	2	"
after Hood's invasion	1½	"
Total	35	"

SIDINGS.

Location.	Length.	Location.	Length.	
	Feet.		*Feet.*	
Chattanooga	1,155	Lenoir's	1,050	
Stone Quarry	550	Saw-mill	420	
Tunnel	250	Erin	850	
Tyner's	787	Knoxville	4,760	
Oaltawah	445	Wesley of Y	920	
McDonald's	2,455			
Cleveland	310	Total sidings	17,832	= 3 miles 1,992 feet.
Mouse creek	1,470	Add main track		35 miles.
Regan's	740			
Sweetwater	220	Total length of track	laid	38 miles 1,992 feet.
Philadelphia	1,450			

BRIDGES.

The only important bridges on this line are those over the Hiwassee and Tennessee rivers. Both of these were built of trestles in the first place, but afterwards replaced with permanent structures.

The following are the dimensions of these bridges:

Hiwassee, 47 feet high, 3 spans, total length in feet, (rebuilt)	301
Tennessee, 85 feet high, 11 spans, total length in feet, (rebuilt)	1,700
Total	2,001
Add amount rebuilt	2,001
Total feet of bridging built by government	4,002

The permanent bridges were built by contract, and cost $161,990 26.

Water stations were built at—

Chattanooga	2 tanks.	Riceville	3 tanks.
Oaltawah	2 "	Sweetwater	2 "
Tunnel	1 "	Total	10 "

The following tabular statement shows the cost of labor on this road for construction and maintenance of way, and the number of men in the construction corps employed each month:

Month.	Construction corps.		Transportation department	Total.
	No. of men.	Amount of pay-rolls.	Amount of pay-rolls.	
1864.				
February	1,222	$83,437 54		$83,437 54
March	919	64,094 18		64,094 18
April	1,127	62,224 60	$3,404 86	65,629 46
May	202	4,135 60	6,908 19	11,043 79
June	244	3,995 79	8,537 04	12,532 83
July			11,677 03	11,677 03
August			11,321 66	11,321 66
September	724	44,592 24	13,518 25	58,110 49
October			15,228 04	15,228 04
November			12,858 42	12,858 42
December			908 14	908 14
1865.				
January			17,680 76	17,680 76
February			20,224 04	20,224 04
March			27,131 03	27,131 03
April			30,229 93	30,229 93
May			26,344 91	26,344 91
June			15,776 80	15,776 80
July			13,938 45	13,938 45
August			8,386 95	8,386 95
Total	4,438	262,479 95	244,074 50	506,554 45
Monthly average	740	43,746 65	14,357 32	26,660 76

SUMMARY OF COST.

Materials.

3,080 tons iron rails, at $120 per ton	$369,600 00	
152,000 pounds chairs, at 8 cents per pound	12,160 00	
223,000 pounds spikes, at 8¼ cents per pound	18,240 00	
284,061 cross-ties, at 50 cents per tie	142,030 50	
		$542,030 50
Labor		506,554 45
Contract work on bridges		161,990 26
Total		1,210,575 21

The Chattanooga and Knoxville railroad was relinquished as a military road, and turned over to the company August 28, 1865.

THE NASHVILLE AND NORTHWESTERN RAILROAD

Is 78 miles long, and extends from Nashville to the Tennessee river at Johnsonville. It was partly built before the war.

On the 22d of October, 1863, the Secretary of War ordered this road to be constructed for military purposes, and placed it in charge of Andrew Johnson, then military Governor of Tennessee, who was empowered to employ an engineer and other officers and workmen necessary to complete it without delay.

Colonel W. P. Innes was acting as engineer at the time the railroads in this military division were taken charge of by the United States military railroad department, and had considerable force of soldiers and civilian laborers employed on the road. But as the work was not progressing to the satisfaction of the general commanding he relieved Colonel Innes and placed the construction of the road in your charge.

This order of General Grant was given on the 17th of February, 1864, and on the 25th of the same month I received your order directing me to adopt the most energetic means at my command to complete the Nashville and Northwestern railroad.

I at once made an examination of the work to be done, and found it to consist of a rather formidable amount of grading, bridging, track-laying, and other work incident to the construction of a new railroad, and proceeded to take the necessary steps to complete the work as directed.

I appointed Lieutenant Colonel John Clark engineer of construction, and by General Grant's direction sent North for two thousand mechanics and laborers in addition to the force then on the road. Some time after we had got fairly under way, Governor Johnson, claiming the right under the above-mentioned order of the Secretary of War to appoint an engineer, also selected Colonel Clark, who then filled this double position until the work of construction was so far completed that the track was connected through, an event which took place on the 10th of May, 1864.

Governor Johnson continued to exercise some control over the operations on this road until it was formally taken possession of by General Sherman and placed absolutely under the control of the general manager of military railroads, in accordance with the order of the President of the United States, dated August 6, 1864.

The transportation department then took charge of the movements of trains, and the maintenance of way, together with construction work, remained in my department.

On the 20th of August I appointed W. R. Kinsley, esq., (who had been connected with the road as division engineer since April) engineer in charge of construction and maintenance of way. He continued to perform the duties of this position faithfully and satisfactorily until the 1st of April, 1865, when all construction work being done, the maintenance of way was turned over to the transportation department.

The line of this road as originally located crossed the Tennessee river nearly perpendicular to the course of that stream, and at an elevation of 52 feet above low water and 9 feet above high water.

The approach to the river was an embankment 17 feet high above the surface of the ground on the river bank.

The design of making this a military railroad being the transportation of army supplies from the Tennessee river to Nashville, it became necessary to construct ample and convenient arrangements for the transfer of freight from steamboats to the cars.

Accordingly two large transfer freight houses were designed and built, one on each side of the railroad, with tracks starting from main line at the bluff and curving right and left until parallel with the buildings and river bank. The freight house or shed on the North or lower side, 600 feet long by 30 feet wide, was hastily knocked up so as to bring it into immediate use, and the levee in front graded off to the water's edge with a slope of 9°, or about 16 feet

rise in 100 feet horizontal. The freight house on south side, 600 feet long and 90 feet wide, was a much more complete building. The floor was 2½ feet above high-water mark, and the levee in front was graded to a slope of 14°, on which it was designed to lay railroad tracks from low-water mark to floor of freight house.

The plan for transferring freight from steamboats to cars was to load from the boats on to small cars, which were hauled up the levee to the level of the freight house floor by a wire rope passing round a pully or spool, which was dropped into or lifted out of gear with the main shaft by a lever. This main shaft was 500 feet long, and passed through the centre of the building immediately below the floor or platform, and was operated by an engine located in the middle of the building. The freight was then passed directly through the building and loaded into cars on the opposite side. The levee was of sufficient length to allow at least four or five boats to unload at the same time, and the side tracks were so arranged that a whole train of cars could be loaded at once, and as soon as loaded could be moved away, and another train run right alongside the house. This plan would undoubtedly have enabled us to handle a large amount of freight with great rapidity and ease, but we had not the opportunity of bringing it to a practical test; for just as everything was about completed, Hood's invasion of Tennessee took place, and Johnsonville was evacuated by our troops, and during their absence the freight house was burned, as it is supposed, by rebel sympathizers in the neighborhood. However, the engines and all the most valuable parts of the machinery were saved by being taken to Nashville. All could have been saved if we had had sufficient transportation for it.

Although the road was opened through to Johnsonville after Hood's defeat at Nashville, but little was done in rebuilding the houses and platforms at that point.

Grading off the levee involved considerable work; about 30,000 cubic yards of earth had to be moved.

It was designed to pave it or put on a covering of broken stone, but owing to the delay in furnishing gunboat protection to our boats which were to bring stone down the river for this purpose, the work was but partially carried out.

A row of piles was to have been driven at the edge of the water to protect the levee, and prevent its washing away at time of floods, but the pile-driver for this purpose never reached Johnsonville.

It is but proper for me to state here that the work on the buildings and levee at Johnsonville was much delayed by the confusion and embarrassment caused by the conflict of authority incident to a divided control of the work.

In the first place, I was ordered to erect these buildings; then Colonel Donaldson, senior and supervising quartermaster, department of the Cumberland, assumed the charge of them, and appointed a quartermaster to superintend their erection. But under his management the work progressed so slowly that finally the quartermaster was relieved, and again I was ordered to complete it. Had I been allowed to go on in the first place, and carry out my plans, the works would all have been completed and in use three months before the evacuation of the place, instead of being not quite completed at that time.

The following is a statement of the work done on this road.

GRADUATION.

The amount of grading was very considerable, but I am unable to give the number of cubic yards moved, because when we took charge of this road I had no time to measure it, and I had no assistants to do it for me. By the time I procured the requisite assistance much of the work had been done.

Thorough cuts of as much as 40 or 50 feet in depth and 800 feet in length were taken out, and high and long embankments made. Even where the grading had been done previously much labor was required to dress up the embankments and clean out cuts.

SUPERSTRUCTURE.

The total length of track laid was: on Main line	46½ miles.
Sidings	4½ miles.
Total	50¾ miles.

Seven different patterns of rails were used in the track. The amount of each kind is given below. With the exception of No. 1 and the "U" rail, the iron was purchased by the government. No. 1 pattern is the fish-joint bar belonging to this road, and the "U" rail was taken from the Nashville and Chattanooga railroad.

Pattern.	Weight per pound.	Tons.
No. 1	56½ pounds	1,315.61
No. 2	49⅜ pounds	149.70
No. 3	45 pounds	382.11
No. 4	45 pounds	40.04
No. 5	60 pounds	1,096.84
No. 6	56½	1,469.48
"U"	48 pounds	23.50
Total		4,477.28
Deduct No. 1 pattern		1,315.61
Balance furnished by government		3,161.67

107,000 cross-ties were used in laying the track. A considerable number was found on the line of this road, but we had to make the greater part.

BRIDGING.

The following table shows the location, dimensions, and the amount of bridges and trestles on this road. Many of these structures had to be rebuilt several times in consequence of being carried away by high water or destroyed by the enemy:

Tabular statement of bridges or trestles on the Nashville and Northwestern railroad.

Distance from Nashville.	Name.	No. of spans or bents.	Height in feet.	Length in feet.	Remarks.
Miles.	Nashville trestle	170	21 to 28	2,151	
4.51	Richland creek, No. 1	2	15	76	Rebuilt once.
5.36	Richland creek, No. 2	1	9	66	Rebuilt twice.
5.75	Richland creek, No. 3	1	9	65	Rebuilt twice.
6.53	Branch of Richland creek	2	10	35	
6.72	do	1	8	17	
	do	1	8	26	
7.52	Over road	1	10	32	
8.91	Trestle over road	6	20	75	Rebuilt five times.
13.39	Harpeth river, No. 1	2	34	87	Rebuilt five times.
13.94	Harpeth river, No. 2	2	36	205.5	Rebuilt four times.
15.31	Harpeth river, No. 3	1	42	180	Rebuilt four times.
17.43	Harpeth river, No. 4	2	38	201.4	Rebuilt four times.
21.21	Harpeth river, No. 5	1	32	236.9	Rebuilt four times.
23.14	Harpeth river, No. 6	12	24	180	
	do do	2	24	201.8	Rebuilt once.
23.56	Harpeth river, No. 7	10	24 to 30	180	
	do do	2	33	203.3	Rebuilt once.
24.66	Turnbull river	43	12	516	
	do	2	27	259	
	do	20	20 to 25	270	
25.37	Trestle	66	20 to 32	792	
25.66	Sullivan's branch	3	16	39	Rebuilt twice.
	do	1	48	87.7	
	do	102	20 to 46	1,326	
26.44	Trestle	17	36 to 26	306	
27.18	do	21	38 to 24	262	

Tabular statement of bridges or trestles on the Nashville and Northwestern railroad—Continued.

Distance from Nashville.	Name.	No. of spans or bents.	Height in feet.	Length in feet.	Remarks.
40.95	Trestle	18	17 to 28	238	
41.71	do	17	14 to 25	225	
47.53	do	75	20 to 33	1,067	
49.49	do	30	19	442	
52	do	58	7 to 13	837	
52.38	do	8	18	145	
53	do	37	13 to 12	470	
53.44	do	2	10	40	
54.19	do	62	30 to 48	910	
55.79	do	70	40 to 72	980	
56.18	do	11	30 to 39	180	
	Branch of Trace creek	1	7	24	
60.05	do	2	8	47	
63.56	Trace creek	2	14	216	Slightly injured & rep'd
64.01		1	10	20	
64.61	Flood creek	2	3	30	
66.51	do	3	4	35	
71.44		22	18	272	
73.08	Trace creek	1	25	114	Rebuilt four times.
74.44	Trestle	3	15	66	
78	Trestle at Johnsonville	121	12 to 18	1,525	
	Total lineal feet bridging			15,956	or 3 miles and 114 feet.

Add to this amount rebuilt 5,366 feet, and we have a total of 4 miles and 200 feet of bridging and trestle on this road built by the government.

The lumber consumed in these structures amounted to 4,098,409 feet, board measure.

A portion of this bridging was built by contract, amounting to $182,789 11.

WATER STATIONS.

Fourteen of these were built and located, as shown in the following table, containing in the aggregate 63,700 feet lumber, board measure:

Distance from Nashville.	Capacity.	Remarks.
7¼ miles	One tank	
16¼ miles	do	Discontinued.
17¼ miles	do	Destroyed and rebuilt.
21½ miles	do	Destroyed.
27½ miles	do	
28 miles	do	
45 miles	do	
53¼ miles	Two tanks	
59¼ miles	One tank	Destroyed.
66¼ miles	do	Destroyed.
71½ miles	do	
75¼ miles	do	Destroyed and rebuilt.
77½ miles	do	Destroyed and rebuilt.
78 miles	Two tanks	Destroyed and rebuilt.

Saw-mill No. 1, at Johnsonville, was run by our department during the months of September, October, and November, 1864, and during that time cut 488,000 feet, board measure, of lumber.

COST, (WORK DONE BY SOLDIERS.)

The twelfth regiment United States colored infantry, commanded by Colonel Thompson, commenced work on November 15, 1863, and were relieved April 23, 1864. Average number of men employed during this time, 200.

The thirteenth regiment United States colored infantry, commanded by Colonel John A. Hottenstine, commenced work on November 19, 1863, and were relieved May 10, 1864. Average number of men employed, 500.

The first Missouri engineers, commanded by Colonel Henry Fladd, commenced work on February 24, 1863, and were relieved August 1, 1864. Average number of men employed, 1,000.

The first Michigan engineers, commanded by Colonel William P. Innes, were employed on the road for some time, but I was unable to get a statement of the number of effective men, or the length of time they worked.

All this work done by soldiers, together with all done by civilian laborers, up to September 1, 1864, is properly chargeable to construction of new road.

The following tabular statements of cost of labor performed and materials purchased previous to the time the road was placed entirely under the control of the military railroad department have been furnished by A. W. Wills, assistant quartermaster, from the papers of F. H. Ruger, assistant quartermaster, who was quartermaster for the road, but is since deceased:

Statement of purchases made by Captain Ruger.

Month.	Amount.	Month.	Amount.
1864.		1864.	
January	$4,598 83	June	$15,853 34
February	9,678 64	July	16,880 07
March	27,351 46	August	39,532 19
April	15,848 43		
May	24,138 05	Total	153,881 51

Statement of amount paid for labor by Captain Ruger.

Month.	Amount.	Month.	Amount.
1863.		1864.	
November	$10,576 67	May	$57,789 61
December	11,440 70	June	52,561 02
1864.		July	43,629 59
January	15,428 90	August	54,214 45
February	16,244 19		
March	35,849 54	Total	358,104 17
April	60,369 50		

The following statement is furnished by Lieutenant Colonel O. Cross, deputy quartermaster general, Pittsburg, Pennsylvania:

Statement of materials purchased by Lieutenant Colonel O. Cross, deputy quartermaster general United States army, for the Nashville and Northwestern railroad.

6,720,510 pounds iron rails, at $91 50 per ton	$274,520 71
143,250 pounds spikes, at 6 cents per pound	8,595 00
75,000 pounds spikes, at 7¼ cents per pound	5,625 00
227,615 pounds chairs, at 6 cents per pound	13,656 90
Total	302,397 61

The lumber purchased by Colonel Cross is omitted, because it was used on buildings.

Tabular statement of pay-rolls on the Nashville and Northwestern railroad paid by the United States military railroad department.

Month.	No. of men.	Am't of pay-rolls.
1864.		
September	1,195	$73,248 15
October	1,228	58,010 68
November	989	50,456 84
December	821	48,339 90
1865.		
January	723	44,474 99
February	700	98,176 65
March	567	39,231 13
April	444	31,704 94
May	405	20,194 23
June	311	11,813 95
July	317	12,105 85
August	302	12,423 25
September	10	545 00
Total	8,012	440,725 56

SUMMARY OF COST.

Materials.		
Purchases made by Captain Ruger	$153,881 51	
Iron rails, chairs, and spikes purchased by Lieutenant Colonel Cross	302,397 61	
Spikes other than above, 100,000 pounds, at 8½ cents	8,500 00	
Cross-ties, 50,000, at 50 cents	25,000 00	
		$489,779 12
Labor.		
Amount paid by Captain Ruger	358,104 17	
Amount paid by United States military railroad department	440,725 56	
		798,829 73
Contract work.		
On bridges		182,789 11
		1,471,397 96

In the above no estimate is made for the value of work done by soldiers.

I have been informed that an amount of iron belonging to this company was used on other military railroads prior to 1864, but have made no deduction for the same, as I have no means of giving full and accurate information of operations previous to that time.

The Nashville and Northwestern railroad was relinquished as a military road and turned over to the company September 1, 1865.

THE CHATTANOOGA AND ATLANTA OR WESTERN AND ATLANTIC RAILROAD

Extends from Chattanooga to Atlanta, 138 miles, with a branch from Kingston to Rome, 17 miles long.

The reconstruction and maintenance of this line was in many respects the most difficult and interesting of any military railroad during the war. By it the confederate army under General Johnston made its retreat from Buzzard Roost to Atlanta, and upon its rapid and prompt reconstruction General Sherman's army depended for the supplies necessary for his successful movement upon Atlanta.

As Johnston fell back from one strong position to another he did such damage to the road as it was supposed would delay or prevent Sherman's pursuit, but in no instance was he successful in this object.

However great the damage done, it was so speedily repaired that General Sherman soon ceased to fear any delay from this cause, and made his advance movements with perfect confidence that the railroad in his rear would be all right.

Being necessarily entirely ignorant of the obstacles to be encountered at each advance, the construction force had to be prepared for any emergency, whether to build a formidable bridge or lay miles of track, or not unfrequently push back to some point on the line and repair damages done by guerillas or raiding parties. These attacks on the line to the rear were of such frequent occurrence, and often of so serious a character, that, to insure speedy

repairs, it became necessary to station detachments of the construction corps at various points along the road, and also to collect a supply of construction material at points where it would be safe and easy of access when it should be wanted. These precautionary measures proved of the utmost importance in keeping the road open.

By order of General Thomas the work of reconstruction commenced on the 1st of March, 1864, and the road to Ringgold and a short distance beyond was completed on the 20th of the same month.

The advance movement of the army from Ringgold took place on 6th of May, and the railroad was completed, and trains run to Tunnel Hill early on the morning of the 9th. Fears being entertained by some that the tunnel had been mined by the enemy, a locomotive was run through to test the matter, but it was found to be all safe.

The enemy having fallen back to Resaca, the road was opened up on the 15th to Tilton, while the battle was still in progress a few miles beyond that station, and next day the construction trains ran into Resaca, with the advance of the army.

The railroad bridge over the Oostanaula river was still burning on our arrival here, and the work of rebuilding delayed somewhat in consequence. However, the work got fairly started the next morning, and the bridge was completed, and other necessary repairs made to the track, and the trains pushed forward and overtook the army on the morning of the 20th at Kingston. Beyond this point the track was immediately put in order to Cass Station, but no farther until the army again reached the railroad south of Allatoona Pass.

I received General Sherman's order to build Etowah bridge on the 3d of June, at Chattanooga; but, owing to the delay in getting the construction trains over the road, did not reach the Etowah river until the night of the 5th, and then with only one division of the bridge builders. The other division ordered to this work did not arrive until twenty-four hours afterwards. The bridge was commenced on the morning of the 6th, and finished at noon on the 11th. There was an abundance of timber prepared on the line of the railroad for this work, but the trains sent to bring it up were detained so long for running orders that we could not wait for it, and a large amount had to be cut near the site of the bridge and dragged by hand to the work.

Notwithstanding these delays, this bridge, 600 feet long and 67 feet high, was built in six and a half (6½) days. As soon as it was completed trains ran to Big Shanty, which was made the depot of supplies until after the capture of Kenesaw mountain.

On the 3d of July I received General Sherman's order to open the railroad to Marietta. The construction trains were detained some time at Tunnel Hill by a small rebel raid on the road near Buzzard Roost, but reached Big Shanty on the morning of the 5th, and commenced work at once. The road was opened on the 6th to Vining's Station, which is only ten miles from Atlanta.

We commenced work on the Chattahoochee bridge, by order of General Thomas, on the 23d of July, but next day received orders to stop the work, which was accordingly done at noon on the 24th. Orders were received on the 2d of August to resume work, which was done at noon of that day, and the bridge was finished and trains passed over it at noon on the 5th, and ran within three miles of Atlanta. The Chattahoochee bridge is 780 feet long and 92 feet high, and was built in precisely four and one-half (4½) days. No night work was done upon it whatever, but the men worked from daylight till dark, with one hour intermission at noon for dinner.

A division of the construction corps was held at Chattahoochee until Atlanta was won, and they then completed the railroad into the city on the 3d of September, the day after General Slocum took possession of it.

TRACK.

By the original location the Atlanta line crossed the Knoxville line twice within a few miles of Chattanooga. Both roads having been destroyed in the vicinity of that place, it was deemed unnecessary to rebuild both entire, and as the Knoxville road was the shorter and better line it was rebuilt, and the Atlanta line was connected with it near the crossing of the Chickamauga creek, some five miles from Chattanooga, thus shortening the distance to Atlanta about two miles. Two connections were made, the first being merely for use.

The track between the junction and Tunnel Hill had been badly damaged, and much of it required relaying. Besides a small number of breaks at other points, some two miles near Marietta had been taken up and the rails removed. A similar break, but not of such extent, was found near Vining's Station.

Guerillas and raiding parties were more or less successful in destroying portions of the track during the whole time we held this road; but the crowning effort of this kind was made in October, 1864, when Hood, getting to Sherman's rear, threw his whole army on to the road at different points, and tore up and destroyed in the aggregate 35¼ miles of track and 455 lineal feet of bridges. Fortunately the construction corps was so distributed that even before Hood had left the road two strong working parties were at work at each end of the break at Big Shanty, and this gap was closed and the force ready to move to the great break between Resaca and Tunnel Hill as soon as the enemy had left it.

This break was 25 miles long, but here, again, we were able to put at once a large force to work on each end. Although the iron for the northern end had nearly all to be brought from Nashville, and that for the southern end taken up and brought from the roads south of Atlanta,

and all the cross-ties had to be cut, and many of them, for want of teams, carried to the road, still this 25 miles of track was laid, and the trains were running over it, in 7½ days from the time the work was fairly commenced.

Main track laid in opening the road	18¾	miles.
Main track laid after various small raids	10	"
Main track laid after Hood's raid	35½	"
Main track laid in 1865 by General Thomas' order	66½	"
Total main track laid	130¾	

SIDINGS.

Location.	Length.	Location.	Length.
	Feet.		*Feet.*
Chattanooga	15,940	Ackworth	1,900
Chickamauga	1,200	Big Shanty	1,305
Graysville	1,420	Marietta	3,450
Ringgold	2,000	Ruff's	1,040
Dalton	4,550	Vining's	1,540
Steadman	1,360	Chattahoochee	1,250
Tilton	700	Atlanta	15,670
Summit	1,255		
Etowah	300	Total	56,270
Sherman	1,490		=10¾ miles.

Main track	130¾	miles.
Sidings	10¾	"
Total track laid	141½	

BRIDGES.

Name.	Height.	No. of spans.	Length.	Remarks.	Rebuilt.
	Feet.		*Feet.*		*Feet.*
Chickamauga, No. 1	37	2	201	Rebuilt twice	402
Chickamauga, No. 2	16	1	80	Rebuilt twice	160
Chickamauga, No. 3	28	2	221	Rebuilt twice	442
Chickamauga, No. 4	22	2	223	Rebuilt twice	446
Chickamauga, No. 5	16	1	42	.....	.....
Chickamauga, No. 6	19	1	27	.....	.....
Chickamauga, No. 7	18	2	256	Rebuilt twice	512
Chickamauga, No. 8	25	2	265	Rebuilt twice	530
Chickamauga, No. 9	18	2	148	Rebuilt twice	296
Chickamauga, No. 10	16	1	136	Rebuilt twice	272
Chickamauga, No. 11	18	1	141	.....	.....
Chickamauga, No. 12	19	1	124	.....	.....
Chickamauga, No. 13	12	1	125	.....	.....
Chickamauga, No. 14	13	1	124	.....	.....
Buzzard Roost	15	1	87	Rebuilt	87
Old Brewery	15	1	40	Rebuilt	40
Tilton	20	1	100	Rebuilt twice	200
Resaca	35	7	842	Rebuilt twice	1,684
Etowah	67	5	508	Rebuilt twice	1,196
Allatoona creek	18	1	163	Rebuilt twice	326
Near Vining's	35	1	400	Rebuilt	400
Chattahoochee	92	6	780	Rebuilt twice	1,560
Total length	.....	.....	5,123	Total	8,553
Add amount rebuilt	.....	.....	8,553		
Total bridging built	by gov't	.....	13,676	= 2 miles 3,116 feet.	

A small portion of this bridging was built by contract, amounting to $25,757 63.

Water stations were built at—

Chattanooga	1 tank.	Graysville	2 tanks.
Chickamauga creek, No. 2	2 "	Old Brewery	2 "
Greenwood	2 "	Resaca	1 "
Tilton	2 "	Rogers	1 "
Kingston	2 "	Moon Station	1 "
Allatoona	1 "	Atlanta	1 "
Kenesaw	1 "		
Tunnel	1 "	Total	20 "

The following tabular statement shows the cost of labor performed on this road for construction and maintenance of way, and the number of men in the construction corps employed each month:

Months.	Construction corps.		Transportation department.	Total.
	No. of men.	Amount of pay-rolls.	Amount of pay-rolls.	
1864.				
March	368	$21,974 93		$21,974 93
April	458	17 008 75	$4,279 85	21,288 60
May	1,467	91,434 66	7,858 19	99,292 85
June	1,052	52,807 31	12,400 71	65,208 02
July	1,060	67,081 60	17,788 75	84,870 35
August	2,213	50,792 45	18,630 36	69,422 81
September	897	42,516 71	21,180 38	63,697 09
October	2,002	124,588 40	23,902 27	148,490 67
November	1,977	101,578 27	20,182 81	121,761 08
December			1,447 58	1,447 58
1865.				
January	559	11,960 85	16,282 14	18,242 99
February	106	1,325 00	21,780 46	23,105 46
March			21,610 49	21,610 49
April			21,384 34	21,384 34
May	888	44,002 75	28,082 50	72,085 25
June	1,112	85,070 06	29,802 92	114,872 98
July	467	33,353 48	42,272 92	75,826 44
August	364	14,527 60	54,178 22	68,705 82
September	143	3,613 95	23,744 36	27,358 31
Total	14,136	763,936 77	386,809 29	1,150,746 06
Monthly average	642	34,724 40	20,358 38	60,565 58

In the reconstruction of this road in 1865 some work was done on the Atlanta end by order of General Wilson.

The cost and description of this work, other than that done by soldiers, was, as per settlement of General Wilson and Grant & Co., as follows:

725 feet bridging over Chattahoochee river, at $11 per lineal foot	$7,965
Amount for track laying, as per check-roll	7,167
Work done at culvert near Vining's	538
Total	15,670

SUMMARY OF COST.

Materials.

9,960 tons iron rails, at $120 per ton	$1,195,200 00	
556,000 pounds chairs, at 8 cents per pound	45,280 00	
849,000 pounds spikes, at 8½ cents per pound	72,165 00	
129,000 cross-ties, at 50 cents per tie	64,500 00	
		$1,377,145 00

Labor.	
As per tabular statement	1,150,746 06
Contract work.	
On bridges	25,757 63
Work done by Grant & Co	15,670 00
Total	2,569,318 69

In the above calculation I have deducted the seventeen miles of rails laid by General Wilson, as this was all old and damaged iron.

The Chattanooga and Atlanta railroad was relinquished as a military road and turned over to the State of Georgia, the original owner, September 25, 1865.

THE NASHVILLE AND CLARKSVILLE RAILROAD

Extends from Nashville to Clarksville, and is 61 miles long. It is composed of three links: first, the Louisville and Nashville railroad, from Nashville to Edgefield junction, 10 miles; second, the Edgefield and Kentucky railroad, to the State line, 37 miles; and, third, the Memphis and Ohio railroad, to Clarksville, 14 miles.

On the 4th of August, 1864, I received General Sherman's order directing this road to be opened, so as to provide another avenue of supply to the depot at Nashville. Having made the necessary arrangements for carrying on the work at the front during my absence, I took the first division of the construction corps, under L. H. Eicholtz, division engineer, and proceeded to Springfield, where we arrived on the 11th of August.

I found the road had been repaired and put in running order from Edgefield junction to this station by Captain C. H. Irwin, assistant quartermaster, who was using it to haul lumber from his numerous saw-mills to Nashville.

The portion from State line to Clarksville was in running order, and being operated by the Louisville and Nashville Railroad Company.

Putting the construction force to work at once, I made an examination of the line between Springfield and State line, and found the work to be done consisted principally of bridging; the track had not been much damaged. Some of the cuts were so filled up that it required the removal of a good deal of material to clear the track.

The bridges destroyed were of considerable magnitude, and all the timber for their reconstruction had to be cut and prepared. The work was completed and the road opened through to Clarksville on the 16th of September.

The construction force remained on the road until October 16, employed in getting out bridge timber and cross-ties, and grading and laying a track, with sidings 6,765 feet long, from main line to the levee at Clarksville.

On the 25th of October I appointed W. R. Kingsley, division engineer, engineer of construction and repairs, and he continued to occupy this position while we held and operated the road. The cross-ties were badly decayed in places, and many had to be taken out and replaced with new ones.

On the 4th of March a freshet carried away the Red river bridge, and it was rebuilt by the 25th of same month. Another freshet on the 7th of April again carried away this bridge, and it was not rebuilt. Still another freshet occurred on the 20th of May, destroying the Sulphur Fork bridge and doing much additional damage to the road, all of which, however, was quickly repaired.

The following tabular statement shows the amount of bridging and trestle work on this road:

Name.	Height.	Length.	Remarks.
	Feet.	*Feet.*	
Springfield	44	410	
Sulphur fork	60	433	Partly destroyed and 150 feet rebuilt.
Spring creek	60	560	
Red river	85	680	Partly destroyed and 300 feet rebuilt.
Clark's extension	6 to 20	900	
Total		2,983	

Add to this amount rebuilt 450 feet, and we have a total of 3,433 feet bridging and trestle on this road built by government.

The lumber consumed in these structures amounted to 890,000 feet, board measure.

TRACK LAID.

On Edgefield and Kentucky railroad	2,484 feet, lineal.
On Clarksville extension	6,065 feet, lineal.
On side tracks, extension	700 feet, lineal.
Total	9,249, or 1 mile and 3,969 feet

CROSS-TIES.

About 15,000 cross-ties were cut by the construction corps on the line of this road.

Tabular statement of pay-rolls on the Nashville and Clarksville railroad.

Month.	No. of men.	Am't of pay-rolls.
1864.		
August	502	$22,160 68
September	615	36,538 00
October	614	17,501 39
November	148	7,093 55
December	151	8,457 75
1865.		
January	160	7,878 93
February	206	10,504 46
March	226	13,667 68
April	153	9,151 60
May	91	2,870 00
June	81	3,713 83
July	70	4,360 60
August	73	2,908 30
September	45	649 15
Total	3,135	148,455 92

SUMMARY OF COST.

Labor		$148,455 92
Materials.		
140 tons iron rails, at $120 per ton	$16,800 00	
7,000 pounds chairs, at 8 cents per pound	560 00	
10,000 pounds spikes, at 8½ cents per pound	850 00	
		18,210 00
Total		166,665 92

The Nashville and Clarksville railroad was relinquished as a military road and turned over to the owners September 25, 1865.

THE KNOXVILLE AND BRISTOL OR EAST TENNESSEE AND VIRGINIA RAILROAD

Extends from Knoxville to Bristol, 130 miles, with a branch 12 miles long to Rogersville. This road was open during the greater part of 1864 between Knoxville and Strawberry Plains, and at one time as far as Bull's Gap. On the 12th of March, 1865, orders were received from General Thomas to open this road to Bull's Gap, and put it in condition to sustain as heavy a business as was done on the Chattanooga and Atlanta line in the summer of 1864. The force sent to do this work reached Strawberry Plains on the 13th of March, and the road was opened to Bull's Gap on the 25th of same month. Orders were then received from General Thomas to continue the work and open the road to Carter's Station, 110 miles from Knoxville. This point was reached on the 29th of April.

TRACK.

Extensive repairs were required over the whole distance, and 12½ miles of main track and 5,755 feet of sidings were built. Total track laid was 13 miles and 3,115 feet.

BRIDGES.

Location.	Height.	Length.	Location.	Height.	Length.
	Feet.	*Feet.*		*Feet.*	*Feet.*
Flat creek	10	30	Chuckey creek, No. 1	25	140
Strawberry Plains	12	30	Chuckey creek, No. 2	20	100
Mossy creek	25	154	Chuckey creek, No. 3	28	180
Morristown	.....	24	Road crossing	16	75
		24	Culvert	.....	30
		24			150
Russelville	22	150	Henderson	25	245
3 miles beyond	.....	40		35	137
Do	.....	22			20
Bull's Gap	28	66	Limestone creek	25	352
Lick creek	26	875			
		24	Total bridging built by gov't		4,168
Swan Pond	25	1,393			

Water stations were built at—

	Tanks.
Friend's Station	2
Bull's Gap	2
Morristown	2
Chuckey creek	2
Total	8

The following tabular statement shows the cost of labor for construction and maintenance of way, and the number of men in the construction corps employed each month:

Month.	Construction corps.		Transportation department.	Total.
	No. of men.	Amount of pay-rolls.	Amount of pay-rolls.	
1864.				
June	.....	.....	$2,845 67	$2,845 67
July	.....	.....	4,340 42	4,340 42
August	.....	.....	4,038 88	4,038 88
September	.....	.....	4,928 36	4,928 36
October	.....	.....	5,590 04	5,590 04
November	.....	.....	4,720 18	4,720 18
December	.....	.....	336 52	336 52
1865.				
January	.....	.....	6,808 62	6,808 62
February	875	$18,094 21	7,510 64	25,604 85
March	520	29,129 89	10,011 71	39,141 60
April	546	37,626 21	11,750 39	49,376 60
May	547	4,663 54	15,827 16	20,490 70
June	.....	.....	15,510 70	15,510 70
July	.....	.....	10,818 85	10,818 85
August	.....	.....	769 25	769 25
Total	2,488	89,513 85	105,807 39	195,321 24
Monthly average	622	22,378 43	7,053 82	13,021 41

SUMMARY OF COST.

Materials.

1,000 tons iron rails, at $120 per ton	$120,000 00	
54,000 pounds chairs, at 8 cents per pound	4,320 00	
181,000 pounds spikes, at 8½ cents per pound	15,385 00	
33,750 cross-ties, at 50 cents per tie	16,875 00	
		$156,580 00
Labor as per tabular statement		195,321 24
Total		351,901 24

The East Tennessee and Virginia railroad was relinquished as a military road and turned over to the company August 28, 1865.

The western end of the Memphis and Charleston railroad was opened for a longer or shorter distance at various times during 1864 and 1865. Pocahontas Station, seventy-five miles from Memphis, was the farthest point east that was reached at any time.

Forty-eight (48) miles of the Mississippi Central railroad (from Grand Junction to Tallahatchie river) was opened and used for a short time, but it was operated in connection with the Memphis and Charleston road, and the following statements of cost, furnished by the general superintendent, Mr. A. F. Goodhue, includes both roads; but a small portion of the amount is properly chargeable to the Mississippi Central road:

Tabular statement showing cost of labor for each month.

Months.	Amount.	Months.	Amount.
1864.		1865.	
February	$1,167 07	January	$1,499 67
March	1,186 19	February	1,786 68
April	688 54	March	1,789 96
May	738 55	April	5,166 40
June	2,254 33	May	6,439 25
July	3,954 18	June	9,616 34
August	5,115 95	July	10,399 25
September	2,509 50	August	8,492 98
October	2,354 07	September	2,547 57
November	1,540 97	Total	72,893 12
December	3,645 67	Monthly average	3,644 15

SUMMARY OF COST.

Labor	$72,893 12
Materials	134,194 77
Total	207,087 89

This part of the Memphis and Charleston railroad was relinquished as a military road and restored to the company September 12, 1865.

THE MOBILE AND OHIO RAILROAD

Was opened at the beginning of 1864 to Union City, but was abandoned about the 1st of May. It was reopened to Crockett, thirty-five miles from Columbus, Kentucky, in May, 1865.

The following statement of cost was furnished by Mr. Goodhue, general superintendent:

Tabular statement showing cost of labor for each month.

Months.	Amount.	Months.	Amount.
1864.		1865.	
February	$389 02	January	$514 50
March	395 06	February	511 00
April	229 50	March	553 50
May	246 17	April	527 75
June	751 43	May	1,789 37
July	1,354 37	June	1,597 21
August	1,254 60	July	
September	1,198 60	August	598 55
October	1,240 50		
November	1,714 25	Total	16,582 88
December	1,617 50		
		Monthly average	921 27

SUMMARY OF COST.

Labor	$16,582 88
Materials	3,762 44
Total	20,345 32

This road was relinquished as a military road and restored to the company August 25, 1865.

THE ATLANTA AND MACON RAILROAD

From Atlanta to Rough and Ready, eleven miles, was operated for a short time while we held Atlanta. The greater part of the iron on this portion was taken up and used for relaying the track destroyed by General Hood on the Chattanooga and Atlanta railroad in October, 1864

Recapitulation of cost of materials used and labor performed for construction and maintenance of way on the United States military railroads in the military division of the Mississippi.

Name of road.	From—	To—	Length, miles.	Bridges built by government, feet, lineal.	TRACK. Miles laid by government. Main track.	Sidings.	Total.	COST. Materials.	Labor.	Contract work.	Total.
Nashville and Chattanooga	Nashville	Chattanooga	151	21,727	129.75	19	148.75	$1,747,741 00	$1,946,553 62	$385,216 71	$4,079,511 33
Shelbyville Branch*	Wartrace	Shelbyville	9								
McMinnville and Manchester*	Tullahoma	McMinnville	35								
Nashville and Decatur	Nashville	Decatur Junction	120	24,275	31.50	2.65	34.15	416,480 00	692,835 91	549,326 13	1,658,642 04
Mount Pleasant Branch	Columbia	Mount Pleasant	12								
Memphis and Charleston, (eastern division)	Stevenson	Decatur Junction	80	4,943	3.50	1.07	4.57	75,685 00	216,308 18	88,442 33	380,435 51
Chattanooga and Knoxville	Chattanooga	Knoxville	112	4,002	.35	3.38	38.38	542,030 50	506,554 45	161,990 26	1,210,575 21
Cleveland and Dalton Branch†	Cleveland	Dalton	27								
Nashville and Northwestern	Nashville	Johnsonville	78	21,320	46.50	4.25	50.75	489,779 12	798,829 73	182,789 11	1,471,397 96
Chattanooga and Atlanta	Chattanooga	Atlanta	136	13,676	130.75	10.75	141.50	1,377,145 00	1,150,746 06	41,427 63	2,569,318 69
Rome Branch‡	Kingston	Rome	17								
Atlanta and Macon‖	Atlanta	Rough and Ready	11								
Nashville and Clarksville	Nashville	Clarksville	62	3,433	.62	1.13	1.75	18,210 00	148,455 92		166,665 92
Knoxville and Bristol	Knoxville	Bristol	110	4,168	12.50	1.09	13.59	156,580 00	195,321 24		351,901 24
Rogersville Branch§	Junction	Rogersville	12								
Memphis and Charleston, (western division)	Memphis	Pocahontas	75					134,194 77	72,893 12		207,087 89
Mississippi Central¶	Grand Junction	Tallahatchie river	48								
Mobile and Ohio	Columbus, Ky	Crockett, Tenn	35					3,762 44	16,582 88		20,345 32
Louisville City**	River Landing	L. & N. R. R. depot	2								
Total			1,132	97,544	391.12	42.32	433.44	4,961,607 83	5,745,081 11	1,409,192 17	12,115,881 11

Official copy from the records of the Quartermaster General's office:

QUARTERMASTER GENERAL'S OFFICE, *May* 31, 1867.

BENJAMIN C. CARD,
Brevet Brigadier General, Assistant Quartermaster.

* Cost included in Nashville and Chattanooga railroad.
† Cost included in Chattanooga and Knoxville railroad.
‡ Cost included in Chattanooga and Atlanta railroad.
‖ Used but for a few days.
§ Included in Knoxville and Bristol railroad.
¶ Cost included in Memphis and Charleston railroad, western division.
** Taken up by government.

WASHINGTON, D. C., *June* 1, 1867.

Major General O. O. HOWARD recalled and examined.

By Mr. LAWRENCE:

Q. You have stated in your examination that some property had been restored to rebels which had been libelled for confiscation, or perhaps had been confiscated by decree of court; can you state the number of pieces of property, and what they were?

A. I cannot state it from the records that I have. I know the fact, and can give you individual cases; but if the Committee would ascertain the property that was actually libelled in the courts, it would be necessary for them to examine the court records. The reason I have not these facts is the great cost of getting a transcript from the records.

Q. Will you give the Committee, then, some instances of property restored after proceedings had been commenced and not perfected, and also some instances of property restored where such proceedings had been perfected and the property condemned and sold?

A. The property of S. W. Armsteadt, near Fortress Monroe, Virginia, had been libelled for confiscation, condemned and sold, and was restored to him by the assistant Commissioner. According to the report of the assistant Commissioner for October, 1865, there are two cases of Goodrich & Co., of New Orleans, in which storehouses and lots—one estimated at $75,000 and one at $13,000—were libelled, condemned and sold, and subsequently restored by General Fullerton. There is a case of the property of Benjamin Johnson, of Prince William county, Virginia, marked confiscated, and restored to former owner. The records of the courts would have to be examined to ascertain what is meant by the entry "confiscated," whether it was only libelled for confiscation, or condemned and sold, and subsequently restored. There is also the case of David J. (or G.) Goodwin, of Portsmouth, Virginia, reported as confiscated, and subsequently restored. I will just say to the Committee that there is a large amount of property in the vicinity of Norfolk, in Norfolk county, Virginia, libelled for confiscation, and the only place to get a full account of it would be from the records of the courts. I never got a transcript of those records.

Q. Mr. William L. Trenholm, in his testimony, states that General Saxton restored certain property to him and to certain firms in Charleston, in compliance with an order from President Johnson himself, and further states that that order is on file in the Freedmen's Bureau, in Charleston. Have you in your possession or under your control a copy of that order? If so, please furnish it to the Committee.

A. My attention has never been called to any such order. It may be on my files, and if so, whether here or in Charleston, I can furnish it, and will do so.

By Mr. ELDRIDGE:

Q. Have you ever seen the judgment and decree of court in either of these cases?

A. No, sir; my statement is based upon the reports of the assistant Commissioners.

Q. Do you know the form of judgment or decree of court, whether it directs the sale of the property?

A. No, sir; the only information I have is from the source I have indicated, and that does not state explicitly the form of decree. When I first came to Washington, I had a conversation with the Secretary of War, and he informed me, if my memory serves me correctly, that he had suspended the sales in certain cases in Virginia. I should presume, therefore, that the decree ordered sale to be made.

Q. Did you consider the judgment of the court ordering the property to be sold as vesting the title in the United States before sale had actually been made?

A. That was my opinion. I thought the judgment of the court condemning the property vested the title in the United States.

Q. Do you think so now?

A. Yes, sir; I have not very thoroughly examined the matter. There were authorities on both sides.

Q. Do you know whether the Attorney General gave an opinion on that subject?

A. I only know that the President referred the matter to the Attorney General, and that the circular which I had prepared came back modified so as to allow me to use such property only after condemnation and sale. Whether the word "sale" was put in by the Attorney General or by the President, I don't know.

WAR DEPARTMENT,
BUREAU OF REFUGEES, FREEDMEN AND ABANDONED LANDS,
Washington, June 1, 1867.

Hon. GEORGE S. BOUTWELL, M. C., *Chairman of Judiciary Committee pro tem.:*

SIR: I have examined my files, and find two orders of General Saxton, dated, respectively, November 6th and 7th, 1865, restoring property to Mr. W. L. Trenholm.

As no reference is made in these orders to any special direction of the President, I will refer immediately to Charleston, and ascertain if there is any record of the kind there.

Very respectfully, yours,

O. O. HOWARD,
Major General, Commissioner, &c.

WAR DEPARTMENT,
BUREAU OF REFUGEES, FREEDMEN AND ABANDONED LANDS,
Washington, June 5, 1867.

SIR: In accordance with my letter to you of the 29th ultimo, I have the honor to transmit herewith duplicate copies of the papers of J. W. Zacharie, of New Orleans, called for by your communication of the 9th ultimo.

Very respectfully, your obedient servant,

HENRY M. WHITTLESEY,
Brevet Brigadier General and A. A. A. General.

Hon. JAMES F. WILSON,
Chairman Judiciary Committee.

(No. 912.)

I do solemnly swear (or affirm) in the presence of Almighty God that I will henceforth faithfully defend the Constitution of the United States and the union of the States thereunder, and that I will in like manner abide by, and faithfully support, all laws and proclamations which have been made during the existing rebellion with reference to the emancipation of slaves: So help me God.

J. W. ZACHARIE.

Sworn to and subscribed before me, this 6th day of July, A. D. 1865.

CHARLES CLAIBORNE,
[L. S.] *Clerk United States Circuit Court Sixth Judicial Circuit and Eastern District of Louisiana.*

[Copy.]

STATE OF LOUISIANA, *City of New Orleans:*

Before me, the undersigned authority, personally appeared Thomas G. Rhett, who, being duly sworn, did depose and say that he held a commission as major in the army of the so-called confederate States, and was stationed in the department known as the Trans-Mississippi department, and comprising the States of Texas, Arkansas, and that portion of the State of Louisiana lying west of the Mississippi river, together with the Territories of Arizona, New Mexico, and the one known as the Indian Territory; and that he did duty in said department as chief of ordnance on the staff of the so-called General Smith, in which position he, by virtue of his office, knew of all contracts, sales, purchases, exchanges, or

donations of arms, powder, lead, shot, cannon, nitre, metals of all kinds, caps, and all other ordnance stores sold, or in any manner furnished the so-called confederate States in the department aforesaid, by all or any parties, directly or indirectly; and that he further knew of all importations of munitions of war into said department from the month of December, 1862, to May, 1865, during which time deponent held the aforesaid office. Deponent further declareth that he has known J. W. Zacharie, of this city, for a number of years, and that he knows that said Zacharie never did either contract to sell or in any way furnish the so-called confederate States with munitions of war during the time aforesaid the deponent held the office aforementioned; that deponent would have known if said J. W. Zacharie had either imported or in any way furnished munitions to the aforesaid so-called confederate States, and that he knows that said Zacharie did not do both or either of these things. Deponent further declares that he made a statement under oath of the facts before mentioned in presence of the judge and clerk of the United States district court for the eastern district of the State of Louisiana at the last sitting thereof, and during the trial of the cause of the United States *vs.* the property of J. W. Zacharie.

(Signed) THOMAS G. RHETT.

Sworn to and subscribed before me, this 12th day of August, A. D. 1865, at my office in the city of New Orleans and parish of Orleans.

[L. S.] (Signed) K. LOEW,
Deputy Clerk U. S. District Court, Eastern District of Louisiana.

Personally appeared before me James Waters Zacharie, who, being duly sworn, declares, in answer to the interrogatories propounded to him by the officers of the Freedmen's Bureau:

To the 1st, 2d, 3d, 4th, 5th, 6th, and 7th he answers that he has never been in the employ of the so-called confederacy in any capacity.

To the 8th he answers in the negative.

To the 9th he left New Orleans on the 24th of August, 1861, for Havana, and returned on the 26th of January, 1862: remained until the 24th of February, and left for Mexico through Texas, and has been at Havana, Mexico, and Texas ever since, having left Matamoras on the 18th of May last, returning to New Orleans *via* Galveston, Texas, and arrived on the 4th of July last.

To the 10th, 11th, and 12th he answers in the negative.

To the 13th, at Matamoras and Brownsville, endeavoring to secure his property in Texas, and has been constantly travelling in Mexico, Cuba, and Texas.

To the 14th, he returned from Texas here by permission of the United States officers.

To the 15th, in his opinion he has given no aid to the rebellion.

To the 16th, 17th, 18th, and 19th he answers in the negative.

To the 20th, he took the oath on the 6th of July, 1865; the certificate is now in Washington.

To the 21st he answers in the negative.

To the 22d, about $250,000, but is mortgaged to the Citizens' Bank (to secure its stock) and others for upwards of two hundred thousand dollars, and if the mortgages were foreclosed, would not sell for its indebtedness, as there are judgments and privileges for taxes, &c., for the last four years, amounting to over $15,000.

To the 23d and 24th, not having seen the oath required by the President's proclamation of the 3d of December, 1863, he has not taken it, being then in Mexico or Texas.

(Signed) J. W. ZACHARIE.

Sworn to and subscribed before me on the 4th of November, 1865.

(Signed) EDWARD M. LUSIREN, *J. P. E.*

[Copy.]

UNITED STATES *vs.* THE PROPERTY OF J. W. ZACHARIE. } No. 8,009.

I hereby certify that the judgment decreeing a restitution of the libelled property to the defendant, rendered on 15th July, 1865, was signed on the 20th of same month, and that no appeal has been taken by the United States.

(Signed) K. LOEW, *Deputy Clerk.*

CLERK'S OFFICE, *August* 1, 1865.

I do further certify that the district attorney declines to appeal herein, and so stated in my presence.

K. LOEW, *Deputy Clerk.*

AUGUST 1, 1865.

OFFICE SUPERVISING SPECIAL AGENT,
TREASURY DEPARTMENT, THIRD AGENCY,
New Orleans, August 26, 1865.

THOMAS CONWAY, Esq, *New Orleans:*

SIR: I enclose herewith copies of papers, now in my possession, of P. W. Gray, confederate treasury agent, Trans-Mississippi department, showing that J. W. Zacharie was, a short time previous to the surrender of Kirby Smith, engaged in furnishing supplies to the rebels.

Respectfully, your obedient servant,

(Signed) BENJ. F. FLANDERS,
Supervising Special Agent, Treasury Department, 3d Agency.

Warrant No. 198.

TREASURY AGENCY, H. S. OFFICE,
Marshall, May 16, 1865.

Hon P. W. GRAY, *Treasury Agent:*

SIR: I have the honor to request a bill of exchange in favor of George W. Carter, at sixty days' sight, on Messrs. Fraser, Trenholm & Co., for eleven hundred and thirty-three $\frac{33}{100}$ dollars ($1,133 50) in sterling, at $4 85 to the pound, in payment of bill percussion caps. You will also cause to be issued one bill of exchange sterling on Messrs. Fraser, Trenholm & Co., in favor of Alexander Collie & Co., for £10,000; one in favor of Ball, Hutchings & Co., for £589 14 4; and the balance, of sixty-two thousand one hundred and ninety $\frac{12}{100}$ dollars ($62,190 12,) computing the pound sterling at $4 85, in bill of exchange in favor of Messrs. Alexander Collie & Co. This sum of $62,190 12 is to be used in payment of cargo of supplies bought from the agents of said Collie & Co., and introduced into our lines on board the ship Flamingo.

Respectfully, your obedient servant,

(Signed) W. C. BLACK.
Captain and Chief Foreign Supply Office.

The Gale warrant clerk will prepare warrants in favor of Captain Black for $69,788 90, with which he is to be charged, payable *in coin* out of the appropriation for purchase of naval stores.

(Signed) S. W. HAMPTON, *Chief Clerk.*

TREASURY AGENCY, *May* 16, 1865.

[Copy.]

Warrant, Treasury, 199.

TREASURY AGENCY, TRANS-MISSISSIPPI DEPARTMENT.

To the principal depository of the confederate States at Marshall, greeting:

Pay to W. C. Black, captain and chief foreign supply office, or order, out of the appropriation named in the margin, sixty-nine thousand seven hundred and eighty-eight $\frac{90}{100}$ dollars, in coin, and for which sum said W. C. Black, captain, is to be charged and held accountable.

Appropriation.—Purchase of cotton, naval stores, and other property, under direction of the President, to meet the engagement of the government, &c.

Draw draft on principal depository for £14,369 9*s.* 3*d.*

For so doing this shall be your warrant.

Given under my hand this sixteenth day of May, in the year one thousand eight hundred and sixty-five.

(Signed) P. W. GRAY,
Agent of the Treasury, Trans-Mississippi Department.

R. & E.
$69,788 90, coin.

(Countersigned) T. H. KENNEDY,
Comptroller, Trans-Mississippi Department.

Recorded 17, J. D. May 17, 1865.

(Signed) D. F. SHALL, *Auditor.*

Received, for the above warrant, draft No. ——, on C. S. depository at ————, for $————, this —— day of ————, 186—.

TREASURY AGENCY, F. S. OFFICE,
Houston, May 6, 1865.

Capt. W. C. BLACK, *Chief Foreign Supply Office, Marshall:*

SIR: At sight please pay to J. W. Zacharie, or order, the sum of six thousand four hundred and sixty-five $\frac{28}{100}$ dollars, in sterling exchange, of the Hon. P. W. Gray, agent treasury, trans-Mississippi, on Messrs. Fraser, Trenholm & Co., Liverpool, England, in full of invoice surgical instruments and drugs, $6,465 28.

(Signed) HENRY SAMPSON,
Treasury Agent Foreign Supply Office.

TREASURY AGENCY, F. S. OFFICE,
Marshall, May 16, 1865.

Hon. P. W. GRAY, *Treasury Agent:*

SIR: I have the honor to request your bill of exchange on Fraser, Trenholm & Co, in favor of J. W. Zacharie, for sixty-four hundred and sixty-five $\frac{38}{100}$ dollars, in sterling, at the rate of $4 85 to the pound, in payment of the above draft.

Respectfully, your obedient servant,

(Signed) W. C. BLACK,
Captain and Chief Foreign Supply Office.

Upon referring to the books of P. W Gray, confederate treasury agent, it is found that on the 16th of May, 1865, a bill of sterling exchange was drawn by him for the within amount, £1,333 0*s.* 11*d.* = $6.465 28.

(Signed) BENJ. F. FLANDERS,
Supervising Special Agent T. D., 3d Agency.

A true copy:

(Signed) D. V. FURUS,
1st Lieutenant and Assistant Adjutant General.

HEADQUARTERS BUREAU REFUGEES, FREEDMEN, &C.,
STATE OF LOUISIANA, *New Orleans, September* 8, 1865.

Major General O. O. HOWARD,
Commissioner, &c., &c., War Department, Washington, D. C.:

GENERAL: I have the honor to forward herewith additional evidence in the case of J. W. Zacharie, consisting of copies of papers found in the possession of the treasury agent of the late confederate States, (Trans-Mississippi department,) implicating him in running the blockade and furnishing the rebels with supplies, &c.; also additional testimony taken before the United States district court at the time the case of Zacharie was on trial before that court.

Very respectfully, your obedient servant,

(Signed) THOMAS CONWAY,
Asst. Commissioner B. R., F., and A. L., State of La.

WAR DEPARTMENT, BUREAU OF REFUGEES,
FREEDMEN, AND ABANDONED LANDS,
Washington, October 7, 1865.

Brevet Brigadier General J. S. FULLERTON, *Assistant Adjutant General:*

GENERAL: I am directed by General Howard to enclose to you papers in the cases of Mrs. and Miss Eustis, of New Orleans, for action, in compliance with Circular No. 15, current series, from this bureau; also a letter from Mr. Zacharie, of that city, whose property was ordered to be restored, but the order revoked by telegram upon receipt, at this office, of certain papers from Mr. Conway, implicating Zacharie in blockade running, and stating that an appeal from the decision of the United States district court was to be taken.

It appears from Mr. Zacharie's letter that Mr. Conway was willing to give up the property upon the owner's signing a certain release, copy enclosed. With respect to this, General Howard directs me to say that he does not desire to bar parties from making or representing any claim upon the government.

You will please investigate the case, and, if you think proper, restore the property according to the original order sent from this office.

Very respectfully, your obedient servant,

(Signed) WM. FOWLER,
Assistant Adjutant General.

NEW ORLEANS, *September* 26, 1865.

DEAR SIR: General Howard's order came to hand two weeks ago, and after presentation and long deliberation upon it, Mr. Conway offers to release the property on condition that I will sign the enclosed certificate, which is appended to the receipt of the property, and that he is to collect the rent for the month of September. As General Howard's order is dated September 2, in my opinion the property was released from that moment; and as the certificate required is a quit claim, I have declined signing it, preferring to await my father's arrival, and to let him act upon it. Conway's action in the matter amounts, virtually, to a setting aside of General Howard's order. My father is still absent in Texas, but we are expecting him in the first week in October. I would be glad if you could force Mr. Conway to comply literally with General Howard's order, and at the earliest practicable moment.

Yours, respectfully,

(Signed) F. C. ZACHARIE.

W. L. HODGE, Esq., *Washington.*

WASHINGTON, *October* 6, 1865.

DEAR GENERAL: You may recollect an order you gave, some weeks since, for restoration of the property, in New Orleans, to J. W. Zacharie, and I now submit a letter received to-day from Mr. Zacharie for your perusal, and will call to-morrow, to ascertain what action you can conveniently take in the matter.

Very respectfully,

(Signed) WILLIAM L. HODGE.

NEW ORLEANS, *October* 26, 1865.

GENERAL: I would respectfully make application for a formal release of my property by the Freedmen's Bureau. On the 20th of July last the United States district court of Louisiana decreed in my favor in the libel suit against my property; but when taking possession of, under written authority from the United States marshal, I was met by an opposition from your predecessor in office, who refused to comply with the mandate of the court, when I wrote to Washington, and procured an order from General Howard, chief of the bureau, dated September 2, directing him (Conway) to restore me the property, which he declined doing, unless I would sign a release of the government for all damages and rents that had accrued since the 1st of September, 1862, until now, which receipt, my friends in Washington have notified me, General Howard has instructed the bureau not to exact. The taxes and insurance, as well as other expenses, have remained unpaid from September 1, 1862, until now, during which the government has enjoyed the rents, and the acting quartermaster has continued collecting the rents since the reception of General Howard's order.

I now propose that if the bureau will return me $600, which is the amount collected since the reception of General Howard's order, and will pay the current expenses of the property while they were in possession,* I will sign a quit claim for all rents collected in the past three years. I consider this a liberal offer, as the rents far exceed the contingent expenses during the time of the government's occupation, and make it to obtain a speedy settlement with the bureau.

Very respectfully, your obedient servant.

(Signed) J. W. ZACHARIE.

Brevet Brigadier General J. S. FULLERTON,
Assistant Commissioner Freedmen's Bureau.

NEW ORLEANS, *December* 11, 1865.

DEAR SIR: Captain W. B. Armstrong, assistant quartermaster of the Freedmen's Bureau, in delivering me my property on your order, has refused to refund me the rents which he had collected subsequent to my amnesty oath, which my friend, William L. Hodge, esq., of Washington, informed me, under date of the 7th of October last. He says: "General Howard, whilst I was with him, caused a letter to be written to General Fullerton, directing him to examine into your case, and do what was right, expressly instructed him not to ask or exact the signature to the paper giving up all claims on the United States, or its agents, and if you have any just claim you should not be required to relinquish it: also, *not to collect any rents subsequent to the amnesty oath* or pardon, but leaving all previously collected an open question." And when calling on General Baird, and showing him Mr. Hodge's letter, he requested to look for the letter alluded to; he could find none, and thinks if you had such a letter as Mr. Hodge refers to, you must have taken it off with you. Should you have had such information, you will oblige me by writing to General Baird on the subject, and send your letter, under cover, to me, as it will save me $600, collected in August, as my amnesty oath was taken on the 6th of July, and I obtained a judgment in my favor, on the 15th of July, from the United States district court. As B. F. Flanders attested the same suit for the month of July, and was not under your control, I suppose I will lose that amount, unless I recover it before the Court of Claims.

Requesting the favor of an immediate answer, which will oblige, yours, respectfully,

(Signed) J. W. ZACHARIE.

General J. S FULLERTON.

WAR DEPARTMENT,
BUREAU REFUGEES, FREEDMEN, AND ABANDONED LANDS,
Washington, June 16, 1866.

Respectfully referred to Brevet Major General A. Baird, assistant commissioner, &c., New Orleans, Louisiana. The letter referred to within was written October 7, 1865, but contains no direction to refrain from collecting rents after the date of the amnesty oath. If any such rents were actually collected, the bureau will not restore them to Mr. Zacharie.

By order of Major General O. O. Howard, Commissioner, &c.

(Signed) WILLIAM FOWLER,
Assistant Adjutant General.

(*Taxes, premiums of insurance, and repairs.)

[Exhibits to accompany Postmaster General Randall's testimony.]

UNITED STATES OF AMERICA, DEPARTMENT OF STATE.

To all to whom these presents shall come, greeting:

I certify that the form of commission of deputy postmasters hereto annexed is that which has been used since 1836, when such officers have been confirmed by the Senate.

In testimony whereof, I, William H. Seward, Secretary of State of the United [L. S.] States, have hereunto subscribed my name and caused the seal of the Department of State to be affixed.

Done at the city of Washington this twenty-ninth day of May, A. D. 1867, and of the independence of the United States of America the ninety-first.

WILLIAM H. SEWARD.

PRESIDENT OF THE UNITED STATES OF AMERICA.

To all who shall see these presents, greeting:

Know ye, that, reposing special trust and confidence in the integrity, ability, and punctuality of , I have nominated, and, by and with the advice and consent of the Senate, do appoint deputy postmaster , and do authorize and empower him to execute and fulfil the duties of that office according to law, and to have and to hold the said office, with all the powers, privileges and emoluments to the same of right appertaining unto him, the said , for the term of , unless the President of the United States, for the time being, should be pleased sooner to revoke and determine this commission.

In testimony whereof, I have caused these letters to be made patent and the seal [L. S.] of the United States to be hereunto affixed.

Given under my hand, at the city of Washington, the day of , in the year of our Lord one thousand eight hundred and and of the independence of the United States of America the

By the PRESIDENT:

Secretary of State.

UNITED STATES OF AMERICA, DEPARTMENT OF STATE

To all to whom these presents shall come, greeting:

I certify the form of commission of deputy postmasters hereunto annexed is that which has been used since 1837, when such officers have been appointed during the recess of the Senate.

In testimony whereof, I, William H. Seward, Secretary of State of the United [L. S.] States, have hereunto subscribed my name and caused the seal of the Department of State to be affixed.

Done at the city of Washington this twenty-ninth day of May, A. D. 1867, and of the independence of the United States of America the ninety-first.

[L. S.] WILLIAM H. SEWARD.

PRESIDENT OF THE UNITED STATES OF AMERICA.

To all who shall see these presents, greeting:

Know ye, that, reposing special trust and confidence in the integrity, ability, and punctuality of , I do appoint deputy postmaster , and do authorize and empower him to execute and fulfil the duties of that office according to law, and to have and to hold the said office, with all the powers, privileges, and emoluments to the same of right appertaining unto him, the said , during the pleasure of the President of the United States, for the time being, and until the end of the next session of the Senate of the United States and no longer.

In testimony whereof, I have caused these letters to be made patent and the seal [L. S.] of the United States to be hereunto affixed.

Given under my hand, at the city of Washington, the day of , in the year of our Lord one thousand eight hundred and , and of the independence of the United States of America the

By the PRESIDENT:

Secretary of State.

UNITED STATES OF AMERICA, DEPARTMENT OF STATE,

To all to whom these presents shall come, greeting:

I certify that the form of commission of deputy postmasters hereto annexed is that which has been adopted since the passage of the "Act regulating the tenure of certain civil offices," and which is used in case of suspension from office.

In testimony whereof, I, William H. Seward, Secretary of State of the United
[L. S.] States, have hereunto subscribed my name and caused the seal of the Department of State to be affixed.

Done at the city of Washington this twenty-ninth day of May, A. D. 1867, and of the independence of the United States of America the ninety-first.

WILLIAM H. SEWARD.

PRESIDENT OF THE UNITED STATES OF AMERICA.

To all who shall see these presents, greeting:

Know ye, that, reposing special trust and confidence in the integrity and ability of , I do designate him to perform the duties of the office of deputy postmaster at , in the State of , and do authorize and empower him to execute and fulfil the duties of that office according to law, and to have and to hold all the powers, privileges, and emoluments to the same of right appertaining unto him, the said , until the next meeting of the Senate of the United States, and until the case of , who has been suspended by the President from the performance of the duties of said office, shall be acted upon by the Senate, and no longer, unless the commission shall be sooner revoked, subject to the conditions prescribed by law.

In testimony whereof, I have caused these letters to be made patent and the seal
[L. S.] of the United States to be hereunto affixed.

Given under my hand, at the city of Washington, the day of , in the year of our Lord one thousand eight hundred and , and of the independence of the United States of America the

By the PRESIDENT:

Secretary of State.

UNITED STATES OF AMERICA, DEPARTMENT OF STATE.

To all to whom these presents shall come, greeting:

I certify that the form of commission of deputy postmasters hereto annexed is that which has been used since the adjournment of the Senate, in cases of vacancies by death or resignation.

In testimony whereof, I, William H. Seward, Secretary of State of the United
[L. S.] States, have hereunto subscribed my name and caused the seal of the Department of State to be affixed.

Done at the city of Washington this twenty-ninth day of May, A. D. 1867, and of the independence of the United States of America the ninety-first.

WILLIAM H. SEWARD.

PRESIDENT OF THE UNITED STATES OF AMERICA.

To all who shall see these presents, greeting:

Know ye, that, reposing special trust and confidence in the integrity, ability, and punctuality of , I do appoint him deputy postmaster at , in the State of , and do authorize and empower him to execute and fulfil the duties of that office according to law, and to have and to hold the said office with all the powers, privileges and emoluments to the same of right appertaining unto him, the said , until the end of the next session of the Senate of the United States, and no longer, subject to the conditions prescribed by law.

In testimony whereof, I have caused these letters to be made patent and the seal of the United States to be hereunto affixed.

Given under my hand, at the city of Washington, the day of , in the year of our Lord one thousand eight hundred and , and of the independence of the United States of America the

By the PRESIDENT:

Secretary of State.

UNITED STATES OF AMERICA, DEPARTMENT OF STATE.

To all to whom these presents shall come, greeting:

I certify that the form of commission of deputy postmasters hereto annexed is that which has been issued since the passage of the "Act regulating the tenure of certain civil offices," when such officers have been confirmed by the Senate.

In testimony whereof, I, William H. Seward, Secretary of State of the United [L. S.] States, have hereunto subscribed my name and caused the seal of the Department of State to be affixed.

Done at the city of Washington this twenty-ninth day of May, A. D. 1867, and of the independence of the United States of America the ninety-first.

WILLIAM H. SEWARD.

PRESIDENT OF THE UNITED STATES OF AMERICA.

To all who shall see these presents, greeting:

Know ye, that, reposing special trust and confidence in the integrity, ability, and punctuality of , I have nominated, and, by and with the advice and consent of the Senate, do appoint deputy postmaster, , and do authorize and empower him to execute and fulfil the duties of that office, with all the powers, privileges, and emoluments to the same of right appertaining unto him, the said , for the term of , subject to the conditions prescribed by law.

In testimony whereof, I have caused these letters to be made patent and the seal [L. S.] of the United States to be hereunto affixed.

Given under my hand, at the city of Washington, the day of , in the year of our Lord one thousand eight hundred and , and of the independence of the United States of America the .

By the PRESIDENT:

Secretary of State.

POST OFFICE DEPARTMENT,
Washington, D. C., May 30, 1867.

To all to whom these presents shall come, greeting:

I certify that the form of commission of postmasters hereto annexed is that which has been used by this department in cases of appointment by the Postmaster General since the year 1836, and was adopted by the late Postmaster General, Amos Kendall, and has been continued in use, without change of form, by Postmasters General Niles, Granger, Wickliffe, Johnson, Collamer, Hall, Hubbard, Campbell, Brown, Holt, King, Blair, Dennison, and myself.

In testimony whereof, I have hereunto subscribed my name and caused the seal [L. S.] of said department to be hereunto affixed, at the city of Washington, this thirtieth day of May, A. D. 1867.

ALEXANDER W. RANDALL,
Postmaster General.

ALEXANDER W. RANDALL, POSTMASTER GENERAL OF THE UNITED STATES OF AMERICA.

To all who shall see these presents, greeting:

Whereas, on the day of , 186 , was appointed postmaster at , in the county of , State of ; and whereas he did, on the day of , 186 , execute a bond, and has taken the oath of office, as required by law:

Now know ye, that, confiding in the integrity, ability, and punctuality of the said , I do commission him a postmaster, authorized to execute the duties of that office at aforesaid, according to the laws of the United States and the regulations of the Post Office Department; to hold the said office of postmaster, with all the powers, privileges, and emoluments to the same belonging, during the pleasure of the Postmaster General of the United States.

In testimony whereof, I have hereunto set my hand and caused the seal of the [L. S.] Post Office Department to be affixed, at Washington city, the day of , in the year of our Lord one thousand eight hundred and sixty-seven, and of the independence of the United States the ninety-first.

RALEIGH, *June* 20, 1867.

SIR: Yours of the 14th instant, making certain inquiries on behalf of the House Judiciary Committee, has been received.

At the close of the rebellion there were considerable quantities of what was called "State property" in various parts of the State. It consisted of cotton and resin, and of the mules and wagons used in transporting the same. I applied to the President to give this property to the State for the purposes of reconstruction, so as to avoid taxing the people in their impoverished condition. On the 8th of July, 1865, Mr. Secretary Seward addressed me a letter, from which the following is an extract:

"Mr. North (then provisional treasurer) will make an estimate of the expenses which may attend the special trust conferred upon you, namely, the organization of the State of North Carolina. The amount thus reasonably estimated will be paid at the War Department as an expense incident to the suppression of the rebellion. The estimate, however, will carefully include all expenses which may arise from the administration of the civil government of the State, including the charities thereof. It is understood here that, besides cotton that has been taken by the Secretary of the Treasury under act of Congress, there were quantities of resin and other articles, as well as funds, lying about in different places in the State and elsewhere, not reduced into possession by United States officers as insurgent property. The President is of opinion that you can appropriate these for the inevitable and indispensable expenses of the civil government of the State during the continuance of the provisional government. He is also of the opinion that you can levy taxes or assessments for the same inevitable and indispensable provisional expenses, and enforce their collection."

The above is doubtless the order or authority referred to in Mr. McPherson's manual, page 18; and I think this order may be found set out in full in his manual for 1865.

The construction given to this order or letter of authority by Provisional Treasurer North, in his report to me of date October 2, 1865, was as follows:

"The substance of this communication, so far as it related to the State property, I understood to be this: That the government of the United States would surrender to the State none of its property already seized, but would desist from further captures, and allow you, out of the debris of State property, at home and abroad, to raise what you could towards defraying the indispensable civil expenses of the State during the continuance of the provisional government."

In this construction I have no doubt I concurred. It is probable, though I do not now recollect any particular case, that cotton seized by the agents of the United States after the date of this order was restored to the State. But the report of Treasurer North, already referred to, shows that in June, 1865, Colonel David Heaton, treasury agent, under an order from Mr. Secretary McCulloch, shipped a considerable quantity of cotton "to New York as captured property without regard to State claims." I am not able to state with any exactness the amount realized from this property thus abandoned or given to the State; but the amount must have been near $100,000. No taxes were collected during my administration of seven months, the amount having proved sufficient to cover, during that period, all the expenses of the civil government.

I will take pleasure in giving the Committee any further information that may be in my possession.

Very respectfully,

W. W. HOLDEN.

E. G. BOWDOIN, Esq.,
Clerk Judiciary Committee, House of Representatives.

TREASURY DEPARTMENT, *June* 28, 1867.

SIR: In compliance with your request, I herewith transmit a copy of the circular of June 21, 1865, alluded to in my annual report of December 4, 1865. Circulars of September 14, 1865, and February 2, 1866, by which that first named was in some respects modified, are also enclosed.

You inquire whether any deeds were ever made for lands sold for taxes under the direct tax law, and asked to be informed of the reason in case no such deeds were made.

Your inquiry is understood to relate to the patents authorized by section 2 of the amendatory direct tax act of March 3, 1865. Much delay was occasioned in taking action under this section, in consequence of a difference of opinion as to whether the patents should issue from this department or from the General Land Office. The question having at length been referred to the Attorney General, he gave it as his opinion that the issue should be from the land office. A further doubt then arose as to the extent and character of the information which it was proper or possible for this department to furnish the Commissioner of the General Land Office in each case, in order that a patent might be issued. This latter difficulty had but a short time been removed before the passage of the law of February 25, 1867, (section 6 of a "resolution to provide for the ascertainment and apportionment of the proper quota of the direct tax of 1861 to the State of West Virginia, and for other purposes") which repealed the provision authorizing the issue of patents, and restored the original arrangement under which the purchaser was to receive only the certificate of sale. Whether patents had been issued on any of the small number of applications which had, up to that time, been regularly certified to the land office, I am not informed.

You also ask, referring, it is presumed, to the order of 1865 for the suspension of sales under the direct tax law, whether there was "any other order by the President suspending the collection of the direct tax."

There has been no order by the President on the subject, but on August 6, 1866, I issued directions as authorized by section 14 of an act "to protect the revenue, and for other purposes," approved July 28, 1866, suspending the collection of the direct tax in the States heretofore declared to be in insurrection until January 1, 1868.

I presume it is fully understood that the circulars mentioned in the first paragraph of this letter had no bearing on the collection of the direct tax, but referred entirely to internal revenue taxes.

Respectfully yours,

H. McCULLOCH
Secretary of the Treasury.

Hon. JAMES F. WILSON,
Chairman Judiciary Committee, House of Representatives.

[Special No. 16.]

Concerning the collection of taxes in States lately in rebellion.

TREASURY DEPARTMENT, OFFICE OF INTERNAL REVENUE,
Washington, June 21, 1865.

The attention of all officers of internal revenue is hereby called to the following regulations on the above subject, issued by the Secretary of the Treasury.

JOSEPH J. LEWIS, *Commissioner.*

TREASURY DEPARTMENT, *June 21, 1865.*

Section 46 of the internal revenue act, approved June 30, 1864, provides that whenever the authority of the United States shall have been re-established in any State where the execution of the laws had previously been impossible, the provisions of the act shall be put in force in such State, with such modification of inapplicable regulations in regard to assessment, levy, time and manner of collection, as may be directed by the department.

Without waiving in any degree the rights of the government in respect to taxes that have heretofore accrued, or assuming to exonerate the tax-payer from his legal responsibility for such taxes, the department does not deem it advisable to insist at present upon their payment, so far as they were payable prior to the establishment of a collection district embracing the territory in which the tax-payer resides.

But assessors in the several collection districts recently established in the States lately in insurrection are directed to require returns, and to make assessments for the several classes of taxes for the appropriate legal period preceding the first regular day on which a tax becomes due after the establishment of the district; that is to say, in the several districts in question the proper tax will be assessed upon the income of the year 1864, inasmuch as the tax for that year is due upon the thirtieth day of June, subsequently to the establishment of the district. All persons found doing any business for which a license is required will be assessed for the proper license from the first day of the month in which the district is established.

Persons engaged in any business for which monthly or quarterly returns are required to be made will be assessed for the month or quarter for which returns should be made at the first return day after the establishment of the district; and the same principle will apply to those taxes which are payable at different periods. A manufacturer of tobacco, for instance, in a district established after the first and before the twentieth day of May, will be assessed upon his sales for the month of April.

When any manufactured articles are found in the hands of a purchaser, and it is shown to the satisfaction of the assessor that the goods were actually sold and passed out of the hands of the manufacturer before the commencement of the period for which he is properly taxable, the articles will not be subject to tax in the hands of such purchaser, unless transported beyond the limits of the States lately in insurrection.

The holder of any distilled spirits, manufactured tobacco, or other article which is liable to seizure on account of the absence of inspection marks, may present to the assessor the evidence that the articles in his hands, or, under the circumstances which obtain in the particular case, are not subject to tax, except as above stated; and if the assessor is satisfied, he will cause the packages to be so marked that they may be identified and sold without liability to seizure.

Whenever any collector shall have reason to believe that the holder of any goods on which the tax has not been paid intends to remove the same beyond the limits of the States lately in insurrection, and to evade the payment of the tax, he will seize the goods and take the necessary steps for their condemnation, unless the holder shall give bond, as hereinafter prescribed, for the transportation or exportation of the goods, or shall return the same to the assessor, and pay to the collector the amount of tax that shall be found due. In all cases in which a seizure shall be made under these instructions, the department, on being informed

of such seizure, will consider the case, and extend such measure of relief as the facts shall justify.

In the States of Virginia, Tennessee, and Louisiana collection districts were some time since established, with such boundaries as to include territory in which it has but recently become possible to enforce the laws of the United States. In those districts the rule laid down above will be so modified as to require the assessment and collection of the first taxes which become due after the establishment of assessment divisions in the particular locality.

Whenever assessments are to be made, based upon transactions which may have been carried on in a depreciated currency, it will be proper for the assessor to ascertain the amount of the income, or value, or sales, or receipts, in lawful money of the United States, according to the best information which he can obtain as to the average value of such depreciated currency for the period covered by the assessment.

The duties upon cotton and spirits of turpentine are, by a special provision of the statute, made payable by the person in whose hands the articles are first found by the officers of internal revenue. With reference to those articles, therefore, the rule laid down will not apply, but assessments will be made wherever they are found.

Whenever any person holds, as a purchaser, any articles which, under the internal revenue laws, may be transported under bond, and desires to transport the same to any northern port or place, he may apply to the assessor to have the amount of tax ascertained and determined. The proper examination having been had, the assessor will certify the amount of duties thereon to the collector, and the collector will thereupon grant a permit for their removal, after the execution of a bond for their storage in bonded warehouse, such permit and bond being in the form required by the regulations for the establishment of bonded warehouses. On or before the tenth day of each month the assessor will transmit to the office of internal revenue a statement showing the amount of duties thus certified during the month preceding, and the collector will, on or before the same date, transmit a descriptive schedule of all bonds thus taken by him in the course of the preceding month.

When goods arrive in any nothern port under such transportation bond; or under a permit issued by a collector of customs, under the regulations of May 9, 1865, they will be received into the proper warehouse, established under the internal revenue laws, in the district into which the goods are brought, and the necessary certificates will be issued for the cancellation of the bond, in the same manner as if the goods were transported from another bonded warehouse. Whenever any person who is assessed for a license is found to have paid a license tax to a special agent, appointed under the regulations of the Treasury Department for commercial intercourse with insurrectionary districts, the collector will issue a license for the year ending May 1, 1866, and will collect only so much as may be due for the time intervening after the expiration of the license issued by the special agent.

The amount assessed and thus left uncollected will be abated when the proper claim is presented to the Commissioner of Internal Revenue.

H McCULLOCH,
Secretary of the Treasury.

TREASURY DEPARTMENT, *September* 14, 1865.

In the circular issued by this department on June 21, 1865, reference was made to the provision contained in section 46 of the internal revenue act of June 30, 1864, conferring upon the Secretary of the Treasury discretionary power in regard to the assessment, levy, time and manner of collection of taxes in the States lately in insurrection.

Under the authority given by that section, it was then stated that the department, without waiving, in any degree, the rights of the government in regard to taxes heretofore accruing, would not insist at present upon their payment, so far as they were payable prior to the establishment of a collection district embracing the territory in which the tax-payer resided.

It was further provided that manufactured articles found in the hands of a purchaser which were satisfactorily shown to have passed from the manufacturer before the establishment of the district should not be subject to tax unless transported beyond the limits of the States lately in insurrection.

No exception was then made in favor of articles which had remained in the possession of the manufacturers and thus become liable to the tax imposed by the existing law, the department preferring to test the practical workings of the regulations before exercising its power of modification in this important particular.

Representations since made relative to the hardship of this discrimination between manufacturer and purchaser have been corroborated by careful inquiry, and induce the conviction that a further exemption is justifiable and advisable.

It is found that considerable quantities of manufactured products have been retained by the manufacturer in his own hands, as the safest mode of investigating his property until the return of peace; that this retention was determined on and carried out without the knowledge, or opportunity of knowledge, of the law subjecting this property to heavy taxation on sale, and that a large part of the manufactures so retained, having been much deteriorated in value by lapse of time and want of proper attention, would not now sell for a sum equal to the tax.

A state of things so destructive to the usefulness of property, and to the prosperity of the manufacturing classes, is as adverse to the interests of the government as to those of the community.

For these reasons it is hereby ordered that all articles, in *whatsoever* hands found, which can be shown to the satisfaction of the assessor to have been manufactured before the establishment of the district, shall be held free from the present assessment or collection of tax unless transported beyond the limits of the States lately in insurrection.

Manufacturers of articles liable to seizure for want of inspection marks will present to the assessor evidence that such articles were manufactured prior to the establishment of the district, and the assessor, if satisfied, will cause such articles to be so marked as to be identified and sold without liability to seizure.

All articles transported beyond the limits of the States lately in insurrection will be subject to the tax due under the law in force at the time they were manufactured.

H. McCULLOCH, *Secretary of the Treasury.*

[Special, No. 31.]

Concerning the taxation of articles manufactured in the States lately in insurrection remaining in the possession of the manufacturers or producers.

TREASURY DEPARTMENT, OFFICE OF INTERNAL REVENUE,
Washington, February 3, 1866.

The attention of all officers of internal revenue is called to the following order of the Secretary of the Treasury.

E. A. ROLLINS, *Commissioner.*

TREASURY DEPARTMENT, *February 2, 1866.*

On September 14, 1865, an order was issued by this department, under the power conferred by section 46 of internal revenue act of June 30, 1864, directing that articles manufactured in the States lately in insurrection, prior to the establishment of collection districts therein, but retained in possession of the manufacturer until after such establishment, and thus made liable to the current rates of taxation, should be held free from present assessment until transported beyond the limits of the above-mentioned States, and should then be subjected only to the tax due at the time of their manufacture.

Abundant opportunity having now been given for the disposal of these manufactures, there is no good reason for continuing a privilege inconsistent with the general provisions of the law adverse to the interests of northern manufacturers, and susceptible, as experience has shown, of very great abuse.

It is therefore hereby ordered that on and after March 1, 1866, all southern manufactures in possession of the manufacturer shall be held subject to the present rates of duty, no exception being made in any case on account of the date of manufacture.

H. McCULLOCH, *Secretary of the Treasury.*

WAR DEPARTMENT,
BUREAU OF REFUGEES, FREEDMEN, AND ABANDONED LANDS,
Washington, June 29, 1867.

SIR: I have the honor to acknowledge the receipt of your letter of the 28th instant, inquiring whether information has been received from Charleston relative to an order of the President to General Saxton or any other assistant Commissioner of South Carolina directing the restoration of the property of William L. Trenholm, and to state, in reply, that no direct order was given by the President respecting this property. It was restored for the reason that Mr. Trenholm had received a special pardon.

I am, sir, very respectfully, your obedient servant,

O. O. HOWARD, *Major General, Commissioner.*

Hon. GEORGE S. BOUTWELL,
Chairman Judiciary Committee, House of Representatives.

WAR DEPARTMENT,
BUREAU OF REFUGEES, FREEDMEN, AND ABANDONED LANDS,
Washington, June 29, 1867.

SIR: I have the honor to transmit a list of property in the States lately in rebellion which has been reported as confiscated and subsequently returned to its former owners.

I am, sir, very respectfully, your obedient servant,

O. O. HOWARD, *Major General, Commissioner.*

Hon. GEORGE S. BOUTWELL,
Chairman Judiciary Committee, House of Representatives.

Lands in southern States, reported as confiscated, restored to former owners.

VIRGINIA.

Owner.	Description of property.	Location.	How held.	By whom restored.	When restored.	Remarks.
French, James	50 acres and buildings	Elizabeth City county	Confiscated	S. O. No. 60, current series	April 6, 1866	Restored to Jos. R. Anderson.
Thornton, Wm. W	188 acres and buildings	Prince William county	do	S. O. 34, headq'rs ass't com Va., dated Feb. 21, 1866.	Feb. 21, 1866	
Do	239 acres	do	do		do	
Weedon, F. A	300 acres	do	do	S. O. No. 36, headq'rs ass't com., Va., Feb. 23, 1866.	Feb. 23, 1866	
Causey, William	250 acres	Elizabeth City county	do	General Howard	March 24, 1866	
Herbert, Joseph and Thomas	900 acres	do	do	do	do	
Lattimer, Samuel	250 acres	do	do	do	do	
Lewis, estate	96 acres	do	do	do	do	
Mallory, C. K., and A. M. E. Wood.	240 acres	do	do	do	do	
Moore, John	250 acres	do	do	do	do	
Sinclair, Jeff	170 acres	do	do	do	do	
Sinclair, Lafayette		do	do	do	do	
West, Parker		do	do	do	do	
Watts, Thomas		do	do	do	do	
Watson, Henry		do	do	do	do	
Whiting, Algenon		do	do	do	do	
Brown, John	1 lot	do	do	do	do	
Cary, John	do	do	do	do	do	
Peake, sr., Thomas	2 lots	do	do	do	do	
Phillips, Benj	1 lot	do	do	do	do	
Schmeltz, F. A	do	do	do	do	do	
Sinclair, sr., Jeff	do	do	do	do	do	
Do	do	do	do	do	do	
Vaughn, Dr	do	do	do	do	do	
Cockerell, Benj	250 acres and house	Prince William county	do	S. O. No. 53, headq'rs ass't com., Va., Mar. 23, 1866.	March 23, 1866	
Berkeley, Edmund	1,800 acres and buildings	do	do	S. O. No. 116, headq'rs ass't com., Va., July 30, 1866.	July 30, 1866	
Beane, William	80 acres and buildings	Loudon county	do	General Howard	Sept. 15, 1865	Held by virtue circular No. 1, Land Division Bureau, &c.
Gregg, Nathan	150 acres and buildings	do	do	do	do	
Rust, Armistead	400 acres and buildings	do	do	S. O. 55, headq'rs ass't com.	Sept. 14, 1865	Do.
Do	10 acres	do	do	S. O. 171, headq'rs ass't com.	Nov. 17, 1865	Do.
Fairfax, John W	150 acres	do	do	S. O. 187, headq'rs ass't com.	Dec. 18, 1866	Do.
Do	500 acres and 1 house	do	do	do	do	Do.
George, John	159 acres and buildings	do	do	do	Dec. 5, 1866	Do.
Head, George R	Lot and store	do	do	do	Dec. 22, 1866	Do.
Do	do	do	do	do	do	Do.
Hart, Joseph	75 acres and buildings	do	do	S. O. 183, headq'rs ass't com.	Dec. 10, 1866	Do.
McDaniels, Turner	26 acres and buildings	do	do	do	do	Do.
Manning, Jacob H	200 acres	do	do	S. O. 187, headq'rs ass't com.	Dec. 18, 1866	Do.

Rogers, Arthur L	10¼ acres	London county	Confiscated	S. O. 183, headq'rs ass't com.	Dec. 10, 1866	Held by virtue circular No. 1 Land Division Bureau, &c
Sugar, Joseph	10 acres and house	do	do	S. O. 187, headq'rs ass't com.	Dec. 18, 1866	
Berkley, W. U	600 acres and house	do	do	S. O. 5, headq'rs ass't com	Jan. 10, 1867	Do.
Head, George R	Lot and house	do	do	S. O. 10, headq'rs ass't com	Jan. 21, 1867	Do.
Noland, Burr I		do	do	S. O. 11, headq'rs ass't com	Jan. 22, 1867	Do.
Ranney, Sanford J	300 acres and house	do	do	S. O. 7, headq'rs ass't com	Jan. 15, 1867	Do.
Berkeley, Chas. F	495 acres and buildings	do	do	S. O. 5, headq'rs ass't com	Jan. 10, 1867	Do.
Dawson, Charles and A	298 acres and house	do	do	do	do	Do.
White, Caleb	Newton's wharf	Norfolk county	do	S. O. 14, headq'rs ass't com	Jan. 28, 1867	Do.
King, John H	House and lot	Village of Occoquon	do	S. O. 13, headq'rs ass't com	Jan. 26, 1867	Do.
Berkeley, Wm. U	House and 500 acres	Prince William county	do	S. O. 7, headq'rs ass't com	Jan. 15, 1867	Do.
Smith, James	150 acres	Loudon county	do	S. O. 10, headq'rs ass't com	Jan. 21, 1867	Do.
Boland, John and Wm	562 acres and buildings	do	do	S. O. 28, ass't com., Va	Feb. 27, 1867	Do.
Boland, John	1,000 acres and buildings	do	do	do	do	Do.
Marslow, Richard	700 acres and house	do	do	S. O. 21, ass't com., Va	Feb. 12, 1867	Do.
Do		do	do	do	do	Do.
Massenberg, W	Lot and buildings	Elizabeth City county	do	S. O. 34, ass't com., Va	March 13, 1867	Do.
Adams, James		Loudon county	do	S. O. 26, ass't com., Va	March 2, 1867	Do.
Ish, Robert A	332½ acres	do	do	S. O. 34, ass't com., Va	March 13, 1867	Do.
Mason, Francis	600 acres	do	do	do	do	Do.
Do	1,600 acres	do	do	do	do	Do.
Do	400 acres	do	do	do	do	Do.
Do	1,300 acres	do	do	do	do	Do.
Booker, George	700 acres	Elizabeth City county	do	S. O. 24, ass't com., Va	Oct. 16, 1865	Do.
West, Parker	250 acres	do	do	S. O. 90, ass't com., Va	Oct. 30, 1865	Do.
Young, W. G	106 acres	Warwick county	do	S. O. 53, ass't com., Va	Sept. 12, 1865	Do.
Lee, Baker	950 acres and buildings	do	do	S. O. 99, ass't com., Va	Nov. 13, 1865	Do.
Johnson, Benj	130 acres	Prince William county	do	S. O. 109, ass't com., Va	Nov. 14, 1865	Do.
Do	816 acres	do	do	do	do	Do.
Smith, Frances L	500 acres	do	do	S. O. 122, ass't com., Va	Dec. 28, 1865	Do.
Lee, R. E	17 acres	"Arlington"	do	Special Ord. No. 21, par. 1	March 14, 1866	Relinquished to Mari Syphax, (colored.)
Corse, William D	87 acres	Fairfax county	do	Special Ord. No. 11, par. 1	Oct. 3, 1865	
Landstreet, John	108 acres	do	do	Special Ord. No. 27, par. 1	April 7, 1866	
Mase, William	80 acres	do	do	Special Ord. No. 15, par. 3	Oct. 13, 1865	
Means, Lewis D	50 acres	do	do	Special Ord. No. 15, par. 2	do	
Ball, George W	1,000 acres	Loudon county	do	Special Ord. No. 27, par. 1	Dec. 20, 1865	
Bowie, Robert G	159 acres	do	do	Special Ord. No. 12, par. 9	Oct. 4, 1865	
Braden, Oscar	300 acres	do	do	Special Ord. No. 12, par. 13	do	
Chichester, Arthur L	400 acres	do	do	Special Ord. No. 13, par. 3	Oct. 9, 1865	
Clark, Arch and Isaac	175 acres	do	do	Special Ord. No. 12, par. 10	Oct. 4, 1865	
Do	150 acres	do	do	do	do	
Clagett, Henry E	House and lot	London co., (Leesburg)	do	Special Ord. No. 12, par. 7	do	
Eldridge, John	400 acres	Loudon county	do	Special Ord. No. 13, par. 2	Oct. 9, 1865	
Edwards, Thomas W	500 acres	do	do	Special Ord. No. 4, par. 1	Jan. 16, 1866	
Harrison, Matthew	— acres	do	do	Special Ord. No. 12, par. 2	Oct. 4, 1865	
Lynch, William B	House and lot	Loudon co., (Leesburg)	do	Special Ord. No. 12, par. 1	do	
Do	do	do	do	do	do	
Mott, A. R	do	do	do	Special Ord. No. 24, par. 1	March 21, 1866	
Do	Store and lot	do	do	Special Ord. No. 12, par. 1	do	
Do	House and lot	do	do	do	do	
Orr, John M	5 acres	Loudon county	do	Special Ord. No. 13, par. 4	Oct. 9, 1865	

Lands in southern States—Continued.

Owner.	Description of property.	Location.	How held.	By whom restored.	When restored.	Remarks.
Orr, John M.	House and lot	London co , (Leesburg).	Confiscated	Special Ord. No. 13, par. 4	Oct. 9, 1865	
Do	do	do	do	do	do	
Rust, George	75 acres	London county	do	Special Ord. No. 12, par. 3	Oct. 4, 1865	
Do	309 acres	do	do	do	do	
Do	250 acres	do	do	do	Oct. 9, 1865	
Schrives, Daniel	do	do	do	Special Ord. No. 12, par. 12	Oct. 4, 1865	
Tibbs, Charles T	House and lot	do	do	Special Ord. No. 19, par. 2	Nov. 3, 1865	
Tibbs, Thomas F.	do	London co., (Waterford)	do	Special Ord. No. 32, par. 1	April 26, 1866	
Thompson & McPaxson	150 acres	London county	do	Special Ord. No. 12, par. 8	Oct. 4, 1865	
Thrift, Sanderson	do	do	do	Special Ord. No. 28, par. 1	Dec. 28, 1865	
White, Joshua and Thomas	300 acres	do	do	Special Ord. No. 12, par. 1	Oct. 4, 1865	
Cook, James M.	40 acres	Fairfax county	do	Special Ord. No. 62	Aug. 16, 1866	
Do	100 acres	do	do	do	do	

LOUISIANA.

Barthe, Leonce	Blacksmith shop	New Orleans	Confiscated	Assistant Comm'r Fullerton	No date	Libelled, condemned, and sold by U. S. marshal, La.
Bosworth, A. W.	House and lots	do	do	Commissioner Howard	Oct. 26, 1865	Condemned by U. S. court; special pardon.
Do	Personal	do	do	do	do	Condemned by U. S. court; special pardon.
Goodrich & Co	Buildings and lots	do	do	Assistant Comm'r Fullerton	Oct. 25, 1865	Libelled, condemned, and sold.
Merriman, A. W.	House and lot	do	do	Assistant Comm'r Conway	No date	Do.
Rosseau, L.	do	do	do	Assistant Comm'r Baird	Aug. 14, 1866	Libelled and condemned.
Grivot, Maurice	Houses and lots	do	do	do	Nov. 24, 1865	Libelled.
Holmes, C. E. and N.	do	do	do	Assistant Comm'r Fullerton	Oct. 24, 1865	Libelled.
Parham, John G.	do	do	do	Commissioner Howard	Oct. 21, 1865	Libelled; special pardon.
St. Paul, Henry	Vacant	do	do	Assistant Comm'r ———	No date	Libelled.

WASHINGTON, D. C., *Friday, June* 28, 1867.

Miss ANNA SURRATT sworn and examined.

By Mr. BOUTWELL:

Q. Where do you reside?

A. In Massachusetts avenue, between 6th and 7th streets.

Q. State whether at any time the officers of the government have had in their possession letters written, or purporting to have been written, by J Wilkes Booth, and which had been at any time in your possession.

A. No, sir.

Q. Have officers in the War Department had in their possession letters which were afterwards delivered to you?

A. Yes; they had some of our business letters, which were taken from the house, and they gave these back to me.

Q. How many of those letters were there?

A. Indeed, I do not know. We had quantities of business letters there.

Q. When were they returned to you?

A. I cannot recollect. I cannot swear when I got them or who gave them to me. I do not know a soul by name up there.

Q. To whom did you apply for the purpose of getting those letters?

A. I do not recollect making any application for them. I think it was Mr. John Holahan, who was in the house with us, that went up for them

Q. Do we understand that he obtained them from the War Department?

A. I do not know. They were brought to the house. I may have applied for them myself, or I may not. I do not recollect at all.

Q. Did you take any interest in obtaining the restoration of those letters?

A. Yes. There was some paper signed by Lloyd, who had our place in the country, which it was necessary to get, and I think I went to the department one day to get it, and while there I think they delivered other letters to me in a satchel—some business letters.

Q. Were there not among those letters some written by J. Wilkes Booth?

A. No, indeed, sir.

Q. Or letters written by your mother to him?

A. No, sir. Every one of those letters was overlooked by Mr. Brophy and myself, and they were afterwards delivered to Mr. Belt, the State's attorney. I never saw in my life a letter written by J. Wilkes Booth.

Q. Did you know an officer in the War Department named Burnett?

A. I did.

Q. Do you not remember that he delivered those letters to you?

A. He was up there in the office. I think I went into his office first, and he sent me to another room where those things were.

Q. Did you know Mr. Burnett previously to the time when you applied for the letters?

A. Never to speak to him. He came to me one day in the court-room, and said that if I came to Secretary Stanton's office I could get the key of the house. Next day either he or Secretary Stanton said that if I came to the house the soldiers would deliver it up to me. Perhaps Mr. Brophy did it for me. I think Mr. Burnett's name was on the paper giving us permission to receive the key.

Q. Do you know whether Mr. Holahan made application to the President or any other person for the restoration of those letters?

A. No, indeed, I cannot say that. I can scarcely remember how the application was made, or anything about it; but I just remember getting the papers.

Q. You yourself never went to the President about them?

A. No, indeed; I never went to the President's house but once.

Q. Do you remember whether you gave a receipt for those letters?

A. I do not recollect. I remember giving General Hartranft a receipt for things belonging to mamma, which were sent to me from the penitentiary.

By Mr. ELDRIDGE:

Q. Do you recollect how many of those letters there were that were delivered to you?

A. No, sir; there were a great many of them. There were some old letters of my own among them.

Q. Had you any difficulty in getting those letters?

A. I do not recollect. I do not think I had much difficulty. I think they gave them to me the day I went up there. They were contained in a satchel.

Q. Was that a satchel that had been taken away from the house?

A. Yes, sir; the same satchel.

Q. Did anybody assort over those letters in your presence before giving them to you?

A. No, sir; I think not. There was a trunk belonging to Mr. Holahan which, I think, had some things in it.

Q. Were there any family letters taken away which they declined to deliver?

A. I cannot recollect what letters were in the house.

Q. Did you miss any?

A. I do not recollect. The business letters were left. Old letters that I may have received may have been gone, and I not notice them. It was only business papers that I was anxious to get.

Q. At the time the letters were delivered to you was Mr. Holahan with you?

A. It seems to me that there was a lady with me and a boy. Somebody brought the satchel for me in the car—a little boy, I think. I do not know who he was.

Q. Do you recollect what time these letters were delivered back to you?

A. No, indeed; I cannot tell what time it was.

Q. Was it any considerable length of time after the trial you have spoken of?

A. No, sir; it was after the trial. I did not leave the house till the fall. I think it was not long after mother's execution.

Q. Did you ever see the President to have any conversation with him?

A. President Johnson? No, indeed; I do not want to see him, either. They had some pieces of silver up there, too, which, I think, they gave up to me. I think Mr. Holahan brought some of the silver pieces home to me. They may have been in the trunk.

Q. Did the officers take a trunk away from the house?

A. They must have done so. This trunk belonged to Mr. Holahan, but it had some of my things in it.

Q. Was Mr. Holahan a resident in your family?

A. Yes. After I got the house back I did not know what to do with it. Mrs. Holahan came to me and said if she could do anything for me she would. They cleaned up the house and staid with me. This was the wife of Mr. Holahan.

Q. Do you recollect anything else in the satchel that was brought back?

A. Indeed I cannot swear to what was in the satchel.

WASHINGTON, D. C., *Monday, July* 1, 1867.

HORACE GREELEY sworn and examined.

By Mr. BOUTWELL:

Q. Have you at any time had a conversation or communication with the President or with any member of the Cabinet in reference to the trial or release of Jefferson Davis?

A. No, sir; not directly. I once talked with or rather heard a conversation with Mr. Speed about the case, but with no other member of the Cabinet.

Q. When did that conversation take place?

A. In the spring of 1866. I do not recollect the date. It was the day before you (Mr. Boutwell) offered a resolution about the case of Jefferson Davis in the House of Representatives.

Q. Who else was present at that conversation?

A. Mr. George Shea was the only third person present. He was counsel for Jefferson Davis.

Q. What was the nature of the conversation, so far as Mr. Speed took any part in it?

A. The object of Mr. Shea was to ascertain whether, if an application were made for bail, the government would resist it.

Q. What views on that subject did Mr. Speed present on that occasion?

A. None at all. He was very non-committal. I could not make out anything from his conversation. He did not know, or did not wish to say, what the views of the government were on the subject at all. I came away with no impression about what he would do. He said nothing that indicated whether he would or would not object.

Q. Did you ever have any communication with or information from the President in reference to the matter?

A. None in the world.

Q. Or with any other member of the Cabinet?

A. No, sir. Mr. Speed is the only member of the Cabinet by whom I remember having heard the name of Jefferson Davis mentioned.

Q. At the time of the release of Davis on bail in May last did you have any conversation with any member of the Cabinet?

A. No, sir. On my way to Richmond and back I did not stop at Washington.

Q. At the time you went to Richmond, had you any previous information as to what the policy of the government would be in reference to the releasing of Mr. Davis?

A. I had none. I had no information until we came into court as to what the government would do. I did not know whether the government was going to resist the application for bail or not.

By Mr. ELDRIDGE:

Q. At whose suggestion or solicitation did you become bail for Jefferson Davis?

A. Mr George Shea's. He was a very old and intimate acquaintance and friend of mine.

Q. Had you no communication with any government officer soliciting you to become bail for Jefferson Davis?

A. No, sir; nor any intimation that it would be desirable.

Q. You had no communication upon the subject with the President or any of his officers?

A. No, sir.

Q. Were you after you came here, or after you went to Richmond, solicited by any officer of the government to go bail for Jefferson Davis?

A. No, sir.

Q. Was Mr. Shea present at the time you signed the bond?

A. Yes.

Q. At Richmond?

A. Yes, sir.

Q. Had you any communication with Jefferson Davis about going bail for him?

A. No, sir. I had never had any communication by letter or by word. I did not know him until I saw him in court.

Q. Did any one, after it was known that you proposed to go bail for Mr. Davis, apply to you not to do so, or write to you about it?

A. Well, sir, there was a hubbub about it at the time I was here, and Senator Wade and Senator Chandler talked with me about it. I think Senator Cresswell, of Maryland, was also present. I do not recollect any other person.

Q. On what ground did they advise you not to go bail for Jefferson Davis?

A. There was a conversation of half an hour between us on the subject. I cannot state definitely what particular reasons they urged. They thought it would be bad policy, and that it would have a bad influence.

Q. That it would have a bad effect on the republican party?

A. I believe so. That was the impression I had.

Q. Were there any other persons endeavoring to prevent your going bail for Jefferson Davis?

A. I do not recollect. There may have been one or two personal friends doing so, although it was not generally known that I intended to go bail.

Q. Did they put their objections on party grounds alone?

A. Generally.

Q. There was no principle involved in it?

A. I do not recollect. They made no impression on me other than that it would be injurious to the party.

Q. Did you tell them that it was a question of principle to bail Jefferson Davis, he having been imprisoned so long?

A. No, sir. In the first place, I was desirous to bring on the trial. The first year I thought we could compel the government to bring the prisoner to trial by a writ of *habeas corpus*. Finally, I thought the time for a trial, to any good purpose, had passed.

Q. Did you go bail for Jefferson Davis with a view of never having him tried?

A. No. I wished to have him tried, if the government should ever wish to try him.

Q. I understood you as saying that you thought the time for trying him to any good purpose had passed away?

A. That was my judgment.

Q. Is that your opinion now?

A. Yes; so far as I know the facts. If he had anything to do with assassinating President Lincoln, or poisoning or starving persons, I wish him to be tried. I do not know any facts that justify either charge.

Q. You know of no facts on the subject of his connection with the assassination of President Lincoln?

A. No, sir; none that would connect him with it.

WASHINGTON, D. C., *Monday, July* 1, 1867.

STANLEY MATTHEWS sworn and examined.

By Mr. LAWRENCE:

Q. What is your residence, how long have you resided there, and what public positions have you held?

A. I reside in Glendale, Hamilton county, Ohio, and have done so for thirteen years past. I was district attorney for the southern district of Ohio, under Mr. Buchanan. I was colonel of volunteers in the army, from the spring of 1861 until the spring of 1863. I resigned that position to take a position on the bench of the superior court at Cincinnati.

Q. State whether you acted with the democratic party during the administration of Buchanan.

A. I did, except on the Kansas question.

Q. With what political party have you acted since the Kansas question?

A. With the republican party.

Q. State whether you were stationed, during any part of the time that you were in the military service, at Nashville; and if so, whether you there became acquainted with Andrew Johnson.

A. I was appointed provost marshal of Nashville by General Buell in February, 1862, and was on duty in that position till about the first of July in the same year. During that time I made the acquaintance of Andrew Johnson, who, during that time, was appointed military Governor of Tennessee.

Q. State whether you saw Andrew Johnson at Cincinnati in February, 1865; whether you had any interview with him, and what occurred.

A. I had an interview with Mr. Johnson in February, 1865, at the Burnett House, in Cincinnati, where he was stopping, on his way to Washington to be inaugurated as Vice-President. I called upon him, having been one of the electors for President and Vice-President, to pay my respects to him, and I had some conversation with him at that time on public affairs. The earlier part of the conversation had reference to some personal matters growing out of our relations when I was in Nashville as provost marshal. After they had been disposed of in conversation, I inquired as to the state of public feeling on political matters in Tennessee at that time. He remarked that very great changes had taken place since I had been there; that many of those who at first were the best Union men had turned to be the worst rebels, and that many of those who had originally been the worst rebels were now the best Union men. I expressed surprise and regret at what he said in reference to the matter. We were sitting near each other on the sofa. He then turned to me and said, "You and I were old democrats." I said, "Yes." He then said, "I will tell you what it is, if the country is ever to be saved, it is to be done through the old democratic party." I do not know whether I made any reply to that, or, if I did, what it was; and immediately afterwards I took my leave. That is the conversation.

By Mr. ELDRIDGE:

Q. How did Mr. Lawrence know that the President had this conversation with you?

A. I do not know.

Q. Whom did you first tell of it?

A. I spoke of the conversation the same evening to one or two friends in Cincinnati, but to whom I do not recollect. I have a conjecture as to how the information came to the Committee. I repeated the conversation lately to Governor Dennison in Columbus, and shortly after that I received a letter from Mr Ashley inquiring about it. I have no reason to suppose that Governor Dennison communicated on the subject with Mr. Ashley, but have reason to suppose the contrary.

Q. Did you answer Mr. Ashley's letter?

A. I did.

Q. Did you give him the statement that you have now made?

A. Yes, sir.

Q. Are those the only times that you recollect having repeated this conversation?

A. I do not recall any other instance, although doubtless I have spoken of it oftener.

Q. Did it make a very strong impression on your mind at the time?

A. It did.

Q. I understood you to say you had considerable acquaintance with Mr. Johnson, at Nashville?

A. I was in the habit of meeting him often, officially and personally, in Nashville.

Q. Did the conversation with Mr. Johnson, in Cincinnati, change your opinion as to his political views?

A. It did not change my opinion of Mr. Johnson in any respect.

Q. After his statement to you at the Burnett House, you entertained the same opinion as to his political views that you did before?

A. I did.

By Mr. BOUTWELL:

Q. What grounds had you previously had for reaching the conclusion which his conversation then communicated to you?

A. Simply my opinion of his past history and of his personal views in relation to himself—his desire for the Presidency, and my supposition as to the means which he expected to employ to succeed in his ambition.

Q. What facts had you knowledge of which led you to suppose that he was ambitious of the Presidency?

A. Nothing more than is furnished by his public history.

By Mr. ELDRIDGE:

Q. Did you vote the Lincoln and Johnson ticket?

A. I was one of the electors who met at Columbus and voted that ticket.

Q. How long was that after your first aquaintance with Mr. Johnson?

A. My personal acquaintance with him commenced at Nashville, in February, 1862.

Q. Was your entire acquaintance with him limited to the time you were in Nashville?

A. My entire personal acquaintance with him was limited to that period.

Q. You use the word "personal" as distinguished from the historical knowledge you had of him?

A. Yes, sir.

By Mr. WILLIAMS:

Q. State what was his deportment or demeanor towards the disaffected rebel portion of the population of that district while he was military Governor of Tennessee. Did he show any partiality for that class of men, or did he seem to hold any of them in his confidence?

A. I think not, to my personal knowledge. On the contrary, in some instances, his conduct was what I considered severe and harsh.

WASHINGTON, D. C., *Monday, July* 1, 1867.

JOHN MATHEWS sworn and examined.

By Mr. BOUTWELL:

Q. Where do you reside?

A. I am residing at present in Rochester, New York.

Q. Did you know John Wilkes Booth?

A. I did.

Q. When did you last see him?

A. I saw him last on the night of the assassination of Mr. Lincoln, a few minutes before the occurrence; I saw him on the stage of the theatre; I was engaged that night in playing a part in the piece that was performed.

Q. When had you last seen him previously to that?

A. The same day, about three o'clock in the afternoon, on Pennsylvania avenue, near Willard's.

Q. Did you have any conversation with him at the last interview that night?
A. No, sir.
Q. Did you at the afternoon interview?
A. I did.
Q. What was the nature of the conversation?
A. I met him coming down the avenue on horseback; he stopped, and we spoke of the prisoners—Lee's officers, who had been brought in prisoners in a body, and had just passed by. Said I, "John, have you seen the prisoners?" "Yes, Johnny," said he, "I have." Then said he, placing his hand on his forehead, "Great God! I have no longer a country!" He then said to me—holding the reins of his horse in his left hand, and with his right crossed, holding mine—"Johnny, I wish to ask you a favor; will you do it for me?" I said, "Of course." Said he, "I have a letter which I wish you to deliver to the publishers of the National Intelligencer to-morrow morning, unless I see you in the mean time. I may leave town to-night, and it will not be much trouble for you to deliver that letter." I said, "Certainly, I will." At that moment General Grant passed by in an open carriage. Said I, "John, there goes General Grant; I understood he was coming to the theatre to-night with the President." He turned around hurriedly—looked very anxious—grasped my hand in a very nervous and excited manner, squeezed it, and said, "Good-bye; perhaps I will see you again." He galloped down the street, and that was the last I saw of him except to see him at a distance on the stage that night. It was nothing unusual for him to be on the stage, for he kept his horse or horses in a stable near the theatre, and he would often come in to get one of the boys to take care of his horse. That was the last time I saw him.
Q. Did you deliver the letter to the National Intelligencer?
A. No, sir.
Q. Have you it in your possession?
A. No, sir
Q. What did you do with it?
A. After the assassination, we all retired to the dressing rooms to disrobe ourselves of our professional apparel, and to attire for the street. Some persons going out at the side door were stopped, and it was said that nobody could leave the house—that we were all under arrest. The excitement was great I had a lot of clothing there which I wanted to take home, not knowing what the consequences might be. There had been shouts of "burn," and "hang," and "lynch," and people came in and said that a party had been formed in Willard's to come down and burn the house; and I verily believe that, but for the presence of Mr. Lincoln across the street, the house would have been burned. I took out my apparel, and got some of the colored people to carry it to my room. When taking off my coat the letter which Booth had given me dropped out of the pocket. I had forgotten all about it. I said, "Great God! there is the letter John gave me in the afternoon." It was in an envelope, sealed and stamped for the post office. I opened it, and glanced hastily over the letter. I saw it was a statement of what he was going to do. I read it over very hurriedly. It was written in a sort of patriotic strain, and was to this effect: That he had for a long time devoted his money, his time, and his energies to the accomplishment of an end; that a short time ago he was worth so much money—twenty or thirty thousand dollars, I think—all of which had been spent in furthering this enterprise; but that he had been baffled. It then went on: "The moment has at length arrived when my plans must be changed. The world may censure me for what I am about to do; but I am sure that posterity will justify me." Signed, "Men who love their country better than gold or life: J. W. Booth, ——Payne,——Atzerodt, and —— Herold." Those are the only names I can recollect. I have studied myself often to discover if the name of Surratt was not on it. The names were impressed on my memory by circumstances

and coincidences. I had been in Alexandria a week or so before, and being very anxious to know what the great actor, poet, dramatist, and statesman, John Howard Payne, looked like, (the author of "Home, Sweet Home,") I there, for the first time in my life, saw a photograph of him, and bought it, and had it in my possession. I remembered Payne's name on that account. I remembered Atzerodt's name because it was written hurriedly, and I did not know whether the "z" was a "y" or "z." Herold's name I remembered because he spoke to me on the street that afternoon; he said, "How do you do, sir; this is Mr. Mathews, is it not?" I said, "Yes, sir; have I the pleasure of your acquaintance? If I ever had I forget you." Said he, "Do you recollect, a few weeks ago, a gentleman calling to see Mr Booth the last night he played at the theatre? You were passing in at the same time by the side door, and he asked you to see if Mr. Booth was there, and to tell him that a gentleman wished to see him about a horse." Said I, Yes." Said he, "I am the gentleman, and am a friend of Mr. Booth's." There was a little pause. Said, I, "Can I do anything for you? Are you living in the city?" "No," said he, "not exactly; I have lived here, but I am not living here at present." Said I, "Are you in business?" He said, "No; I am a druggist." Said I, "Can I be of any service to you? If you want a situation I will assist you among my acquaintances in that business to get you a situation." He said, "O, no, thank you; good afternoon." I remembered his name because he told me it.

Q. Did you make a copy of the letter?

A. No, sir. I am sorry I did not.

Q. What did you do with it?

A. I burned it up.

Q. How many times did you read it over?

A. Perhaps a couple of times. It was written on two sides of a sheet of letter paper. I thought to myself, "What shall I do with this letter? It could only convict him, and that has been done already, because the people in the house have recognized him. If this paper be found on me I will be compromised—no doubt lynched on the spot. If I take it to the newspaper office it will be known and I will be associated with the letter, and suspicions will grow out of it that can never be explained away, and I will be ruined." I therefore burned it. At the time of the trial at the Arsenal I saw that one of the editors of the National Intelligencer had been questioned regarding the letter, as Booth had stated in his diary that he left a letter for publication. I thought it my duty to go to that gentleman and excuse myself for not delivering the letter. I did so; told him how it came into my possession, and why I had not delivered it.

Q. State the name of the gentleman.

A. Mr. Coyle, the gentleman who was interrogated on the trial. I told him that the letter had been handed to me, and that I had been asked, as a favor, to deliver it, by John Wilkes Booth, who said it was not necessary to deliver it that night, but the next day; that I looked upon it as having reference to some business matter, some gold fluctuations, or oil speculation, or something of that kind, and that when I found out what it was I destroyed it. "And now," said I, "I have come to tell you that I have done so. I am very sorry for it, but how could I have acted differently?"

Q. In reference to the names that were signed, were they all in the same handwriting?

A. They were all in the same handwriting.

Q. Do you know Booth's handwriting?

A. I never saw him write, but I have seen his name on photographs of his own; and I am satisfied that was his handwriting, and have since seen an entire letter written by him; and am satisfied it was his handwriting.

Q. And that all the names appended to the letter were in his handwriting?

A. They were in the same handwriting.

By Mr. WILSON:

Q. When did you make the communication to Mr. Coyle?

A. After he was interrogated on the subject at the conspiracy trial.

Q. Was the trial still going on at the time?

A. I cannot say, indeed.

Q. How soon was it after he was examined as a witness?

A. I think it was some considerable time—perhaps after the trial, perhaps after the execution.

Q. Were you called as a witness on that trial?

A. No, sir.

Q. What did Mr. Coyle say when you made this communication to him?

A. He was as much astonished as I was. He said he was very sorry the letter had not been delivered. I told him that I was sorry myself

Q. Did you communicate the fact at that time to anybody else?

A. No, sir. After a while I consulted some acquaintances and asked them what they thought—whether I had acted wisely in the matter. They said that under the circumstances they did not see how I could have done otherwise. I am only sorry now that the letter was not delivered.

By Mr. LAWRENCE:

Q. You say you do not recollect whether Surratt's name was to the paper or not?

A. No, sir. The only names impressed on my memory were those I have mentioned. Don't think it was.

Q. Were there other names to the paper besides those impressed in your memory?

A. I think not. At least I do not recollect any. If Surratt's name had been to it I think I would have recollected it, because it is an odd name.

By Mr. WILLIAMS:

Q. Do you know Surratt?

A. I never saw him in my life.

By Mr. BOUTWELL:

Q. You have stated the contents of that letter. Do you mean to be understood as having stated fully and exactly what was written in that letter?

A. Yes, sir; the substance, without the exact words, but nearly those. The letter made an impression on my memory at the time.

Q. What is your profession?

A. I am an actor.

Q. You are accustomed to commit words to memory?

A. Yes, sir; I have to do so to a very inordinate degree, sometimes.

Q. Since the destruction of the letter, have you ever written out, from your memory, the contents of that letter?

A. I have frequently striven to do so. I have set down to do so, but I could not get the commencement of the letter—the starting of it.

Q. Have you ever repeated to other persons the contents of the letter, as your memory enabled you?

A. No, sir; unless I may have given some idea of its purport to Mr. Coyle.

Q. Do you recollect stating the contents of the letter to Mr. Ford, the manager of the theatre?

A. No, sir. It may be possible that Mr. Ford was present when I spoke of it to Mr. Coyle. On reflection I recollect I did speak of the contents to Mr. Ford.

Q. Did you, before the destruction of the letter, make known the fact that you had such a letter?

A. No, sir.

Q. You did not consult anybody as to the expediency of destroying it?

A. No, sir.

By Mr. ELDRIDGE:

Q. Where did you first read the letter?

A. In my own room, as soon as I got to the house with my arms full of clothing.

Q. Immediately after you left the theatre?

A. Yes, sir. I was taking off my frock coat, which I had worn that afternoon, and the letter fell out.

Q. After you read it over what did you do with it?

A. I burned it up.

Q. At once?

A. At once.

Q. How many times did you say you read it?

A. I believe I read it twice; but being in a different handwriting from my own, of course I could not understand it so quickly.

Q. You were a little nervous at the time, I suppose?

A. Oh yes; it was a dreadful occasion.

Q. The reason was that you were afraid its being found upon you might implicate you?

A. Yes, sir; that was my only reason. For a few moments everybody in the back part of the theatre was virtually under arrest.

Q. Were you finally permitted to leave the theatre unmolested?

A. I saw in a few moments afterwards that the people were going out by the front door, and I went out that way.

Q. Was the declaration that you were all under arrest made by any person whom you knew?

A. No, sir.

Q. It was an exclamation of the crowd?

A. Some parties attempted to go out by the side door, and were stopped. They came back and said, "you are all under arrest, and cannot go out that way."

Q. Did you see Booth jump on the stage?

A. No, sir.

Q. You spoke of seeing him that afternoon; was it before the assassination?

A. Yes, sir, perhaps some ten or fifteen minutes.

Q. Where was he then?

A. He was at the back of the stage.

Q. Was he taking part in the play?

A. No, sir; he just dropped in, as he was accustomed to do.

Q. How did he get from there to the box where Mr. Lincoln was?

A. He must have gone out to the front. There was no other way of getting to the boxes from the stage.

Q. He must have gone by the way that Mr. Lincoln himself went to the box?

A. Yes; there was no other possible way for his getting there.

By Mr. BOUTWELL:

Q. Did you hear any person in or about the theatre call out the time, or "ten o'clock," that night?

A. No, sir. I was on the stage.

By Mr. ELDRIDGE:

Q. Where were you at the time that Booth jumped on the stage?

A. I was on the stage, but not in view of the audience. I was immediately in the rear of the scene, which hid me from the view of the audience. I was

playing the part of a lawyer who had been made drunk for the purpose of robbing him of certain papers, and was sitting behind the scene waiting to be discovered. I heard the pistol fired, and I waited a second or two. I recollected that I had never heard a pistol-shot used in the piece before; but as they were continually adding to that comedy jokes at the expense of Lord Dundreary, perpetrated by Asa Trenchard, I thought, "that is done for the purpose of frightening Dundreary." I waited for perhaps a quarter of a minute, which appears a long time on the stage, but there was no response. I did not hear Lord Dundreary shout "Murder," or anything of that kind. I waited a second or two more, when it occurred to me that somebody should be on the stage. At that moment I saw somebody pass by towards the back door. I walked down to the prompter's place, at the front entrance of the stage, and on looking out I saw a commotion among the audience. At that moment Mrs. Lincoln called, "some water—bring some water." And then somebody said, "the President is shot."

Q. You had no suspicion of what was to take place that night?

A. No, sir; no, sir.

Q. You had heard nothing of it?

A. No, sir.

Q. Did you mean to be understood that you did not tell Mr. Ford what was on the paper, or that you did not recollect?

A. It occurs to me that perhaps he was with Mr. Coyle at the time I spoke to him about the matter.

Q. Did you visit Mr. Ford at the Old Capitol prison?

A. Yes; but the subject was never mentioned there. I was acquainted with Colonel Wood, the keeper, and used to go to see him while Mr. Ford was there.

Q. Are you certain the subject was never mentioned there?

A. I am pretty certain. But it is possible that it may have been.

Q. To whom did you first disclose the fact of this letter; to a confidential friend?

A. To Mr. Coyle; and the more I think of the matter the more I think that Mr. Ford was present. I may have spoken to him of it at the Old Capitol. That is a question which has never occurred to me since, and which I have never thought of.

By Mr. BOUTWELL:

Q. Were you acquainted intimately with Booth previous to that time?

A. Socially, I was.

Q. Do you recollect what sort of a horse Booth rode that afternoon?

A. It was not the horse that I was accustomed to see him ride. It was smaller than the one I used to see him ride.

Q. What was the color of the horse he rode that day?

A. It did not strike me that it was either black or white. It must have been some color between, either bay or gray, but I do not know.

By Mr. ELDRIDGE:

Q. Did you know Booth's horses?

A. Only one, which he was accustomed to ride, a large sorrel or bay horse. He had often promised me to let me ride one of his horses whenever I had time to go out, but I never availed myself of the offer.

Q. In repeating what was in the letter, you have given all of it, so far as you recollect?

A. Yes, sir.

Q. Have you ever been sworn before in reference to the subject?

A. I have been several times before military gentlemen at the War Department, but I have not been examined on any trial, either civil or military. I

believe it was before Colonel Burnett that I was examined. It was merely to inquire if I had known Booth, and if he had ever said anything to me about this matter.

Q. Did Colonel Burnett write down what you said?

A. I do not know. He was sitting at his desk. The matter of the letter was never alluded to.

Q. Were you ever examined with reference to this matter before?

A. No, sir, never; and I was not aware that anybody except Mr Coyle, Mr. Ford, a lawyer whose opinion I asked in the matter, and a confidential friend, knew anything about it. I had never spoken of it to anybody else, because it would acquire me a sort of cheap notoriety which I was not at all anxious to have.

Q. The examination to which you refer had relation to Booth and not to this matter?

A. Precisely so.

Q. Booth made no other communication to you than that which you have related?

A. No, sir.

Q. Have you related all he said to you at the time he gave you the letter?

A. Yes, sir, everything; all that was said.

By Mr. BOUTWELL:

Q. Did his appearance at that time excite your surprise?

A. No, sir. He was nervous. Said I, "John, you are nervous; what is the matter?" Said he, "Nothing, Johnny, nothing, nothing." Then I asked him if he had seen the rebel prisoners, and the conversation continued as I have given it.

WASHINGTON, *Monday, July* 1, 1867.

JULIUS EDMOND DOETSH sworn and examined.

By Mr. BOUTWELL:

Q. What is your residence and occupation?

A. I reside at Danville, Virginia. By profession I am a physician. I am at present general inspector under the internal revenue law.

Q. Have your duties as inspector given you knowledge of the distilling business in your district?

A. Yes; very much so. My commission is dated 9th April, 1867. Since that time I have made careful analysis of the distilling business in my district, and I am convinced that since the surrender there has been illegal distillation carried on to a very large extent—amounting in Patrick and Henry counties to several hundred thousand gallons. There never has been an officer there whose sole duty it was to counteract these frauds. Certainly there never was a charge brought against the perpetrators. The first time they were made public was when I seized a few distilleries some months ago. It would not be very safe for me to go farther, as they have already threatened to kill me; but I do not mind such threats. It took me a long time before I could get a guide. At length I got a very respectable man for a guide. Sometimes I had to lie in a house for a day or a day and a half, to find out where the liquor was stored. They sent several messages to this young man, and finally he will have to leave the country. There was a sort of conspiracy against myself, by those whose property was seized, to do me and my guide some harm. Some merchants at Cascade, 14 or 15 miles from Danville, whose contraband liquor had been seized,

intended, I believe, to get me into a cellar containing some feet of water, and to leave me there. I am promised evidence as to that. One man, who was supposed by these parties to have given some information as to the whereabouts of liquor, was very badly beaten a short time after my departure.

Q. Have there been objections made by the people to pay the tax on distilled liquor?

A. That objection seems almost universal.

Q. Did the people give any reason why they should not pay the tax on distilled spirits?

A. Yes.

Q. What reasons did they give?

(Question objected to by Mr. Eldridge, on the ground that it had no bearing on the subject of the Committee's investigation. Objection overruled.)

A. It struck me that the universal remark made by people whose property was seized, and by others, was, that Virginia being a Territory, it was great impudence for any officer of the government to come there to collect tax, and that President Johnson had counselled the people of the South not to pay taxes—partly in his proclamations, and partly by speaking. In some instances I questioned them as to why they did not come to take distillers' licenses and have proper assessments made; and the reply was, that they did not think, so long as Virginia was a Territory, that they had anything of the kind to do. But when I told them that the people in the Territories had to do the same thing, they certainly at once saw the fallacy of their philosophy. I believe that the press may or would disseminate similar views in that district.

By Mr. ELDRIDGE:

Q. You say that the people there object to paying taxes because Virginia was not a State, but a Territory?

A. I do not say they object. I asked them to give me the sense of their not having come in and taken out licenses, and paid taxes on the distilled spirits, and the reply was, that as the State was a Territory, they believed they should not pay any taxes, and that even the President had counselled them not to do so.

Q. Did they tell you that the President called their State a Territory?

A. Yes. One young man, who could express himself very well, wanted to draw me out in my opinions, and he expressed these views. I told the man who acted as guide for me to pay particular attention to the matter, because it seemed to me like a fixed doctrine.

Q. Did they find out from the President's public speeches that he considered Virginia a Territory?

A. I should think so. I do not know where they derived their knowledge from.

Q. Did they say they got it from the President's speeches?

A. In the common parlance, yes. The people did not express themselves like lawyers.

Q. But, in common parlance, they said they got it from the President's speeches?

A. Yes; and they understood that to be the President's opinion.

Q. Who told you to come before this Committee as a witness?

A. I received a telegraphic despatch from the Committee directing me to come.

Q. The persons who made those threats against you were connected with distilleries, were they not?

A. Not all of them. Some of them were. They were all concerned indirectly in being able to buy liquor cheap.

Q. They were the liquor men?

A. Yes; they were almost all interested. But it is impossible to get information there from white persons. They would all willingly help to injure the government by cheating the revenue, and not paying taxes.

Q. Have you talked with anybody who so expressed himself?

A. No; but that is my general impression. From my knowledge of human nature, as a physician—having been a long time in European hospitals— I form impressions rather quicker than people generally do.

Q. Have you formed this opinion as a physician?

A. I should think that profession would be some help to me in reasoning quicker, and making an analysis of things in general.

Q. Have you applied your professional knowledge to this work?

A. Not entirely; but knowledge certainly increases the capacity of judging.

Q. Did you doctor the young fellow you spoke of?

A. I do not practice my profession now.

Q. Is your present business more profitable than the exercise of your profession?

A. No. I have not made more than two dollars and a half since I got my office as general inspector. It is probable that in those cases where I have seized the property, I may get the usual percentage. The reason I gave up the practice of medicine is, that I was known in Virginia as a Union man, and what they call a radical, and that, as such, it is impossible to live there by any profession which is dependent on public favor.

Q. What countryman are you?

A. I am a Prussian.

Q. How long have you been in Virginia?

A. Eight years. I practiced medicine in Richmond six and a half years.

Q. What is the office you hold?

A. Revenue inspector.

Q. Who got you that appointment?

A. I got it through the influence of Colonel Corse, now captain of the 45th infantry, and Mr. James Wood, assessor of internal revenue.

TREASURY DEPARTMENT, *July* 2, 1867.

SIR: Your letter applying, on behalf of the Committee on the Judiciary, for a copy of "the order of 1865 suspending the collection of direct taxes," has been received.

As there was no order in that year suspending collections, you are understood to refer to the suspension of sales of property on which the direct tax had not been paid.

The order for that purpose was made through the internal revenue office, by means of a circular letter addressed to the different tax commissioners, of which a copy is herewith enclosed.

Respectfully, yours,

H. McCULLOCH,
Secretary of the Treasury.

Hon. GEORGE S. BOUTWELL,
Chairman pro tem. House Judiciary Committee.

[Copy.]

TREASURY DEPARTMENT, OFFICE OF INTERNAL REVENUE,
Washington, May 17, 1865.

GENTLEMEN: By direction of the Secretary of the Treasury, all sales of lands for taxes in insurrectionary districts are postponed till further orders.

Your board will proceed, however, with the assessment and collection of taxes as if this order had not been made, except that payment is not to be enforced by sale.

Very respectfully,

(Signed) JOSEPH J. LEWIS,
Commissioner.

JNO. HAWXHURST,
GILLET F. WATSON, and
A. LAWRENCE FOSTER, Esqr's, *Direct Tax Commissioners, Norfolk, Va.*

Similar letters were sent to John B. Rodgers, D. S. Smith, and E. P. Ferry, esq's, direct tax commissioners, Nashville, Tennessee; Wm. Henry Brisbane, W. E. Wording, and D. N. Cooley, esq's, direct tax commissioners, Beaufort, South Carolina; Hullinge Cowperthwait, E. H. Vance, and D. P. Tyler, esq's, direct tax commissioners, Little Rock, Arkansas; E. M. Randall and George W. Ames, esq's, direct tax commissioners, New Orleans, Louisiana; John R. French and Hiram Potter, jr., esq's, direct tax commissioners, Newbern, North Carolina; L. D. Stickney, Wm. Alsop, and Austin Smith, esq's, direct tax commissioners, Fernandina, Florida.

WASHINGTON, D. C., *Tuesday, July* 2, 1867.

JAMES SPEED, of Louisville, Kentucky, sworn and examined.

By Mr. BOUTWELL:

Q. Were you Attorney General during a portion of Mr. Johnson's administration?

A. I was, from the time he came into office until July, 1866.

Q. During your period of office, did you at any time consider the question of the power of the President or of the heads of departments to appoint men to office who could not take and subscribe the oath of office prescribed by the statute of 1862, known as the test oath?

A. Yes, sir. I do not recollect having given any official opinion on the subject. I have had the records examined and could find no trace of an official opinion there. I recollect, however, that the subject was discussed as early as, and before, the 30th of May, 1865. Immediately after the collapse of the rebellion, the administration desired very earnestly to establish the various departments of the government in the seceded States. The Judiciary department was under my control. I was very anxious to send judges, marshals, and the appropriate officers of that department to the South. I find that on the 30th of May, 1865, Mr. Mason was commissioned as district attorney, and Mr. Dick was commissioned as district judge, of North Carolina. On or prior to the day that those commissions were made out, the subject of taking the test oath had been discussed in the Cabinet. There was very little discussion of it. Some of us were of the opinion that probably persons could be inducted into office and made *de facto* officers without taking the test oath. Under that opinion, not well considered, those commissions were issued. After they were issued I and other members of the Cabinet (Mr. Stanton more particularly) examined carefully the question, and came to the conclusion that no persons could be inducted into office down there without taking the test oath. Mr. Dick and Mr. Mason had gone home. I wrote to them to that effect, and they returned their commissions, not being able to take the test oath. From that time no persons were commissioned in that department who could not take the test oath.

Q. You mean in the department of the Attorney General?

A. Yes; those were the only two cases that I recollect where commissions were issued. That decided the matter for that department. Afterwards G. W. Brooks was commissioned district judge of North Carolina, and D. H. Starbuck district attorney, they being able to take the test oath. They were commissioned on the 19th of August, 1865.

Q. You said that the subject was considered in Cabinet some time previous to May 30, 1865; was it ever afterwards considered in the Cabinet?

A. I am very sure that it was, because I am sure that I advised Mr. Dick and Mr. Mason that, as they could not take the oath, they could not be inducted into office; and I am very sure that it was considered in the Cabinet. I think that Mr. Stanton and myself examined the matter carefully and earnestly.

Q. When the new appointments were made out for the district judge and

district attorney of North Carolina, was the attention of the President called to the reason why the previously appointed officers had not qualified under their commissions?

A. I am satisfied that it was, but I cannot give the occasion and time. I am satisfied that, within a very few days after those commissions were issued, it was decided that they would have to return them.

Q. Have you any specific recollection whether the fact of that decision was made known to the President?

A. I have no specific recollection of the occasion. My recollection is very distinct to this effect—that when the matter was first brought before the Cabinet Mr. Stanton, who is a bright lawyer, aided me in looking into the matter, and we concurred in the notion that possibly persons might be inducted into office without taking the test oath. The matter was laid over, and we afterwards considered it more carefully, and both of us came to the conclusion most decidedly that it could not be done. Whether Mr. Stanton was at the second meeting of the Cabinet when the decided opinion was given I cannot say; but at the second meeting of the Cabinet a very decided opinion was given by me. My impression is that I did not write out any opinion, but that I talked from minutes which I held in my hand in relation to the matter.

By Mr. MARSHALL:

Q. Who were the officers whom you specially named?

A. The district judge and district attorney for the State of North Carolina. It may be that other appointments were made, but the commissions not issued, while I was thus suspended in opinion as to whether or not the test oath was absolutely necessary; but I recollect none others, and on searching the records the clerk could find no others. I recollect those cases independently of the records.

Q. In reference to the Cabinet meeting at which you gave an opinion adverse to commissioning those gentlemen, do you speak from your recollection of such meeting?

A. Altogether from recollection. I kept no diary or anything of that sort.

Q. Do you recollect the specific meeting?

A. I do recollect that the subject was brought up twice before the Cabinet. I recollect distinctly its being brought up for the first time prior to the date of those commissions, and our halting about it; and I recollect that afterwards, and after much consideration, the question was brought up again, and a very decided opinion given. I recollect that very well.

Q. What was the special subject discussed at that time? Was it in reference to those officers of whom you spoke?

A. No, sir; it was not in reference to them. It was in reference to inducting into office persons who could not take the test oath. The gentlemen of whom I spoke were, in character, learning, and everything, eminently qualified for the positions, and I desired very much to give them to them if they could have complied with the requirements of law.

Q. What members of the Cabinet were present at that meeting?

A. It would be impossible for me to say. Mr. Seward was not there, of course, because he was then wounded. I do not recollect whether Mr. Harlan had taken the place of Mr. Usher. I cannot say who was there.

Q. Can you give about the dates of those meetings?

A. No nearer than I have given them. The first was prior to the 29th of May, 1865; the second was after that time.

Q. About how long?

A. I cannot say.

Q. You have some idea whether it was days, weeks, or months?

A. It would be a mere guess. I was so overwhelmed with business that I

cannot say. Nor is anything to be inferred from the length of time between the 29th of May and the 19th of August, for it took us a long while to hunt up competent persons down there who could take the oath. We were very solicitous to give the offices to people who resided in the State, and the offices were held open for that purpose.

Q. Was there a decision of the Cabinet on the question at the second meeting?

A. I do not recollect that any formal vote was taken. My impression is, that the whole thing was made to turn on my opinion and Mr. Stanton's. Mr. Stanton aided me. I only remember that the opinion was given, and I do not think that any question was made as to its being right or not.

Q. Was Mr. Stanton present at that Cabinet meeting?

A. I cannot be certain of that. I know perfectly well that Mr. Stanton was present the first time the subject was mooted, and I know that Mr. Stanton and myself conferred about the matter. I took advantage of his being so bright a lawyer, and our personal relations were very good. I was new to that sort of business, and often consulted Mr. Stanton on law questions.

Q. Can you name any member of the Cabinet besides yourself who was present?

A. I am pretty certain that Mr. Welles was there, and that Mr. Dennison was there, and I am very certain that Mr. McCulloch was there, because the question was one of greatly more interest in his department than in any other department. I recollect that the opinion startled him, as to the trouble which it would cause him in the management of his office. I further recollect that the opinion which we had previously given was a great relief to him in the management of his office, he having more appointees down there than any other department had, and the interests of the revenue requiring him to act more instantly. The first intimation was a matter of relief to him, and I recollect that the last was a matter of great disappointment to him.

Q. Were any appointments made in the Treasury or any other department after this opinion was given of persons who could not take the oath?

A. I know nothing at all of the appointments in the Treasury. I only know as to my own department.

Q. Was this last meeting before or after the 19th of August?

A. It was before the 19th of August. The only record I could find would be my letters to Mr. Dick and Mr. Mason, and I am not certain that I wrote to them. I saw one or both of them when they were here the first time, and I think that one or both of them were here afterwards. Whether I wrote to them, or whether on their second visit I communicated the fact, I cannot say.

By Mr. ELDRIDGE:

Q. You spoke of the conclusion to which you came that these men could not be inducted into office; what do you mean by inducting them into office?

A. Our first impression was, that by their taking simply what was called the constitutional oath they might be inducted into office, and the matter would lie over for Congress to say whether they could be confirmed or not; that they would be *de facto* officers by taking the constitutional oath. That was our first impression.

Q. Did you change your opinion in that regard?

A. Yes; we believed that we could not put them in office, and that their official proceedings without taking the test oath would not be valid.

Q. What would have prevented the President issuing those commissions?

A. I did not say that the President could not issue the commissions; but my opinion was that the officers would not be *de facto* officers in any sense unless they took the oath.

Q. That was a matter with them?

A. Yes; that was a matter with the appointees. If they could and did take

the oath their official acts would be binding, even though they might have committed perjury. But I came to the conclusion that unless they took the oath their whole proceedings would be illegal.

Q. Did you come to the conclusion that there would be any illegality in the President issuing his commissions to those men?

A. I do not recollect that that question was considered.

Q. What is your opinion about it now?

A. I have not examined the question.

Q. Was not that involved in the enquiry?

A. Not merely about the commissions. The point I looked to most anxiously was, whether the acts of the officers themselves would be binding; whether the district judge could hold court and his acts be valid without his taking the test oath, and I came to the conclusion that they would not be.

Q. You did not come to the conclusion that the issuing of the commission would be in itself an illegal act?

A. I do not recollect that I considered that question.

Q. Were these two commissions which you issued, issued by the special direction of the President, or by any person's direction?

A. I cannot recollect that. I recollect very distinctly that I thought both gentlemen eminently qualified for the positions.

Q. You knew of no direction of the President in reference to them?

A. No, sir.

Q. How were commissions issued from your department to appointees?

A. Generally the appointees were selected by myself, and by a note to the President were commissioned by him. Very frequently, however, and more particularly during the latter part of the time I was in office, they came with a personal direction from the President, and I appointed very few myself.

Q. When did you enter upon the duties of your office?

A. I cannot recollect the date exactly. Mr. Lincoln telegraphed my appointment in cipher to Louisville in the latter part of November, 1864. I got to Washington the morning of the day that Congress met, on the first Monday of December, 1864. I saw the President, and told him I would accept the office, but would not go into office until I had been passed upon by the Senate. I therefore remained in Washington until my nomination was confirmed by the Senate, and then I took the oath of office. The exact day I cannot state. I only know that I was appointed on one of the last days in November, and that Congress not being then in session, I was not inducted into office until I was confirmed by the Senate some time in December.

Q. You remained in office until what time?

A. Until some time in the latter part of July, 1866.

Q. Up to what period of time did you make the appointments in your department yourself, as a general thing?

A. I think it was some time in March or April, 1866, that the President commenced making appointments. I had made them myself from the time President Johnson went into office until March or April, 1866. He interfered with my appointments very much less than Mr. Lincoln had done during his lifetime. He left the whole department to my management. I do not recollect that President Johnson interfered with any of my appointments, except one, until some time early in 1866. After the death of Mr. Lincoln and the resignation of the gentleman who had been marshal of the District of Columbia, I sent in a nomination for that office, and the President sent down another person's name. I did not know at the time the relations existing between the marshal of the District of Columbia and the President, else I would not have made the nomination. I did not know that the relations of the marshal of the District with the President were of so intimate and personal a character as I found them afterwards to be, and I found I had been wrong in not advising with the President. I had

treated that office as I had treated other offices, but the President's person is, in the contemplation of the law, in charge of the marshal of this District, a fact which I did not know at the time. I thought I could appoint a marshal for this District the same as I could for any other district.

Q. Did the President ever direct you to appoint any rebel to office who could not take the test oath?

A. He never did.

By Mr. BOUTWELL:

Q. I call your attention to a paper entitled Circular No. 13, dated "War Department, Bureau of Refugees, Freedmen, and Abandoned Lands, Washington, July 28, 1865," found on page 126 of the printed testimony of this Committee, and I ask you whether that paper was ever submitted to you by the President, in writing or in print, for your opinion upon it?

A. The records of the office do not show that I was ever consulted or gave any opinion upon this paper, nor do I believe that such was the case.

Q. I will call your attention now to Circular No. 15, dated September 11, 1865, the fourth heading of which is in these words: "Land will not be regarded as confiscated until it has been condemned and sold by decree of the United States court for the district in which the property is found, and the title thereto vested in the United States." I ask you whether the subject of that statement was ever submitted to you by the President for an opinion as to whether that was law or not?

A. I do not recollect that the subject was ever submitted to me by the President. In the management of my department I had, of course, to consider it, and I have no doubt but that the letters on file, written by me to the various district attorneys, will show what my opinion was on that subject. I cannot state now what these letters contain, but my general impression is, that after a judgment of condemnation by a court, I regarded property as being withdrawn from the Executive control, and as being property in the possession and control of the court from that day forth; not depending upon its sale, but depending upon the judgment of the court.

Q. Have you any recollection of having recommended, at any time, the introduction into this article four, of the words "and sold," or anything equivalent thereto?

A. I have no recollection about it one way or the other, and what I have just said now in reference to my correspondence is a mere guess.

Q. Can you examine the letters on file and ascertain the facts and inform the Committee?

A. I suppose I can, and will do so.

By Mr. ELDRIDGE:

Q. Suppose the decree of the court to require a sale of the lands; do you think that the title of the United States vests without such sale?

A. No; I do not think that the title vests without sale, but think the property is withdrawn from the control of the Executive after the decree of the court.

Q. Before the title of the United States vests, or before any title adverse to the claimant actually vests, should there not be a sale?

A. That is a legal opinion which I would have to give right off now; and my own notion on that subject is, that if you were to apply to the district judge after the condemnation of property, and after the judgment, it would be a matter of discretion with him whether he would dismiss the proceedings or not.

Q. What is your opinion as to whether the title of the original claimant is divested by anything short of sale, if the decree itself requires sale?

A. Certainly it is not. The title is not divested except by sale. I answer generally that where property is seized by the government, it cannot be divested

according to general rules except by judicial sale; but I answer further, that after the property is impounded and under the control of the court, and after the court has condemned it, then my general impression is that the court alone can dispose of that property. I answer that generally.

Q. Suppose that the condemnation is based upon the character of the party, and that the owner is pardoned?

A. Then the pardon would have to be pleaded in court, and it would be a judicial question as to what the court would do with the property.

Q. Is not the subject liable to be affected by the action of the Executive in the way of pardon, and the proceedings interrupted?

A. Of course, they might be interrupted by a pardon; but still it is a judicial question. The Executive may, before judgment is pronounced, direct the proceedings to be dismissed; but after condemnation by the court, then the property is regarded as in the custody and under the peculiar control of the court, and the Executive has no control over it without leave of the court.

Q. Your answer was that it passed beyond the control of the Executive?

A. Yes.

Q. It has not passed into such a state as that it cannot be affected by the acts of the Executive?

A. In some cases it cannot. If the pardon itself covered the offence, it would be a judicial question whether, under that pardon, the court would or would not restore the property; but the property would be restored after condemnation on the order of the court predicated on the pardon or on something else. It would not be restored by the mere order of the Executive. The party would not get his property directly because the Executive said he should get it back, but he would get it back upon the order of the court.

Q. That order of the court might be based upon the pardon or upon the order of the Executive?

A. Of course, it might.

By Mr. BOUTWELL:

Q. Do you mean to say that it might be based upon the order of the Executive?

A. The order of the Executive would be considered by the court. I do not mean to say that the court would be controlled by it. The court might refuse to be controlled by it.

Q. I call your attention to circular No. 15, and ask whether the President ever requested your opinion about it?

A. I do not recollect that he ever did.

By Mr. THOMAS:

Q. Was the opinion which you now express on that point entertained by you at that time?

A. That I cannot recollect. I suppose that the letters in the office will show what my opinion was on the subject at that time, but I am not very certain that I will find letters there.

By Mr. WILLIAMS:

Q. Would you, as at present advised, have recommended the insertion of these words, "and sold"? Would you regard that as proper under the law?

A. I cannot undertake to give an opinion off-hand upon a particular statute. I have spoken in the most general terms of my opinion about the law in confiscation cases. I would rather decline giving an opinion just here. I can say that the control of the President over prize cases and over property proceeded against, and all that sort of thing, was, of course, a matter of anxious consideration by me all the time I was in office. As the cases arose I had to dispose of them. I have answered here only my general opinion that, in a prize case, where property is taken by a United States vessel, the President can order its restora-

tion while it is in the hands of a military or naval officer; but that after it gets into the possession of the court, after there has been an adjudication and condemnation, then it is in the possession of the court, and it is the province of the judicial department to dispose of that property, and it is not under the direct control of the Executive. That, I think, was my opinion on looking into the law. I give it now as an off-hand opinion.

Q. Is it not a well-settled rule that the judgment and condemnation of a prize court operates as a divestiture of the title on the part of the original owner?

A. I will not answer that question. I only answer now in a general sort of a way that, if the court has condemned property, it is irregular for the Executive to take it out, except on the leave and under the opinion of the court.

Q. I ask you in that connection whether the matter of sale is not a mere question of convenience?

A. I would rather not answer those questions. I have answered them in a general sort of way, but I will not go into a law argument here about them.

Q. As to circular No. 15, would you have recommended the insertion of the words "and sold" in view of the second clause, which recites the act of Congress in its terms—that the bureau has charge of such tracts of land as have been abandoned, or to which the United States have acquired title by confiscation or sale—thus distinguishing between the two?

A. That would involve me in a careful investigation of the statute itself. When I came here I was brought into contact with a class of statutes that I had had nothing to do with, and I had to consider them anxiously while I was here. Since I have been away from here they have passed from my mind, and I cannot recollect even the subject of them.

By Mr. MARSHALL:

Q. You do not state that this order was not submitted to you by the President?

A. No, sir; I do not. My impression is that it was not. I would not answer whether it was or was not.

Q. Is your recollection clear and distinct about the consultations and occurrences while you were here?

A. I have an impression that the questions from General Howard's department to me while I was here came to me rather awkwardly. They did not come from the President or directly from the Secretary of War, as they should have come, but they came on the application of General Howard himself, and I responded by letter to the Secretary of War. I think the books in the office will show that there was that awkwardness in the thing.

By Mr. BOUTWELL:

Q. The question is whether the President ever submitted that point to you as to the legality of restoring property that had been condemned?

A. I would answer, as I have answered before, that my impression is he did not, but he may have done it.

By Mr WILLIAMS:

Q. Can you say whether or not you did advise the insertion of those words "and sold?"

A. I do not recollect whether I did advise it.

Q. Do you think you would have done so?

A. That involves a careful consideration of the statute itself.

By Mr. MARSHALL:

Q. Did General Howard ever consult you in relation to it?

A. I would say, in relation to him, as in relation to the President, that I cannot recollect. I had various conversations with General Howard, but whether on this subject or not I cannot say.

By Mr. WILLIAMS:

Q. Have you any recollection of the case of the condemnation and sale of the property of Pierre Soulé, in New Orleans?

A. I have no recollection about it. The books in the office will show every thing connected with it. I do not recollect anything about it, except Mr. Soulé's coming here, and his application for a pardon. When I left the office I do not think there were three questions on my table unanswered. I kept close up with the business.

By Mr. ELDRIDGE:

Q. If General Howard had referred that matter to you, you would have answered to the Secretary of War?

A. Inferior officers very frequently sent me questions in that way. If they were clearly stated, and if I thought them important, I answered them, but very frequently I sent them back. If General Howard's question on the subject of Pierré Soule's property was not answered, I can give no reason for it. I believe there was but one solitary question came to me that I felt reluctant about answering. I will take a memorandum of it and see whether there is anything in the office about it.

By Mr WILLIAMS:

Q. Attorney General Stanbery, in his examination, was asked the question by me, whether, in any case, he had instituted proceedings, civil or criminal, *in personam* or *in rem*, for the purpose of carrying into execution the laws passed by Congress in connection with the rebellion. He replied that he had not, and assigned as a reason that it was the policy of the office not to initiate proceedings, but, on the other hand, to suspend such as had been commenced, stating that he inherited that policy.

A. I think he is right in that, if I understand you. Immediately after the collapse of the rebellion, and when the people of the South were coming up here in great distress, I think that I favored and pressed, and that the administration consented to it, the suspension for the time of all proceedings even in cases pending, and that they stood suspended for some time. I think that afterwards we took a different sheer, and that a letter was addressed by me to the district attorneys generally, telling them to go on in cases where there was obvious contumacy; but that, where the people were really penitent, and wanted to come back and be good citizens again, the object of the government was not to persecute and oppress them, but to leave them free to use their property for the good of themselves and all around them. I think that was the policy of the office. If Mr. Stanbery said that he inherited the policy, I think he was right in saying so.

Q. Was that with the consent of the Executive?

A. Yes, sir. Clemency, and not persecution, was, I think, the policy of the government.

By Mr ELDRIDGE:

Q. Was that your policy?

A. It was mine as decidedly as it was anybody else's, and I think it was the policy of every member of the administration, as far as I knew.

By Mr. BOUTWELL:

Q. What steps, if any, were taken during your administration to bring Jeff. Davis to trial?

A. Immediately after the capture of Jefferson Davis, the President and the Cabinet, but the President more particularly, were anxious for a speedy and prompt trial of Jefferson Davis. At that time a district court was holden at

Norfolk, where Judge Underwood was the judge. There was no circuit judge down there. The matter of prosecuting Jefferson Davis was placed under my charge more particulary, and I was placed under instructions from the President to bring him to trial as speedily as I thought it could be done. The trial was first postponed until after developments should be made on the trial of the conspirators in the assassination of Mr. Lincoln. After that, I think I employed counsel, with the assent of the administration, to aid in the prosecution of Jefferson Davis; and we all came to the conclusion that, unless a judge of the Supreme Court of the United States should preside, he ought not to be tried; that the case itself was one in which a judge of the Supreme Court should preside. I had great disinclination to try such a case before Judge Underwood. I would not consent to it at all. The Chief Justice declined to go there because the country was not so quiet as that the law and not military rule prevailed. So long as I was in office I opposed the trial of Jefferson Davis before Judge Underwood, and as Chief Justice Chase could not or would not go there, the trial would not come off. The question was made about trying Jefferson Davis in Kentucky. That I opposed, because it would have to be a case of constructive presence in Kentucky. The question was mooted also as to trying him in Pennsylvania, in Indiana, or in Ohio, in connection with John Morgan's raid; but I opposed his being tried in any State, except in a State where he had been actually present. Then it was said that we could appoint a judge in Judge Caton's place, and try Jefferson Davis in East Tennessee. That was anxiously considered. On the consideration of it by the President and myself, we both concurred that it would not look well for the President to make a judge to try Jefferson Davis at the President's own home and in his own State. And so the thing stood until I left the office. I must say that I was, on those grounds, the principal cause of the non-trial of Jefferson Davis. At least, I believe so.

By Mr. WILLIAMS:

Q. That is, his trial for the crime of treason?

A. Yes; and I violently opposed his trial for the crime of treason before a military commission.

Q. Was there not an indictment pending against him at the same time in this District?

A. Yes; but there, again, would have been the question of his constructive presence.

Q. I thought that that was a case of actual presence?

A. I did not think that he was in arms in the District of Columbia. Breckinridge, I believe, had been over here with some forces, as he had been in Maryland, Pennsylvania, Ohio, Indiana, and Kentucky.

Q. There was the great fact, however, of the withdrawal of those persons from the Senate?

A. Yes; but I had another reason which pressed upon me in relation to the matter, and which I think I had given in letters to the House of Representatives or to the Senate. I then was, and am still, of the opinion that a man ought not to be tried for treason except in the community and by the community in which he has offended, and, unless that community can be so pacified and corrected in its opinions as that a jury of it will find a man guilty, he had better not be tried or convicted at all.

Q. You were aware, of course, that he was held on allegations of a violation of the laws of war as known to civilized nations—for instance, of complicity in the assassination of President Lincoln and of inhumanity to prisoners?

A. Yes, sir.

Q. Did you make any objection to his trial by military commission for those offences?

A. Of course, the opinion which I gave in reference to the trial of the conspirators by military commission would cover his case as well as the other cases. The question whether Mr. Davis was guilty of any offence against the laws of war was never submitted to me, and I examined only incidentally the evidence.

Q. I see you state in your opinion, wherein you assign as a reason for trying them as prisoners of war, that the condition of war was yet existing?

A. Yes; a state of war.

Q. I wish to know why he was not tried as a prisoner of war, so far as you are aware, and what was said on the subject?

A. I have given you all that I know on the subject, and I have stated as clearly as I can the reasons why I opposed the trial of Jefferson Davis, and I think I have fairly shouldered the responsibility.

Q. I am speaking now of his trial for other offences before a military commission?

A. On that subject the facts alleged against Jefferson Davis as to his violation of any of the laws of war were never laid before me.

Q. You were never examined before on that subject?

A. The deposition taken before the Committee at the last Congress will show all that I know on that subject.

By Mr. BOUTWELL:

Q. Did you take the general charge of the proceedings instituted against Jefferson Davis in the district of Virginia so far as to give directions about it?

A. Yes; the question came up immediately after the capture of Jefferson Davis. It was taken for granted that, as the highest law officer of the government, I should prosecute in person. Under the present organization of the department, I have in my hands the recommendation of the pardoning power, and I brought the question before the Cabinet whether it was proper for me, as a member of the Cabinet, and having charge of the question of pardon in the event of conviction, to have my mind worked by entering actively into the prosecution. I objected to it. The Cabinet, President and all, insisted that I should take an active part in the prosecution. I consented to do so, but determined in my own mind that if the trial should result in a conviction I would not constitute a part of the Cabinet, or be an adviser of the President in regard to any clemency that might be asked for.

Q. Was the question whether any clemency should be exercised in case of conviction ever considered?

A. Never; it was never brought up in any way, that I recollect, except as to the incompatibility of my occupying the position of a Cabinet officer before whom such a question must come, and at the same time taking an active part in the prosecution.

By Mr. ELDRIDGE:

Q. And that was suggested by you?

A. That was a suggestion by me. There seemed to be an inconsistency in the two positions; and when the Cabinet all determined that I should take an active part in the trial, I made up my mind that I should take no part in the other matter.

Q. Was the President always anxious and urgent for as speedy a trial of Jefferson Davis as possible?

A. I do not recollect anything except that immediately after the capture of Jefferson Davis for some time he was anxious for a speedy trial.

Q. At the time when you were given charge of the whole matter, did the President then express a desire that the trial should be speedy?

A. Yes, sir.

Q. The case was turned over to you with that understanding by the President?

A. It was turned over to me with that understanding.

By Mr. MARSHALL:

Q. Did the President ever, in any way, interpose any objection to a speedy trial?

A. Never.

Q. So far as you ever heard any expression on his part, was it or was it not in favor of a prompt and speedy trial?

A. It was.

By Mr. BOUTWELL:

Q. At the time you left the office, was it your policy and purpose to have Davis brought to trial as soon as it could be done?

A. Yes; as soon as there could be a circuit judge to try him. I never would have consented to try such a case before Judge Underwood in that district.

Q. Did you expect yourself to take part in the trial and management of the case on the part of the government?

A. Yes, sir.

By Mr. ELDRIDGE:

Q. Was the subject of the insufficiency, or the invalidity of the present indictment considered by you at any time?

A. It was not fully considered by me. The copies of the indictment, I think, were sent by me to Mr. Evarts and Governor Clifford. As the time was not fixed for the trial of Jefferson Davis, and as I could not say when he was to be tried, and had plenty of other work to attend to from day to day, I did not take up that subject.

Q. Did you ever have any interview with Chief Justice Chase about trying Jefferson Davis?

A. Yes, sir.

Q. When was that?

A. I cannot recollect the date. I had an interview with Chief Justice Chase at the instance of the President. I went from the President's in my carriage to the house of the Chief Justice, and announced to him that my interview was at the instance of the President.

Q. In reference to what matter?

A. In reference to his holding court in Virginia—and the principal object of that was the trial of Jefferson Davis. The Chief Justice positively declined under the then existing condition of things to hold court there; and as he stated the facts, I concurred with him in opinion that, if I were Chief Justice, I did not think I would hold a court there. He thought that he would be holding rather a military than a civil court, and be trying a military rather than a civil case. On my return to the President I told him what the Chief Justice had said, and told him, as distinctly as I do you now, that I concurred with the Chief Justice in his opinion.

Q. Did you consider at that time the proclamation of amnesty and peace that had been issued by the President?

A. I do not recollect the time now, but I considered that at that time a court could only be holden in Virginia by reason of the fact that there was military possession. There was no such respect for law and for the power of law as that a judge could go there without the presence of military.

Q. That had relation to the public mind?

A. Yes, sir.

Q. So far as the acts of the Executive were concerned, did you consider that all he could do to restore the civil in place of the military authority had been done?

A. That opens up a matter on which the President and myself differed in opinion.

Q. I speak now of your conversation with the Chief Justice; did he raise any question on the acts of the President?

A. I cannot give the details of the Chief Justice's conversation; the result I can give. Whether he mentioned amnesty, or this, that, or the other, I cannot say. I think that the Chief Justice drew some order or other, or requested me to get some order in reference to the writ of habeas corpus, and that he would go there and hold a court. This order the President declined to issue; but I cannot give any particulars. I have no memorandum at all, and can only give the results.

Q. Did not the Chief Justice express to you his opinion that the President's order was legally sufficient, but that in fact there was something equivalent to military control there?

A. My memory of the thing is only in reference to results. I would not undertake to say what the Chief Justice stated, or the points which he made. I recollect distinctly that he came to the conclusion not to hold court there; and on the grounds which he took I agreed with him.

Q. By what authority was Jefferson Davis held during this period of time?

A. He was held by military authority alone.

Q. Was he held under any warrant?

A. No, sir; I think he was captured by military authority.

Q. And held as a prisoner of war?

A. I think so.

Q. That was the manner in which you understood him to have been held?

A. All the time; and I thought it lawful, because I thought that peace could only be made by Congress, and not by the President. My opinion was all the time that it was a civil war, and that peace was to be decided by Congress, not by the President.

Q. Did you not consider peace to be a question of fact?

A. In some aspects it is a question of fact. For instance, it is a question of fact whether you can kill a man in battle while there is no war.

Q. Are not the states of war and peace questions of fact?

A. Not always. There have been states of war where not a gun was fired. I think that as between foreign nations a treaty makes peace, but that in civil war an act of Congress restores peace.

Q. Then until there is an act of Congress declaring peace, you think that war continues?

A. A state of war.

By Mr. BOUTWELL:

Q. During your term of office did you give any opinion on the subject of abandoned lands?

A. Yes, sir; not on the whole subject of abandoned lands, but I gave an opinion which arose in this way: Bishop St. John, of the Episcopal church, had left Norfolk when the federal forces took possession of the city. Both he and his wife left Norfolk, the title to his estate being in his wife. They came back after the collapse of the confederacy, and found their property in possession of the military. He demanded of the Secretary of War the restoration of the property. Mr. Stanton referred the question to me, and you will find my opinion, I think, in my communications of June 22, 1865, and of September 14, 1865. In these opinions I stated what I regarded as being abandoned land.

By Mr. WILLIAMS:

Q. The act of Congress defines the term, does it not?

A. Yes, sir, in a very general way; but whether a particular case comes

within this term or not is often a troublesome question; and that was the question in the case of Bishop St. John.

By Mr. BOUTWELL:

Q. To whom was the opinion of June 22d given?

A. I think they were both given to Mr. Stanton.

Q. Did you at any time give to the President, in any form, any other or different opinion on the subject of abandoned lands than the opinions referred to?

A. I think not. I asked the clerk to refer me to all the opinions which I gave on the subject of abandoned lands, and he referred me to those two.

By Mr. ELDRIDGE:

Q. I find, in a report made to Congress, in a message from the President, dated 10th January, 1867, a statement that Edward Johnson, a rebel general, was pardoned on the recommendation of ex-Attorney General Speed.

A. I have no doubt that is so. I earnestly desired General Johnson's pardon.

Q. I also find, in looking over this report, that in some cases a pardon has been ordered by the Attorney General.

A. I think that in a very few cases where I ordered pardons the President interfered. I think that in some Tennessee cases he refused; and, finally, I pardoned nobody from Tennessee without special directions.

Q. I wish to know why, in some cases, you "recommended" the pardon, and in others "ordered" it.

A. I would say, generally, that if I ordered a pardon without any recommendation, it was my recommendation. I infer that on personal interviews with the parties I signed the order for their pardon to the President.

Q. And in the other cases the pardon was made on your recommendation?

A. Yes, sir. I am very certain that Edward Johnson was pardoned not only on an application of mine in writing, but most probably on a personal interview with the President, in which I told him of the past personal relations between Johnson and myself. His father was my physician, and in boyhood we associated together. I took an active interest in his being pardoned.

Q. Do you recollect the case of Alexander C. Jones, a rebel brigadier general, who was pardoned?

A. I cannot individualize about it now, there were so many granted.

Q. Do you recollect the case of William S. Barry, a member of the rebel provisional congress, pardoned on your recommendation?

A. No, sir. Probably I recommended him from having a personal interview with the man himself. Very frequently, after seeing gentlemen, and talking with them, and informing myself that they intended right, I recommended their pardon.

Q. Do you recollect the case of Henry F. Elliott, a member of the rebel convention?

A. I do not.

Q. Or of W. T. Martin, a rebel major general?

A. Yes, sir; I recollect pardoning Mr. Martin. It was on the application and importunity of personal friends, and gentlemen in whom I had confidence. I recollect distinctly recommending him, because a relative of mine came here from Philadelphia and gave me such a description of the man that I recommended his pardon. He was above the rank of brigadier general, and therefore came under one of the excepted cases.

Q. What principle governed you in recommending men to pardon?

A. The general principle of clemency. If I saw the party, or if a gentleman in whom I had great confidence gave me a description of the party, which I relied upon, I recommended a pardon. I regarded it as best to relieve those persons of apprehension, and let them go to work. We operated on these ex-

ceptions in the office in this way: The person coming under the $20,000 clause, and the mere minor officers, were all thrown together, and there was very little question asked about them. Our object was to fling pardons broadcast. And so that there would be no questions in the future about slavery, we put a condition in the pardon that the person pardoned should accept the situation of the country in reference to the abolition of slavery. There was a condition in the pardon that he should never thereafter hold a slave, or make use of slave labor; and if we only gave pardons to a few it would be ridiculous to make that condition, whereas giving pardons to a great many persons of the influential classes would give force and effect to that idea. That induced us to be very liberal with pardons.

Q. Is that the principle on which you account for the pardoning of such a large number of leading men in the South who came under the exception?

A. I do not know whether that is the principle. The principle on which we acted in the office was, not to investigate closely the cases coming under the $20,000 clause, and the clause in relation to minor officers. Unless there was something against the party the pardon went as a matter of course. In the cases of higher officers the application had to come direct to the Attorney General or the President; and we made exceptions in particular cases.

Q. Do you recollect the case of Felix J. Batson, of the rebel congress, pardoned upon your recommendation?

A. I do not, sir; I do not.

Q. Do you recollect the pardon of a man named Howell, procured by Mrs. Cobb?

A. If Mrs. Cobb ever applied to me at all for a pardon I do not recollect it. I do not think she ever did. I do not know anything about the case, except the fuss that was made about it in the papers. It was the case out of which the prosecution of Baker grew. I have no recollection about the case. It was one coming under this $20,000 clause, and such cases only came to me in a batch for my signature.

Q. Do you know of any officer of your department or of the government participating in money obtained for procuring pardons?

A. Never in the world. I believe that outsiders made money out of the pardoning business; and the President and myself struggled anxiously to prevent it, and changed the mode of delivering pardons. We twisted and turned the thing in every way we could to prevent it.

Q. Did the President, so far as you know, endeavor to prevent speculation in obtaining pardons?

A. I thought he did very earnestly; as earnestly as I did.

Q. What means did you take to prevent agents and speculators from making money out of pardons?

A. At first, pardons were delivered to the parties on personal application, or to their agents, or to State agents. We tried to avoid speculation by delivering the pardons to the State agents for the various States in the South, but we found that that did not work, and we changed the plan, and sent the pardons by mail to the Governors of Kentucky and Tennessee, and to the provisional Governors of the other southern States, and let them distribute them. I do not know whether, in all the changes that we made, we effected any good.

Q. But you know that in your interviews with the President he was earnestly solicitous to prevent speculation in pardons?

A. I thought so.

By the CHAIRMAN:

Q. Give us the history of your trip to Canada.

A. In July or August, 1865, I think, the President was informed that a Mr. Cleary, a Kentuckian, living in Canada, had the books and accounts of Jacob

Thompson, and that they could be had. I was sent to Canada. I had to go first to Detroit to see Mr. Emerson, a lawyer there, and took him with me to the Clifton House, immediately opposite Niagara, and telegraphed to Mr. Cleary to meet me at the Clifton House. I did meet Mr. Cleary at the Clifton House. On the day that I got there a publication was made of some of the testimony taken before the military commission, wherein Mr. Cleary was implicated. As soon as he saw me he knew that my object was to get hold of those papers. He brought a newspaper in which this testimony in reference to himself had been published. I had not seen it before, and did not know of the existence of such a thing. He said that with such charges pending he could enter into no negotiation at all about Jacob Thompson's papers, and would enter into none. I read the testimony, and thought that Mr. Cleary was right; that if charges of so serious a character as those were brought against him he ought not to part with the papers, which he relied upon, as he said, for his justification. I did not see the papers, nor did he tell me of their purport. I am satisfied that if it had not been for the publication of that testimony I could have had from Cleary Jacob Thompson's papers; but I did not get them or see them, and I came home again. My interview with Cleary was not over twenty minutes. He went back to Toronto, or wherever else he was living in Canada, and I crossed the river and came back to Washington.

By Mr. ELDRIDGE:

Q. Did you know or hear of a letter said to have been written by Mr. Johnson to Jefferson Davis?

A. I never heard of such a thing.

Q. A letter said to have been stolen from Mr. Johnson's table by one of Brownlow's sons?

A. That is the first I heard of it.

Q. Was Baker with you in Canada?

A. No, sir; I did not know Baker at the time. I never saw him but once.

Q. Did you ever see Booth's diary?

H. Never.

Q. Did you ever tell General Baker that you suspected your clerk, Pleasants, of making money out of the pardon business?

A. No, sir. He told me that he suspected him. I did not believe any such thing. General Baker called on me at my house. We had a long interview. He was very earnest and decided in his idea that Pleasants was guilty of impropriety in the office. I had the utmost confidence in Pleasants. Next morning I called to see the President, and told him of my interview with Baker, saying that I would investigate the matter quietly, and see if there was anything in it. I did investigate it, and found that it was merely a suspicion on Baker's part, and that he had some grounds for the suspicion. I was satisfied, however, that there was no real foundation for it. After I had made the investigation I told Pleasants the whole matter. The only plausible grounds for Baker's suspicion was this: pardons, as they were sent off, were enclosed in large official envelopes. We were then delivering pardons to State agents, to be transmitted to the various States for distribution. Baker had got hold of some of the envelopes in which pardons had been enclosed, and found that they were marked, "so much to be paid on delivery." This excited his suspicion, and made him believe that the wrong was in the Attorney General's office. I investigated it, and found that the pardons went in the envelopes without any such endorsement, and that these outside people were making money out of the pardons in this way. Then the President and myself made the change in the mode of delivery.

By Mr. WILLIAMS:

Q. How many rebel States had agencies here for that purpose?

A. That I cannot answer. I think that nearly all of them had agencies here for the purpose of representing their communities.

Q. Do you know Mr. Sayre, the agent for Alabama?

A. I heard of him at the time, and heard of great improprieties said to have been committed by him. It was through him that Baker's suspicions were excited against Mr. Pleasants.

Q. He stated, I believe, that he had resigned a commission in the marine service of the United States to go into the rebellion. Can you state what other agents were here who had actively participated in the rebellion?

A. I do not think I know personally any of the agents. They had no intercourse with me.

By Mr. MARSHALL:

Q. How did you derive the information in regard to those Canada letters, which induced you to go to Canada?

A. The information came, I think, from Mr. Holt's office to Mr. Stanton, and was communicated by Mr. Stanton to the President. I think I had some sort of copies of letters, but to what extent I cannot now say, except that the groundwork seemed to be laid for obtaining all the account books and papers of Jacob Thompson while he was in Canada; and I verily believe I would have got them all if it had not been for the publication of the testimony before the military commission.

Q. Were there copies of any of those brought here before you went to Canada?

A. I took none to Canada. I do not know that I had any knowledge of anything other than that they were the original papers of Jacob Thompson.

Q. Were you induced to make your journey to Canada at the request of the President or Cabinet?

A. I do not think there was anybody consulted about it except Mr. Stanton, the President, and myself. I do not recollect that any other member of the Cabinet knew of my visit; probably Mr. Seward did. He was then sick, but I think it probable that I conferred with him on the subject. I do think it was a matter of Cabinet consultation. It was agreed between the President, Mr. Stanton, and myself that I should go and make the effort.

Q. You never had any of those original papers?

A. I never saw them at all. I may have seen the copies which the President had.

A. It was at the request or by the desire of the President that you went there?

A. Yes, sir. I could not leave the city of Washington without his consent, and would not have felt authorized to go on such a mission without full conference with the President. He knew all about it.

WASHINGTON, D. C., *July* 3, 1867.

JAMES SPEED recalled, and examination resumed.

By Mr. BOUTWELL:

Q. Have you examined the records in the office of the Attorney General for the purpose of ascertaining whether any letters were written by you covering the subject-matter of the fourth clause of circular 15 of the Freedmen's Bureau?

A. I have examined the records myself, and have had the chief clerk examine them. I did it with some industry, and he with greater (and he has a very exact memory about such things.) We found no general instructions at all. I found a great many letters to various district attorneys touching somewhat the

subject. I have brought the letter-book with me, and will read to the Committee such letters as I can find bearing on the subject.

(Witness read to the Committee several letters, copies of which he was directed to furnish. They are appended to his testimony.)

Q. After the examination you have made of the records, will you now look at clauses four and five of circular No. 15, before referred to, and state whether you at any time gave to the President an opinion on which those two clauses have been based?

A. I can only answer as I answered yesterday. I do not recollect that I gave the President any advice or opinion on the subject.

By Mr. THOMAS:

Q. Referring to the letter addressed to District Attorney Chandler, read by you, state whether the purpose and policy explained in it, touching the execution of the confiscation act, differ from that you had previously yourself desired or advised.

A. I can say only, in reference to that letter, that the occasion for it was, that complaints came from Virginia, more numerous than I can give you any idea of, that the marshal and district attorney were making use of the confiscation act for their private ends; that they were seizing property, and on receiving fees, were dismissing and not libelling the cases. The thing was laid before the President in such a shape that I regarded it to be his duty to take notice of it; and hence the letter was written requiring the district attorney to arrest further proceedings, and to report all that had been done.

Q. In your conferences with the President on that subject did you discover a difference of opinion between yourself and the President as to the mode and manner in which the confiscation act should be executed?

A. I think not. I do not recollect any.

Q. There was a coincidence of opinion?

A. I do not recollect that there was any difference of opinion.

By Mr. WILLIAMS:

Q. State whether those complaints did not come from disloyal men?

A. No, sir.

Q. Not exactly in the sense in which the President uses the term—but who were themselves obnoxious to the penalties of the law?

A. No, sir. I recollect very well that they came from such sources that I should have regarded myself as derelict in duty if I had not inquired into them.

Q. Can you state the sources of the complaints?

A. I cannot. I have no doubt the records of the office will show.

Q. In the Alabama case the complaints seem to have come from men of that character?

A. When I left the office I was having a vast amount of trouble about the matters in Alabama. I handed over to Mr. Stanbery in them a bundle of troubles.

Q. The charges were just the same as in the Virginia case, and the officers were turned out?

A. Yes, sir.

By Mr. THOMAS:

Q. Attorney General Stanbery testified before the Committee that, in his opinion, the confiscation acts were war measures, and that, the war being over, it was not proper to continue to enforce them. Did you concur in that opinion?

A. I did. I gave the President that opinion more than once.

By Mr. WILLIAMS:

Q. Did you not state your opinion before the Committee, yesterday, that the

war was not over; and did you not assign that as a reason for trying the conspirators before a military commission?

A. I gave the opinion that the "state of war" existed; but I believed that while you had no right to shoot men in battle, you had no right to use the confiscation act—that it was a war measure.

Q. You distinguish between war *flagrante* and war *non cessante*?

A. Yes, sir.

Q Did you think of looking for the papers in the case of Pierre Soulé?

A. Yes; I had the clerk to examine. The only thing that appears in the department of the Attorney General is a petition of Mr. Soulé for pardon, endorsed by the President on the envelope in which it is contained "The Attorney General. Pardon. A. J." On which the pardon issued. There is no record in the office of any communication in reference to the confiscation of Mr. Soulé's estate, and, according to my memory, I never heard of the matter. There is no trace of it in the Attorney General's office.

By Mr. BOUTWELL:

Q. Was there any investigation by you as to his claim to a pardon, or as to any reason why he should not be pardoned?

A. I think Mr. Soulé applied to me in person—I am pretty certan he did—and I considered the thing. I know very well that a very accomplished lady from Virginia, a schoolmate of mine, came from Richmond to see me, and we had an interview on the subject. I referred her to the President, with a note of introduction on the subject of pardoning Mr. Soulé. I am pretty certain that she did not get the pardon. I think it was obtained by Mr. Seward long afterwards. I infer that from the fact that among the papers in the Attorney General's office is a letter, unsigned, but evidently drawn up in the State Department, addressed to the President on the subject of Mr. Soulé.

Q. The order of the President for his pardon is peremptory?

A. Yes; it is peremptory. The course of the office was, when I recommended pardons, they were made out, and the President sent down an order just marked "Attorney General. Pardon. A J." Whenever they came that way I made no inquiries, and the order was made.

By Mr. WILLIAMS:

Q. Can you state whether the case of Howell was considered by you?

A. I do not know anything about the case. I do not know what the papers in the office show about it. Mrs. Cobb never applied to me for a pardon that I recollect; and I do not think I ever heard of the case until they were making a fuss about it in the papers.

ATTORNEY GENERAL'S OFFICE.
Washington, July 5, 1867.

SIR: The Attorney General, at the request of Hon. James Speed, directs me to transmit you the enclosed copies of letters from this office to various United States attorneys relative to proceedings in confiscation cases.

Very respectfully, your obedient servant,

M. F. PLEASANTS,
Chief Clerk.

Hon. J. F. WILSON,
Chairman Judiciary Committee, House of Representatives.

ATTORNEY GENERAL'S OFFICE,
Washington, April 11, 1867.

SIR: I am instructed by the President to say that when the persons against whose property proceedings are pending in the court at Little Rock shall present to you pardons, you are fully authorized, if in your judgment it should be done, to discontinue such proceedings upon any terms not inconsistent with the terms of pardon.

This authority is to cover all cases, no matter under what act or acts of Congress the proceedings have been instituted.

Very respectfully, &c., &c.,

JAMES SPEED,
Attorney General.

ORVILLE JENNINGS, Esq.,
United States Attorney, Little Rock, Arkansas.

ATTORNEY GENERAL'S OFFICE,
Washington, D. C., July 9, 1865.

SIR: Yours of the 3d instant, to the assistant Attorney General, has been received, and I am directed by him to say, in answer thereto, that you will institute legal proceedings against all property in your district liable to confiscation, and prosecute the same with due diligence. This you will continue to do until you receive instructions to the contrary from this department.

Very respectfully, &c.,

WM. STEWART,
Chief Clerk.

BENNETT PIKE, Esq.,
United States Attorney Western District of Missouri,
St. Joseph, Missouri.

ATTORNEY GENERAL'S OFFICE,
Washington, D. C., July 13, 1865.

SIR: Your letter, with the enclosed papers, was received. You are to proceed in all cases where property is liable to confiscation to execute the laws of the United States. So long as the statute of 1862 remains the law, and parties amenable to it are not pardoned, it is your duty to proceed against this property and estate within the jurisdiction of your district court.

Very respectfully, &c.,

J. HUBLEY ASHTON,
Assistant Attorney General

CALEB BALDWIN, Esq.,
United States Attorney, Council Bluff, Iowa.

ATTORNEY GENERAL'S OFFICE,
Washington, D. C., July 24, 1865.

SIR: In relation to the cases of James Thomas, jr., and Charles T. Wortham, I have to say that the proper course for the parties is to appear in court in the confiscation suits and plead their respective pardons. This is the regular course, and should be adhered to.

Dismissals of suits outside of the court should be discouraged.

Very respectfully, &c., &c.,

J. HUBLEY ASHTON,
Assistant Attorney General.

L. H. CHANDLER, Esq.,
United States Attorney, Richmond, Va.

ATTORNEY GENERAL'S OFFICE,
Washington, September 5, 1865.

SIR: Many and various complaints have been made to the department that the people of Virginia are being unnecessarily vexed in the execution of the confiscation act by the law officers of the government.

The charge is plainly made that the seizures are initiated not with the purpose of promoting justice and re-establishing the authority of the law, but for private ends and private gain.

Some of those complaints are made by gentlemen of such high position and such unquestioned loyalty that the President feels it to be his duty to arrest for a time any further seizure of property under the confiscation act.

This is not done in the spirit or with the purpose of condemning unheard the officers complained of, but that the government may have an opportunity of looking into, as is its duty, these grave charges.

You will, therefore, after the receipt of this letter, and until you receive further instructions from this office, refrain from issuing to the marshal any orders for the seizure of property under the confiscation act; and you will also instruct the marshal to suspend executing, until further instructions, all orders directed to him by you for the seizure of property under that law which have not been executed by him.

You will also, at your earliest convenience, make a full and detailed report of the seizures heretofore made in your district. You will particularly state—

1. The names of the persons whose property has been seized.
2. The character of the property seized, whether land or personal property.
3. The counties or cities in which the properties are located.
4. The dates of the orders of seizure, and the times when they were executed.
5. The cases in which decrees have not yet been rendered.
6. The cases in which property has been seized, but in which no libels have been filed.
7. A statement showing the relation between the values of the respective properties sold under decrees of confiscation, and the amounts which they brought at the sales.
8. You are desired also particularly to inquire and report touching the manner in which the marshal executed the warrants directed to him by you for the seizure of real property; especially whether he rents the properties, or ejects those in possession, or requires them to execute bonds for the delivery of the properties, and if so, at whose cost.

Very respectfully, &c., &c.,

JAMES SPEED,
Attorney General.

L. H. CHANDLER, Esq.,
United States Attorney, Norfolk, Va.

[Copy.]

ATTORNEY GENERAL'S OFFICE,
Washington, D. C., September 6, 1865.

SIR: The President received this morning a letter from Mrs. Lizinka C. Ewell, which he has referred to me, with directions to instruct you to dismiss all proceedings against Mrs. Ewell's property in your court, upon her paying all the costs.

Very respectfully, &c., &c.,

(Signed) JAMES SPEED,
Attorney General.

WILLIAM N. GROVER, Esq.,
United States Attorney, St. Louis, Missouri.

[Copy.]

ATTORNEY GENERAL'S OFFICE,
Washington, September 20, 1865.

SIR: In answer to your letter of the 13th, I am instructed by the President to state that it is not the wish of the government to keep open the sores made in and by the late struggle. None of the persons named in your list, and under arrest, are of sufficiently national consequence for him to say that the nation's peace requires that they should be tried. There may be local reasons or a personal contumacy, of which he has no information, that should induce a trial. Whether that be so or not, he leaves to your discretion.

Should you determine to try any of the persons indicted, you can select your term. If you want aid, should such trial come off, let me know, and you shall have it.

Very respectfully, &c., &c.,

(Signed) JAMES SPEED,
Attorney General.

W. N. GROVER, Esq.,
United States Attorney, St. Louis, Missouri.

ATTORNEY GENERAL'S OFFICE,
Washington, June 29, 1867.

SIR: In accordance with your request, I have the honor to transmit herewith a copy of my letter of January 16, 1867, to J. Q. Smith, esq., United States attorney for the northern district of Alabama, directing him to dismiss proceedings against the property of C. C. Clay.

Very respectfully, your obedient servant,

HENRY STANBERY,
Attorney General.

Hon. GEORGE BOUTWELL,
Chairman pro tem. Judiciary Committee, House of Representatives.

[Copy.]

ATTORNEY GENERAL'S OFFICE,
Washington, January 16, 1867.

SIR: You are hereby instructed to dismiss any proceedings that may be pending in your district for the confiscation of the property of Mr. Clement C. Clay, and to report your action to this office.

Very respectfully, yours,

(Signed) HENRY STANBERY,
Attorney General.

JAMES Q. SMITH, Esq.,
United States Attorney, Montgomery, Alabama.

ATTORNEY GENERAL'S OFFICE,
Washington, July 5, 1867.

SIR: In reply to your letter of the 2d instant, I have the honor to transmit herewith copies of the opinions given to the Secretary of War, in reference to abandoned lands, by the Attorney General, dated June 22, 1865, and September 14, 1865.

No other opinion has been given since on the same subject.

Very respectfully, yours,

HENRY STANBERY,
Attorney General.

Hon. J. F. WILSON,
Chairman Judiciary Committee, House of Representatives.

[Copy.]

ATTORNEY GENERAL'S OFFICE,
June 22, 1865.

SIR: I have received a communication from Major General Howard, Commissioner of Freedmen, Refugees, and Abandoned Lands, asking my opinion on a question touching his official duty under the fourth section of the statute of March 3, 1865.

This question should more regularly have been submitted to me through you. I have no authority, as you are aware, to give an official opinion on any question not referred to me by the President or the head of an executive department. Presuming, however, that you would have sent Major General Howard's letter to me if he had desired it, I treat the question as one regularly submitted, and beg leave now to state to you my views on the point presented.

The point is this: Whether it is the duty of the Commissioner, under the act of 1865, to take charge and control of all abandoned lands, or all tracts of land that have been abandoned, or to which the United States may have acquired title, by confiscation or sale or otherwise, within the insurrectionary States; or whether it is his duty to take charge and have control of only such portions of the said lands as he may, under the direction of the President, set apart for the use of loyal refugees and freedmen?

There are few statutes that are disfigured by loose and indefinite phraseology to a greater extent than the act of 1865 establishing this bureau; but close attention to the words of the more prominent provisions of the law will enable us, I think, to answer the question of the Commissioner without doing much violence to any part of the act. Where Congress, as in this case, has taken so little pains to express its intention, no man can, of course, be certain that any construction of the words employed reaches the true meaning of the legislature.

By the first section of the act there is established in the War Department a Bureau of Refugees, Freedmen, and Abandoned Lands. To this bureau, the section declares, there "shall be committed, as *hereinafter provided*, the supervision and management of abandoned lands, and the control of all subjects relating to refugees and freedmen from rebel States," &c. It will be observed, in the first place, that the *absolute* supervision and management of abandoned lands—the supervision and management of such lands, I mean, to all intents and for all purposes—are not committed to the bureau in this section, but simply the supervision and management of those lands to the extent and for the purposes afterwards provided in the act. It will be seen, in the second place, that the qualification intended, as it would seem, to be introduced by the words "as hereinafter provided," would appear, from the structure of the sentence, to attach only to the subject-matter of abandoned lands, and not to the subject-matter of freedmen and refugees. So that, while to the bureau is committed, by this first section, the control of *all* subjects relating to refugees and freedmen without any exception, qualification, or reservation, it would seem that it is entrusted with the supervision and management of abandoned lands only to the extent and in the manner provided in another part of the statute. Now, the fourth section of the act relates to the authority which the Commissioner may exercise and the duties he is to perform in regard to abandoned and other lands in the insurrectionary States. He has *authority*, under the direction of the President, to set apart, *for the* use of loyal refugees and freedmen, the lands in question; and he is *required* to assign to every male of that class of persons not more than forty acres of such land.

The first is the only authority, and the second is the only duty, so far as I am able to discover, that he has to exercise and perform in regard to the lands in question. So far as it may be necessary for him to exercise supervision and management of those lands, in order to the full execution of the authority and the due performance of the duty set forth in the fourth section of the act, is he required to supervise and manage them, and no farther, as I apprehend.

He has authority, under the act, to reduce into his control all the lands in question if they are needed for the use of the refugees and freedmen, or any portion of them that may be thus needed; but it is not his duty, under the statute, to assume the control of any of such lands that he does not desire to apply to the use mentioned in the statute, or to set apart for the benefit of the persons who are placed under his care.

It seems to me plain that Congress looks *primarily*, in this legislation, to the personal and social interests of loyal refugees and freedmen, and not to the care of the lands described in the fourth section of the act. It was intended that the lands should be made use of to conserve the interests of the refugees and freedmen; and that, so far as it might be necessary for the Commissioner, to supervise, manage, and control the lands, in order to execute the primary design of Congress, which was to provide, as I have said, for loyal refugees and freedmen, it was intended that he should exercise authority over them. In other words, his authority with regard to the lands is, in the contemplation of the statute, an incident of his power in regard to the persons mentioned in the act. This is the spirit, I believe, of the legislation; and so interpreting the act, I am of opinion that it is the duty of the Commissioner to take and have control of only such portions of the lands described in the statute as he may, in the exercise of the authority given to him by the act, and under the direction of the President, set apart for the use of loyal refugees and freedmen.

I am, sir, very respectfully, your obedient servant,

(Signed) JAMES SPEED,
Attorney General.

Hon. E. M. STANTON, *Secretary of War.*

[Copy.]

ATTORNEY GENERAL'S OFFICE,
September 14, 1865.

SIR: Through the Adjutant General, by letter of date the 28th of August, 1865, you inform me that Bishop Johns, of Virginia, married a widow owning an estate in Norfolk of more than twenty thousand dollars in value. It is real estate, and the title is in her. When the rebellion broke out they resided in Norfolk. Upon the capture of that place by the federal forces they fled, leaving the property in the hands of an agent. The property was taken by the United States military, and is yet occupied by the quartermaster's department.

Bishop Johns and his wife, after the surrender of the confederate forces, returned to Norfolk, took the oath of amnesty, and now demand the property.

Upon these facts the following questions were asked:

1st. Should this property be turned back to Mrs. Johns, or over to the Freedmen's Bureau?

2d. Does Mrs. Johns need the President's pardon?

3d. If so, and pardoned, is she then fully entitled to her property?

I. The facts above stated show that Bishop and Mrs. Johns are traitors. When the rebels, with a treasonable intent, took possession of, and asserted and exercised dominion in

Norfolk, they did not, as was their duty, fly from the place and seek the protection of the government; but when the government sent forces there to establish its authority, and to give protection and freedom to the loyal citizens, they fled with the rebels. Instead of rejoicing as good and loyal citizens of the old government, they turned their backs upon it, and gave the rebels and traitors all the aid in their power, which was sympathy, countenance, and confidence. Their conduct shows that the treasonable government of the confederacy had their allegiance, and as a compensation for that allegiance, they looked to it for protection. They are as guilty of treason as those who were able and did actually take up arms.

Being unpardoned traitors, of course the military need show no favors in surrendering the property. But if the military has no further use for the property, it is subject to be proceeded against for confiscation; and if no such proceeding is instituted, it will of course go into the possession of Bishop and Mrs. Johns.

In the act of Congress entitled "An act in addition to the several acts concerning commercial intercourse between loyal and insurrectionary States, and to provide for the collection of captured and abandoned property, and the prevention of frauds in States declared in insurrection," approved 2d of July, 1864, it is enacted "That all property, real or personal, described in the acts to which this is in addition, shall be regarded as abandoned where the lawful owners thereof shall voluntarily absent therefrom, and engaged either in arms or otherwise in aiding and encouraging the rebellion."

Property cannot be regarded as abandoned, according to the provisions of this act, unless the party is voluntarily absent therefrom, and engaged either in arms or otherwise in aiding or encouraging the rebellion. That the lawful owner *has been* voluntarily absent, and *has been* in rebellion, does not make it abandoned property. The lawful owner must, at the time the property is taken, be absent, and must at that time be actively engaged in the rebellion. Congress seems to have authorized the taking of the property of those persons who had abandoned their property and gone into the rebellion with the hope of being restored by the power of the rebellion. The property of such persons as should remain at their homes, or having once fled and given aid to the rebellion, shall have returned, (for it may be that they have abandoned the rebellion,) cannot be taken as abandoned.

As I understand the facts of this case, the property of Mrs. Johns never has been and is not now in possession of the government as abandoned property; it never has been in possession of the Treasury Department; it was taken by the military for its own uses and has been and is yet held by the military for its own uses. Not having been heretofore seized and held as abandoned property, it cannot now be seized and held as such, because Mrs. Johns is not now voluntarily absent, and is not now engaged either in arms or otherwise in aiding or encouraging the rebellion. Neither the letter nor the spirit of the act justifies seizures of property as abandoned, except when the lawful owner is engaged in actual hostility to the government, and is away from his property for that purpose.

By the fourth section of the act entitled "An act to establish a bureau for the relief of freedmen and refugees," approved 3d of March, 1865, it is enacted "That the Commissioner, under the direction of the President, shall have authority to set apart, for the use of loyal refugees and freedmen, such tracts of land within the insurrectionary States as shall have been abandoned."

When this act is read in connection with the act of 2d July, 1864, (a part of which has been before quoted, and being in *pari materia* they should be read together,) in my opinion the President is not endowed with the power to take possession of property as abandoned which is now in possession of the lawful owner, or when the lawful owner is not now in arms or otherwise aiding or encouraging the rebellion. The words "shall have been abandoned," as used in the act of the 3d of March, 1865, refer to such property as is described in the act of 2d July, 1864. The act of 3d March does not change the description or definition of abandoned property as given in the act of 2d July, 1864; it declares the uses to which abandoned property shall be applied.

II. From the facts stated, Mrs. Johns does need the pardon of the government. Without such pardon her property is liable to be seized, libelled, and confiscated, and sold by judicial process.

III. If pardoned unconditionally, she would be restored to all her rights of property; and if pardoned upon lawful conditions, then the conditions will show what rights of property are withheld.

It is also stated that a Mr. Chery, a resident of Portsmouth, went off with the rebels from there, but deserted them in the fall of 1862, and returned to Portsmouth. He is worth over twenty thousand dollars. It is asked whether he should be pardoned before his title to property is good? Until he is pardoned his property is liable to be confiscated.

I am, sir, your obedient servant,

(Signed) JAMES SPEED,
Attorney General.

Hon. E. M. STANTON, *Secretary of War.*

WASHINGTON, *Wednesday, July* 3, 1867.

JAMES R. HUBBELL sworn and examined.

By Mr. LAWRENCE:

Q. State if you had a conversation with the President of the United States in reference to the trial and punishment of Jefferson Davis; and if so, when, and what was said.

A. I had a conversation with the President on that subject, at the White House, in Washington, I think on the Saturday before the organization of the Thirty-ninth Congress, in 1865. I called on the President in company with Mr. Delano, of Ohio, and Mr. Lawrence, of Ohio. The conversation was general, and in the course of it the subject of the arrest, and imprisonment, and prospective trial of Davis was introduced, either by the President or one of the party. After the lapse of time, it is impossible for me to recollect the words used by the President. He said, in substance, that Davis and his coadjutors, in doing what they had done, in trying to establish the southern confederacy, and to take the southern States out of the Union, had taken appeal (I think was the expression used) to the arbitrament of the sword, and in that tribunal had been defeated; but he said that the decision in the tribunal of force amounted to nothing in settling the question whether Davis had been guilty of treason under the Constitution and laws. The decision simply amounted to this: that their forces were not as strong as the forces of the government; that they were overcome by the superior forces of the government in the tribunal of force. Then he went on to say that he thought Davis ought to be tried in a civil court—perhaps, he said, in the highest civil tribunal of the country—for treason, and that an opportunity should be given him to set up his defence, and then have the court decide the question whether, in doing what he had done, he had been guilty, under the Constitution and laws of the country, of the crime of treason; and that, on his trial, conviction, and sentence—if he should be sentenced to be executed for treason—the question whether he should be executed would be a question to be decided by the Executive, on application for clemency. When he made that remark, I think Mr. Lawrence spoke up and said, "hang him:" and then I put in a caveat, and said, "commute the sentence to banishment or imprisonment. I do not want anybody hung."

By Mr. WILLIAMS:

Q. What did the President say to that?

A. I do not think he made any reply either way. He said nothing from which it could be inferred that he intended to pardon him.

Q. Did he not say that the question of his trial was one thing, and the question whether the sentence should be carried into effect was another thing?

A. No. He said he wanted him tried before a civil tribunal where he should have an opportunity to make his defence; that if it should be held that he had been guilty of treason under the Constitution and laws, we would then have the authority of a civil tribunal defining what constituted treason, which would be worth something in the future, and that whether he would be executed or not would be a question for the Executive, on application for pardon. Mr. Lawrence spoke up and said: "hang him," and I replied, that I was not in favor of hanging anybody—"commute his sentence either to banishment or imprisonment." I guess the subject dropped then. The President did not decide the issue raised between Lawrence and myself. I was pleased with what the President said on the subject. I inferred from Mr. Lawrence's manner that he was not so well pleased.

Q. Did not Mr. Johnson say that the important question, the main question, was the question of law as to whether Davis's acts constituted treason?

A. I cannot say that he did.

Q. Was not that inferable from what he did say?

A. I think so. That is the impression I got—that the important thing in the mind of the President was to have an authoritative decision on the crime of treason.

Q. And not the execution of the criminal?

A. To have an authority on the subject of treason.

Q. But that was not to vindicate public justice by execution of the criminal?

A. I suppose he knew he had the authority, if Davis were tried, convicted, and sentenced, to pardon him the same as if he were convicted of any other crime besides treason.

DEPARTMENT OF STATE,
Washington, July 5, 1867.

SIR: I have the honor to acknowledge the receipt of your letter of the 3d instant, stating that you had been directed by the Committee on the Judiciary to request me to furnish that Committee with copies of all papers in this department going to show the manner in which President Johnson discharged the duties imposed upon him as military Governor of Tennessee. In reply, I have the honor to inform you that, having submitted your letter to the President, I have been instructed by him to cause search to be made with a view to a compliance with the request referred to. That search has been made accordingly, but has not resulted in the discovery of any papers on the subject on the records or files of this department.

I have the honor to be, sir, your obedient servant,

WILLIAM H. SEWARD.

Hon. JAMES F. WILSON,
Chairman Judiciary Committee, House of Representatives.

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

Hon. JAMES HARLAN sworn and examined.

By Mr. WILLIAMS:

Q. State what you know, if anything, in regard to the issue of agricultural college scrip under the act of 1862 to any of the States lately in rebellion against the government.

A. Some time during the summer of 1866 a gentleman appeared in the Interior Department representing himself to be the agent of the State of North Carolina, and made a demand for the agricultural college scrip to which that State was entitled. His request was submitted by me, as Secretary of the Interior, to the President, at a Cabinet meeting, and I received the directions of the President to cause the scrip to be issued to that State, and I gave the necessary directions to the Commissioner of the Land Office. I do not remember the actual issue of any scrip, or countersigning any scrip. It may have been countersigned by me as Secretary of the Interior before I left.

Q. Was the subject discussed in the Cabinet meeting to which you refer?

A. Yes, it was talked over as such questions were usually talked over; not in a formal way.

Q. Was there any question made, or any diversity of opinion expressed on the subject by members of the Cabinet, or did you yourself suggest any objections to the issue?

A. I think the question of the right of the State to the scrip at the time was talked over. It was, however, the settled policy of the President to permit each of these States to receive and enjoy all the rights and privileges of any other State in the Union, on the ground that they had been fully restored to the Union. There were members of the Cabinet who dissented from the theory; but with the concurrence of the majority and the President, it was acted upon as a settled question.

Q. State whether the scrip was issued as directed.

A. I do not remember issuing the scrip, or countersigning it, personally. But I remember giving the order to have it issued, and, I think, stating that the President directed it. The Commissioner of the Land Office may be able to state what took place, or the records of the office can show distinctly what was done. I suppose a copy of them can be obtained.

Q. Did that order have reference only to the State of North Carolina?

A. Only to the State of North Carolina.

Q. Was there any subsequent order in relation to other States?

A. None that I remember. The question of issuing scrip to the State of Arkansas was discussed; and my memory is that the department referred that question to the Attorney General, and he decided adversely to the right of Arkansas to receive it. I do not remember now any of the grounds for the opinion.

Q. A resolution passed by the present (the 40th) Congress, approved by the President the 30th of March last, recites that "the Land Office is now preparing to issue scrip in like manner to the States of Georgia, Virginia, and Mississippi;" do you recollect whether any order was issued for those States before you left the department?

A. None that I now remember; I think there was no such order while I was in the department.

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

Hon. J. M. EDMUNDS sworn and examined.

By Mr. WILLIAMS:

Q. State your connection with the Land Office under Mr. Johnson's administration; in what capacity did you act?

A. I was Commissioner of the General Land Office until the 1st September, 1866.

Q. State whether you have any knowledge of the issue of agricultural colledg scrip under the act of 1862 to the State of North Carolina, or any of the other States lately in rebellion?

A. Scrip was prepared, and I think issued, while I was connected with the office, to the State of North Carolina, under the direction of the department.

Q. Do you know of the preparation of any such scrip for any other rebel States?

A. No; I do not.

Q. When did you leave the office?

A. First September.

Q. That is, the first September, 1866?

A. Yes; I do not think it was in preparation; it may have been possibly; I don't recollect.

Q. Do you recollect of any orders in reference to any of the other States?

A. No; I do not.

WASHINGTON, D. C., *July* 11, 1867.

Hon. FRANCIS E. SPINNER sworn and examined.

By Mr. BOUTWELL:

Q. Have you, as Treasurer, received money from seized, abandoned, and confiscated property?

A. I have.

Q. To what amount?

A. As Treasurer, there has been covered into the treasury $12,573,673 39.

Q. Have you received any money from the same source in any other capacity than as Treasurer of the United States?

A. I have.

Q. To what amount?

A. $3,574,370 38. The whole amount would be $16,148,052 77.

Q. In what capacity do you hold the money which has not been covered into the Treasury?

A. As special agent.

Q. How constituted?

A. By appointment of the Secretary.

Q. Do you know whether that appointment is authorized by any specific law?

A. I do not. I want to explain, however, that the money was centred in special agents all through the United States, and the Secretary made up his mind that it had better be brought here; and he asked me whether I would take the custody of it as Treasurer, or special agent. I consented to do so; without any pay, of course.

Q. What reason has there been why this money has not been covered into the treasury, and held as part of the public money?

A. I know of no reason, except, perhaps, that there are claims against it, and that there are constant repayments. If it once got into the treasury, there is no way of getting it out except by warrant under act of Congress.

Q. To what amount have such repayments been made?

A. The repayments amount to $4,357,990 08. From it should be deducted $1,600,000, leaving the amount of $2,751,900 08 refunded to other persons. There has been paid for expenses—for attorneys' fees, travelling expenses, commissions, salaries of special agents, revenue steamers, &c.—the sum of $952,012 47. There is in my hands now, as special agent, $870,367 83.

Q. Does that amount of expenses cover all the expenses through special agents and in every way, or have there been other expenses?

A. I suspect it does not cover them all; I think that expenses were paid at other places until the whole matter was put into my hands.

Q. Do you make any examination yourself, or through any officers under your control, in regard to these claims?

A. None whatever.

Q. Under what authority or voucher do you pay them?

A. A requisition is issued by the Commissioner of Customs, and is countersigned by the Secretary of the Treasury, on which I issue a draft myself in his favor.

Q. Have you any knowledge of the practice in reference to the examination of claims?

A. None whatever.

Q. When was this fund first placed in your hands?

A. From the account I should judge there was a requisition on me as early as the 16th of August, 1865. But at that time there could have been very little money in my hands. It is only within a year or fifteen months that the matter has been collected and put into my hands.

Q. Have you any rule, or do you know of any rule, by which certain moneys are covered into the treasury, and other moneys left in your hands as special agent?

A. No; I do not think there is any rule. The Secretary of the Treasury directed me to cover in two millions at one time and six hundred thousand at another time.

Q. Are these moneys, then, first lodged in your hands as special agent, and afterwards covered into the treasury?

A. Yes.

Q. Do you know any reason why the whole amount is not covered in?

A. For the reason that I stated before. There may be claims against them, or there may be expenses on them to be paid. And when money once gets into the treasury, it can only be drawn out on a warrant pursuant to an appropriation bill.

By Mr. WOODBRIDGE:

Q. Do you know whether a portion of that money is for personal property seized and sold?

A. I suspect so. Here, for instance, is an item, "refunded to D. Barrow, release of 1,498 bales of cotton." The items are made up principally of such things. That is the character of most of the items.

By Mr. BOUTWELL:

Q. When a claim is paid, are the private expenses deducted from the amount which the government has received?

A. That I don't know. I act as an executive officer only. They send me a requisition stating what it is for, and I know nothing of the proceedings before that.

Q. Are there any other funds in your hands as special agent that are not covered into the treasury?

A. I have a transfer account with the officers of the treasury, and I have an account for paying members of Congress. I don't recollect any other agency that I have.

Q. These are moneys which have been in the treasury, and which are drawn out under appropriation bills for specific purposes?

A. Yes; I think I have had but three agency accounts. There was one for the manumission of slaves in the District, but that account has been closed. I only recollect two other accounts outside of the treasury. One is a necessary one for the various assistant treasurers to make transfers, and the other is for paying members of Congress.

Q. Can you give the amounts received of sales of confiscated property and on sales of abandoned property separately?

A. No, sir; it is a single account in my office.

By Mr. WILLIAMS:

Q. What is the date of the latest check on that fund?

A. July 3, 1867.

Q. Was that to reimburse the claims for proceeds of cotton sold?

A. The entry here is to credit W. F. Minor $6,000.

Q. Have the checks been frequent on that fund during the present year?

A. No, sir. There have been but twelve checks on it since January, 1867; and that number includes one of $600,000 covered into the treasury, leaving it eleven in the last six months.

By Mr. CHURCHILL:

Q. Does that account of yours contain money received from property sold not by any legal decision of a court, as well as property sold under such decisions?

A. I have no means of knowing, but I do not think that any of it is for property sold under the decrees of a court. I think it has been invariably where property has been seized under military authority, although I do not now the fact.

By Mr. ELDRIDGE:

Q. For what purpose are these moneys in your hands? Why are they not at once covered into the treasury?

A. For the reason that I stated before, that once into the treasury they cannot be touched, and I suppose because the cases are unsettled, and there may be a refunding; that is, it is not known whether it will go to the United States or not.

Q. The cases from which these moneys did arise are not settled cases?

A. I think none of them are.

Q. As soon as they are settled cases, and the amount of money which goes to the United States is ascertained, do you then cover it into the treasury?

A. Not separately. It has been covered in in gross amounts invariably—in round thousands or millions.

Q. Is it the intention to cover it in as fast as the accounts will show the balance in favor of the United States?

A. Yes, and to make it safe; I think that is the Secretary's intention.

Q. Have you had any instructions in reference to this matter from the President himself?

A. I have not.

Q Have you had any communication with him about it?

A. No, sir.

WASHINGTON, D. C., *July* 12, 1867.

NATHAN SARGENT sworn and examined.

By Mr. BOUTWELL:

Q. What is your office in the Treasury Department?

A. Commissioner of Customs, Treasury Department.

Q. Have you in your bureau had charge of claims on account of property sold, the proceeds of property that had been confiscated and sold as abandoned?

A. Yes, sir; the accounts are kept there.

Q. Are claims made by parties examined and allowed or rejected in your bureau?

A. They are examined there, and generally allowed either upon the testimony or upon the order of the Secretary. We pay sometimes upon the order of the Secretary.

By Mr. LAWRENCE:

Q. Claims for what?

A. Confiscated and abandoned property.

By Mr. BOUTWELL:

Q. Who has charge of the examination of these claims; what person has?

A. Mr. J. R. Fletcher, clerk in my office.

Q. When was this branch of the business brought into your office?

A. I cannot answer distinctly; I think in 1862 it was transferred there.

Q. Have you rules and regulations relating to the testimony necessary to sustain claims?

A. There are rules and regulations that were adopted in reference to this property by the Secretary, published from time to time.

Q. Can you furnish the Committee with copies of these rules?

A. I presume I can. I have had some difficulty in finding enough for our own use. I think I can find a copy. There have been different regulations issued from time to time, and published.

Q. In the examination and decision of questions arising from these claims, do you follow these rules implicitly in all cases?

A. We endeavor to do so.

Q. What cases are referred to the Secretary?

A. The Secretary sometimes directs money to be paid to certain individuals out of the captured and abandoned fund.

Q. In any cases where there has not been an examination of the claim in your office?

A. I believe there has been some cases of that sort where there has been no account stated—for some particular property, or something of that sort—where there has been no account rendered. The Secretary will order so much to be paid to such an individual, and upon that we make a requisition.

Q. Does your office contain any evidence of the nature of the claim on which this order is based?

A. I think not.

Q. Will you furnish the Committee with the names of claimants whose claims have been allowed by order of the Secretary?

A. I can do so.

Q. The names of the claims allowed?

A. Yes. Allow me to remark, that when this business came into my office it was an anomalous business entirely, under no existing laws, and was varied from time to time, as circumstances required, by the Secretary, under rules and regulations. Foreseeing that it involved large sums, I from time to time urged the clerk in charge of that business to be very particular, and keep his books always exact; that there might be a time when investigations would be made into this matter. And we have endeavored to do so; but we have had a good deal of difficulty in keeping the accounts.

Q. Is there any law authorizing these proceedings, within your knowledge—do you refer to any law?

A. I do not refer to any special law on the subject. Laws relating to it are quoted and printed with the regulations, and referred to—the laws upon which these regulations are based.

Q. By what officer of the government is the money paid upon the claims which are allowed at your office?

A. Requisitions are generally made upon General Spinner, with whom the money is deposited.

Q. Does any money come into your office, or to any officer under you?

A. None whatever.

Q. Are there claims now pending that have not been audited?

A. There are accounts that are being in process of auditing. I do not know that there are any claims pending. I do not recollect any particular claim. We are now engaged particularly upon the account of Mr. Barney, late collector of New York, who handled a great deal of money. They are very large accounts.

Q. Claim of commission for——

A. There was a great deal of money went into his hands, and paid out by him on orders from the Secretary. That account comes up now for us to settle, and we have to judge of the vouchers which he presents. We are now in the course of settlement of that account. Then will come, perhaps, the account of Mr. Draper, also a very large one—an account of cotton, &c.

Q. Are the claims you have audited and allowed principally for cotton?

A. Some of them. A large number of claims may be for cotton. We pass on a variety of matters.

Q. Can you furnish the Committee with statements of the accounts, and the aggregate amount of claims that have been examined and allowed by your office?

A. I can do so; but it will take a good deal of time to do so. It is pretty

large, and with the present force I do not know that I can do it for a great while. I can do it if you give me time.

Mr. BOUTWELL. I will give you what time you want.

By Mr. ELDRIDGE:

Q. You spoke of allowing claims, and auditing claims. Do you refer to claims that are made by individuals on account of property that has been converted into money and got into the hands of the Treasurer?

A. A good many of them.

Q. Are these such claims as you refer to?

A. I refer to them in part.

Q. What other class of claims do you refer to?

A. Claims for services rendered.

Q. As agents in collecting this property?

A. Yes; and a variety of ways.

Q. Some of these claims, to which you refer, are claims made by parties who insist that their property has been illegally and irregularly taken?

A. Many of them are that kind—most of them, perhaps. They claim that the property was not legally taken; that it belonged to them, or to somebody else; or something of that kind.

Q. And is that the reason why these moneys are not immediately covered into the treasury.

A. I imagine it is in order not only to pay the claims, but the expenses growing out of them. We should have no means of meeting the expenses if the money was covered into the treasury, because there is nothing to authorize us to draw it out. And there are many matters by which expenses are legally incurred that have to be paid and are paid by a draft requisition upon Mr. Spinner, who is the depositary of the money.

Q. Is this money covered into the treasury as fast as it is ascertained that the amount desired to be covered into the treasury is actually belonging to the United States?

A. I cannot say about that. I do not know that any has been covered into the treasury for some time. Whether it has or not I do not know. It may be, perhaps, without my knowledge.

Q. Is that particular business under the control of General Spinner?

A. It is under the control of the Secretary of the Treasury. Of course General Spinner is Treasurer.

Q. You spoke of moneys having been paid on the order of the Secretary of the Treasury?

A. Yes, sir.

Q. In those cases where he has ordered the moneys to be paid he has made the investigations himself?

A. I take it for granted that he has, or Mr. Kauffman has, who has been in charge of that business from the beginning, under the Secretary. The order comes from his room and bears his initials and address to the Secretary. And the Secretary endorses from those initials. There are two branches of this business—one in the Secretary's office and one in mine.

Q. Which is in the Secretary's office?

A. The Secretary has the management of it supreme; it is under Mr. Kauffman, who acts for the Secretary.

Q. What class of claims does Kauffman examine?

A. The whole.

Q. Those you examine as well as others?

A. We do not settle the accounts. But when these claims are brought up they are examined by him and his clerks.

By Mr. WILLIAMS:

Q. Do you recommend any allowance other than those for expenses for this branch of the business—I mean as officers of the government?

A. No, sir.

Q. Are not your duties other than those of an auditing officer for money paid out?

A. I am there a comptroller; I control those accounts as I control the customs accounts. But if there are matters of expenses and incidental things arising that do not come in exactly into the accounts they go to the Secretary, and upon his order I pay.

Q. But you do not pass upon any claims of parties who were owners of the property seized for the return of the money?

A. No. It does not come under the shape of accounts at all.

By Mr. ELDRIDGE:

Q. In the organization of this business have you had any directions from the President of the United States?

A. Never.

Q. He has given you no directions or orders in regard to that business?

A. None whatever.

By Mr. BOUTWELL:

Q. How do you have knowledge of the claims on account of cotton seized as abandoned; you spoke of claims on account of cotton; do these claims come to your office?

A. I do not settle these claims. All the accounts of the special agents are examined and settled at General Spinner's.

By Mr. LAWRENCE:

Q. What class of claims for services do you examine and adjust?

A. The cases of special agents who are sent out to gather up captured and abandoned property, and also those who, coastwise, were authorized to issue permits for trade, &c.

Q. Is the compensation for their services fixed or regulated by any law?

A. I think not; I do not know of any law.

Q. By what rule, then, do you fix the amount of compensation which they shall receive?

A. By the ruling of the Secretary's agreements with them. When first they were appointed payment was fixed.

Q. Is the compensation always the same?

A. I believe so. I do not know that there is any variation.

Q. This compensation, then, if I understand you, is paid out of the proceeds of the abandoned property sold, before the proceeds were paid into the treasury?

A. Yes, sir; it is out of that fund that all these expenses are paid.

Q. No appropriation has been made by Congress for the payment of that class of claims?

A. No, sir.

OFFICE TREASURER OF THE UNITED STATES,
Accountant's Division, Washington, July 16, 1867.

SIR: In reply to your favor of the 15th instant, I enclose a statement of all the moneys received and paid out by me on account of captured and abandoned property.

All payments are made on requisitions of the Commissioner of Customs, approved by the Secretary of the Treasury, and all papers relating to these payments are on file in the Secretary's office.

Very respectfully,

F. E. SPINNER,
Treasurer of the United States.

Hon. JAMES F. WILSON,
Chairman of Judiciary Committee, House of Representatives.

Captured and abandoned property in account with the Treasurer of the United States.

	DR.	
1867.		
July 10.	Total amount covered into the treasury as captured and abandoned property	$12,573,673 39
July 10.	Total amount received by me as special agent, $2,600,000, included in $12,573,673 39	6,174,379 38
		18,748,052 77
	CR.	
1865.		
Aug. 15.	N. Sargent's requisition, refunding to W. P. Kellogg, for intercourse fees erroneously collected	$10,000 00
Aug. 26.	N. Sargent's requisition, paying S. Mansfield & Co., druggists, for and on account of sales of drugs and medicines paid over to post quartermaster's department	22,602 86
Aug. 30.	N. Sargent's requisition, refunding fees, &c., erroneously collected by W. P. Kellogg	26,223 91
Sept. 6.	N Sargent's requisition, refunding fees, &c., erroneously collected by Jno. A. Hedrick	4,609 10
Dec. 28.	N. Sargent's requisition, refunded to Mrs. A. F. Elliott, on account of cotton erroneously seized	9,603 33
1866.		
Jan'y 2.	N. Sargent's requisition, refunding to Mrs. Emily Miller, on account of cotton erroneously seized	8,009 62
March 1.	N. Sargent's requisition, refunded to Mrs. L. F. Gibson, on account of her claim	36,954 42
March 7.	N. Sargent's requisition, refunded to W. P. Smith as his interest in certain cotton, known as the "Elgee cotton"	15,000 00
March 7.	N. Sargent's requisition, refunded by O. N. Cutler; fees improperly collected by him	10,120 12
March 23.	N. Sargent's requisition, refunding fees erroneously collected by W. P. Kellogg	9,501 78
April 2.	N. Sargent's requisition, refunded to J. C. Guild, for claim of J. Q. Huddleston	6,321 39
April 20.	N. Sargent's requisition, refunded to D. Barron, release of 189 bales of cotton	59,904 73
April 20.	N. Sargent's requisition, refunded to M. D. Shelby	26,293 26
April 26.	N. Sargent's requisition, favor of S. Draper, U. S. cotton agent, for the purpose of procuring sureties, &c., if necessary, in case of cotton replevied by firm of Dennistown & Co	500,000 00
May 14.	N. Sargent's requisition, refunded to Mrs. E. D. Batchelor	7,092 93
May 19.	N. Sargent's requisition, refunded to Mrs. M. T. Bonham	14,232 23
June 19.	N. Sargent's requisition, refunded to E. E. Lunsford, cotton improperly seized by W. P. Mellen	10,626 77
June 30.	N. Sargent's requisition, to be covered into the treasury by Hon. F. E. Spinner, account of captured and abandoned property	2,000,000 00
Sept. 10.	N. Sargent's requisition, restoring to T. H. Yeatman, attorney, 71 bales of cotton improperly seized	8,491 82
Sept. 19.	N. Sargent's requisition, refunding to W. Shaw proceeds of 123 bales cotton improperly seized	14,718 29
Nov. 15.	N. Sargent's requisition, erroneously collected from Dr. W. S. Millar and refunded	8,664 84
Nov. 22.	N. Sargent's requisition, erroneously collected from B. Josley and restored	40,000 00
Nov. 22.	N. Sargent's requisition, refunded to F. E. Spinner, Treasurer of the United States, to be credited to B. F. Flanders, it having been improperly covered into the treasury	800 11
Nov. 28.	N. Sargent's requisition, refunded to Dwight & Gill, 3,100 bales of cotton erroneously seized	69,099 80
Dec. 5.	N. Sargent's requisition, deposited by F. E. Spinner, Treasurer of the United States, to credit of T. C. A. Dexter	520,932 75
Dec. 6.	N. Sargent's requisition, refunded to Rev. R. Fuller, cotton seized from him	3,507 02
Dec. 10.	N. Sargent's requisition, refunded to B. Josley	31,533 56

Captured and abandoned property in account with the Treasurer of the United States--Continued.

	Cr.	
Dec. 12.	N. Sargent's requisition, deposited by F. E. Spinner, Treasurer of the United States, to credit of H. Barney, or quartermaster's department, refunded to A. E. Tracy & Co., cotton erroneously seized	2,016 49
Dec. 22.	N. Sargent's requisition, fees erroneously collected from H. Maker	2,361,36
Dec. 28.	N. Sargent's requisition, refunded to M. Malsch, cotton erroneously seized from him	7,239 40
1867.		
Jan. 7.	N. Sargent's requisition, returned to W. A. Scott, cotton seized	761 24
Jan. 9.	N. Sargent's requisition, returned to H. Warren, cotton seized	12,910 84
Jan. 9.	N. Sargent's requisition, returned to Temple Clark, cotton seized	9,214 84
April 19.	N. Sargent's requisition, deposited by Treasurer of the United States to credit of R. I. Howard, as a repayment	9,010 94
May 3.	N. Sargent's requisition, deposited by Treasurer of the United States to credit of W. D. Gallagher	13,609 74
July 3.	N. Sargent's requisition, deposited by Treasurer of the United States to credit of W. T. Minor	.....
1866.		
Feb. 24.	N. Sargent's requisition, Mrs. M. Moulton, expenses, &c	22,500 00
Feb. 24.	N. Sargent's requisition, deposited by Treasurer of the United States to credit of N. M. Moulton	67,500 00
1867.		
Jan. 14.	N. Sargent's requisition, deposited at New York to credit of W. T. Minor	28,218 51
Jan. 25.	N. Sargent's requisition, returned to A. H. Lazau as indemnity for cotton wrongfully seized	42,420 80
Feb. 19.	N. Sargent's requisition, deposited by Treasurer of the United States	600,000 00
July 3.	N. Sargent's requisition, deposited by Treasurer to credit of W. T. Minor	6,262 64
From Aug. 15, 1865, to July 10, 1867.	N. Sargent's requisitions in favor of sundry persons for services, &c., such as lawyer's fees, traveling expenses, commissions, salaries of special agents, amounts due agents in settlement of their accounts, provisions and expenses of revenue steamers, &c	952,012 47
July 10.	Balance in my hands as special agent, and subject to draft	870,367 83
July 10.	Amount in treasury covered by warrants	12,573,673 39
		18,742,052 77

NOTE.—Very nearly all these repayments are on account of cotton wrongfully seized, or intercourse fees erroneously collected.

TREASURY DEPARTMENT, *July* 20, 1867.

SIR: Enclosed I hand you a copy of a letter from F. E. Spinner, esq., Treasurer of the United States, explaining the item of $520,932 75, contained in the account rendered by him to the Committee, which I trust will be satisfactory.

I am, truly yours,

H. McCULLOCH.

Hon. JAMES F. WILSON,
Chairman Judiciary Committee, House of Representatives.

TREASURY OF THE UNITED STATES,
Washington, July 20, 1867.

DEAR SIR: In compliance with your verbal request, the special agency account has been examined, and it has been ascertained that the item of $520,932 75 was drawn on a requisition,

which reads "to be deposited in the name of F. C. A. Dexter, superintendent, special agent, on account of internal revenue tax on cotton, said amount having been improperly credited in his account of captured and abandoned property, and excluded therefrom on adjustment in this office."

This requisition bears date December 6, 1866. It is found, on examination of the books of this office, that on the day following this date the amount was charged in my agency account on account of "captured and abandoned property," and was credited in the general treasury account as received from Dexter on account of internal revenue tax on cotton, and that it was covered into the treasury by warrant No. 592, in the quarter commencing January 1, 1867.

Very respectfully, yours,

F. E. SPINNER,
Treasurer of the United States.

Hon. HUGH MCCULLOCH,
Secretary of the Treasury, Washington, D. C.

WASHINGTON, D. C., *Thursday, July* 18, 1867.

General ULYSSES S. GRANT sworn and examined.

By Mr. ELDRIDGE:

Q. At what time were you made general of the army by your present title?

A. In July, 1866.

Q. Did you after that time have interviews with the President in reference to the condition of affairs in the rebel States?

A. I have seen the President very frequently on the subject, and have heard him express his views very frequently; but I cannot call to mind any special interview. I have been called to Cabinet meetings a number of times.

Q. With reference to those matters?

A. Generally, when I was asked to be at a Cabinet meeting, it was because some question was up in which, as General of the army, I would be interested.

Q. Did you have any interviews with him on the subject of granting amnesty or pardon to the officers of the confederate army, or to the people of those States?

A. Not that I am aware of. I have occasionally recommended a person for amnesty. I do not recollect any special interview that I have had on the subject. I recollect speaking to him once or twice about the time that he issued his proclamation. I thought myself at that time that there was no reason why, because a person had risen to the rank of general, he should be excluded from amnesty any more than one who had failed to reach that rank. I thought his proclamation all right so far as it excluded graduates from West Point or from the Naval Academy, or persons connected with the government, who had gone into the rebellion; but I did not see any reason why a volunteer who happened to rise to the rank of general should be excluded any more than a colonel. I recollect speaking on that point. Neither did I see much reason for the twenty thousand dollar clause. These are the only two points that I remember to have spoken of at the time. I afterwards, however, told him that I thought he was much nearer right on the twenty thousand dollar clause than I was.

Q. Do you recollect, when you had that interview with him, when you expressed those opinions?

A. About the time of the proclamation.

Q. Did the President, previous to issuing that proclamation, ask your opinion on the various points of it?

A. I do not recollect. I know that I was present when it was read, before it was issued. I do not think that I was asked my views at all. I had the privilege, of course, being there, to express my views.

Q. Was not that the purpose of your attendance—to get your views on the subject?

A. I cannot say that it was. About that time I was frequently asked to be present at Cabinet meetings.

Q. Were there other subjects discussed before you at the meetings referred to?

A. Yes, sir. Whenever I was there all the subjects that were up that day were discussed.

Q. I speak of that time.

A. I imagine not. My recollection is that it was solely to hear the proclamation read; but I would not be positive as to that. It is my recollection.

Q. Did you give your opinion to the President that it would be better at that time to issue a proclamation of general amnesty?

A. No, sir; I never gave any such opinion as that. By general amnesty I mean universal amnesty.

Q. Did you give your opinion to the President that his proclamation interfered with the stipulations between yourself and General Lee?

A. No, sir. I frequently had to intercede for General Lee and other paroled officers, on the ground that their parole, so long as they obeyed the laws of the United States, protected them from arrest and trial. The President at that time occupied exactly the reverse grounds, viz: that they should be tried and punished. He wanted to know when the time would come that they should be punished. I told him, not so long as they obeyed the laws and complied with the stipulation. That was the ground that I took.

Q. Did you not also insist that that applied as well to the common soldiers?

A. Of course it applied to every one who took the parole; but that matter was not canvassed except in case of some of the leaders. I claimed that, in surrendering their armies and arms, they had done what they could not all of them have been compelled to do, as a portion of them could have escaped. But they surrendered in consideration of the fact that they were to be exempt from trial so long as they conformed to the obligations which they had taken; and they were entitled to that.

Q. You looked on that in the nature of a parole, and held that they could only be tried when they violated that parole?

A. Yes; that was the view I took of the question.

Q. That is your view still?

A. Yes, sir; unquestionably.

Q. Did you understand that to apply to General Lee?

A. Certainly.

Q. That was your understanding of the arrangement which you made with General Lee?

A. That was my understanding of an arrangement which I gave voluntarily. General Lee's army was the first to surrender, and I believed that with such terms all the rebel armies would surrender, and that we would thus avoid bushwhacking and a continuation of the war in a way that we could make very little progress with, having no organized armies to meet.

Q. You considered that the like terms were given by General Sherman to the armies which surrendered to him?

A. Yes, sir; to all the armies that surrendered after that.

Q. And you held that so long as they kept their parole of honor and obeyed the laws they were not subject to be tried by courts?

A. That was my opinion. I will state here that I am not quite certain whether I am being tried, or who is being tried, by the questions asked.

Mr. ELDRIDGE. I am not trying anybody; I am inquiring in reference to the President's proclamation, and as to the views he entertained.

Q. Did you give those views to the President?

A. I have stated those views to the President frequently, and, as I have said, he disagreed with me in those views. He insisted on it that the leaders must

be punished, and wanted to know when the time would come that those persons could be tried. I told him, when they violated their parole.

Q. Did you consider that that applied to Jefferson Davis?

A. No, sir; he did not take any parole.

Q. He did not surrender?

A. No, sir. It applied to no person who was captured—only to those who were paroled.

Q. Did the President insist that General Lee should be tried for treason?

A. He contended for it.

Q. And you claimed to him that the parole which General Lee had given would be violated in such trial?

A. I did. I insisted on it that General Lee would not have surrendered his army, and given up all their arms, if he had supposed that after surrender he was going to be tried for treason and hanged. I thought we got a very good equivalent for the lives of a few leaders in getting all their arms and getting themselves under control, bound by their oaths to obey the laws. That was the consideration which, I insisted upon, we had received.

Q. Did the President argue that question with you?

A. There was not much argument about it; it was merely assertion.

Q. After you had expressed your opinion upon it did he coincide with you?

A. No, sir; not then. He afterwards got to agreeing with me on that subject. I never claimed that the parole gave those prisoners any political rights whatever. I thought that that was a matter entirely with Congress, over which I had no control; that, simply, as general-in-chief commanding the army, I had a right to stipulate for the surrender on terms which protected their lives. That is all I claimed. The parole gave them protection and exemption from punishment for all offences not in violation of the rules of civilized warfare, so long as their parole was kept.

Q. Do you recollect at what time you had those conversations? Can you state any particular time, or up to any particular time, when they were finished?

A. The conversations were frequent after the inauguration of Mr. Johnson. I cannot give the time. He seemed to be anxious to get at the leaders to punish them. He would say that the leaders of the rebellion must be punished, and that treason must be made odious. He cared nothing for the men in the ranks—the common men. He would let them go, for they were led into it by the leaders.

Q. Was that said to you in conversation?

A. I have heard him say it a number of times. He said it to me, and he said it in my presence at the time that delegations were coming up to him from the South.

Q. What persons do you recollect as being present at those conversations—I mean what southern men?

A. I did not know them at all. I recollect that on one occasion he talked to a delegation from Richmond in that way. I do not know any of their names.

Q. Was that prior or subsequent to his proclamation?

A. It was subsequent, I think.

Q. Do you recollect at any time urging the President to go further in granting amnesty than he had gone in his proclamation?

A. Just as I said before, I could not see any reason why the fact of a volunteer rising to the rank of general should exclude him any more than any other grade. And with reference to the twenty thousand dollar clause, I thought that a man's success in this world was no reason for his being excluded from amnesty; but I recollect afterwards saying to the President that I thought he was right in that particular, and I was wrong. In reference to the other, I never changed my views. If he was going to give amnesty to a soldier at all, I did

not see why the fact of a man's having risen to the rank of general should be a reason for excluding him.

Q. Did you not advise the President that it was proper and right he should grant amnesty?

A. I do not think I said anything on that subject. I only looked at the proclamation as one which he was determined to issue, and as a thing susceptible to amendment or improvement.

Q. Did you not give your opinion at all that amnesty ought to be granted to those people to any extent?

A. I know that I was in favor of some proclamation of the sort, and perhaps I may have said so. It was necessary to do something to establish governments and civil law there. I wanted to see that done, but I do not think I ever pretended to dictate what ought to be done.

Q. Did you not advise?

A. I do not think I ever did. I have given my opinions, perhaps, as to what has been done, but I do not think I advised any course myself any more than that I was very anxious to see something done to restore civil governments in those States.

Q. Did you not give your opinion at all to the President as to what should be done?

A. I do not think I did. After matters were done, I was willing to express an opinion for or against particular clauses.

Q. I suppose the President called on you for advice on those questions?

A. I say I was in favor, and so expressed myself, of something being done to restore civil rule there immediately, as near as it could be done under the circumstances.

Q. Did you suggest anything?

A. No, sir.

By Mr. WOODBRIDGE:

Q. I understand your position to be this: that you did not assume to originate or inaugurate any policy; but that, when any question came up, and your opinion was asked as to what the President was going to do or had done, you gave an opinion?

A. That was it, exactly; and I presumed the whole Committee so understood me. I have always been attentive to my own duties, and tried not to interfere with other people's. I was always ready to originate matters pertaining to the army, but I never was willing to originate matters pertaining to the civil government of the United States. When I was asked my opinion about what had been done, I was willing to give it. I originated no plan and suggested no plan for civil government. I only gave my views on measures after they had been originated. I simply expressed an anxiety that something should be done to give some sort of control down there. There were no governments there when the war was over, and I wanted to see some governments established, and wanted to see it done quickly. I did not pretend to say how it should be done, or in what form.

By Mr. ELDRIDGE:

Q. I confined my questions entirely to war and peace. In expressing the opinion that something ought to be done and done quickly, did you make a suggestion of what ought to be done?

A. No, sir. I will state here that, before Mr. Lincoln's assassination, the question about issuing a proclamation of some sort, and establishing some sort of civil government there, was up; and what was done then was continued after Mr. Johnson came into office.

Q. Did you give your opinion on that after it was done?

A. I was present, I think, twice, during Mr. Lincoln's administration, when a proclamation which had been prepared was read. After his assassination it continued right along, and I was there with Mr. Johnson.

Q. Did you give President Johnson your opinion on the subject of the proclamation, which you say was up before Mr. Lincoln's death, and was continued afterwards?

A. I say I have given my opinion on particular passages of it.

Q. Tell us what conversations you had with President Johnson on the subject, so far as you can recollect it?

A. I have stated once or twice that, so far as I can recollect, I disagreed with two clauses of the proclamation. As to the plan of establishing provisional Governors there, that was a question which I knew nothing about, and which I do not recollect having expressed an opinion about. The only opinion I recollect having expressed on that subject at all was to the Secretary of War. I thought there would be some difficulty in getting people down there to accept offices, but I found afterwards they were ready enough to take them.

By the CHAIRMAN:

Q. If I understand you correctly, the only opinion that you expressed, and the only advice that you gave, were in reference to the military side of the question, and not in reference to the civil side?

A. Nothing further than that I was anxious that something should be done to restore some sort of government.

Q. But you gave no advice as to what should be done?

A. I gave no advice as to what should be done.

By Mr. ELDRIDGE:

Q. State the conversation that you had on that subject.

A. I have had repeated conversations with the President, but I cannot specify what those conversations were any more than I have already done.

Q. Did you recommend certain generals of the confederate army to the President for pardon who fell within the exemptions?

A. Yes, sir. I recommended General Longstreet, I think, a year and a half ago; and, although I cannot recollect the names of anybody else, I think I recommended several others.

Q. Do you recollect recommending J. G. French, a graduate of West Point?

A. Yes, sir.

Q. What part did he take in the rebellion?

A. He was a brigadier general.

Q. Was he a graduate of West Point?

A. He was; and a class-mate of mine.

Q. Do you recollect recommending the pardon of George H. Stuart?

A. Yes, sir.

Q. What part did he take in the confederate service?

A. He was a general, and commanded a brigade or division. He took no very conspicuous part.

Q. Was he a graduate of West Point?

A. I think so.

Q. He was not a class-mate of yours?

A. No, sir; he came long after me.

Q. Was there any special circumstance in his case which you considered?

A. Yes, sir. I did that at the instance of General Hunter, and as a special favor to him, and I did it because it affected an inheritance. Stuart's wife was a staunch, consistent Union woman throughout the war, notwithstanding her husband was in the rebel army. I think she never went South. She was as devoted to the Union cause as any woman whose husband was on our side.

There was considerable property in Maryland which had not been confiscated, which he inherits, and I thought that his wife and his children were entitled to that property. General Hunter thought so too. My recommendation was not out of any favor to General Stuart.

Q. Were those circumstances presented to the President as a reason for the pardon?

A. I do not know that they were, and I do not know that they were not. I think I merely signed a recommendation.

Q. Did that contain the statement you have given?

A. I do not recollect whether it did or not. I do not know that I stated the circumstances to the President.

Q. Do you recollect signing the recommendation of M. D. Ector, a rebel brigadier general?

A. No, sir. I do not recollect there being such a brigadier general in the rebel service.

Q. The report in the House is that he was pardoned on the recommendation of Lieutenant General Grant and John Hancock.

A. I do not recollect any such person as John Hancock, or the general named.

Q. Do you recollect ——— Lloyd J. Dean? (Beall?)

A. Yes, sir.

Q. Did you sign a recommendation, or make an application to the President for his pardon?

A. I do not think that the record will show that I recommended his pardon, but I am not sure as to that. I know that he sent his application through me, with the request that I should forward it to the President with some endorsement. My recollection is that I made an endorsement as to his general character, which was as high, up to the breaking out of the rebellion, as any man's could be.

Q. Were you acquainted with him previous to the breaking out of the rebellion?

A. Oh, yes, sir, for many years. I do not think that I recommended him, but still I may have done so. My recollection is that I simply endorsed his character on the application. The application was to the President, but sent through me.

Q. Do you recollect P. D. Roddy, said to be a rebel brigadier general?

A. Yes, sir. I do not recollect what my endorsement was in Roddy's case, but I know that if I had it to do over again I would recommend his pardon very quickly, and I presume I did so. If he is not pardoned yet, I would be very glad to sign a recommendation for him now.

Q. Do you recollect any other officers of the rebel army who were recommended to the President for pardon by you?

A. No, sir; I cannot mention any. You have already gone over a bigger list than I thought I recommended.

Q. Do you recollect the case of General Pickett?

A. I know that I was urged in that case over and over again, and I can send you from the office exactly what I did in the matter.

Q. Did you sign a recommendation in his case?

A. I do not think I did. I recollect receiving letter after letter from him, and letters were sent to me time and again on his behalf. He was specially uneasy lest he would be tried by a military commission on account of some men who were executed in North Carolina.

Q. Do you recollect talking to the President about him?

A. I do not recollect ever mentioning his name to the President. I will furnish whatever is in my office about him. I received one appeal after another, not only from Pickett himself and his relatives, but from officers in the army who knew him very well and favorably prior to the war.

Q. Do you know whether he has been pardoned yet?

A. I do not know.

Q. State what the circumstances of his case were, and whether you are in favor of his pardon.

A. I was not in favor of his pardon. I was not in favor, however, of his being tried by a military commission. I think that his great anxiety was to receive some assurance that he would not be taken up and imprisoned for offences alleged against him as commander in North Carolina. He wanted to be able to go to work and make a living. It is likely I may have recommended that he be given assurance that he would not be arrested and imprisoned. I do not think that I ever, under any circumstances, signed a recommendation for his pardon. You have no right to ask what my opinion is now.

Q. Was he an active rebel officer?

A. Yes, sir. He was charged with executing a number of North Carolina refugees who were captured with a garrison under General Wessels in North Carolina. Those men had gone there to evade the rebel conscription, or it may be had deserted from the rebel army, and they were tried as deserters, and quite a number of them executed. Pickett was commanding officer at that time, and there was a good deal said of his having approved the proceedings.

Q. Was this man French an active rebel officer?

A. He served in the field. I never heard much of him during the rebellion. He was not generally in the army against which I was personally engaged. He was at one time on the James river, when General McClellan was in command, and was afterwards in the West, but he never filled a conspicuous place.

Q. Did you ever advise the pardon of General Lee?

A. Yes, sir.

Q. Were you ever consulted on that question by the President?

A. General Lee forwarded his application for amnesty through me, and I forwarded it to the President, approved.

Q. Did you have any conversation about it with the President?

A. I do not recollect having had any conversation with him on the subject. I think it probable that I recommended verbally the pardon of General Johnston, immediately after the surrender of his army, on account of the address he delivered to his army. I thought it in such good tone and spirit that we should distinguish between him and others who did not appear so well. I recollect speaking of that, and saying that I should be glad if General Johnston received his pardon, on account of the manly manner in which he addressed his troops.

By the CHAIRMAN:

Q. You supposed his pardon would have a good effect?

A. Yes; I thought it would have a good effect. I am not sure whether I spoke on the subject to the Secretary of War or to the President.

By Mr. ELDRIDGE:

Q. Do you recollect having a conversation with the President at any time when General Hillyer was present?

A. I remember going with General Hillyer to see the President, but it was on the subject of an appointment which he wanted. I went to state to the President what I knew of General Hillyer. I do not recollect the conversation going beyond that range at all, though still it might have done so.

Q. You do not recollect any other meeting with the President when General Hillyer was present?

A. I do not know. I think I met him twice, perhaps, but it was on a subject in which General Hillyer himself was personally interested. Whether the President conversed on any other subjects at that time I do not recollect.

Q. Do you not recollect any conversation with the President, in the presence

of General Hillyer, on the subject of granting amnesty to the people of the South?

A. No, sir; I do not recollect any conversation on the subject of general amnesty, and I know that I never was in favor of general amnesty. I do not recollect any conversation at that time on the subject of amnesty at all. I have stated here that I never recommended general amnesty, and never was in favor of it, until the time shall come when it is safe to give it.

By Mr. WILLIAMS:

Q. When you say that you did not recommend general amnesty, you mean universal amnesty?

A. I do not recollect of ever having any conversation on the subject of universal amnesty. I know I could not have recommended such a thing, because I never was in favor of it, until the time shall come when it is safe.

Q. I merely put the question in reference to your use of the term "general," because it might be supposed from that that the amnesty in the proclamation was not a general amnesty?

A. I meant universal amnesty, of course.

Q. You state that you differed with the President as to two points in his proclamation, but that his views afterwards changed. State when the President's mind underwent a change.

A. It would be very hard, I reckon, to fix any period for it.

Q. Was it in the summer of 1865?

A. Yes, sir; along in the summer of 1865.

Q. How long after the North Carolina proclamation of the 29th of May?

A. It is impossible for me to say.

Q. Was it more than two or three months?

A. I should think not.

By Mr. WOODBRIDGE:

Q. What did you mean by saying that the President's views afterwards changed?

A. I meant to say that while I was contending for the rights which those rebel paroled soldiers had, he was insisting on it that they should be punished. My remark was confined to that particular subject.

By Mr. ELDRIDGE:

Q. Did you have any correspondence with the President in writing?

A. Any correspondence I ever had with the President is official, and can be furnished. I had to make frequent endorsements on the subject of the rights of those paroled prisoners. The only correspondence that I could have had on the subject of amnesty was where I recommended men for pardon, as in the case of French and others.

Q. Did you keep copies of them?

A. Yes, sir, and will furnish them.

Q. Do you recollect the proclamation that is called the "North Carolina proclamation?"

A. Yes, sir; that was the first one published giving a State government.

Q. Did you have any conversation with the President as to the terms or purport of that proclamation?

A. I was, as I say, present when it was read. It was in the direction that I wanted. I was anxious to see something done to give some sort of temporary government there. I did not want to see anarchy.

Q. Did you give any opinion in favor of that proposition?

A. I did not give any opinion against it. I was in favor of that or anything else which looked to civil government until Congress could meet and establish governments there. I did not want all chaos left there, and no form of civil

government whatever. I was not in favor of anything or opposed to anything particularly. I was simply in favor of having a government there; that was all I wanted. I did not pretend to give my judgment as to what it should be. I was perfectly willing to leave that to the civil department. I asked no person what I should do in my duties; I was willing to take all the responsibilities; and I did not want to give my views as to what the civil branch of the government should do.

Q. Some of those Governors were military officers and held rank in the army?

A. That was during the rebellion. Mr. Johnson was military Governor in Tennessee and General Hamilton in Texas. I do not recollect that there were any other military Governors; the others were provisional Governors. I did not care whether they were called provisional or military Governors. I looked upon them as equally provisional.

By Mr. THOMAS:

Q. You have stated your opinion as to the rights and privileges of General Lee and his soldiers; did you mean that to include any political rights?

A. I have explained that I did not.

Q. Was there any difference of opinion on that point between yourself and President Johnson at any time?

A. On that point there was no difference of opinion; but there was as to whether the parole gave them any privileges or rights.

By Mr. ELDRIDGE:

Q. He claiming that it did not, and you claiming that it did?

A. He claiming that the time must come when they could be tried and punished, and I claiming that that time could not come except by a violation of their parole. I claimed that I gave them no political privileges, but that I had a right, as military commander, to arrange terms of surrender which should protect the lives of those prisoners. I believe it is conceded by everybody that I had that right. I know that Mr. Lincoln conceded it at the time.

By Mr. BOUTWELL:

Q. How recently has the President expressed to you the opinion that General Lee, or others who had the benefit of the parole, ought to be tried and punished?

A. Not since about two years ago.

Q. Have you at any time heard the President make any remark in reference to admission of members of Congress from the rebel States into either house?

A. I cannot say positively what I have heard him say on that subject. I have heard him say as much, perhaps, in his published speeches last summer, as I ever heard him say at all upon that subject. I have heard him say—and I think I have heard him say it twice in his speeches—that if the North carried the elections by members enough to give them, with the southern members, a majority, why would they not be the Congress of the United States? I have heard him say that several times.

By Mr. WILLIAMS:

Q. When you say "the North," you mean the democratic party of the North, or, in other words, the party favoring his policy?

A. I mean if the North carried enough members in favor of the admission of the South. I did not hear him say that he would recognize them as the Congress. I merely heard him ask the question "why would they not be the Congress?"

By the CHAIRMAN:

Q. When did you hear him say that?

A. I heard him say that in one or two of his speeches. I do not recollect where.

By Mr. BOUTWELL:

Q. Have you heard him make a remark kindred to that elsewhere?

A. Yes; I have heard him say that, aside from his speeches, in conversation. I cannot say just when. It was probably about that same time.

Q. Have you heard him, at any time, make any remark or suggestion concerning the legality of Congress with the southern members excluded?

A. He alluded to that subject frequently on his tour to Chicago and back last summer. His speeches were generally reported with considerable accuracy. I cannot recollect what he said, except in general terms; but I read his speeches at the time, and they were reported with considerable accuracy.

Q. Did you hear him say anything in private on that subject, either during that trip or at any other time?

A. I do not recollect specially.

Q. Did you at any time hear him make any remark concerning the executive department of the government?

A. No. I never heard him allude to that.

Q. Did you ever hear him make any remark looking to any controversy between Congress and the Executive?

A. I think not.

By Mr. MARSHALL:

Q. I understand you to say that you were very anxious, at the close of the war, that civil governments should be established in some form as speedily as possible, and that you so advised the President?

A. I so stated frequently in his presence.

Q. But that you advised no particular form or mode of proceeding?

A. I did not.

Q. Were you present when this North Carolina proclamation was read in the Cabinet?

A. I would not be certain, but my recollection is that the first time I heard it read was in the presence only of the President, the Secretary of War, and myself.

Q. Did you give your assent to that plan?

A. I did not dissent from it. That is just in accordance with what I have stated. It was a civil matter, and, although I was anxious to have something done, I did not intend to dictate any plan. I do not think I said anything about it, or expressed any opinion about it at that time. I looked upon it simply as a temporary measure, to establish a sort of government, until Congress should meet and settle the whole question, and that it did not make much difference how it was done, so there was a form of government there.

Q. Were you present at that time by invitation of the President or the Secretary of War?

A. I must have been.

Q. Were you not invited for the purpose of getting your views as to whether it was a judicious plan to be adopted for the time?

A. I suppose I was free to express my views. I suppose the object was, perhaps, that I might express my views if I could suggest any change.

Q. Were you at the time asked your views in reference to it?

A. I do not think I was. I think it was merely read over.

Q. You think you neither assented nor dissented?

A. I know that if I had been asked the question I would have assented to that or almost anything else that would have given stable government there.

Q. In reference to the amnesty proclamation, I wish to know whether you ever gave your opinion to the President as to whether it was too liberal or not liberal enough in its clauses?

A. I think I have answered that question pretty fully. When the proclama-

tion was published, I told the President that there were two points on which I disagreed with him—that is, as to excluding volunteer generals, and as to the $20,000 clause. I do not say anything as to whether the rest of it was too liberal or too stringent. I can state what I thought about it, but not what I said about it.

Q. I wish to know whether, at or about the time of the war being ended, you advised the President that it was, in your judgment, best to extend a liberal policy towards the people of the South, and to restore as speedily as possible the fraternal relations which existed prior to the war between the two sections?

A. I know that immediately after the close of the rebellion there was a very fine feeling manifested in the South, and I thought we ought to take advantage of it as soon as possible; but since that there has been an evident change there. I may have expressed my views to the President.

Q. What is your recollection in reference to that?

A. I may have done so, and it is probable that I did; I do not recollect particularly. I know that I conversed with the President very frequently. I do not suppose that there were any persons engaged in that consultation who thought of what was being done at that time as being lasting—any longer than until Congress would meet and either ratify that or establish some other form of government. I know it never crossed my mind that what was being done was anything more than temporary.

By Mr. CHURCHILL:

Q. You understood that to be the view of the President?

A. I understood that to be the view of the President and of everybody else. I did not know of any difference of opinion on that subject.

Q. Did you understand that to be his view as other proclamations appeared from time to time?

A. I cannot say as to that. It would seem that he was very anxious to have Congress ratify his own views.

By Mr. WOODBRIDGE:

Q. I understood you to say that Mr. Lincoln, prior to his assassination, had inaugurated a policy intended to restore those governments?

A. Yes, sir.

Q. You were present when the subject was before the Cabinet?

A. I was present, I think, twice before the assassination of Mr. Lincoln, when a plan was read.

Q. I want to know whether the plan adopted by Mr. Johnson was substantially the plan which had been inaugurated by Mr. Lincoln as the basis for his future action?

A. Yes, sir, substantially. I do not know but that it was verbatim the same.

Q. I suppose the very paper of Mr. Lincoln was the one acted on?

A. I should think so. I think that the very paper which I heard read twice while Mr. Lincoln was President, was the one which was carried right through.

By Mr. CHURCHILL:

Q. What paper was that?

A. The North Carolina proclamation.

By Mr. BOUTWELL:

Q. You understood that Mr. Lincoln's plan was temporary, to be either confirmed or a new government set up by Congress?

A. Yes; and I understood Mr. Johnson's to be so too.

By Mr. WILLIAMS:

Q. Was there anything said on that subject, or was that your inference?

A. That was my inference.

Q. You never heard the President say the plan was to be temporary?

A. No; but I was satisfied that everybody looked on it as simply temporary until Congress met.

Q. You stated that the North Carolina proclamation was a continuation of the project submitted by Mr. Lincoln. I wish to inquire of you whether you ever compared them to ascertain whether they were the same or not?

A. No, sir; I never compared them. I took them to be the very same papers. The papers were substantially the same, if not the very same.

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

General ULYSSES S. GRANT recalled and examined.

By Mr. BOUTWELL:

Q. Do you recollect having an interview with the President in company with General Hillyer, on the return of General Hillyer from the South?

A. Since my attention was called to it I do. I did not remember it when I gave my testimony the last day here.

Q. What is your recollection of what transpired and was said at that interview?

A. My recollection is that General Hillyer called to explain to the President what he had seen in the South, and what he had heard of the views and opinions of the people there; and that what he had seen was an acquiescence on the part of the southern people, and favorable to peace, harmony, and good will. That was said in general terms, but the language I do not remember.

Q. Do you recollect whether, at that interview, there was any expression by the President as to any political policy?

A. No, sir, I do not; I remember General Hillyer said something of having been invited to make a speech in New York, or some place, I do not remember where, and that he should do so, and send me a copy of his speech. I am very sure that he mentioned that in the presence of the President. What he said in that speech I do not remember now, but I presume the speech could be procured. I remember that General Hillyer gave the substance of what leading men said to him in the South. He particularly mentioned Judge Hale, of Alabama. He said that Judge Hale very candidly said that when they went into the rebellion they took their lives, property, &c., in their hands, and that when they were defeated, they should accept such conditions as the government chose to give; and that they claim now that what they did they did in good faith, and would not take it back again. Judge Hale claimed no right whatever after the failure of the rebellion, except such as was granted to them. That was the point he made. The conversation was made up considerably of instances of that sort. I recollect his mentioning meeting a special party in Mobile, and what occurred there.

RICHMOND, VIRGINIA, *June* 13, 1865.

LEE, GENERAL R. E.—For benefits, and full restoration of all rights and privileges extended to those included in amnesty proclamation of the President of 29th May, 1865.

HEADQUARTERS ARMY OF THE UNITED STATES,
16th June, 1865.

Respectfully forwarded through the Secretary of War to the President, with earnest recommendation that the application of General Robert E. Lee for amnesty and pardon may be granted him.

The oath of allegiance, required by recent order of the President to accompany application, does not accompany this, for the reason, as I am informed by General Ord, the order requiring it had not reached Richmond when this was forwarded.

U. S. GRANT, *Lieutenant General.*

HEADQUARTERS ARMY UNITED STATES, *18th July*, 1867.

Official copy:

GEORGE K. LEET,
Assistant Adjutant General.

RICHMOND, VIRGINIA, *June* 13, 1865.

LEE, GENERAL ROBERT E.—Understanding that he and other officers are to be indicted by grand jury at Norfolk, Virginia, states his readiness to be brought to trial, but had supposed the terms of his surrender protected him; therefore prays, &c.

HEADQUARTERS ARMIES OF THE UNITED STATES,
18th June, 1865.

In my opinion, the officers and men paroled at Appomattox Court House, and since, upon the same terms given to Lee, cannot be tried for treason so long as they observe the terms of their parole. This is my understanding. Good faith as well as true policy dictates that we should observe the conditions of that convention. Bad faith on the part of the government, or a construction of that convention subjecting officers to trial for treason, would produce a feeling of insecurity in the minds of all the paroled officers and men. If so disposed they might even regard such an infraction of terms by the government as an entire release from all obligations on their part.

I will state, further, that the terms granted by me met with the hearty approval of the President at the time, and of the people generally.

The action of Judge Underwood in Norfolk has had an injurious effect, and I would ask that he be ordered to quash all indictments found against paroled prisoners of war, and to desist from further prosecution of them.

U. S. GRANT, *Lieutenant General.*

HEADQUARTERS ARMIES UNITED STATES, *18th July*, 1867.

Official copy:

GEORGE K. LEET,
Assistant Adjutant General.

(Cipher.)

HEADQUARTERS ARMIES OF THE UNITED STATES,
WASHINGTON, *May* 6, 1865, 1 p. m.

MAJOR GENERAL HALLECK, *Richmond, Virginia:*

Since receipt of your despatch of 3d, I think it will be advisable to leave Hunter alone for the present.

Although it would meet with opposition in the North to allow Lee the benefit of amnesty, I think it would have the best possible effect towards restoring good feeling and peace in the South to have him come in. All the people except a few political leaders in the South will accept whatever he does as right, and will be guided to a great extent by his example.

U. S. GRANT, *Lieutenant General.*

HEADQUARTERS ARMIES UNITED STATES, *July* 18, 1867.

Official copy:

GEORGE K. LEET,
Assistant Adjutant General.

WASHINGTON, D. C., *March* 12, 1866.

PICKETT, GENERAL GEORGE E.—Presents history of his case, refers to surrender and agreement of April 9, 1865, and asks for protection from prosecution for treason.

HEADQUARTERS ARMIES UNITED STATES,
March 16, 1866.

Respectfully forwarded to his excellency the President of the United States, with the recommendation that clemency be extended in this case, or assurance given that no trial will take place for the offence charged against George E. Pickett.

During the rebellion belligerent rights were acknowledged to the enemies of our country, and it is clear to me that the parole given by the armies, laying down their arms, protects them against punishment for acts lawful to any other belligerent. In this case, I know it is claimed that the men tried and convicted for crime of desertion were Union men from North Carolina who had found refuge within our lines and in our service. The punishment was a hard one, but it was in time of war, and upon the enemy; they no doubt felt it necessary to retain by some power the service of every man within their reach.

General Pickett I know, personally, to be an honorable man, but in this case his judgment prompted him to do what cannot well be sustained, though I do not see how good, either to the friends of the deceased, or by fixing an example for the future, can be secured by his trial now. It would only open up the question whether or not the government did not disregard its contract entered into to secure the surrender of an armed enemy.

U. S. GRANT, *Lieutenant General.*

HEADQUARTERS ARMY UNITED STATES, *19th July*, 1867.

Official copy:

GEORGE K. LEET,
Assistant Adjutant General.

ST. LOUIS, MISSOURI, *March* 26, 1866.

BEALL, W. H. R.—Application for pardon.

HEADQUARTERS ARMIES UNITED STATES,
2d April, 1866.

Respectfully submitted to his excellency the President, through the honorable Secretary of War, and recommended.

U. S. GRANT, *Lieutenant General.*

HEADQUARTERS ARMY UNITED STATES,
19th July, 1867.

Official copy:

GEORGE K. LEET,
Assistant Adjutant General.

WASHINGTON, D. C., *Thursday, July* 18, 1867.

General ULYSSES S. GRANT recalled and examined.

By Mr. THOMAS:

Q. Did the President propose, at any time, to use the military power for the adjustment of the controversy in Baltimore between the police commissioners appointed by Governor Swann and those who claimed authority independent of Governor Swann?

A. I understood that he wanted to use it, and I called his attention to the law on the subject, which changed his views and determination evidently. I called his attention to the only circumstances in which the military forces of the United States can be called out to interfere in State matters. It was his intention to send troops there to enable Governor Swann, as he termed it, to enforce his decision in the case of those police commissioners.

Q. Did the President, on account of your opinion, change that purpose?

A. I made a communication to him on the subject, which led to the Attorney General giving an opinion as to the power to use the military forces of the United States to interfere in State affairs; and that led to a change of what was intended to be done. After this whole question was settled as to sending the military there, there were six companies of new troops organized in New York harbor, which belonged to regiments south of here, and I ordered them to their regiments, and to stop at Fort McHenry on their way down, in order to keep them there until after the election, with a view to have a force there in case there was a bloody riot.

Q. Do I understand you to say that the President changed his purpose in that respect before the difficulty had been adjusted in Baltimore?

A. Yes, sir.

Q. That was in accord with your opinion, endorsed by the Attorney General?
A. Yes, sir.

By Mr. WILLIAMS:

Q. Have you a copy of the letter addressed by you to the President?
A. I have a copy of everything official except conversation.
(Witness was directed to furnish the official documents on the subject.)

By Mr. THOMAS:

Q. Did the President signify his wish concerning the army in writing or verbally?
A. Verbally and in writing.
Q. Were you sent for formally?
A. Yes, sir. I was sent for several times—twice, I think, while Governor Swann was there in consultation with the President. Finding that the President wanted to send the military to Baltimore, I objected to it.
Q. Are you distinct in your recollection as to when the President acquiesced in your views?
A. It was prior to the election, two or three days. When the matter was left entirely with me, I ordered those troops down to join their regiments, and to halt at Fort McHenry until after the election.
Q. Was it before or after the arrest of the commissioners appointed by Governor Swann, that the President withdrew his request to you to use the army in that controversy?
A. I cannot state precisely as to that. It was before I ordered the troops from New York. What took place was in conversation, until I found that there was rather a determination to send troops there, and then I communicated officially to the Secretary of War my objection to using troops in that way. That called out the opinion of the Attorney General, and it was then that what I proposed was acquiesced in. I thought this was in writing, but do not find the paper.

By Mr. MARSHALL:

Q. The President seemed to think he had a right to send the army under the circumstances?
A. Yes, sir; he seemed to think so.
Q. After you sent your written communication, giving your views in reference to it, the President then left the subject entirely in your hands?
A. Yes, sir; he left it entirely in my hands. I think that is in writing.
(Witness was directed to furnish a copy of the communication.)

By Mr. ELDRIDGE:

Q. That was a formal withdrawal of his first opinion?
A. Yes, sir. I think I was sent a copy of the Attorney General's opinion as a sort of order in the matter, virtually leaving it to me.
Q. After that time you did have the management of it?
A. Yes, sir. I sent General Canby to Baltimore, and went there twice myself, and had troops stop there on their way to the South.
Q. It was entirely within your control?
A. Yes, sir.

By the CHAIRMAN:

Q. They were solely for the purpose of being used in the case of a riot?
A. Solely for that purpose.

By Mr. MARSHALL:

Q. Merely as a police force?
A. Yes, sir.
I desire to make the following explanation of my evidence: On examination

of the record I find there is more matter, in writing, from the President than, from memory, I thought there was. Also, that I have either misplaced or never wrote objections which I made verbally to what was asked of the President by Governor Swann, of Maryland, in the way of services of United States troops, and which the President seemed desirous of giving. Governor Swann visited the President, to my knowledge, (how often I do not know,) before the trial of the Baltimore police commissioners, to get the promise of military aid in case he should remove them. During the trial, and before the promulgation of his findings, he also visited the President for the same purpose. At least once before the trial, and once during the progress of the trial of the police commissioners, I was sent for to meet Governor Swann at the Executive mansion. Much was said by me on those occasions, but, as before stated, I have confused, in my evidence, what was verbal with what was written.

DEPARTMENT OF WASHINGTON,
Washington, D. C., October 23, 1866.

SIR: I have the honor to report that I have visited Baltimore for the purpose indicated in your verbal instructions of Saturday, the 20th instant. The controversy now pending grows out of a provision in the present State constitution which disfranchises persons who gave aid to, or sympathized with, the late rebellion.

Effect was given to this provision by very stringent laws, but it is alleged that during the past year attempts have been made to evade these laws by including in the registry of voters persons who are not under the constitution entitled to vote. This, on the ground that the oath required is illegal and void, and not binding in conscience or in law.

The correction of the registry is required by law to be completed on the 31st of October of each year. For this reason, and under an opinion of the Attorney General of the United States, the registry of 1865 controlled at the late municipal election, and the issue now presented was not so prominently exhibited.

About 14,000 names have been added in the registry of 1866 for the city of Baltimore, and about 10,000 in the remaining parts of the State, or about 28,000 in the entire State. Of this increase forty or fifty per cent. is due, it is alleged, to the registration of persons who, under the constitution and laws of the State, are not entitled to vote. It is contended by the one party that the simple registration is conclusive as to the right to vote, and by the other that it is only a *prima facie* evidence of that right; that it is subject to challenge and upon proof of disqualification to register.

The new registry becomes effective after the 31st instant, and will, of course, control at the coming State election; and the present contest, divested of all side issues, is for the power to admit to vote, or to exclude from voting, persons who are, or who are alleged to be, disqualified by the State constitution.

I know nothing of the charges against the police commissioners beyond what is stated in the public prints, and these relate mainly to duties that are committed by the constitution and by law to the judges of the elections. As these officers are amenable under the law to heavy penalties, and can easily be reached by ordinary legal proceedings, the present attempt appears to be an effort to secure political power by indirect means, and through that power to admit persons to vote who are disqualified by the State constitution, and must remain disqualified until that constitution is changed. It is so regarded by a large part of the population of Baltimore, who look upon it as an attempt to subvert the constitution of the State by indirect means, and are prepared to resist it.

The city was quiet, but the feeling upon this point is deep and intense. I had no means of ascertaining the extent of any organizations for this purpose, but I have no doubt that they exist, as I was informed by the police commissioners that they had been offered support in the city, but had declined it because they relied upon their innocence of the charges against them, and believe that the Governor would be convinced of this as soon as he ascertained their true character.

Very respectfully, your obedient servant,

(Signed) E. R. S. CANBY,
Brevet Major General Commanding.

General U. S. GRANT,
Commanding United States Army, Washington, D. C.

HEADQUARTERS ARMIES UNITED STATES,
July 19, 1867.

Official copy:

GEO. K. LEET,
Assistant Adjutant General.

WASHINGTON, D. C., *October* 24, 1866.

SIR: I have the honor to enclose to you the within report from General Canby, commander of this military department, upon the threatened violence in the city of Baltimore previous to the approaching elections. Upon receiving your verbal instructions of the 20th instant, to look into the nature of the threatened difficulties in Baltimore, and to ascertain what course should be pursued to prevent it, I gave General Canby, whose department embraces the State of Maryland, instructions, also verbal, to proceed to Baltimore in person to ascertain as nearly as he could the cause which threatened to lead to riot and bloodshed. The report submitted is given in pursuance of these instructions.

Since the rendition of General Canby's report I had a long conversation with him and also with Governor Swann, of the State of Maryland. It is the opinion of General Canby, and the statement of Governor Swann, that no danger of riot need be apprehended unless the latter should find it necessary to remove the present police commissioners of Baltimore from office and to appoint their successors. No action in this direction has been taken yet, nor will there be until Friday next, when the trial of the commissioners, before the Governor, is set to take place. I cannot see the possible necessity for calling in the aid of the military in advance of even the cause (the removal of said commissioners) which is to induce riot.

The conviction is forced on my mind that no reason now exists for giving or promising the military aid of the government to support the laws of Maryland. The tendency of giving such aid or promise would be to produce the very result intended to be averted. So far there seems to be merely a very bitter contest for political ascendancy in the State. Military interference would be interpreted as giving aid to one of the factions, no matter how pure the intentions or how guarded and just the instructions. It is a contingency I hope never to see arise in this country, while I occupy the position of general-in-chief of the army, to have to send troops into a State *in full relations with the general government*, on the eve of an election, to preserve the peace. If insurrection does come, the law provides the method of calling out forces to suppress it. No such condition seems to exist now.

Very respectfully, your obedient servant,

(Signed) U. S. GRANT, *General.*

His Excellency ANDREW JOHNSON,
President of the United States.

HEADQUARTERS ARMIES OF THE UNITED STATES,
July 19, 1867.

Official copy:

GEO. K. LEET,
Assistant Adjutant General.

EXECUTIVE MANSION,
Washington, D. C., October 25, 1866.

SIR: From recent developments, serious troubles are apprehended from a conflict of authority between the executive of the State of Maryland and the police commissioners of the city of Baltimore. Armed organizations, it is alleged, have been made that, should a collision occur, armed bodies from other States would enter Maryland, with the view of controlling its people in the settlement of questions exclusively local in character. The Governor of Maryland has, therefore, deemed it expedient and proper to issue a proclamation, bearing date the 22d instant, warning all persons against such unlawful and revolutionary combinations.

In the event of serious insurrectionary disorders, the government of the United States might be called upon to aid in their suppression; and I, therefore, request that you will inform me of the number of federal troops at present stationed in the city of Baltimore or vicinity that would be available for prompt use, should their services be required, to protect the State from invasion and domestic violence, and to sustain the properly constituted authorities of Maryland.

Very respectfully, yours,

(Signed) ANDREW JOHNSON.

General U. S. GRANT,
United States Army.

HEADQUARTERS ARMIES OF THE UNITED STATES,
July 18, 1867.

Official copy:

GEO. K. LEET,
Major and Assistant Adjutant General.

[Endorsement.]

Respectfully returned. When the President mentioned to me one week ago his apprehensions of difficulties in the city of Baltimore at or previous to the election, I caused an investigation to be made into the origin of the troubles, with the view of recommending such action as I might think should be taken by the military branch of the government.

The direction, if what was said in conversation might be regarded as direction, coming directly from the President, my report on the subject was made directly to him, without sending a copy to the War Department. For the information of the Secretary of War, I therefore now attach a copy of that report.

A return of all the troops in this military department shows the aggregate to be 2,224, of which "for duty" 1,550, every one of whom may, in view of facilities by rail and steamers, be regarded as in the vicinity of Baltimore, and full two-thirds of them would be available for prompt use, should their services be required to protect the State from invasion and domestic violence.

(Signed) U. S. GRANT, *General.*

OCTOBER 27, 1866.

HEADQUARTERS ARMIES OF THE UNITED STATES,
July 18, 1867.

Official copy:

GEO. K. LEET,
Assistant Adjutant General.

EXECUTIVE MANSION,
Washington, D. C., November 1, 1866.

SIR: In the report of General Grant of the 27th ultimo, enclosed in your communication of that date, reference is made to the force at present stationed in the military department of Washington, (which embraces the Dirtrict of Columbia, the counties of Alexandria and Fairfax, Virginia, and the States of Maryland and Delaware;) and it is stated that the entire number of troops comprised in the command is 2,224, of which only 1,550 are enumerated as "effective." In view of the prevalence, in various portions of the country, of a revolutionary and turbulent disposition, which might at any moment assume insurrectionary proportions and lead to serious disorders, and of the duty of the government to be at all times prepared to act with decision and effect, this force is not deemed adequate for the protection and security of the seat of government. I therefore request that you will at once take such measures as will insure its safety, and thus discourage any attempt for its possession by insurgent or other illegal combinations.

Very respectfully, yours,

(Signed) ANDREW JOHNSON.

To the honorable EDWIN M. STANTON,
Secretary of War.

HEADQUARTERS ARMIES OF THE UNITED STATES,
July 18, 1867.

Official copy:

GEO. K. LEET,
Assistant Adjutant General.

Referred to General Grant, with directions to take such measures as, in his judgment, are proper and within his power to carry into execution the within directions of the President.

(Signed) EDWIN M. STANTON.

HEADQUARTERS ARMIES OF THE UNITED STATES,
Washington, D. C., November 2, 1866.

GENERAL: General Grant desires me to say that there is in Baltimore very high political feeling, which may possibly result in collision and bloodshed. It is reported that organizations of ex-soldiers, called "Boys in Blue," exist there, and threats have been made that similar organizations from Pennsylvania would pour into Baltimore if there should be in that city a serious collision between the two political parties.

Such an invasion would inevitably cause serious bloodshed, and might lead to the most deplorable consequences. The General desires that you obtain all the information you can in reference to such movements if any should be contemplated, and use your influence in

the way you deem most efficient to prevent such organizations from entering Maryland from Pennsylvania, and report at once by telegraph for orders as to the use of troops in case such an attempt should be made.

Very respectfully, your obedient servant,

C. B. COMSTOCK.

General G. G. MEADE,
Commanding Department of the East.

HEADQUARTERS ARMIES OF THE UNITED STATES,
July 18, 1867.

Official copy:

GEO. K. LEET,
Major and Assistant Adjutant General.

EXECUTIVE MANSION,
Washington, D. C., November 2, 1866.

SIR: There is ground to apprehend danger of an insurrection in Baltimore against the constituted authorities of the State of Maryland on or about the day of the election soon to be held in that city, and that in such contingency the aid of the United States might be invoked under the acts of Congress which pertain to that subject. Whilst I am averse to any military demonstration that would have a tendency to interfere with the free exercise of the elective franchise in Baltimore, or be construed into any interference in local questions, I feel great solicitude that, should an insurrection take place, the government should be prepared to meet and promptly put it down. I accordingly desire you to call General Grant's attention to the subject, leaving to his own discretion and judgment the measures of preparation and precaution that should be adopted.

Very respectfully yours,

ANDREW JOHNSON.

Hon. EDWIN M. STANTON,
Secretary of War.

HEADQUARTERS ARMIES UNITED STATES,
July 18, 1867.

Official copy:

GEO. K. LEET,
Assistant Adjutant General.

HEADQUARTERS ARMIES OF THE UNITED STATES,
Washington, D. C., November 2, 1866.

GENERAL: Enclosed I send you orders just received from the President of the United States. They fully explain themselves. As commander of the military department including the State of Maryland, you will take immediate steps for carrying them into execution. There are now six or eight companies of infantry ready organized in New York that have been ordered to Baltimore on their way to their regiments here in Washington and in Virginia. Either visit Baltimore yourself or send a staff officer there to stop these troops at Fort McHenry until further orders. Also hold one of the infantry regiments on duty in this city in readiness to move at a moment's notice. By having cars ready to take a regiment all at once, they will be practically as near Baltimore here, as if in camp a few miles from that city.

These are all the instructions deemed necessary in advance of troops being legally called out to suppress insurrection or invasion. Having the greatest confidence, however, in your judgment and discretion, I wish you to go to Baltimore in person, and to remain there until the threatened difficulties have passed over. Proper discretion will no doubt go further towards preventing conflict than force.

Very respectfully, your obedient servant,

U. S. GRANT, *General.*

General E. R. S. CANBY,
Commanding Department of Washington.

P. S. The orders referred to have not as yet been received; when received they will be forwarded to your address, which you will please communicate.

HEADQUARTERS ARMIES OF THE UNITED STATES,
July 18, 1867.

Official copy:

GEO. K. LEET,
Major and Assistant Adjutant General.

HEADQUARTERS ARMIES OF THE UNITED STATES,
Washington, November 3, 1866.

GENERAL: I enclose herewith a copy of the President's instructions referred to in General Grant's letter to you of yesterday.

Very respectfully, your obedient servant,

C. B. COMSTOCK.

General E. R. S. CANBY,
Commanding Department of Washington.

HEADQUARTERS ARMIES OF THE UNITED STATES,
July 18, 1867.

Official copy:

GEO. K. LEET,
Major and Assistant Adjutant General.

[Telegram.]

WASHINGTON, D. C., *November* 4, 1866.

Major General E. R. S. CANBY, *Baltimore, Maryland:*

I will be at the Eutaw House at 8.30 this evening. Would like to see you, Judge Bond, the police commissioners, and one or two leading members of the Governor's party.

U. S. GRANT, *General.*

HEADQUARTERS ARMIES OF THE UNITED STATES,
July 18, 1867.

Official copy:

GEO. K. LEET,
Assistant Adjutant General.

[Telegram.]

BALTIMORE, MARYLAND, *November* 5, 1866.

Hon E. M. STANTON, *Washington, D. C.:*

This morning collision looked almost inevitable. Wiser counsels now seem to prevail, and I think there is strong hope that no riot will occur. Propositions looking to the harmonizing of parties are now pending.

U. S. GRANT, *General.*

HEADQUARTERS ARMIES UNITED STATES,
July 19, 1867.

Official copy.

GEO. K. LEET,
Assistant Adjutant General.

[Telegram.]

WASHINGTON, *November* 7, 1866.

Major General CANBY, *Baltimore, Maryland:*

You may return to Washington, and the troops here may be restored where they were, and the railroad men relieved from readiness to transport troops to Baltimore. Leave directions for sending the troops at Fort McHenry as suggested in your despatch on Friday or Saturday. It may be well to retain them where they are for a day or two to guard against accident.

U. S. GRANT, *General.*

HEADQUARTERS ARMIES OF THE UNITED STATES,
July 19, 1867.

Official copy:

GEO. K. LEET,
Assistant Adjutant General.

[Telegram.]

WASHINGTON, *November* 8, 1866.

General E. R. S. CANBY, *No.* 14 *Calvert street, Baltimore:*

General Grant directs me to say that you may now return everything to its condition before the recent election in Baltimore.

C. B. COMSTOCK,
Brevet Brigadier General and Aide-de-Camp.

HEADQUARTERS ARMIES OF THE UNITED STATES,
July 19, 1867.

Official copy:

GEO. K. LEET,
Assistant Adjutant General.

WASHINGTON, D. C., *July* 18, 1867.

WILLIAM S. HILLYER sworn and examined.

By Mr. ELDRIDGE:

Q. Were you on the staff of General Grant?

A. I was during part of the war—from shortly after his first appointment until July, 1863.

Q. Did you ever visit the President with General Grant?

A. Yes.

Q. When?

A. I have visited him with General Grant on two or three occasions.

Q. When first?

A. The first interview, I think, was in the fall of 1865; the next interview was about February 1st, 1866.

Q. When, after that?

A. I do not now remember any visit made with General Grant subsequent to February, 1866. I think I have been there for a moment or two on two or three occasions. The only interview I now remember, of any length, was in February, 1866.

Q. Did you hear any conversation at any time between the President and General Grant on the subject of amnesty, or pardoning of rebels?

A. I was present at a two hours' interview about February 1st, 1866, when there was a general discussion of all matters pertaining to the condition of the South. To explain how that interview occurred—

Q. No matter about that. Tell us what did occur. State the conversation between the President, yourself, and General Grant. Was there any other person present?

A. No.

Q. Then state the conversation that occurred between yourself, the President, and General Grant, as near as you can.

A. It would be impossible for me to make any specific statements of that conversation. It was a general conversation, of which I cannot now recall any specific statement made by either the President, General Grant, or myself. I had just returned from a trip through part of the South.

Q. Through what part of the South?

A. Through Alabama, Mississippi, and Tennessee.

Q. What was the occasion of your visit to the President with General Grant? I will ask you were you applying for an appointment?

A. Not at that time. I was an applicant for an appointment, but that subject was never discussed between the President, General Grant, and myself.

Q. Was this one of the occasions on which you had come for that purpose?
A. No.
Q. What was the occasion?
A. I will state to you the history of it. In the fall of 1865 General Grant made a visit to the South. He went to the States of Virginia and the Carolinas; and during his absence my wife, at the request of Mrs. Grant, came and staid with her here. I waited for his return in order to make a trip South on business which I had at Mobile, and I came here on the morning that he returned from the South to take my family back to New York. We both arrived here before breakfast in the morning, and had a conversation at the breakfast table in reference to his absence South.
Q. You mean you and General Grant?
A. Yes. I told him I was about to go South myself, to Mobile, and that when I returned I would come and see him, and compare notes. I made this visit to the South, and was gone about six weeks; and on my return I came over to Washington and saw General Grant, when I stated to him my impressions of the South, and the condition of society there. And at either his or my own suggestion—I do not know whether at his or mine, but at either his or mine—we went to see the President on this subject. I had been invited to make a speech in New York in reference to my southern trip, and I spoke to General Grant on that subject.

By the CHAIRMAN:

Q. Did you go there with that intent?
A. Yes. We went, and, I believe, had two hours interview, of which I cannot now remember any specific statement made by either General Grant, the President, or myself. There was a general conversation, at the end of which the President said to me that he desired that I should bear public testimony to what I had stated that day. And General Grant said that I had been invited to make a speech in New York and could do it in that way. I remember distinctly the President said to me that he desired I should say in that speech just what I said there that day.

By Mr. ELDRIDGE:

Q. Tell us the conversation between the President, General Grant, and yourself. Repeat as much of what you stated, the President stated, and General Grant stated, in the order in which each said it, as you can.
A. It would be utterly impossible now to recount the conversation.
Q. I do not expect you to do that; but state what you recollect, the substance of it. I do not expect you can repeat the whole of it, but go on and as near as you can, and as correctly as you can, state it.
A. I do not think I can give the conversation. It was a general conversation, in which there was entire unity between the President, General Grant, and myself. I do not now recollect any statement made by either of the party.
Q. You must remember what you were going to incorporate in the speech—a matter of that importance.
A. I could, by referring to that speech, refresh my memory. The speech was made immediately afterwards.
Q. Did you afterwards make that speech, and was there in that speech what you then said?
A. Yes; the substance of what I said was in that speech.
Q. Where did you make that speech?
A. In the city of New York.
Q. At what place?
A. At Masonic Hall.
Q. At what time?

A. The 9th of February.
Q. In what year?
A. 1866.
Q. Have you a copy of that speech?
A. I have it in New York.
Q. Can you furnish a copy of that speech to the Committee?
A. I think I can.
Q. Does that speech include the remarks which General Grant said to the President that you intended to make in the speech? Give us now as much of that conversation as you can recollect.
A. I understand you. And yet a conversation occurring over two years ago between three parties, and to which my attention has not been called since, I cannot recollect. I really cannot now individualize any remarks that were made on that occasion.

By Mr. ELDRIDGE:

Q. You say that the President desired you should incorporate in the speech what you then said. Now, what was that?
A. I would like very much to be permitted to look at that speech. I have made several speeches since. That speech was in favor of the policy of the President as applied to the condition of the South, and my observation of things in the South as sustaining his policy. It was a speech of some eighteen or twenty pages.

By the CHAIRMAN:

Q. And expressed approval or disapproval of Congress?
A. I think I took issue with Congress in my speech.
Q. I want to know whether you, in that speech or in this conversation, took the position that the policy of the President should be enforced as the policy of the country, regardless of the will of Congress?
A. I took this position—I recollect very distinctly now—(which was my then impression) that the President represented the popular sentiment of the North, and that Congress misrepresented the sentiments of the North. That was my then impression, and I remember stating that in my speech, and in that conversation with General Grant and the President, to which I have referred. I stated to the people of the South that the President represented, in my judgment, the opinion of the people of the North, and that the Congress misrepresented the sentiments of the people of the North.
Q. What did you include in the term "sentiments of the people of the North?"
A. I meant the opinion of the majority of the people of the North.
Q. In respect to what?
A. In respect to his policy of reconstruction—~~in respect to the rights~~ of the States to representation in Congress.
Q. Regardless of the will of Congress?
A. Regardless of the will of Congress—regardless of the will of that part of Congress——

By Mr. WILLIAMS:

Q. What part of Congress do you refer to?
A. That part representing the States which was recognized as Congress.

By the CHAIRMAN:

Q. Did you express that opinion in view of what you believed to be the public sentiment of the majority of the people of the North, or as your view of the President's power under the Constitution?
A. I spoke of it as what I regarded to be the sentiment of the majority of the

people of the North, and of the republican party, as I then stated, and in my speech.

Q. You seem to have found out you have been mistaken in that.

A. I am, sir, very decidedly. I found out that I was mistaken in my opinion of the sentiments of the party at that time?

Q. State now precisely what you stated in that conversation, and which the President requested you to repeat in that speech.

A. If I could look at that speech I could recall a great deal which I do not now. I did not know that I was called here to testify to this, and I was taken by surprise as to the questions asked me. It is impossible for me to recollect a conversation which took place two years ago.

Q. I would like to have as much as you can recollect of it. You will have an opportunity of correcting your testimony.

A. This speech was written immediately after this conversation, and was an embodiment of my recollection of the points that were made in the conversation.

Q. Allow me, then, to ask you this question, if you do not recollect sufficiently so as to make a specific statement: Did General Grant express to the President his views as to the question of the amnesty which the President should grant, and did the President express his views on that question?

A. I could not state whether in that conversation General Grant individually expressed an opinion on the subject of amnesty or not. I cannot now remember any specific statement made by either party. The conversation was of two hours' duration, and there was entire harmony between the party; and the speech which I made was intended to be in harmony with the views of all parties present. If I had time, or if I had any idea of what I would be examined on, I might be able to recall some points of the conversation. But now it is in my mind as a general conversation, and I do not remember any specific remarks made by any one. If I could refer to my speech I could recollect everything I said myself.

By Mr. MARSHALL:

Q. If I understand you, you called on the President on the suggestion of General Grant?

A. I am not sure whether I suggested it or he did so; but we went after my conversation with him on the subject. We first had a conversation alone, and then, at either his suggestion or mine, we went to talk to the President.

By Mr. ELDRIDGE:

Q. You expressed the views to General Grant that you afterwards expressed to the President, in substance?

A. Yes.

Q. Do you think you can recollect, so as to give us something that was said there?

A. By reference to my speech I can tell the points I made myself in the conversation.

Q. Can you tell those to which the President gave his assent?

A. He assented to all those propositions I made on the occasion.

Q. He, and General Grant, and yourself?

A. Yes.

Q. There was no discord?

A. There was no discord.

By Mr. WILLIAMS:

Q. If I understand you correctly, you state you made this speech in harmony with and in accordance with the wishes of the President, who was desirous you should make the same statements that you made in the South and to him.

A. Yes; his request was that I should bear public testimony. I supposed I was to go before a committee then in session. My making the speech was the result of an invitation I had previously received to make one in New York, and of which I had acquainted General Grant, who mentioned it to the President.

Q. Was that communication made by General Grant or by yourself?

A. In the conversation the President asked me to bear public testimony to what I had said, and General Grant responded that I had been invited to make a speech in New York and could do it then.

Q. And you stated to the President that you had represented in the South that the President represented the popular sentiment in the North, and that Congress misrepresented it?

A. Yes.

Q. Then you were expected to bear testimony on that point at the meeting in New York?

A. That was the point I stated in the conversation, and I was asked to state the same.

Q. It was one of the things which the President expected you to state to the meeting?

A. It was one of the things I had stated to him, and he asked me to state what I had stated to him.

Q. And at the meeting you stated that the President represented the majority of the people of the North, and that Congress did not?

A. Yes; in my opinion.

Q. And you further stated this was a matter belonging to the President, and was to be arranged without the will of Congress?

A. No.

Q. What did you say, then, in regard to the will of Congress?

A. That in my opinion the President represented the popular will and opinion of the North, and that Congress misrepresented the popular will; and that when the voice of the people of the North was fairly represented, the opinion and action of Congress would be in accordance with the views of the President.

Q. You stated in one of your answers that this matter was within the control of the President, regardless of the will of Congress?

A. I don't know I stated that.

Q. Were not the sentiments described by yourself as uttered by yourself in your speech at New York uttered in conformity with the wishes of the President?

A. I stated there what I stated here. The President desired that I should say in my speech what I stated in the conversation.

Q. Did you say anything in your speech not authorized in your conversation with him—anything he did not wish you to say?

A. I may have used figures of speech; I may have used denunciatory language.

Q. I mean in substance?

A. The substance of the speech was the substance of that conversation.

Q. And the points made?

A. Yes.

Q. And was it, as you understand, in entire accord with the sentiments of the President, as expressed to you in that conversation?

A. There was no dissent in the party.

Mr. ELDRIDGE. I suggest the gentleman be allowed to refer to his speech to refresh his memory.

By Mr. MARSHALL:

Q. Was it not entirely in accord with the views of General Grant?

A. General Grant was present, but I cannot now make any statement that

was made by General Grant on that occasion except the one I refer to in making the speech. I only remember the fact that there was entire harmony in the party, and no exceptions taken to any proposition laid down, to my best recollection; but as to any positive assent or dissent, I do not now remember.

By Mr. WILLIAMS:

Q. Be good enough to say, is not General Grant a very silent, reserved man, who talks very little?

A. That is his reputation, and a just one.

Q. Did he take any large share in the conversation to which you refer?

A. Yes; he joined in the conversation. The conversation was a general one, in which questions were asked and answers given.

Q. Was your speech read by the President after its delivery?

A. I think he so stated to me, although I am not positive about that.

Q. Did he approve it.

A. I know there was a reference made to the subject in a subsequent conversation, but I do not know that any special remarks were made about it. But he spoke of it, and I should judge from that that he read it.

Q. You cannot say that he approved of it?

A. I can only give my impression that he did.

Q. I do not ask you to detail the conversation, but what was it that gave you the impression that he did approve of it? he said nothing in the way of disapprobation?

A. I have no recollection, but I know that I got the impression that he read the speech. Allusion was made to the speech certainly, but I do not recollect that he said that he approved it.

By Mr. ELDRIDGE:

Q. How long after the conversation between General Grant, the President, and yourself, did you write the speech?

A. I returned to New York, and commenced writing the speech immediately.

Q. The same day, or next day?

A. I am not sure; within a day or two probably; it was as soon as I could after I returned home. I told General Grant that I would send him a copy of the speech before it was delivered, but did not do so. I did not have time or opportunity to do so; so that he did not see the speech until after its delivery.

By Mr. BOUTWELL:

Q. When did you go South?

A. I think about December 1st, 1865.

Q. Why did you go?

A. I was employed as counsel; I went professionally.

Q. Had you a conversation with the President before you went?

A. I do not remember that I had.

Q. Did you have any correspondence with him while you were away?

A. None whatever.

Q. Do you know whether he knew you were going?

A. I think not.

Q. When you came here on your return, did you intend to see the President while you were here?

A. I desired to.

Q. You came here with that intention?

A. I am under that impression now.

Q. Where did you meet General Grant?

A. I met him, I think, at his office.

Q. You went there to see him?

A. Yes.

Q. Did that visit to General Grant have any connection with your purpose of seeing the President while you were here? Did you go to General Grant's office for the purpose of having him go with you to the President?

A. I think I may have expected, if I called on the President, that General Grant would go with me.

Q. You were acquainted with the President personally?

A. I knew the President previously.

Q. Were you upon such terms with him that you expected to get an interview with him without the aid of some person?

A. No; except as any other individual.

Q. Did not you then go to General Grant in part for the purpose of having him take you to the President?

A. I don't now remember whether I expected to see the President with General Grant; I went to see General Grant to talk with him.

Q. Upon this matter?

A. Yes.

Q. That was also the purpose of your proposed visit to the President—to talk with him on reconstruction and the condition of the South?

A. To give him my observations.

Q. Was it not, then, one part of your purpose in visiting General Grant to get his aid in obtaining an interview with the President?

A. It may have been, although I do not now remember.

Q. General Grant went with you?

A. Yes; it is very possible I may have suggested his going; I do not remember now how that was. I had been invited to make this speech, and I desired to talk with General Grant, and I presume I desired to talk with the President before I made the speech.

Q. Did you not come here for the purpose of talking with the President?

A. I presume so.

Q. Is it not a fact that General Grant listened to what you said to the President, and did or did not dissent from what you said?

A. General Grant participated in the conversation; it was a general conversation

Q. You mean a general conversation upon the condition of the South?

A. Yes; upon the condition of the South, and the tone and sentiments of the people of the South and in the North.

Q. This was in February, 1866?

A. Yes.

Q. When did you next have an interview with the President?

A. I saw the President shortly after I made that speech; I could not say when; within a few weeks—may be a month after.

Q. What was the subject of conversation in that interview?

A. We discussed general politics and local appointments.

Q. And when again did you see him?

A. I cannot say; I almost always see the President when I come to Washington.

Q. Have you been in the habit of visiting him?

A. Yes.

Q. Did you see the President in the months of November or December, 1866?

A. I do not think I have had any conversation with him of any duration prior to this matter.

Q. I speak now of November or December, 1866.

A. I have, very likely; there is nothing to call my attention to it.

Q. Do you recollect, in any conversation with the President, that the subject of the admission of members of Congress from the South was considered or talked of by him or by you?

A. I do not remember any specific conversation.

Q. Was anything said by the President, at any interview you had with him, as to whether men from the South should be admitted to Congress—men from the rebel States?

A. I think he expressed to me his views of the right of the southern States to representation. I don't recollect any specific conversation.

Q. In what words did he express his views as to their right to be admitted?

A. I do not remember any specific statement of his on the subject, but it was within the scope of our conversation; and being merely about general impression that we were speaking, he expressed his views in that way.

Q. Did he at any time speak to you of the organization of a House of Representatives in which the southern men, or men from the rebel States, should be admitted?

WITNESS. A separate house?

Mr. BOUTWELL. The House of Representatives in which they should be admitted.

A. No; not any other than the general admission of the southern members to the general Congress.

Q. Did he speak to you at any time of the possibility of a serious controversy between the executive and the legislative departments of the government?

A. No.

Q. You never had a conversation with the President in regard to the ways and means by which he should sustain himself as President of the United States under any circumstances that may arise?

A. No, sir.

Q. Have you never had a conversation with him, presaged on the idea that there might be occasion for him to use force to maintain himself in the government?

A. Never.

Q. You have not so represented to anybody at any time?

A. No.

By Mr. MARSHALL:

Q. You say you had agreed to send a copy of the speech to General Grant before it was delivered; did you send a copy of that speech to the President after it was delivered—either before or after?

A. I do not remember. It was published in all the New York papers, and was also published in pamphlet form. I do not suppose I did.

By Mr. WILLIAMS:

Q. You said you were a candidate for promotion?

A. Not for promotion.

Q. For office?

A. Yes.

Q. What was the office?

A. I was named as a candidate for naval officer of the port of New York.

Q. You were not appointed then?

A. No.

Q. Were you subsequently promoted—subsequent to the conversation in February with the President; did you receive any office?

A. I hold office now under the Secretary of the Treasury. I am agent of the revenue in New York and Brooklyn.

Q. When were you appointed?

A. I think in March last—February or March.

Q. Agent for the revenue?

A. Yes.

Q. Is that an office requiring to be confirmed by the Senate?

A. No; it is an appointment given by act of Congress to the Secretary of the Treasury.

By Mr. ELDRIDGE:

Q. Did you get that appointment on the recommendation of General Grant?

A. General Grant endorsed me to the Secretary of the Treasury in reference to the naval office, and probably endorsed me for this.

By Mr. WILLIAMS:

Q. Were you not brevetted brigadier general at that time?

A. I was brevetted, but I believe it was subsequent to the speech. But that was entirely on the recommendation of General Grant.

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

WILLIAM S. HILLYER recalled and examined.

By Mr. ELDRIDGE:

Q. Since your examination yesterday have you examined the speech and memorandum to which you referred?

A. I have examined a condensed report of my speech in the Herald of February 10, which I have brought here this morning. I could not get a separate copy of the speech, but will send one from New York. For the purpose of the examination this one can be used.

Q. Will you state now, as far as you can, the conversation between yourself, the President, and General Grant, at the interview spoken of?

A. I will. I will state to the Committee, as I stated yesterday, that I was entirely surprised as to what I was to be examined about, and, therefore, my recollection was not sufficient to give that conversation. I have used the time since the examination in giving serious reflection to the conversation, and I will state the salient points of it as I remember them. I desire to state this: that while I may be inaccurate as to the person of the three of us who made any particular statement, as to the substance of the conversation, and as to its being a general discussion in which all three participated, I cannot be mistaken, or that there was entire concurrence of opinion.

Q. You mean you cannot be mistaken that there was an entire concurrence of opinion between you?

A. Yes. The conversation, after a preliminary talk, as I recollect it, was my statement of my observation of the tone of southern sentiment in reference to the policy of the President and the result of my observations. I stated in that conversation that the southern people accepted the terms prescribed by the President in good faith; that the southern people had, in my opinion, very little love for the Yankees, but a great deal of respect for them; that they accepted the result of the war as a full and final termination of the rights of a State to secede; that they regarded slavery as dead beyond the possibility of revival; that the people of the South were greatly desirous of Yankee immigration, and that, as a general rule, the statement that it was unsafe for northern men to settle in the South was untrue. I recollect quoting the opinion of several officers, particularly of General Webster, formerly chief of staff to General Grant, who has settled in Alabama, and from General Dustan. All these points were illustrated by conversation and discussion. These were the points made. The question was then discussed, what more could the South do than she had done. She had laid down her arms; declared her ordinances of secession void; repealed all laws inconsistent with proper relations to the federal gov-

ernment; legislated against the remaining rebel debt; and had done what the North had failed to do, adopted the Constitutional amendment abolishing slavery. Further, that—this, I think, was stated by the President—the southern States were entitled to representation in Congress as much as the States which were then represented. And whilst there might be improper persons elected, whom it would be very proper for Congress to refuse to admit on personal grounds, the right of the State to representation was equal to the right of a northern State. These propositions I know were all discussed and all agreed upon. I remember stating that almost the first thing every southern man with whom I talked asked me, who knew my personal and official relations with General Grant, was, what were Grant's views on the subject? how did he and the President agree? And I universally stated, in reply, that the only point of difference I knew between them——

By the CHAIRMAN:

Q. Are you speaking now of the interview between you and the President?

A. Yes. I said the only difference I knew between them was that General Grant expressed an opinion that there were too many exceptions in the amnesty proclamation. The President made a statement then which I now recollect very distinctly; that if he was sure of anything, he was sure that he desired to carry out the policy of his predecessor. General Grant thereupon, and during this conversation, referred to the correspondence between himself and Lee, in which he stated that when he wrote the letter he had no authority to make terms of peace; that he said to him in that letter that the terms were well understood, and he supposed there would be no difficulty in determining what these terms were. The conversation was then directed to the meeting of the rebel commissioners, and it was stated by one of the party that the terms understood were, that the South should lay down her arms and obey the Constitution and laws of the country, and accept the abolition of slavery as an established fact, or, if necessary, should do such things as should make it an established law. All these things being done, she was entitled to her constitutional rights as before the rebellion. In this same conversation allusion was made to the opinions of Sherman, Thomas, and Sheridan, all of whom were supposed to agree with the policy of the President. The President also made criticism on, or rather a reference to, the report of Carl Schurz, in which he stated that Mr. Schurz had gone down South, not at his desire, but that he sent him down because of his importunity. That is the substance of the conversation according to my best recollection.

By Mr. ELDRIDGE:

Q. When General Grant alluded to the terms that were well understood, did he refer to what these terms were?

A. I think he did; at least the matter was referred to in the general conversation. The view of Mr. Lincoln was, and as I stated, those were said to be the terms of Mr. Lincoln—the laying down of their arms, obedience to the Constitution and laws, the acceptance of the abolition of slavery as an established fact, or if not so, their performance of such legislation as should make it legally a fact. That, and nothing more. Of course, in undertaking to give a conversation which occurred so long ago I cannot be very definite.

By Mr THOMAS:

Q. When was that?

A. In February, 1866. And my mind is specially called to this fact from reading my speech, which was delivered as a sequence of that conversation.

By Mr. ELDRIDGE:

Q. What was referred to as "well understood terms," as I read from a quo-

tation in your speech? Was that referred to or quoted by either of the parties in the conversation, and by whom?

A. My recollection is that the statement there is substantially what I made. I may put it a little more correct.

Q. It seems to me to be a quotation.

A. Not a literal quotation.

Q. What is that from?

A. It is from General Grant's letter to General Lee.

Q. Is that a part of General Grant's letter?

A. Yes; it is a quotation from that letter.

Q. And was that referred to by one of the parties in this conversation? and if so, by whom?

A. General Grant. My attention was called to that letter, and I went and got a copy of it in order to make a quotation from it in that speech.

Q. Was the subject of your making this speech referred to and talked over by the President, yourself, and General Grant?

A. It was at the close of the conversation that the President said to me, "I wish you"—I think he said to me he considered it a duty I owed the country to bear public testimony to what I said there that day. My own impression is he referred to my testifying before the Committee—some committee. Upon this General Grant, in response to that remark, said I had been invited to make a speech in New York before the "soldiers' organization," and that would be an appropriate place to bear the testimony. The President assented to that, and I said I would make the speech.

Q. Were points of that speech suggested to you? and if so, by whom?

A. Not specially, sir.

Q. Nothing said as to what you should produce in that speech?

A. I think not. I do not remember any suggestions, except that the President desired I should say just what I said there that day. I think that was the only remark made in reference to the subject-matter of the speech.

By Mr. THOMAS:

Q. You state there was perfect coincidence of opinion, on the occasion you speak of, between yourself, General Grant, and the President?

A. Yes.

Q. Was that an inference of yourself from the omission of any one gentleman to take opposite grounds to you, or by expressed acquiescence?

A. Not by expressed acquiescence, but by the fact that there was a general discussion in which, according to the best of my recollection, there might have been some matter mentioned which was not discussed. It is fair for me to state that it is inference from the conversation.

By Mr. ELDRIDGE:

Q. Was the point particularly discussed as to the right of these States, when they complied with these terms, to representation?

A. Yes.

Q. Did the three of you take part in that discussion?

A. That is my impression, although I do not now recollect by whom the remarks were made, except I remember the President particularly making the statement I have mentioned.

Q. Do you remember any question upon which you differed?

A. I do not. There was no expressed difference on the occasion on any subject, as far as I can remember.

By Mr. BOUTWELL:

Q. In your speech is this expression: "No, it is a miserable minority whose hearts are black with treason against the Constitution and the Union, and who

to-day would rather acknowledge the southern confederacy than admit the rebel States back to their constitutional relations. Do the people of the North—do the republican party instruct those men to go to Washington and patch up the Constitution?" &c. Was any remark of that sort made at this interview by any of the three?

A. I do not remember. I think not, sir; I think that mode of stating it is probably my own, though the subject was discussed that the majority of the republican party were, in fact, supporters of the President.

By Mr. THOMAS:

Q. That was the opinion expressed?

A. Yes; but I do not think it was expressed in the language I used afterwards.

By Mr. BOUTWELL:

Q. In another part of your speech you say: "There is conspiracy hatching in Washington to depose the President of the United States. The conspirators are cautiously and untiringly at work to get Congress committed to the proposition that the disloyal States have ceased to be States of this Union." Was the first part of that extract the subject of consideration—"that there was a conspiracy hatching at Washington," &c.?

A. No; I do not think that was said in the conversation. The proposition was discussed that an effort was being made gradually to get a majority of Congress to endorse the proposition that the southern States had ceased to be States of the Union.

Q. What did Mr. Johnson say upon that subject?

A. Some one of the party expressed the opinion that Mr. Stevens would eventually bring the republican party up to that proposition, although at that time the majority were protesting they could not be brought that far.

Q. Was the subject of a joint resolution of Congress, declaring Mr. Johnson an usurper, a subject of conversation?

A. I think not, sir; that is an argumentative statement of my own.

Q. Was the subject whether Mr. Johnson, being a citizen of Tennessee, was ineligible to the Presidency considered?

A. No; I think not.

Q. You did put into the speech a great many things not discussed in the conversation?

A. I do not think everything I said in the speech was said in the conversation, but the substance of the conversation was the subject-matter of the speech.

Q. At any conversation which you had with the President, at any time, did he make any remark in reference to the admission of members of Congress from the rebel States to their seats?

A. I do not remember any statement of his except as to their right to admission.

Q. What did he say on that subject?

A. In this conversation he claimed that they were entitled to their seats; that these States were entitled to representation, although the individual members sent might be obnoxious to such an extent as would probably exclude them.

Q. Did he ever, at any time, make a remark or indicate any purpose on his part to aid in any way in introducing them into their seats?

A. None whatever.

Q. Did he, at any time, make a remark as to what his course would be in reference to the rebel States, or members claiming seats in Congress from the rebel States, in case enough of anti-republicans should be elected by the North to make a majority, counting the southern men as members, in Congress?

A. I do not remember any such remarks.

Q. It never was the subject of discussion?

A. I have no recollection of it.

By Mr. THOMAS:

Q. Was the power of Congress over this question of reorganizing society in the South a subject of conversation? Did the President express any opinion on that point, as to the power of Congress over the question of reorganizing the southern States?

A. I do not remember any conversation on that point. The point that was specially urged was, that the southern States were entitled to representation under the Constitution, and in accordance with the acceptance by the South of the terms proposed.

Q. Do you mean they were entitled by reason of their acquiescence in President Johnson's arrangements?

A. No; but by reason of their reacceptance of their constitutional obligations.

Q. Under the government established by him. Did he contend that nothing else was required; no action on the part of Congress?

A. He claimed their representatives were entitled to admission without any further act than the act of presenting their credentials; of course, conforming to such qualifications as Congress saw fit.

Q. Did he express any opinions on the point that his pardons made men loyal, and they could not be held responsible by Congress for disloyal acts before he had pardoned them? Was there anything on that subject said?

A. I do not remember anything.

Q. Did he contend that those who were pardoned by him ought to be admitted by Congress as loyal men? Did he take that position?

A. I do not remember any conversation in reference to parties pardoned.

Q. Was there any conversation as to what constituted loyalty?

A. I have no recollection.

Q. Did the President contend that Congress ought to ignore the past, and hold men only responsible for the future?

A. I don't know that he made that argumentative statement, because the President certainly has always expressed his opinion that the South was just as much entitled to representation since the war ceased as before.

Q. I am now directing my inquiries to individuals of the South. Did the President say individuals of the South were as much entitled to come in and take their seats if they promised for the future?

A. If they had the qualifications prescribed by Congress.

By Mr. ELDRIDGE:

Q. If they came up to these qualifications?

A. If they took the oath.

By Mr. THOMAS:

Q. He did not contend that they were entitled to seats without taking that oath?

A. He never contended that any individual man was entitled, but that the States were entitled to representation.

By Mr. ELDRIDGE:

Q. He took it on the ground that they were States in the Union still?

A. That they had never ceased to be States of the Union, and therefore were entitled to representation.

WASHINGTON, D. C., *Monday, July* 22, 1867.

JOHN CORSON sworn and examined.

By the CHAIRMAN:

Q. State whether you visited Nashville, Tennessee, as a messenger, with a subpœna, to secure the attendance of J. W. Adamson, a witness, before this Committee.

A. I visited Nashville for the purpose of subpœnaing Mr. Adamson. I had blank subpœnas with me.

Q. Did you make inquiry to ascertain whether such a person as J. W. Adamson was residing in Nashville?

A. I did.

Q. What inquiry did you make, and what was the result?

A. I introduced myself first by letter to General Carlin, head of the Freedmen's Bureau there, and was through him introduced to some other parties there, particularly to Mr. Lindsley, the postmaster, who had been a resident of Nashville for many years. I could not find any J. W. Adamson, an attorney, living there within the knowledge of anybody in Nashville.

Q. Did you make diligent inquiry to ascertain whether there was such a person as J. W. Adamson living in Nashville?

A. I did.

By Mr. WILLIAMS:

Q. You could not find any such man?

A. No, sir. There was an attorney of that name who had been there on a visit fifteen years ago, when on his way from New Albany to Mississippi.

Q. Did you ascertain that that man lived in Mississippi?

A. Mr. Lindsley, the postmaster, told me that he had a mere slight acquaintance with him when he was visiting there.

Q. Do you mean to state that that was the same man whom you went to Nashville to subpœna?

A. No; I mean that there was a man of that name there, an attorney, fifteen years ago.

Q. Did you make inquiry for him?

A. I went no farther than Nashville; I did not go into Mississippi. I could not learn from Mr. Lindsley or his friends that they knew anything of this man's whereabouts now, or whether he was living or not.

By the CHAIRMAN:

Q. State whether you were entrusted with a subpœna for securing the attendance of Mrs. Sarah Harris as a witness before this Committee.

A. I was, at two different times.

Q. State what effort you made to serve the subpœna, and the result of such effort.

A. The first time I went to Philadelphia to subpœna her I was directed to place myself in connection with General L. C. Baker, who would point out the lady to me. He failed to do so. He wanted me to remain in Philadelphia a few days, and that perhaps she might turn up after a while. I came back to Washington and communicated with the chairman of this Committee, who thought I had better let the thing stand until further orders. The next effort I made was on the first of July, when I left Washington with a subpœna for L. C. Baker, and one for Mrs. Sarah Harris, who was supposed to be living in Philadelphia. I subpœnaed Mr. Baker, and he put me in communication with a couple of detectives, to whom he offered a considerable sum of money if they would put the lady in my hands or put me in communication with her. Mr. Baker said he had traced her to a certain point on the street cars, where she

got off two or three times. We went into that neighborhood and inquired at two sub-post offices. We found only one Harris in that neighborhood, a Mr. Harris, who had a daughter Sallie, then living in New York as Mrs. Kyle. I went to New York and found Mrs. Kyle, but she did not at all answer the description of Mrs. Harris. When I came back to Philadelphia I learned that General Baker, instead of coming to Washington, had gone to Boston, but had left word for me that the lady I was looking for was at the Union Hotel, on Arch street, living under the name of Mrs. Frost. I went and scared up Mrs. Frost. She was very anxious to come to Washington with me if I would pay her way, but she did not prove to be Mrs. Harris. She did not answer the description at all. One of the detectives said he would like to get the $500 which Baker offered, but that this was a "water haul." They were not willing to keep her at the Union Hotel without having her board paid, so I left five dollars with the landlord and told him to keep her for a couple of days. I came to Washington, reported to the chairman of the Committee what I thought about it, and wrote to the detectives in Philadelphia that there was no use in going any farther in the matter, but that, if they considered themselves in the employment of General Baker, they could still be on the lookout for the lady. But my impression is that she is a myth, and that there is no such woman.

By Mr. ELDRIDGE:

Q. On what do you base that opinion?

A. The first time that I subpœnaed General Baker, and was on my way to Lansing to subpœna his brother, he said to me on Chestnut street, "Corson, I will have that woman in Washington if it costs me $10,000." That rather opened my eyes. I thought she must be a very valuable lady. My suspicion was excited that all was not right; still I said nothing. On my second trip after General Baker and Mrs. Harris, he took me to the detectives' office and said: "Gentlemen, I will tell you what I will do. If you get this woman into Mr. Corson's hands, or get him into communication with her, I will give you $500." That, and the fact that the detectives were not able to find her, made me suppose that there was no such person.

By the CHAIRMAN:

Q. Did Baker give you a description of Mrs. Harris?

A. Yes. He said she was a woman of perhaps forty, though well preserved; that she weighed 150 or 160 pounds, and that on the left side of the neck, half way between her collar and ear, she had quite a prominent mole, which I could not help seeing if I looked at that side of the neck.

Q. Did Baker tell you anything about interviews he had had with her?

A. Yes; he said he had met her day after day in the ladies' parlor of the Girard House. The morning when he and I were watching for her—he sitting at one end of the parlor and I at the other—the understanding was that the lady he would commence talking to would be the lady I wanted, and I was to serve the subpœna on her. But no lady came to talk with him, and we went out between ten and eleven o'clock. He said she was always there about nine o'clock; that she had not missed a morning for three weeks, and he wanted me to stay over till the following Monday. (This was a Saturday.) I came on to Washington and had an interview with the chairman of the Committee, who said, "Let that stand till you get further orders." That was my first trip after Mrs. Harris. I thought it very strange that she should have missed being there that morning of all mornings. Then he gave me a description of her, in which he did not mention the mole on her neck. He spoke particularly of her size and appearance, and dress which she always wore in the street.

Q. When was it that he spoke of the mole?

A. In the last interview, on the morning of the second of July.

Q. Did the lady whom you saw at the Union Hotel answer the description which Baker gave you of Mrs. Harris?

A. Not at all, except in one respect, that she was a pleasant, affable woman. He said that Mrs. Harris was a very intelligent woman, pleasant, affable, and prepossessing in her manner; so was this Mrs. Frost.

By Mr. ELDRIDGE:

Q. Did this Mrs. Frost know anything of Baker?

A. She had known him in California, and I think she said they had come on the same steamer. She had been looking for him at his office twice. This I learned from her in the course of conversation.

Q. Had she ever seen him in Philadelphia?

A. I think she said she had not seen him since she came from California.

Q. Did you see Baker after that?

A. No, sir.

Q. Did she say that she had notified Baker that she was at the Union hotel?

A. No, sir; but I know how he found it out. A young gentleman, well acquainted with Baker, met him on the street and said, "Baker, I have found your flame." "What flame?" said Baker. "The lady whom you used to meet in the Girard House." "Ha! who is she?" said Baker. "She boards at the Union hotel. I dined right opposite to her. I found out her name, too." "And what is it?" said Baker. "Mrs. Frost." This is the story that Baker told me. I only know it from Baker's statement. One of the detectives and I went immediately to make inquiry about her. The landlady said she had a sore on the left side of her neck; that she was a resident of Philadelphia.

Q. It was through this young man that Baker professed to know that Mrs. Harris and Mrs. Frost were the same person, and that she was boarding at the Union hotel?

A. Yes, sir.

WASHINGTON, D. C., *July* 2^, 1867.

HUGH MCCULLOCH, Secretary of the Treasury, recalled and examination continued.

By Mr. BOUTWELL:

Q. In a statement made by Treasurer Spinner of captured and abandoned property is an item of $500,000 paid Simeon Draper, United States cotton agent, for the purpose of procuring sureties for cotton replevined by Denniston & Co. What is the nature of that transaction?

A. A lot of cotton was seized in the South under the "captured and abandoned property" acts, and shipped to New York. On its arrival at New York it was attached or replevined by Denniston & Co., who claimed to be the owners. Under the advice of the district attorney, and of our special counsel, Mr. Ames, and Judge Hughes, it was deemed best for the government to retain possession of the property, and in order to do so, and to furnish the necessary security, we were obliged to deposit an amount sufficient to indemnify the securities. The suit is still pending.

By Mr. THOMAS:

Q. State what the value of the cotton property was.

A. I cannot now say what the value of the cotton property was.

Q. Do you know how many bales of cotton?

A. I do not recollect. The property sold for less than $500,000, but we were compelled to give security to that amount.

Q. Was it attached in the hands of the government?

A. I cannot state the exact character of the legal proceedings.

Q. Was there any motion made to dissolve that attachment?

A. The case has been managed by the district attorney, Mr. Courtney, and the special counsel of the government. I am not now prepared to state exactly how the proceedings were commenced, or how they have been conducted. The interests of the government have, however, not been neglected.

By Mr. BOUTWELL:

Q. In the same account of General Spinner's there is an item, "disbursed by me to the credit of F. C. A. Dexter $520,932 75." Can you explain the transaction that item refers to?

A. I have no knowledge of the transaction, but will furnish to the Committee at another day all the information I have upon the subject.

Q. In this same account there are a large number of items and payments chiefly on account of "cotton erroneously seized," as stated in several cases, amounting in all to two millions, or more. Can you refer the Committee to any statute authorizing the settlement of these claims in the Treasury Department—the payment of money?

A. I do not know that there is any statute expressly authorizing it. The agents of the department were instructed to take possession only of captured and abandoned property; property being moved in violation of the commercial intercourse laws, and property that belonged to the confederate government. Both of my two immediate predecessors and myself considered it right and proper to release lots that had been taken in violation of these instructions and of the acts of Congress, and to restore the proceeds to lawful claimants when sold.

Q. Does this account contain items which relate to the release of any property, or only the minutes of payments made on account of property taken and sold?

A. In this account the items include the return of moneys, proceeds of property which had been taken and sold, but which we afterwards found had been improperly taken under our instructions. There has been made by the department to Congress what was intended to be a full report of the cotton transactions, as required by the resolutions of the Senate and House of Representatives.

By Mr. THOMAS:

Q. You have made returns of the amount of cotton sold and cotton released?

A. We have made to both Houses a report of the moneys refunded to claimants, but not of the property released by agents. In many cases property was seized by agents to investigate its character, and afterwards released by them without the authority of the Secretary.

By Mr. BOUTWELL:

Q. Is there any other account kept in the Treasury Department of a nature corresponding to this, which relates to items not included in this account?

A. I think all the moneys that have not been covered into the treasury are now in the hands of General Spinner, as special agent. They are in the treasury and subject to the use of the government, but not covered in. There may be a small balance still in the hands of Mr. Risley, supervising special agent, the proceeds of tobacco and other property sold by him.

Q. Was there at any time, or is there now, a practice of ordering persons who have collected money, or received money for property captured or seized erroneously, to pay out to individual claimants?

A. No claim has been paid in money, as far as I now recollect, except upon the order of the Secretary, and no claim has been paid which has not been accurately investigated.

Q. Have orders been drawn by the Secretary at any time on account of captured and abandoned property upon any other persons than General Spinner?

A. Some orders were drawn upon Mr. Mellen, who was the general agent, and who has had in his hands from time to time a considerable amount of money arising from the sales of captured and abandoned property, and in some few instances upon Mr. Risley, and perhaps other agents, for the payment of moneys to persons whose claims had been investigated and allowed by the Secretaries.

Q. We do not find in this account the payment to Mrs. Washington, to which you testified at a former time?

A. This payment was made by Mr. Risley, one of the supervising agents of the department, who had in his hands the proceeds of the sale of Colonel Washington's furniture.

Q. Can you furnish the Committee with a statement of all payments made on account of captured and abandoned property by drafts upon other persons than General Spinner?

A. I can, in due time.

Q. When did you enter on the office of Secretary of the Treasury?

A. In March, 1865.

Q. The first item in this account is dated August 15, 1865. Was there any consultation between you and the President in reference to the practice of paying claims on account of captured and abandoned property?

A. I do not recollect any special conversation with him. Prior to the appointment of General Spinner as special agent, the moneys remained in the hands of the general agent and supervising agents until their accounts were settled, or they were instructed to pay them into the treasury. I think, prior to General Spinner's appointment, all the claims were paid by orders upon those agents.

Q. Had any of these items been paid on the order of the President at any time, either these specified here, or contained in the accounts of the special agents?

A. Some five or six claims were paid upon the order of the President.

Q. Can you furnish the Committee with the names of the claimants, the nature of the claims, the amounts paid, copies of the President's order, and copies of all the papers, or a brief of the papers, relating to the several cases?

A. I am not prepared to do it now, but I will do so.

By Mr. THOMAS:

Q. Do you recollect any case where the property itself was returned—in specie, in kind?

A. I have no recollection of particular cases, but in many instances property supposed to have been improperly seized was released by the agents, and also by the Secretary.

By Mr. ELDRIDGE:

Q. These moneys that you have been speaking of as in the hands of General Spinner, as special agent, are kept for the purpose of adjusting accounts that are unsettled?

A. Nearly all the moneys received have been covered into the treasury. But such amounts are now remaining in his hands uncovered as we suppose may be necessary in the adjustment of claims that may hereafter be allowed, and for the payment of commissions of agents. A considerable part of the balances in his hands might now be covered in.

Q. Has it been the practice to cover these moneys into the treasury as soon as it was ascertained that the amount desired to be covered in was a balance due to the United States?

A. It has, as far as I am advised.

Q. Has that been the practice?

A. That has been the general practice. The proceeds of the sales of Savannah cotton, and of some other cotton captured at the South, were, however, deposited with the assistant Treasurer at Norfolk for a considerable time, and were not covered into the treasury, at the request of President Lincoln, who had been considering the expediency of appointing a commission for the purpose of investigating claims of loyal men for some of this cotton.

Q. When was General Spinner appointed to this position? Was it in the time of Mr. Lincoln?

A. General Spinner was appointed special agent long after the death of Mr. Lincoln. I cannot now recollect the precise time. He was appointed special agent because the Secretary desired to concentrate in his hands all the moneys which were held by the general and supervising agents for better security and for the use of the government.

Q. Where were such moneys as have since been held by General Spinner kept, and in whose hands previous to that time?

A. They had been generally kept in some government depository, to the credit of the general and supervising special agents. Until a short time prior to the collapse of the rebellion the amount received by the government from sales of captured and abandoned property was not very large, according to my present recollection.

Q. Was this captured cotton sold and converted into money previous to the adjustment of the claims made against them?

A. As a general thing it was. The cotton market at that time was in such a state that we were anxious to dispose of it as rapidly as it could be done advantageously, that is, for good prices, leaving the question of ownership to be decided subsequently.

Q. How many of these general and supervising agents were there?

A. There was one general agent and nine supervising special agents.

Q. Where were these located?

A. At different points in the southern States. These States were divided into districts, and each district was under the charge of a supervising special agent.

Q. What were the occasions of large claims made against the government for cotton? What did they grow out of?

A. Our agents under the law were instructed to take possession of captured and abandoned property, or all property owned or controlled by the confederate government. In many cases it was shown to the satisfaction of the Secretary of the Treasury that they had taken possession of property which they were not authorized to take under the law, or under the instructions from the Secretary to them.

Q. Were these claimants, or many of them, persons who held permits from President Lincoln?

A. Many of them were.

Q. What was the nature of these permits?

A. Under permits given by Mr. Lincoln persons were authorized to pass through the lines of the Federal armies to purchase and bring within the lines cotton and other property; and, as I now recollect, they were authorized to take back in payment for such property certain descriptions of supplies. I do not know that I have ever examined carefully the permits, but they were carefully examined in the department in the investigation of claims arising under them.

Q. Under these permits the parties made claims upon the cotton which was afterwards taken and sold, and the money paid into the hands of the agents. Out of that arose some of these claims?

A. Under these permits purchases of cotton were made, and in some instances the cotton thus purchased was seized by our agents. Claims were made for the

cotton, or the proceeds, on the ground that it was purchased by and under the authority of permits from the President.

By Mr. BOUTWELL:

Q. In your communication to the House of Representatives relative to the metropolitan revenue board, you stated that the occasion, or reason of the nomination of that board, was in part, or altogether, that some of the officers were inefficient, and that others were suspected of being in collusion with those who were defrauding the revenue by the sale and manufacture of spirituous liquors. I wish to ask you whether the names of these officers, to whom you thus refer, were made known to you?

A. I have had before me the names of many persons connected with the internal revenue department who were supposed to be either inefficient or suspected of being in complicity with those distillers who were defrauding the government.

Q. Was there by you, or by any person in the Treasury Department, an investigation or inquiry concerning those men who were supposed to be in complicity with the persons who were engaged in defrauding the revenue, for the purpose of ascertaining whether there was probable cause to believe they were guilty?

A. We have made use of such means as were within our control to ascertain the character of our agents.

Q. In some cases was the conclusion reached that there was probable cause to believe that certain persons were guilty of complicity with persons engaged in defrauding the revenue?

A. We have not been sufficiently satisfied of the complicity of any of our agents to justify their removal, except in those cases where removals have been made.

Q. In regard to persons who were incompetent, have they been all removed?

A. Not all, I apprehend.

Q. Why not?

A. Because their incompetency was a matter of opinion, and because we were not sure of being able to obtain in all cases better men in their stead.

Q. Has every man been removed who has been reported by the Commissioner of Internal Revenue to be incompetent?

A. I recollect of no case in which a recommendation of the Commissioner of Internal Revenue for the removal of an officer, whose appointment was made by the Secretary, has not been complied with.

Q. Has the Commissioner of Internal Revenue recommended the removal of any officer of the revenue for complicity with those persons engaged in defrauding the revenue, or for incompetency, who has not been removed?

A. I recollect no such recommendation for removal which has not been acted upon in accordance with the recommendation. I received, some weeks since, a communication from the Commissioner of Internal Revenue in regard to certain officers, but I do not now recollect its tenor. It is not unlikely that this communication may have contained recommendations for the removal of officers whose appointments were made by the President. Since that communication was received, pressing duties have prevented me from giving it careful attention or conferring with the Commissioner in regard to it.

Q. Have you called the President's attention to cases of supposed incompetency or criminality on the part of officers of the revenue for the purpose of obtaining their removal?

A. I have no recollection of having spoken to the President in regard to any particular cases, (although I may have done so,) except in regard to one of the revenue agents, the collector at Richmond, Virginia, and the assessor of the tenth district of New York. In some districts in which it was thought that

changes should take place, names were sent to the Senate by the President to supersede officers then holding office, whose nominations were not, in some cases, confirmed by the Senate

Q. Were the names sent to the Senate those of persons recommended by you?

A. In some cases the recommendations were mine; in other cases they were the recommendations of members of Congress, or other persons.

Q. Have names been sent to the Senate and recommendations been made for the removal of all these officers whose removal had been recommended by you?

A. Not in all cases; but according to the best of my recollection, with the exceptions named, where removals have been advised by me, other names have been sent to the Senate, although they have not been in every instance the names of persons recommended by me.

Q. What was the effect, according to your knowledge, upon the revenue of the removals from office made in the year 1866 throughout the country?

A. It is difficult for me to form a reliable opinion on that subject. As a general thing the service suffers by frequent changes of officers.

Q Were not these removals made without any charges being preferred against the persons removed, either of incompetency or dishonesty, in the great majority of cases?

A. Most of them were made without such charges having been preferred.

Q. Has not the chief difficulty in the collection of the revenue from incompetency and fraudulent collusion arisen in these districts where removals were so made during 1866?

A. I should think not, but I am not prepared to speak distinctly upon that point. I am not aware that the revenues in the districts in which changes were made fell off in a larger degree than in other districts, although this may have been the fact. The revenues have been well kept up, and the receipts have been large until within the last few months.

Q. In what districts and from what districts or sections of the country have complaints come of the incompetency or dishonesty of the revenue officers?

A. Complaints have been made in most of the districts in which large revenues are collected of unequal taxation growing out of frauds by particular interests. I cannot now specify the districts, but complaints have generally come from districts in which a large revenue is, or should be, collected.

Q. Were not changes made of either assessors or collectors in nearly all the districts in large cities, such as New York, Philadelphia, and Cincinnati?

A. In Cincinnati and Philadelphia most of the assessors and collectors were changed; in New York city a small number only.

Q. Were changes made in 1866 of assessors and collectors in reference to promoting the public service in the revenue department, or for the purpose of affecting the elections in the States?

A. I suppose that many changes were made for the purpose of affecting the elections; but I have no reason to suppose that any changes were made which it was thought would injuriously affect the revenue.

Q. Is it not true that change of officers affects the revenue?

A. Frequent changes of officers, as I said before, are not regarded as advantageous to the revenue.

Q. If frequent changes of officers are disadvantageous to the revenue, is not the changing of single officers also disadvantageous, except you get better men?

A. The interests of the government would be better served if revenue officers did not hold their offices by permanent tenure. On this account I may say that the tenure bill will operate injuriously to the revenue, but the government is likely to suffer when an officer is removed, unless a better man is selected to fill his place.

By Mr. ELDRIDGE:

Q. Has the department been embarrassed in any manner by the action of the Senate in the appointments and nominations made?

A. Some nominations have been rejected by the Senate which I thought ought to have been confirmed; to that extent there has been embarrassment

Q. Have the rejections made by the Senate been of good and competent men, in your judgment, excepting their political views?

A. In many cases rejections have been made solely, as I have supposed, on political grounds. Proper nominations, in many instances, in my judgment, have been rejected.

Q. Have men been recommended to you as good men to fill places that were held and are now held by incompetent and bad men for the office, in your judgment, and you are prevented from filling those offices by good men by reason of the action of the Senate?

A. In some instances we have failed to effect such changes as we thought important to be made, by the refusal of the Senate to confirm nominations.

Q. The nominations recommended as good and competent men, and whom you believed to be such?

A. The nominations of men whom I had reason to suppose were competent men, and would be likely to fill the offices more advantageously to the service than the persons who were then in office.

Q. Previously to the assuming of the office of President by Mr. Johnson, was the practice of the government the same in the appointments to offices of those persons whose political views were in accord with the administration?

A. That has been the practice of the government for many years. All administrations, as far as I am advised, for many years past, have acted upon this principle.

Q. Did you know of Mr. Lincoln's appointing any person to office whose political views were not in accord with his own?

A. I did not.

Q. Do you know the fact that Mr. Johnson has appointed many whose politics are not in accord with his own?

A. I do.

Q. Has not a very large number of the appointments of Mr. Johnson been of men whose politics do not accord with his?

A. A large number of his nominations and some of his appointments have been of this description.

Q. Have not the majority of them been?

A. I cannot state definitely as to the proportion.

Q. Is it not a fact, so far as your department is concerned, and various departments you have knowledge of, that a very large number of the employés of the government are, to-day, opposed to the President in his political views?

A. This is true, as far as my department is concerned. I cannot speak of other departments.

Q. That relates to the country as well as to this city?

A. I can only speak advisedly as far as my own department is concerned. I do not know how it is with other departments, but my opinion is that three-fourths of the office-holders throughout the country may be regarded as opponents of the present administration. In my own department, at Washington, a very large majority of the employés are supposed to be in sympathy with Congress. I should suppose that seven-eighths of the Treasury clerks, and three-fourths of the revenue officers in the States and Territories, are republicans.

By Mr. THOMAS:

Q. In your department, have there not been removed by Mr. Johnson about one-third of the officers holding commissions from him?

A. During the last year, I think one-third of the leading officers of the customs and internal revenue service were removed.

By Mr. ELDRIDGE:

Q. Do you mean to say they were all removed for political reasons?
A. Not all; but I should say a large majority were.

By Mr. THOMAS:

Q. Mr. Eldridge has inquired whether the government has not been embarrassed by the refusal of the Senate to remove inefficient and otherwise objectionable men. Did you ever present a case to the Senate where removal and supersedure was required that they refused?

A. I made a presentation of no case to the Senate; I merely sent names to the President, when changes were thought by me to be necessary, or when he directed me to do it.

Q. Without suggesting any ground of complaint against the incumbent?

A. In the nominations to the Senate nothing is said in regard to the character of the persons whose removal is required.

Q. Then, as I understand you, no such case has ever been presented to the Senate?

A. The President nominates without giving reasons; the Senate consents to or rejects the nominations as they think best.

Q. In other words, the department has made no complaint, and has not stated any grounds for the removal of these persons?

A. The department has no communication with the Senate in regard to nominations, and the President gives to the Senate no reasons for his nominations.

By Mr. ELDRIDGE:

Q. It is not customary to report to the Senate, in making nominations, the characters of the persons named?

A. It is not.

Q. It never has been?

A. Not to my knowledge.

Q. In looking at that account exhibited to you, you pointed out the claims that were paid to persons claiming cotton under permits given to them?

A. My impression is that the report which has been made to Congress indicates the nature of the claims, but the report is not before me, and I cannot speak definitely.

Q. Does it indicate that the party making the claim makes it under a permit?

A. I cannot say.

Q. Is there any way of ascertaining that fact in the office?

A. It can be done by an investigation of the different cases, if it does not appear in the reports.

Q. Are there very many of these cases?

A. A good many.

By Mr. Lawrence:

Q. Is not the fact that there are so many republicans in office attributable to the fact that the Senate refuses to confirm appointments made in cases where changes were made?

A. It is true, undoubtedly, that in many instances the Senate has refused to confirm nominations, and to this fact may, in part, be attributed the fact that so many republicans are in office.

By Mr. MARSHALL:

Q. I ask you if the employés in your department, of whom you have spoken

and stated the relative proportions of, have not been subject to your removal at any time—the great body of them, if you desired to do so?

A. All the officers in my department, with the exception of heads of bureaus, and a few assistants and deputies, are subject to removal by the Secretary.

Q. They have been subject to removal by you at any time, if you desired to make political influence? In conformity with precedents you could remove them or not if you wished?

A. I could.

TREASURY DEPARTMENT, *July* 22, 1867.

SIR: Enclosed I hand you, agreeably to the instructions of the Judiciary Committee, copies of four (4) certificates of temporary loan and schedule relating to the same, issued by the designated depositary at Cincinnati to Andrew Johnson, on the 8th day of July, 1864, and paid on the 4th of November, 1865.

Very respectfully,

H. MCCULLOCH,
Secretary of the Treasury.

Hon. JAMES F. WILSON,
Chairman Judiciary Committee, House of Representatives.

[Original.]

Schedule of principal and interest, at six per cent. per annum, on certificate of deposit No. 1335, new series, issued by the depositary of the United States at Cincinnati to Andrew Johnson, the 8th day of July, 1864, and paid the 4th day of November, 1865.

Principal	$10,000 00
One year and 119 days' interest	795 61
	10,795 61

Received payment. C. W. OVERAKER.

[Original.]

No. 1335.] OFFICE OF THE DESIGNATED DEPOSITARY OF THE UNITED STATES,
Cincinnati, July 8, 1864.

I certify that Andrew Johnson, Nashville, Tennessee, this day deposited, for at least thirty days, to the credit of the Treasurer of the United States, ten thousand dollars, for which interest, at the rate of six per centum per annum, will be paid to his order, together with the principal, in lawful money, after ten days' notice, upon the surrender of this certificate.

$10,000. ENOCH T. CARSON,
Designated Depositary.

Pay to the order of Frank Goodwin, esq., cashier.

W. S. HUNTINGTON, *Cashier.*
L. A. GREEN, *Assistant Cashier.*

[Original.]

Schedule of principal and interest, at six per cent. per annum, on certificate of deposit No. 1336, new series, issued by the depositary of the United States at Cincinnati to Andrew Johnson, on the 8th day of July, 1864, and paid the 4th day of November, 1865.

Principal	$10,000 00
One year and 119 days' interest	795 61
	10,795 61

Received payment. C. W. OVERAKER.

[Original.]

No. 1336.] OFFICE OF THE DESIGNATED DEPOSITARY OF THE UNITED STATES,
Cincinnati, July 8, 1864.

I certify that Andrew Johnson, Nashville, Tennessee, this day deposited, for at least thirty days, to the credit of the Treasurer of the United States, ten thousand dollars, for which interest, at the rate of six per centum per annum, will be paid to his order, together with the principal, in lawful money, after ten days' notice, upon the surrender of this certificate.

$10,000. ENOCH T. CARSON,
Designated Depositary.

Pay to the order of Frank Goodwin, esq., cashier.

W. S. HUNTINGTON, *Cashier.*
L. A. GREEN, *Assistant Cashier.*

[Original.]

Schedule of principal and interest, at six per centum per annum, on certificate of deposit No. 1337, new series, issued by the depositary of the United States at Cincinnati to Andrew Johnson, the 8th day of July, 1864, and paid the 4th day of November, 1865.

Principal	$10,000 00
One year and 119 days' interest	795 61
	10,795 61

Received payment.

C. W. OVERAKER.

[Original.]

No. 1337.] OFFICE OF THE DESIGNATED DEPOSITARY OF THE UNITED STATES,
Cincinnati, July 8, 1864.

I certify that Andrew Johnson, Nashville, Tennessee, this day deposited, for at least thirty days, to the credit of the Treasurer of the United States, ten thousand dollars, for which interest, at the rate of six per centum per annum, will be paid to his order, together with the principal, in lawful money, after ten days' notice, upon the surrender of this certificate.

$10,000. ENOCH T. CARSON,
Designated Depositary.

Pay to the order of Frank Goodwin, esq., cashier.

W. S. HUNTINGTON, *Cashier.*
L. A. GREEN, *Assistant Cashier.*

[Original.]

Schedule of principal and interest, at six per cent. per annum, on certificate of deposit No. 1338, new series, issued by the depositary of the United States to Andrew Johnson, the 8th day of July, 1864, and paid the 4th day of November, 1865.

Principal	$10,000 00
One year and 119 days' interest	795 61
	10,795 61

Received payment.

C. W. OVERAKER.

[Original.]

No. 1338.] OFFICE OF THE DESIGNATED DEPOSITARY OF THE UNITED STATES,
Cincinnati, July 8, 1864.

I certify that Andrew Johnson, Nashville, Tennessee, this day deposited, for at least thirty days, to the credit of the Treasurer of the United States, ten thousand dollars, for which interest, at the rate of six per centum per annum, will be paid to his order, together with the principal, in lawful money, after ten days' notice, upon the surrender of this certificate.

$10,000. ENOCH T. CARSON,
Designated Depositary.

Pay to the order of Frank Goodwin, esq., cashier.

W. S. HUNTINGTON, *Cashier.*
L. A. GREEN, *Assistant Cashier.*

UNITED STATES OF AMERICA, TREASURY DEPARTMENT,
July 22, 1867.

Pursuant to the act of Congress of 22d February, 1849, I hereby certify that the annexed certificates of deposit on account of temporary loan to the United States, bearing the numbers 1335, 1336, 1337, and 1338, respectively, and schedules relating to the same, all hereunto annexed, are true and complete copies of the originals thereof remaining on file in this department.

In witness whereof, I have hereunto set my hand, and caused the seal of the Treasury Department to be affixed, on the day and year first above written.

[SEAL.]

H. McCULLOCH,
Secretary of the Treasury.

TREASURY DEPARTMENT, *August* 16, 1867.

SIR: In accordance with my promise to the Committee on the Judiciary of the House of Representatives at my examination on the 20th ultimo, I transmit herewith enclosed the briefs of eight cases in which claims were paid by order of the President.

I have the honor to be your obedient servant,

H. McCULLOCH,
Secretary of the Treasury.

Hon. JAMES F. WILSON,
Chairman of Committee on the Judiciary, United States House of Representatives.

THE STATE WORKS OF SOUTH CAROLINA.

The buildings comprising these works, situated in Greenville, S. C., were erected by the State in the spring of 1862, on land given for the purpose by a citizen, and soon after the machinery, tools, &c., for the manufacture of arms, &c., were procured and placed therein by the State. Arms and ordnance were manufactured and issued to troops in the State service, and also to the State arsenal at Columbia, and to some extent to the confederate arsenal at Charleston. After the fall of 1864 the works were largely engaged, by order of the legislature, in supplying the country with necessary farming implements, and this was the principal business doing at the time of its suspension in May, 1865.

The President having been applied to in February, 1866, by the representatives of the provisional government of the State for the release of this property, issued the following order:

"EXECUTIVE MANSION, *March* 14, 1866.

"SIR: In conformity to the opinion expressed by the Secretary of State in his letter addressed to you under date of March 8, instant, relative to the 'State works,' so called, and the equity and propriety of relinquishing the same to the State of South Carolina, you are hereby directed to cause the property above mentioned to be appraised; and if from the appraisal it shall appear that the net avails which would probably result to the United States from the sale of the property will not exceed the sum of sixty thousand dollars, ($60,000,) you will relinquish the same to the State, excepting implements of war, finished or unfinished.

"Respectfully,

"ANDREW JOHNSON, *President.*

"Hon. H. McCULLOCH,
"*Secretary of the Treasury.*"

In accordance therewith the agent of the Treasury Department having charge of the property was directed to release it, which, as appears from his report, was done on the 26th of April, 1866; its appraised value being $33,928 79, as appears by the following affidavit:

"The undersigned having been appointed by T. C. Callicot, supervising special agent, to appraise certain property alleged to have been collected or received as abandoned or captured by the aforesaid special agent of the Treasury Department, having each of us made oath for the faithful discharge of our duty as such appraisers, do certify that we have carefully examined and appraised the property described in the annexed schedule, and that said property is worth thirty-three thousand nine hundred and twenty-eight $\frac{79}{100}$ dollars, ($33,928 79.)

"T. HEYWARD THAYER,
"L. B. CLINE,
"JOHN ADAMS,
"*Appraisers.*

"Sworn to and subscribed before me this eleventh day of April, 1866.

"C. E. KNIGHT,
"*Captain Fifteenth Maine Volunteers, and Acting Provost Marshal.*"

EXECUTIVE MANSION, *March*, 1866.

Will the Secretary of State examine the within papers relative to the State works, so called, in South Carolina, and indicate his opinion whether (without waiving the right of the government to hold possession of the property in question as captured, or admitting the legal claim to it asserted by the State authorities) it would be equitable and advisable to allow them to retain the property in question on account of the expenses of the provisional government, in the same manner that the provisional government of North Carolina were allowed to take and retain possession of certain property for the same purpose?

(Signed) ANDREW JOHNSON.

[Copy.]

DEPARTMENT OF STATE,
Washington, March 8, 1866.

SIR: The President has referred to me certain papers relating to the State works, so called, in South Carolina, together with a letter which you addressed to him on the 23d of February concerning this same subject.

The President desires my opinion upon the question whether (without waiving the right of the government to hold possession of the property in question as captured, or admitting the legal claim to it asserted by the State authorities) it will be equitable and advisable to allow them to retain the property in question in the same manner that the provisional government of North Carolina was allowed to take and retain possession of certain property of the same purport.

Having examined the papers, I have come to the following conclusions:

1. The State of South Carolina, from the time when its provisional government was authorized until this time, is to be considered, not as an insurgent or seditious or hostile State, but as a State loyal to the Union, and, as far as lies within its own power, a State engaged in repairing the damages and correcting the evils of the rebellion, and for these purposes co-operating with the federal government for the complete restoration of peace and harmony throughout the Union.

2. The State of South Carolina, thus loyal, is impoverished, and, like the State of North Carolina, needs and is entitled not merely to forbearance, but to magnanimity and favor, from this government, so far as may be consistent with the laws of the United States.

3. When the condition of affairs which exists in the States which were lately involved in rebellion is taken into consideration, it is easily seen that much of the captured property would, if sold, produce no considerable accessions or contributions to the treasury, while its relinquishment by this government to the loyal provisional State governments would afford them important and valuable aid in restoring themselves into complete relations with the Union.

4. The papers before me do not enable me to judge of the value for which the so-called State works in South Carolina could be sold by the United States. For this reason I am unable to advise definitely upon the point of the reasonableness of such relinquishment. If, however, I am permitted to assume that the net avails to the treasury of the United States, resulting from the sale of the property, would not exceed the sum of $60,000, I should be of opinion that in that case it might be properly and wisely relinquished, after appraisal, to the State of South Carolina, with the reservation that after peace shall have been proclaimed, and the State of South Carolina shall have been fully restored to her federal relations, the subject shall be referred to the consideration of Congress.

I am, sir, your obedient servant,

(Signed) WILLIAM H. SEWARD.

Hon. HUGH MCCULLOCH,
Secretary of the Treasury.

[Copy.]

EXECUTIVE MANSION, *March* 14, 1866.

SIR: In conformity to the opinion expressed by the Secretary of State in his letter addressed to you under date of March 8, instant, relative to the State works, so called, and the equity and propriety of relinquishing the same to the State of South Carolina, you are hereby directed to cause the property above mentioned to be appraised; and if from the appraisal it shall appear that the net avails which would probably result to the United States from the sale of the property will not exceed the sum of sixty thousand dollars, ($60,000,) you will relinquish the same to the State, excepting implements of war, finished or unfinished.

Respectfully,

(Signed) ANDREW JOHNSON,
President.

Hon. H. MCCULLOCH,
Secretary of the Treasury.

[Copy.]

TREASURY DEPARTMENT, *March* 10, 1867.

SIR: In the matter of the property known as the State works of South Carolina, I have the honor to say that in my opinion nothing less than an Executive order is sufficient to carry out the recommendations on the subject made by the Secretary of State under date of the 6th instant.

All the papers relating to the subject, in the department, are accordingly herewith respectfully transmitted to you for such direction as you see proper to give in the premises, accompanied by a draft of an order which, if signed by you, will, I think, secure the ends sought to be attained.

With great respect,

(Signed) H. McCULLOCH.
Secretary of the Treasury.

The PRESIDENT.

NOTE.—As this case was examined in the State Department, my attention was not very especially called to it, and I had forgotten its existence when I testified before the Committee in regard to the return of property to States.

AUGUST 16, 1867.

THE CLAIM OF JOHN BLEVINS.

The petition of John Blevins, addressed to the President, under date of July 27, 1865, sets forth, that during Grierson's raid near Okalona, Mississippi, the confederate soldiers were ordered to burn all cotton; and, between the choice of taking a receipt on the rebel government and its money, he decided to sell his cotton—amounting to 73 bales—to an agent of that government. That he was unable to use the proceeds of this sale at the time, and it became valueless in his hands. In consideration of these facts, he asks that the treasury agent, who had collected 64 bales of this cotton from his plantation, as the property of the rebel government, be directed to release it.

The President referred this petition to the Secretary of the Treasury, with the following endorsement:

"EXECUTIVE MANSION,
"*September* 12, 1865.

"The claimant in this case, Mr. John Blevins, is known to me as a citizen of East Tennessee, who has steadfastly maintained his loyalty to the government. From an examination of the case, I am satisfied the facts are as stated, and have no doubt but that the property should be restored to him as an act of justice. The Secretary of the Treasury will please cause this to be done.

"ANDREW JOHNSON, *President.*"

In accordance therewith, the Secretary of the Treasury directed Harrison Johnston, the agent who had collected it, to release said cotton to Mr. Blevins Mr. Johnston released 22 bales, all he had left in his hands—part of the remainder having been burned with the arsenal at Columbus, Mississippi, and 32 bales having been shipped to the cotton agent at New York. The proceeds of the 32 bales, amounting to forty-eight hundred dollars, ($4800) were subsequently—on the 9th day of November, 1866—released to Mr. Blevins by the department.

THE CLAIM OF JOHN P. WHITE.

The sworn statements of John P. White and E. A. Erwin are to the effect, that in March, 1862, Hale and Sykes agents of Fite, Shephard & Co., of Nashville, Tennessee, purchased and paid for 27 bales of cotton of E. A. Erwin, of Lowndes county, Mississippi, and stored them on his plantation for safe-keeping, where it remained until August, 1865, when it was collected by H. Johnston, assistant special agent of the Treasury Department, under the following circumstances:

In 1863 Erwin sold to the confederate agent 50 bales of cotton, and held it subject to his order. That when he made this sale he had fifty bales of his own cotton on hand, in addition to the 27 bales sold to Fite, Shephard & Co. That subsequent to the sale of the 50 bales, and before July, 1865—he being in the confederate army much of the time—some persons, to him unknown, took and carried away 33 of the said 50 bales. In consequence of the deficiency thus arising, the agent of the United States Treasury Department seized the 27 bales above mentioned, which had previously been sold by Fite, Shephard & Co. to John P. White, the claimant.

The petition of John P. White bears the following endorsement:

"Referred to the honorable Secretary of the Treasury, with directions to issue instructions to the assistant special treasury agent at Columbus, Mississippi, to deliver to John P. White the 27 bales of cotton within referred to.

"ANDREW JOHNSON.

"DECEMBER 15, 1865."

In accordance therewith the special agent of the Treasury Department was directed, on the 18th day of December, 1865, to release the cotton in question.

NOTE.—It should be stated that no agent was authorized to seize cotton other than that *actually offending*. Where cotton could be *identified* as belonging to the so-called confederate government, it was seized; otherwise not.

The above named cotton was seized in lieu of another lot, and did not, therefore, come within the rule. The reason for this is manifest, to wit: That agents would be liable to seize on mere suspicion, or false evidence; but where the history of the cotton could be clearly traced, and it could be identified by marks, &c., the ground of seizure was tenable.

THE CLAIM OF JOHN M. TRIMBLE.

The petition of Mr. Trimble, which is substantially corroborated, states that he is, and has always been, a loyal man—that he rendered important and valuable services, as a guide and otherwise, to the army under Major General Thomas. That in consideration of such services General Thomas directed his chief quartermaster to receive certain cotton belonging to Mr. Trimble, in order that it might be the better secured to him, and that it be registered in his name and as his property, so that no loss will result to him, as might be the case were these precautions not taken. That, in pursuance of this order, the cotton (20 bales) was taken to Atlanta and delivered to the assistant quartermaster, who, instead of carrying out the order, mingled it with other cotton, which was sent to Nashville, and turned over to the treasury agent.

The petition of Mr. Trimble and accompanying papers were transmitted by the President, with the following endorsement:

"Respectfully referred to the honorable the Secretary of the Treasury. Being familiar, to some extent, with the merits of this case, and having read the accompanying communications from Major General Thomas and others, I feel well assured that the claim of Mr. Trimble ought to be adjusted by the Treasury Department.

"ANDREW JOHNSON."

The average proceeds of 20 bales of cotton, received from Nashville, amounting to $7,728 99, was released to Mr. Trimble on the 3d of May, 1866, in accordance with the recommendation of the President.

HEADQUARTERS DEPARTMENT OF THE CUMBERLAND,
Atlanta, Georgia, September 15, 1865.

Brigadier General J. KILPATRICK,
Commanding Third Cavalry Division:

The Major General commanding directs me to inform you that the bearer of this letter, Mr. Trimble, is a true and loyal citizen, and has proved his sincerity and loyalty by the rendition or valuable services to our army while acting in the capacity of a guide during the campaign just closed. Mr. Trimble has a quantity of cotton which he is desirous of disposing of, and the Major General commanding directs that you afford him facilities for its being brought to Atlanta by furnishing him the wagons for its transportation. It is to be turned over to Colonel L. C. Easton, chief quartermaster military division of the Mississippi, as seized by order of Major General Thomas, and will be registered in the name and as the property of Mr. Trimble, who will be able to prove his loyalty, and thereby have it restored to him, in accordance with the regulations of the Treasury Department, in all such cases made and provided.

The Major General commanding directs, also, that you furnish the necessary guard for the protection of the train carrying the within mentioned cotton to this place.

I have the honor to be, General, very respectfully, your obedient servant,

(Signed) ROBERT H. RAMSEY,
Captain and Assistant Adjutant General.

Official copy:
(Signed) W. D. WHIPPLE,
Assistant Adjutant General.

THE CLAIM OF MRS. EMILY MILLER.

The petition of Mrs. Emily Miller, addressed to the President, represents that she is a resident of Port Gibson, Mississippi; that on the 20th of May, 1865, she was the owner of, and had in her actual possession, 72 bales of cotton, which were seized by a military officer and turned over to an agent of the Treasury Department.

The circumstances of the seizure and shipment of this cotton, and the fact of a claim being made for it at the time by Mrs. Miller, are certified to by two agents of the department.

The agent who received this cotton, in his report, stated that it was claimed by "a Mrs. Miller on the ground that she purchased it from the confederate States government previous to the surrender, paying therefor stock, provisions" &c.

In accordance with the following instructions of the President, the net proceeds of this cotton, amounting to eight thousand five hundred and fifty-eight dollars and fifty-six cents, ($8,558 56,) were paid to Mrs Miller on the 2d of January and 20th of April, 1866:

"EXECUTIVE MANSION, *December* 1, 1865.

"In view of Mrs. Miller's character and circumstances, and of the oppressive manner in which a rigid application of the general rules under the Attorney General's opinion concerning captured property would affect a most meritorious and deserving woman, I am satisfied that her case, as presented within, should be made an exception thereto.

"The Secretary of the Treasury will, therefore, please give the necessary orders for the restoration of the proceeds of the property, as prayed for.

"ANDREW JOHNSON, *President.*"

NOTE—Mrs. Miller was a non-combatant, and had sold her stock and provisions, for this cotton, to the so-called confederate States government, under compulsion.

Mrs. Miller manifested a great desire to aid the United States authorities, and volunteered information by which cotton could be secured to the United States.

THE CLAIM OF MADAME BERTINATTI.

This claim, amounting to sixteen thousand two hundred dollars ($16,200,) was paid on the 8th of June, 1866, on the order of the President, endorsed on a report to him from the Secretary of War, which report and endorsement are in the following words:

"WAR DEPARTMENT,
"*Washington City, June* 8, 1866.

"SIR: In respect to the claim of Madame Bertinatti, (formerly Mrs. Bass,) referred by you to this department, I have the honor to state:

"1. That the claim embraces two classes of subjects, viz: compensation for quartermasters and commissary stores, which, under existing laws, cannot be paid.

"2. That compensation is also claimed for cotton taken by the military forces from the plantation of Mrs. Bass, whose loyalty is certified by General Grant.

"The power to make compensation for this description of property is not vested in the War Department, and, as a general rule, I am informed that it is not allowed in the Treasury Department; but regarding the endorsement of Mr. Lincoln, made on the 25th day of January, 1864, as in the nature of an acknowledgment of the claim, and equivalent to an adjudication and order for its payment when the amount should be ascertained, I am of the opinion that it would be competent for the Treasury Department, with your sanction, to allow and pay the sum awarded by the board appointed by order of General Grant, under Mr. Lincoln's order of 25th January, 1864, and your order of June 10, 1865, to wit: $16,200.

"Respectfully submitted.

"EDWIN M. STANTON,
"*Secretary of War.*

"To the PRESIDENT."

"EXECUTIVE MANSION, *June* 8, 1866.

"Approved and referred to the Secretary of the Treasury to pay Madame Bertinatti the awarded value of the cotton within mentioned, to wit: $16,200.

"ANDREW JOHNSON."

THE CLAIM OF MRS. JULIA A. NUTT.

The affidavit of Mrs. Nutt, dated February 14, 1865, sets forth that she is a loyal citizen; that early in 1864 she realized the sum of $7,000 from the sale of certain cotton from Evergreen Plantation, Louisiana, which she deposited in the bank of Blossom, Riggin & Co., of

Natchez. That this money belonged to her individually, and was in nowise controlled by her husband, Haller Nutt, since deceased. That on the 13th of June, 1864, at the request of Wm. Burnet, then treasury agent at Natchez, out of the $7,000 the sum of $6,345 36 was taken by the military authorities and paid over to Burnet as indemnity for the alleged improper purchase by Mr. Nutt of a lot of cotton from the overseer of a plantation said to be abandoned, and the disposal of this cotton by him. That she inherited the Evergreen Plantation from her parents, and has never given to Haller Nutt, by contract or otherwise, any part, interest, or share in that plantation, or the proceeds thereof.

Additional evidence is to the effect that she owned an undivided share of the plantation, the remainder being claimed by her husband as his by purchase, and that the $7,000 was the proceeds of cotton raised on this plantation, and was in her possession and name from the time it was paid by the commission merchant until it was seized.

The amount claimed—$6,345 36—was paid to Mrs. Nutt on the 9th of November, 1865, in accordance with the following endorsement of the President on a full and carefully written brief of the case:

"EXECUTIVE MANSION, *November* 7, 1865.

"From the statement of facts appearing in the within brief, I am satisfied the money in question should be paid to Mrs. Nutt; and the Secretary of the Treasury will please give the necessary directions to that effect.

"ANDREW JOHNSON, *President.*"

It appears from the evidence in this case that the money was seized by the military authorities at the request of Wm. Burnet, treasury agent at Natchez, and turned over to him as the proceeds or value of twenty-five bales of cotton which he alleged was illegally taken by Haller Nutt from the Palmetto plantation, and which was represented to be abandoned or confiscable property, when in fact it was the proceeds of cotton grown on plantations owned in whole or in part by Mr. and Mrs. Nutt.

The alleged illegal transaction of Haller Nutt was that he purchased of one Deal twenty-five bales of cotton and disposed of it. It was claimed by Burnet that Deal was not the lawful owner of the cotton, but that it belonged to one Surget, who was in the rebel army; that Surget had abandoned his property, and that Burnet, as the agent of the Treasury Department, was entitled to possession thereof.

Mr. Nutt and Mr. Deal, on the contrary, claim that the cotton had been sold by Surget to Deal in payment of indebtedness to him as overseer and for debts incurred in carrying on the plantation.

Even if all the facts alleged by Burnet could be proved, the seizure of money belonging to Mrs. Nutt in her own right, and in no way connected with the alleged fraudulent transaction of her husband and Mr. Deal, would appear to be improper, nor is it seen how any proceeding at law could be had under which such money could be held.

[Copy.]

HEADQUARTERS UNITED STATES FORCES,
Natchez, Mississippi, July 21, 1863.

The troops of this command are instructed that they will in no way molest the property of Mr. H. Nutt, or his premises and plantations, situate on the Woodville road, known as Longwood and Cloverdale.

Marauding parties of negroes committing depredations on the premises of citizens will be arrested and severely dealt with.

By order of Brigadier General Ransom, commmanding:

(Signed) D. A. STARWING,
Colonel 72d Illinois Infantry Regiment.

NATCHEZ, MISSISSIPPI, *May* 20, 1864.

To Officers of the United States army and others:

I take great pleasure in certifying to the loyalty of Mr. Haller Nutt, of Natchez, Mississippi. I was the first United States provost marshal of Natchez, and held the office for several months, and therefore know the reputation he sustained as a Union man among the citizens—a reputation he has well sustained since the federal occupation nearly a year ago.

He was one of the few who greeted us cordially when the Union flag was raised here. His entire family are also loyal.

Respectfully, &c.,

(Signed) GEO. A. McKEE,
Maj. 11th Ill. Inf., and Provost Marshal District of Vicksburg.

I certify that the within is a correct copy of the original now in my possession.
(Signed) JULIA A. NUTT

Sworn to and subscribed before me, this 6th day of August, 1864.
(Signed) J. H. PARKER,
Lieutenant and Provost Marshal.

[Copy of endorsement on Major George A. McKee's letter.]

Soon after the fall of Vicksburg, Mr. Nutt, of Natchez, Mississippi, with some three or four other gentlemen of the same place, visited me at Vicksburg. My understanding was that Mr. Nutt had been loyal to the government throughout. He was certainly a citizen who conducted himself in such manner as to entitle him to protection from the government, instead of the seizure of his property. Of the claim which is now being made for the recovery of money taken from Mr. Nutt I know nothing. I was not aware that money had been seized. I will state, however, that if investigation shows that money belonging to him has been seized and put into the United States treasury, his family are as much entitled to its recovery as the most loyal in the South, for I believe the family are of that class.
(Signed) U. S. GRANT,
Lieutenant General.

OCTOBER 24, 1865.

HEADQUARTERS DEPARTMENT OF THE TENNESSEE,
Vicksburg, Mississippi, September 21, 1863.

A safeguard is hereby granted to the plantation, houses, stock, and other personal property of Mr. Haller Nutt, on Lake St. Joseph, Tensas parish, Louisiana, known as "Winter Quarters."

All officers and soldiers belonging to the army of the United States are therefore commanded to respect this safeguard, and to afford, if necessary, protection to said Nutt and his property above referred to.

By order of Major General U. S. Grant:
(Signed) S. KENT,
Lieutenant Colonel, Provost Marshal General.

Fifty-fifth article, articles and rules of war.

"Whosoever belonging to the armies of the United States shall force a safeguard shall suffer death."

HEADQUARTERS 10TH DIVISION, 13TH ARMY CORPS,
Dr. Nutt's Plantation, April 29, 1863.

All troops and attachés of the tenth division are ordered to respect the property of this plantation. This is delivered to Mr. Smith, the person now in charge of the plantation.
(Signed) A. J. SMITH,
Brigadier General, Commanding 10th Division.

HEADQUARTERS 17TH ARMY CORPS,
Dr. Nutt's Plantation, April 29, 1863.

All officers and soldiers of my command are required to respect the property named above.
(Signed) JAS. B. McPHERSON,
Major General.

HEADQUARTERS UNITED STATES FORCES,
Natchez, Mississippi, August 1, 1863.

Mr. Nutt, a resident of this city, is well known to me as a consistent Union man, and as such entitled to the protection of our troops; and his property should not be molested in any way, as he has already been reduced to poverty from affluence by the persecutions of the rebels and depredations of federal troops. I recommend him to all United States officers and soldiers.
(Signed) T. E. G. RANSOM,
Brigadier General, Commanding Post.

NATCHEZ, MISSISSIPPI, *November* 1, 1863.

MY DEAR SIR: On taking my departure from this place for a time, I desire to express to you my delight at finding you amongst some other friends of former years, of devoted Unionists from the very commencement of the rebellion. You, and others of the same stamp, should be cherished; and be assured that I shall ever be ready to give willing testimony to your unswerving devotion to the Union.

Your losses have been, I know full well, very great, and I hope the wicked rebellion will soon be crushed, (and crushed it will be,) and you be again enabled to resume that place in peace amongst your fellow-men you so enviably enjoyed before the rebellion commenced.

You have my heartiest wishes for the prosperity of yourself and amiable family, from whom I have received many kindnesses.

Very truly yours,

L. THOMAS, *Adjutant General.*

HALLER NUTT, Esq., *Natchez, Mississippi.*

HEADQUARTERS UNITED STATES FORCES,
Natchez, Mississippi, October 14, 1863.

SIR: I desire to say, in regard to Mr. Nutt, that I have read his letter to the honorable Reverdy Johnson, and that it contains what I believe to be a true statement of his case, and I respectfully recommend that his application be granted. There is no doubt about Mr. Nutt's having been at all times and under all circumstances a loyal man.

Respectfully, &c.,

(Signed) M. M. CROCKER,
Brigadier General, Commanding at Natchez.

THE CASE OF S. MANSFIELD & CO.

S. Mansfield & Co., druggists at Memphis, Tennessee, were arrested in September, 1862, by order of Major General Sherman on the charge of disloyalty, and of selling goods to be taken into the rebel lines. Their store was seized and placed in charge of their clerk, who was directed to continue its oper[illegible]y authorities.

In January, 1864, General She[illegible]o. of the store and goods unsold.

The proceeds of sales while the[illegible]1 32 net, were transferred to the Treasury Department by the War Department.

Mansfield & Co. applied to the President for the release of these proceeds; and on receipt of the following instructions from him the amount above stated was paid to them August 25, 1865, and September 21, 1866:

"EXECUTIVE, *August* 24, 1865.

"Case of Mansfield & Co.

"General William T. Sherman having ordered the seizure of the store of Mansfield & Co., and having subsequently ordered its restoration, together with the contents and the proceeds of sale since October, 1862, (as appears by his endorsements accompanying the papers in the case,) for the purpose of giving full effect to the orders of the military commander, the Secretary of the Treasury is directed to cause the amount of the proceeds to be restored out of funds in the hands of any treasury agent not otherwise disposed of.

"ANDREW JOHNSON, *President.*"

[Copy.

"OFFICE CHIEF QUARTERMASTER, DISTRICT WEST TENNESSEE,
"*Memphis, May* 19, 1865.

"In making my previous decision in the case of Mansfield & Co. I was chiefly guided by the fact that they had been deemed guilty by General Sherman, and by him were severely punished. I cannot, as an officer, go behind his decision; but as subsequent cases have occurred where the loyalty of the parties was quite as questionable as that of Mansfield & Co., and where these parties were very moderately fined by the military authority for offences similar to that charged against Mansfield & Co., I recommend that the Treasury of the United States pay all the moneys actually collected by the United States rental officer to the

claimants, they relinquishing all other claims against the government, so far as the property in question is involved. Further inquiry has satisfied me that it is highly probable that General Sherman never would have deemed the parties guilty of dealing with rebels, and *therefore disloyal*, if he had had time to more fully investigate the matter; and assuming this to be true, I give full weight to the testimony of the loyal parties named in the petition. I further suggest that the matter be referred to General Sherman, personally, for his approval or disapproval of my recommendation.

"A. R. EDDY,
"*Chief Quartermaster District West Tennessee.*"

"I gave an order for the restoration of the store of Mr. Mansfield near two years ago. Since my movement east, this part of Tennessee is not in my jurisdiction, and I have no authority in the premises. The store, contents, and proceeds of sale since October, 1862, should be returned.

"W. T. SHERMAN,
"*Major General Commanding.*"

"We, residents of Memphis, Tennessee, and loyal citizens of the United States, have read the annexed petition [of Mansfield & Co.,] and know the parties well. We believe them to be loyal, true, and faithful, and would therefore respectfully join with them in asking of you, if you can consistently with your duty grant it, the relief prayed for.

"J. E. MERRIMAN.
"A. P. BURDITT.
"WILLIAM M. FARRINGTON.
"G. N. CARLETON.
"M. HILL.
"R. HOUGH."

"These men were Union men, first, last, and all the time.

"MORGAN L. SMITH,
"*Brigadier General Volunteers.*"

WASHINGTON, *July* 20, 1867.

E. A. ROLLINS, Commissioner of Internal Revenue, sworn and examined.

By Mr. BOUTWELL:

Q. State whether or not the Executive removals made in the year 1866 in the internal revenue department were beneficial to the revenue service.

A. I did not then, nor do I now, regard them so.

Q. As far as you know, were the persons removed charged with incapacity or dishonesty in the performance of their duties?

A. In but very few instances.

Q. You stated that the removals were injurious to the revenue service. Have you made any estimate, or have you any opinion, of the extent of the injury to the revenue service growing out of these removals?

A. I have made no estimate. It was from a variety of causes. The mere changing of experienced for inexperienced officers gave better opportunity for fraud upon such officers by experienced, designing tax-payers. I have no doubt that the loss to the revenue was many millions of dollars.

Q. Have you any means of saying whether the loss was five, ten, or twenty millions of dollars?

A. I have not. This must be a matter of estimate rather than of calculation. There can be but little actual, reliable data, except what comes out of the nature of the cases and the character of the several officers removed and appointed.

Q. Aside from the elements of experience, were the men appointed in the qualities which public officers ought to possess equal to those who were removed, considered as a body of men?

A. I do not so regard them.

Q. Do you trace any difficulties in collecting revenue on distilled spirits to the changes made in the year 1866?

A. I do. I suggested in a previous answer that there was better opportunity for fraud upon inexperienced officers. Designing distillers and rectifiers were actually encouraged to combine for purposes of fraud.

Q. Are there men in the revenue service whom you should have removed upon public grounds if the power of removal had been vested in you solely?

A. There are.

Q. Why have those persons not been removed?

A. Because I had not the power to remove them.

Q. What have you done, if anything, for the purpose of obtaining their removal by the agency of the Secretary of the Treasury or of the President, or of both?

A. I have had no conference with, nor have I made a communication directly to the President since the spring or early summer of 1866. To the Secretary I have from time to time expressed my opinion—unfavorable opinion—of some assessors and collectors, but made no formal communication until recently. I have filed with him, I believe, no distinct charges, based upon evidence received by me concerning these assessors and collectors of whom I had had an unfavorable opinion, and whose removal I believed would be of advantage.

Q. Why have you not recommended the removal of these persons?

A. I have done so informally, but not formally, because I have supposed my opinion would not receive much credit with the President. I have not formally done so until recently.

Q. What reason have you for supposing that the President would not have removed these incompetent officers and those persons who were supposed to be dishonest?

A. From nothing that the President has ever said to me; but from the character of the appointments made without recommendation from me.

Q. Do you mean to say your recommendations were in any case overruled by the President or disregarded?

A. No; I have not made recommendations or been asked to make recommendations.

Q. Have not the records of the office been consulted in reference to recommendations and opinions taken in reference to the expediency of removals or appointments by the President?

A. Not except in rare instances.

Q. Has the necessity or special necessity for the appointment of the metropolitan revenue board in New York arisen wholly or in part from the dishonesty and incompetency of assessors and collectors and their subordinates?

A. It has in part and almost entirely, I think. I believe, however, that for various reasons there is advantage in having the interests of a large commercial community, like that under the express care of the metropolitan board, under a single supervision.

Q. Do you look for a reasonably efficient and honest administration of the revenue service while these incompetent and dishonest men remain in office?

A. I do not look for a thorough and successful administration.

Q. State what, in your opinion, is the effect of the "tenure of office act," as it is called, upon the revenue service.

A. I think it has a tendency to keep bad men as well as good in office.

Q. Suppose that the appointing power was in the hands of an Executive who was disposed to exercise it solely in reference to the public service, removing dishonest and incapable men, and appointing as officers only those who were honest and capable,—under such circumstances would the present "tenure of office bill" be a wise measure in reference to the revenue service?

A. I do not think it would; but prejudicial—very prejudicial.

Q. You spoke of an interview with the President in the spring or summer of 1866; did that interview relate to the business of your office?

A. It did.

Q. What was the nature of the interview?

A. It was shortly after the re-districting, for collection purposes, of Virginia and North Carolina, and related to appointments to the offices of assessor and collector in the newly created districts.

Q. Did you converse with the President in reference to the candidates for appointments in those districts?

A. I did; and submitted to him, at the request of the Secretary of the Treasury, the applications and recommendations for appointments.

Q. Did the Secretary and yourself concur in specific recommendations in each district?

A. We did; but the papers were so numerous that the Secretary desired all the papers to be placed before the President.

Q. Were the persons recommended by the Secretary and yourself appointed in some or all the districts?

A. There was no formal recommendation from either the Secretary or myself. I think there was no disagreement about appointments in those districts.

Q. Were the persons that you desired appointed?

A. As the appointments were not to be made upon my recommendation, I did not examine them with sufficient care to have positive preferences in all cases. The appointments made were satisfactory to me.

Q. Was that the last interview you had with the President in regard to appointments?

A. It was.

Q. How did you reach the conclusion that your recommendations would not be followed to a reasonable extent by the President?

A. Because I was never afterwards consulted about the appointment of assessors or collectors.

By Mr. ELDRIDGE:

Q. You are acting Commissioner of Internal Revenue?

A. I am the present Commissioner.

Q. You are not in accord, yourself, with the President in his political views, I conclude from your answers.

A. I am a republican.

A. You do not agree with the policy of the President?

A. I do not.

Q. Have you ever, in a single case, represented to the President that any incumbent of the revenue service was dishonest or incompetent and ought to be removed?

A. I have not. It is not the practice for the head of a bureau to communicate by letter or through personal interview with the President, except as in the instance referred to—at the request of the Secretary of the department in which he is an officer.

Q. Is the office which you hold more likely to bring you information of the incompetency and dishonesty of the officer than any other office under the government is?

A. Such information would ordinarily be received by both the Secretary of the Treasury and myself. I presume that more information would be sent to my office than to his.

Q. Would you not consider it your duty, if you knew an assessor or collector of internal revenue who was dishonest, or incompetent, or unfaithful to his office, to make that fact known to the President?

A. I should not directly.

Q. You should not think that your duty?

A. No, not directly; because such has never been the practice of the department.

Q. How otherwise could these facts, except through you or the Secretary of the Treasury, be brought to the knowledge of the President?

A. They would be brought to his attention by the Secretary of the Treasury.

Q. Have you in any instance, where you have known the dishonesty and incompetency of internal revenue officers, presented the facts to the Secretary, and asked of him to present the facts to the President for his action?

A. I have presented the names of persons with my opinion of their unfitness, and requested their removal; but the facts upon which my opinion was based I have not reduced to writing, and, indeed, it is very difficult to ascertain with absolute certainty the collusion of an officer with tax-payers.

Q. Do you know that the Secretary of the Treasury has ever presented a case which you have brought to his knowledge to the President in which he did not act on it?

A. I do not.

Q. You have never in writing presented any case to the Secretary of the Treasury of incompetency, unfaithfulness, and dishonesty of any officers of whom you had knowledge?

A. I have presented names of persons of whom I had such opinion.

Q. I ask if you ever presented in writing a request stating the facts of incompetency and dishonesty of officers of whom you had knowledge?

A. I have requested in writing that persons should be removed for the good of the revenue.

Q. Who were they?

A. I would prefer not to give their names. They are still in service, and it would disturb the harmony of official intercourse so to do.

Q. You say you have presented cases of that kind in writing to the Secretary, stating the facts——

A. Stating my belief that the good of the revenue required a change.

Q. Who were they?

A. They are at present still in office, and because of the desirableness that official intercourse should not be disturbed, I would prefer not to give the names. I think it undesirable for the harmony of the department to give them. No statement of facts upon which my opinion was based accompanied my letter to the Secretary.

Q. Why did you not state the facts?

A. In that communication I stated that my reasons for the recommendation were already familiar to him.

Q. How many cases of that kind have you given?

A. I think I named six officers, adding that I would give others if my recommendation was favorably regarded by the President.

Q. When was this?

A. I do not remember the date; it was after the commencement of the present or July session of Congress.

Q. Do you know that that communication, so addressed to the Secretary, was ever presented to the President?

A. I do not, but in the communication I expressed a hope that, with vexed political questions measurably concluded, the nominations to the Senate would be brought back to the Treasury Department, where they could be more properly considered in connection with the interests of the service. I desire here to say that while subordinate appointments are ordinarily made by the Secretary upon the recommendation of assessors and collectors, he has quite uniformly removed

his appointees without hesitation whenever I had evidence of their inefficiency or corruption. It is almost entirely with appointments not made by him that embarrassment in this particular has arisen.

Q. Did you name any persons as their successors?

A. I did not.

Q. Were these six officers republicans or democrats?

A. I have no means of knowing, with certainty, their political opinions. They were nearly all appointed by Mr. Lincoln. They generally reported as conservatives. I cannot say whether they are all so or not.

Q. Were there any more than these six cases to which you called the attention of the Secretary of the Treasury?

A. I think not, in writing. I stated that if these were regarded, I should recommend others for removal, including some of the new appointees.

Q. This was since the third of July?

A. Yes.

Q. Are these cases still undergoing investigation to ascertain the evidence upon which the charges are founded?

A. Not that I am aware of.

Q. Have you obtained such evidence that you have positive knowledge of their utter incompetency?

A. I believed the evidence as to the incompetency of several sufficient.

Q. You stated that the revenue had fallen off millions, in your judgment, by the appointment of new revenue officers. Have you any means of ascertaining that fact except as a mere matter of guess?

A. The precise amount, of course, cannot be determined.

Q. Is it anything more than a guess?

A. I believe it is a fact.

Q. Is it anything more than a guess?

A. It is.

Q. Now tell us the district and place where it happened?

A. I believe that in most districts where the officers were changed loss occurred. There are 240 collection districts, and in 115 of them, I believe, assessors were removed. The removal of the assessors secured the removal of nearly all of the assistant assessors. These were removed during the recess of Congress. The majority of the assessors failed of confirmation, and others took their places. These latter again caused changes to be made of the assistant assessors, and thus in most of the districts the office of assistant assessor was held by three different individuals in a short period of time. The assistant assessor is the person who makes the assessment, and his experience, because of so many details of the law and its construction, must be of very great value to the revenue.

Q. Then the loss resulted, in their cases, where there were rejections by the Senate, as much from the rejection as from the original removal; the two combined was the cause, was it not?

A. I have no doubt in many instances both changes were disadvantageous.

Q. I asked if the failure to confirm by the Senate tended to produce the loss as well as the original change?

A. I have no doubt it did in many cases.

Q. You say you have a knowledge of the loss so you can state as a fact, on your oath, that millions were lost to the treasury by these changes?

A. I am thoroughly satisfied of it.

Q. Have you made any estimate of it—any calculation?

A. Not such an estimate as would enable me to give the reason why I should believe it was a million or two more or less than a given sum.

Q. Have you made so close a calculation as to put down the loss to particular localities a certain sum, and to others a certain sum?

A. No such calculation. In some districts there have been losses of large sums from insufficient and fraudulent bonds for the withdrawal of distilled spirits.

Q. Has not that been the case where parties held office before Mr. Johnson's time?

A. To a small extent.

Q. Have you ever figured upon paper and calculated the loss?

A. I never have.

Q. You can produce to the Committee no figures which you have made on paper of the amount of the loss?

A. I cannot.

Q. Have you made any calculation of the amount that has been lost in consequence of the incompetency of men concurring with the President, and of those who disagree with him, so as to know the difference between the two?

A. I have not.

Q. Do you know whether the greater loss has occurred to the revenue from the incompetency and corruption of the incumbents who concur with the President or of those who disagree with him?

A. I do not. The loss upon bonds to which I referred, however, was mainly in those districts where collectors were appointed in the recess, and rejected by the Senate.

Q. Have suits been brought upon these?

A. They are in the hands of the United States district attorneys of the several districts.

Q. Are you able to state, then, whether there will be a final loss upon them or not?

A. Some of those bonds are signed by persons who cannot be found, and who are now believed by officers to have given fictitious names. In most instances, however, I believe there are parties against whom suits may be brought; and it is, of course, impossible to say what amount may be collected.

Q. In the case of those six or more men whom you mentioned, the revenue service would have been benefited by their removal, would it not?

A. I think it would.

Q. Are there not other cases where, if the parties who held office at the time Mr. Johnson came into the Presidency had been removed, and good men appointed in their places, it would have been an improvement to the revenue service?

A. I think there are. But as a rule, in those States where removals were largely made, our best men were removed; that is, the character of the men removed, and their advantage to the government because of such character, was superior to that of those who were suffered to remain.

Q. Are you not influenced in that opinion somewhat by your politics?

A. It is not impossible. But yet there are instances where I believe an improvement has been made by the change.

Q. Have you been in the habit of recommending men to the Secretary of the Treasury and to the President for appointment to office?

A. I have not to the President. The Secretary's appointment and commissions are ordinarily prepared in my office, and for such persons as are recommended, whose recommendation comes within the established rules of the department.

Q. Have you recommended any one for office who did not agree with you in politics, or that you did not believe at the time agreed with you?

A. I have prepared commissions for, I may say, thousands——

Q. I said of your personal recommendations.

A. I have.

Q. Who are they?

A. I do not now recollect their names.

Q. Can you state particularly any names?

A. A good many whose recommendations came within the prescribed rules. I do not recollect cases, but I have no doubt I have many, very many.

Q. Can you name one person that was appointed to office on your recommendation who was not at the time believed by you to agree with you in politics?

A. I can; E. R. Wiggins, of Boston; a thorough democrat.

Q. What was he appointed?

A. Special agent.

Q. Can you name another?

A. I do not know that I can recall others. My practice has not been to inquire into their politics.

Q. Are there more than those six men, of whom you have spoken, that you would have removed without further investigation?

A. There are.

Q. Who are they?

A. For reasons before given I do not care to name them.

Q. Are there any others of whom you have made representations to the Secretary?

A. There are.

Q. And asked their removal?

A. And expressed to him my belief that they should be removed.

Q. Who are they?

A. For reasons heretofore given I do not think it well for the service to name them.

Q. Do you know that the President knows anything about them, or has ever known anything about them?

A. I do not.

Q. You have made no representations that have reached him, to your knowledge?

A. I have not.

Q. Would the knowledge that the appointing and removing power could act promptly have a tendency, of itself, to make officers efficient and prompt in their duties?

A. It ordinarily would.

Q. The knowledge, then, that officers now have that they cannot be removed, except by the delays for the action of the President and the Senate, has a tendency the other way, to prevent them from promptly discharging their duties?

A. In many cases; although in some a sense of security may induce thoroughness in discharge of duty.

LAWS AND REGULATIONS RESPECTING THE SALE OF MISCELLANEOUS MILITARY SUPPLIES.

[Furnished by the Secretary of War, at the request of the Committee.]

That the President of the United States be, and he is hereby, authorized to cause to be sold any ordnance, arms, ammunition, or other military stores, or subsistence, or medical supplies, which, upon proper inspection or survey, shall appear to be damaged, or otherwise unsuitable for the public service, whenever, in his opinion, the sale of such unserviceable stores will be advantageous to the public service. (Act 3d March, 1825; page 52, Brightly.)

The inspection or survey of the unserviceable stores shall be made by an inspector general, or such other officer or officers as the Secretary of War may appoint for that purpose; and the sales shall be made under such rules and regulations as may be prescribed by the Secretary of War. (ds.)

An officer commanding a department, or an army in the field, may give orders, on the re-

port of the authorized inspectors, to sell, destroy, or make such other disposition of any condemned property as the case may require, the sale of ordnance and ordnance stores alone excepted, for which the orders of the War Department must always be taken. But if the property be of very considerable value, and there shall be reason to suppose that it could be advantageously applied or disposed of elsewhere than within his command, he will refer the matter to the chief of the staff department to which it belongs for the orders of the War Department. No other persons than those above designated, or the general-in-chief, will order the final disposition of condemned property, saving only in the case of horses, which shall be killed at once to prevent contagion, and of provisions and other stores which are rapidly deteriorating, when the immediate commander may have to act per force. * * * (Par. 1023 Army Regulations, amended.)

Military stores and other army supplies regularly condemned and ordered for sale shall be sold for cash, at auction, on due public notice, and in such market as the public interest may require. The officer making the sale will bid in and suspend the sale when, in his opinion, better prices can be got. * * * The net proceeds will be applied as the Secretary of War may direct. (Par. 1032 Army Regulations.)

SALE OF MILITARY SITES.

That the Secretary of War be, and he is hereby, authorized, under the direction of the President of the United States, to cause to be sold such military sites belonging to the United States as may have been found or become useless for military purposes. And the Secretary of War is hereby authorized, on the payment of the consideration agreed for into the treasury of the United States, to make, execute, and deliver all needful instruments conveying and transferring the same in fee; and the jurisdiction which had been specially ceded for military purposes to the United States by a State over such site or sites shall thereafter cease. (Act 2d March, 1819; p. 489 Brightly.)

That all the existing laws or parts of laws which authorize the sale of military sites which are or may become useless for military purposes be, and the same are hereby, repealed; and said lands shall not be subject to sale or pre-emption under any of the laws of the United States: *Provided, further*, That the provisions of the act of August 18, 1856, (page 370, Brightly,) relative to certain reservations in the State of Florida, shall continue in force. (Act 12th June, 1858; p. 1248, Brightly.)

WAR DEPARTMENT,
Washington, July 19, 1867.

SIR: In compliance with a request of the Judiciary Committee of the House of Representatives, I have the honor to transmit a report of the Adjutant General, containing a statement of the names of the military Governors appointed during President Lincoln's administration, who were nominated to the Senate for brigadier generals of volunteers, and the dates of their nomination, and of the confirmation of those who were confirmed by the Senate. A copy of a report of Major General Thomas, which was requested at the same time by the Committee, and has just been completed by the Quartermaster General, is also forwarded herewith.

Your obedient servant,

EDWIN M. STANTON.

Hon. JAMES F. WILSON,
Chairman of the Judiciary Committee of the House of Representatives.

REPORT.

WAR DEPARTMENT, ADJUTANT GENERAL'S OFFICE,
Washington, July 19, 1867.

It appears from the records of this office—

That Andrew Johnson, of Tennessee, was nominated to the Senate for brigadier general of volunteers March 3, 1862, and confirmed as such March 4, 1862.

That A. J. Hamilton, of Texas, was nominated to the Senate for brigadier general of volunteers December 31, 1863, and confirmed April 1, 1864, to rank from September 18, 1863, he having received an appointment from that date, and accepted the same September 21, 1863.

That George F. Shepley, of Maine, was nominated to the Senate for brigadier general of volunteers February 25, 1863, and confirmed March 11, 1863, to rank from July 18, 1862, he having received the appointment from that date, which he accepted July 31, 1862.

That John S. Phelps, of Missouri, was nominated to the Senate for brigadier general of volunteers, but that he was not confirmed by the Senate.

It does not appear that Edward Stanley was nominated to or confirmed by the Senate for brigadier general of volunteers.

Respectfully submitted:

J. C. KELTON,
Assistant Adjutant General.

HEADQUARTERS MILITARY DIVISION OF THE TENNESSEE,
Nashville, Tennessee, April 28, 1866.

Hon. E. M. STANTON, *Secretary of War, Washington, D. C.:*

SIR: I have the honor to report the execution of the instructions of the Hon. Secretary of War, of August 8, 1865, relative to the restoration of the railroads in this military division, (taken possession of and operated by the government during the war,) to their respective companies, as follows:

On the 21st day of August, 1865, I issued from these headquarters the following general order, viz:

[General Orders No. 20.]

The following letter of instructions, just received from the War Department, is published for the information of all concerned:

"WAR DEPARTMENT,
"*Washington, August* 8, 1865.

"GENERAL: It having been determined by the government to relinquish control over all railroads in the State of Tennessee, and their continuations in adjoining States, that have been in charge of and are now occupied by the United States military authorities, and no longer needed for military purposes, you are hereby authorized and directed to turn over the same to the respective owners thereof at as early a date as practicable, causing in all cases of transfer, as aforesaid, the following regulations to be observed and carried out:

"I. Each and every company will be required to reorganize and elect a board of directors, whose loyalty shall be established to your satisfaction.

"II. You will cause to be made out in triplicate, by such person or persons as you may indicate, a complete inventory of the rolling stock, tools, and other materials and property on each road.

"III. Separate inventories will be in the same manner made of the rolling stock and other property originally belonging to each of said roads, and that furnished by and belonging to the government.

"IV. Each company will be required to give bonds, satisfactory to the government, that they will, in twelve months from the date of transfer, as aforesaid, or such other reasonable time as may be agreed upon, pay a fair valuation for the government property turned over to said companies, the same being first appraised by competent and disinterested parties, at a fair valuation, the United States reserving all government dues for carrying mails, and other service performed by each company, until said obligations are paid; and if, at the maturity of said debt, the amount of government dues retained as aforesaid does not liquidate the same, the balance is to be paid by the company in money.

"V. Tabular statements will be made of all expenditures by the government for repairing each road, with a full statement of receipts from private freights, passage, and other sources; also, a full statement of all transportation performed on government account, giving the number of persons transported, and amount of freight, and the distance carried in each case; all of said reports or tabular statements to be made in triplicate; one each for the Secretary of War, the military headquarters of the department, and the railroad company.

"VI. All railroads in Tennessee will be required to pay all arrearages of interest due on the bonds issued by that State prior to the date of its pretended secession from the Union, to aid in the construction of said roads, before any dividends are declared or paid to the stockholders thereof.

"VII. Buildings erected for government purposes on the line of railroads, and not valuable or useful for the business of said companies, should not form a legitimate charge against such companies, nor should they be charged for rebuilding houses, bridges, or other structures which were destroyed by the federal army.

"VIII. You are authorized to give any orders to quartermasters within your division which you may deem necessary to carry into execution this order.

"By order of the President:

"EDWIN M. STANTON,
"*Secretary of War.*

"Major General GEORGE H. THOMAS.
"*Commanding Military Division of the Tennessee, Nashville, Tennessee.*"

In accordance with the requirement contained in paragraph IV, Brevet Major General Q. B. Tower, United States volunteers; Colonel William E. Merrill, first regiment United States veteran volunteer engineers; Albert Fink, esq., Louisville, Kentucky; Walter McQueen, esq., superintendent Schenectady Locomotive Works, and J. Farnsworth, esq., Madison, Indiana, are appointed a board of appraisers, with Brevet Major S. C. Kellogg, A. D. C., as recorder for the board. It shall be the duty of the board, in compliance with the directions given in paragraph IV, to assess, at a fair valuation, all government railroad property, to

be disposed of under the provisions of the foregoing letter of instructions. The board of appraisers will assemble in the city of Nashville, at 10 o'clock a. m , September 1, 1865, or as soon thereafter as practicable, and will continue their sessions at this and such other points within this military division as the duties upon which they were called together may require.

By command of Major General George H. Thomas:

WILLIAM D. WHIPPLE,
Brigadier General and Assistant Adjutant General.

The several railroad companies immediately proceeded to reorganize and elect boards of directors, whose names, after being submitted to me for approval, were accepted, and directions given to turn over the railroads to the persons authorized to receive them, together with such government property as they might select, said property being appraised by the board convened for the purpose. (See correspondence in package marked A.)

Regulation II of the letter of instructions could not be strictly complied with without stopping the operations of the roads, but a complete inventory of all property in use on all the military railroads was taken, and the property held in readiness to be concentrated at Nashville, Chattanooga, and Memphis, on the days agreed upon between the several companies and Major Crilly, chief assistant quartermaster of the military railroads, to be transferred by the United States to the persons authorized to receive the same by those railroads, at which time inventories of property selected by and delivered to each road were made out in triplicate, one copy of which is forwarded herewith. (See enclosures marked 1 to 36.)

Regulation III, requiring separate inventories to be made of property captured by the United States military authorities, and returned to the railroad companies to which said property originally belonged, has been complied with. (See enclosures marked "B.")

In compliance with regulation IV, a bond was made out and submitted, September 1, 1865, to the Hon. Secretary of War for approval, (see communications "C" and "D,") to which bond all the railroad companies objected, as it bound the president and directors of each road, individually and separately, for its faithful execution. In a communication received from the Hon. Secretary of War, dated October 14, 1865, there was enclosed a form for a bond, (see papers "E" and "F,") and I was instructed to require each railroad company to execute either the one submitted by me to the War Department, or the one sent me by the department as a substitute. The latter was accepted. The board of appraisers called for by regulation IV was organized September 1, 1865, as per General Order No. 20, military division of the Tennessee, series of 1865, whose report (marked "G") I have the honor to forward herewith.

I compliance with paragraph V, I forward herewith a statement of all transportation performed on government account over the several military railroads, giving the number of persons transported, and amount of freight, and the distance carried in each case, as fully as now can be made out from the books of the railroad department; also, a statement of all receipts from private freights and other sources. (See communication from R. B. McPherson, assistant to superintendent United States military railroads, in package marked "H.") I am unable to comply more fully with the requirements of paragraph V, not having yet received from General McCallum the necessary statements of all expenditures by the government for repairing each road, &c. This report has been promised me for some time past by General McCallum, and will be forwarded as soon as received.

Paragraph VI is understood by the several railroad companies in Tennessee, they having been officially informed of the requirements contained therein.

Paragraphs VII and VIII have been complied with in all particulars.

In addition to the communications above mentioned, forwarded herewith, I have the honor to submit the report of Brevet Major F. J. Crilly, assistant quartermaster, who was directly in charge of all railroad property, the report of Captain S. R. Hamill, assistant quartermaster, who succeeded him, and that of Brevet Major General J. L. Donaldson, chief quartermaster military division of the Tennessee, with their sub-papers. (See package marked "H.")

I am, sir, very respectfully, your obedient servant,

(Signed) GEORGE H. THOMAS,
Major General United States Army.

A true copy:

ALEXANDER BLISS,
Brevet Colonel, Assistant Quartermaster United States Army.

ROGERSVILLE, TENNESSEE, *August* 16, 1865.

DEAR SIR: At a meeting of the stockholders of the Rogersville and Jefferson railroad, at Rogersville, Tennessee, on the 10th July last, the following loyal men were elected directors of said company, viz: W. C Kyle, president, John Netherland, John Blevins, Charles J. McKinney, E. C. Gillenwaters, R. Chesnutt, David Kilpatrick; which I forward to you

for your approval, according to the instructions of the Secretary of War, of the 8th instant, in relation to the returning of the railroads, rolling stock, and other property to the stockholders. All of which is respectfully submitted.

(Signed) W. C. KYLE,
President Rogersville and Jefferson Railroad.

Major General THOMAS.

Official:

(Signed) GEO. W. HOWARD,
Assistant Adjutant General.

True copy:

F. J. CRILLY,
Brevet Colonel, Assistant Quartermaster United States Army.

HEADQUARTERS MILITARY DIVISION OF THE TENNESSEE,
Nashville, Tennessee, August 21, 1865.

SIR: I have the honor to acknowledge the receipt of your communication of this day, reporting the names of the president and board of directors of the East Tennessee and Virginia Railroad Company, and to notify you that I am satisfied of the loyalty of said president and board of directors.

The military superintendent of railways, Major I. Stevens, and Captain F. J. Crilly, assistant quartermaster, in charge of railroad disbursements and operations, inform me that they will be prepared to give possession of the East Tennessee and Virginia railroad on the 28th day of August, 1865.

In obedience with paragraph IV of letters of instructions from the honorable Secretary of War, dated August 8, 1865, I shall require the company to execute a bond, conjointly as a company, secured individually by the president and directors thereof, for the payment of the indebtedness of your company to the government for the government railroad property turned over, after the same has been first appraised by the board ordered to be convened under the same paragraph.

Captain F. J. Crilly, assistant quartermaster, has received instructions to prepare the necessary bonds, to be made payable one year after date, or at such other reasonable time as may be agreed upon between him and yourselves.

I am, very respectfully, your obedient servant,

(Signed) GEO. H THOMAS,
Major General United States Army, Commanding.

Mr. JOHN R. BRANNER,
President East Tennessee and Virginia Railroad, Nashville, Tennessee.

[Similar letters written to Thomas H. Calloway, Cleveland, Tennessee, president East Tennessee and Georgia railroad; William C. Kyle, Nashville, Tennessee, president Rogersville and Jefferson railroad; M. Burns, Nashville, Tennessee, president Nashville and Northwestern railroad, and Nashville and Chattanooga railroad, with the alteration, in reference to the Nashville and Chattanooga railroad, that it will be turned over as soon after the 1st day of September as possible; John Baird, secretary and treasurer Central Southern railroad; Samuel Tate, president Memphis and Charleston railroad.]

Official:

(Signed) GEO. W. HOWARD,
Assistant Adjutant General.

True copy:

F. J. CRILLY,
Brevet Colonel, Assistant Quartermaster U. S. Army.

STATE OF TENNESSEE, EXECUTIVE DEPARTMENT,
Nashville, August 28, 1865.

GENERAL: Hon. John C. Humphreys, of Fayette, and Hon. F. S. Richards are appointed directors on behalf of the State in the Memphis and Charleston Railroad Company. They are gentlemen of the highest standing.

(Signed) A. J. FLETCHER,
Secretary of State.

Official:

(Signed) GEO. W. HOWARD,
Assistant Adjutant General.

True copy:

F. J. CRILLY,
Brevet Colonel, Assistant Quartermaster U. S. Army.

EXECUTIVE OFFICE,
Washington, D. C., July 22, 1865.

DEAR SIR: On the 5th instant the stockholders in the Memphis and Charleston Railroad Company elected the following board of directors. Are they satisfactory? If not, please designate such as are not.

†James Robb, New York; 0 George P. Beirne, Alabama; †Joseph C. Bradley, Alabama; 0 J. I. Donegan, Alabama; L. D. Weakley, Alabama; †Henry S. McComb, Delaware; †Pitson Miller, Tennessee; †John W. Leftwich, Tennessee; †Sam Tate, Tennessee.

Your obedient servant,

(Signed) SAM TATE.

To his Excellency ANDREW JOHNSON, *President.*

EXECUTIVE OFFICE, *August 7*, 1865.

From my personal knowledge of several of the within named gentlemen, and from reliable representations made to me as to the others, I have no hesitancy in regarding them as a proper and perfectly acceptable board of directors of the Memphis and Charleston railroad.

(Signed) ANDREW JOHNSON,
President of the United States.

Official:

(Signed) GEO. W. HOWARD,
Assistant Adjutant General.

True copy of letter and endorsement:

F. J. CRILLY,
Brevet Colonel, Assistant Quartermaster United States Army.

HEADQUARTERS MILITARY DIVISION OF THE TENNESSEE,
Nashville, Tennessee, August 28, 1865.

SIR: I herewith submit for your approval a list of directors recently elected and appointed for the Memphis and Charleston railroad:

James Robb, New York; George P. Beirne, Alabama; Joseph C. Bradley, Alabama; Sam. D. Weakly, Alabama; J. I. Donegan, Alabama; Henry S. McComb, Delaware; Pitson Miller, Tennessee; John W. Leftwich, Tennessee; Sam. Tate, Tennessee; John C. Humphreys, F. L. Richards, on the part of the State of Tennessee. Total number, 11.

Humphreys and Richards are appointed by the Governor of Tennessee. I refer to the enclosed endorsement of the President for the qualifications and loyalty of the nine elected by the stockholders. The city of Charleston is entitled to appoint two directors, but having no civil organization there I have been unable to get them appointed.

Very respectfully,

(Signed) SAM. TATE,
President Memphis and Charleston Railroad Company.

Major General GEORGE H. THOMAS, *Nashville, Tennessee.*

Official:

GEO. W. HOWARD,
Assistant Adjutant General.

True copy:

F. J. CRILLY,
Brevet Colonel, Assistant Quartermaster United States Army.

OFFICE OF THE NASHVILLE AND CHATTANOOGA RAILROAD COMPANY,
Nashville, August 22, 1865.

GENERAL: I have the honor of submitting the names of the following persons elected as directors of the Nashville and Chattanooga Railroad Company for your approbation.

M. Burns, of Davidson; William T. Berry, of Davidson; J. R. Knowles, of Davidson; N. E. Allaway, of Davidson; James Woods, of Davidson; Aris Brown, of Davidson; A.

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† Undoubtedly loyal; 0 refer to Bradley's letter.

Nelson, of Davidson; J. M. Hill, of Davidson; Levi Wade, of Rutherford; James H. Grant, Thomas H. Whitesides, of Bedford; Edmund Cooper, William S. Higgins, Coffee county; John F. Anderson, Franklin county; J. E. Thompson, Philadelphia.

All of which is respectfully submitted to your just consideration.

I am, general, your obedient servant,

(Signed) M. BURNS,
President Nashville and Chattanooga Railroad Company.

Major General GEORGE H. THOMAS,
Commanding Division of the Tennessee.

True copy:

J. F. CRILLY,
Brevet Colonel, Assistant Quartermaster United States Army.

OFFICE OF THE NASHVILLE AND CHATTANOOGA RAILROAD COMPANY,
Nashville, August 18, 1865.

GENERAL: I have the honor to submit to you, for your approbation, a list of directors elected on the 16th instant, at a stockholders' meeting, held in this city, to conduct the affairs of the Nashville and Chattanooga Railroad Company for the ensuing twelve months, in accordance with instructions received from Washington, dated August 8. I would respectfully state that those persons elected as directors were elected in most instances, and as far as practicable, at the suggestion of his excellency the President of the United States; and would respectfully state that the company is now organized, and trust that it may receive your approbation; and would further state that they are ready to receive their road when it is in your opinion ready to be turned over to them. General, fully appreciating the difficulty in its transfer, if I can be of any service to you I will cheerfully do anything in my power that may aid you in its transfer.

I remain, general, your obedient servant,

(Signed) M. BURNS,
President Nashville and Chattanooga Railroad Company.

Major General G. H. THOMAS,
Commanding Division of the Tennessee.

HEADQUARTERS MILITARY DIVISION OF THE TENNESSEE,
Nashville, August 21, 1865.

Respectfully referred to the Hon. A. J. Fletcher, secretary of state, State of Tennessee, to know whether the within named are *loyal* men. Please return immediately if possible.

(Signed) GEORGE H. THOMAS,
Major General Commanding.

Official:

GEO. W. HOWARD,
Assistant Adjutant General.

True copy of letter and endorsement:

F. J. CRILLY,
Brevet Colonel, Assistant Quartermaster United States Army.

LIST OF DIRECTORS NASHVILLE AND CHATTANOOGA RAILROAD.

SECRETARY'S OFFICE, NASHVILLE, TENNESSEE,
August, 22, 1865.

M. Burns, a man whose main object, under all circumstances, is to make money; loyal to the "powers that be," whether rebel or Union.

William T. Berry, always loyal to the government.

J. R. Knowles, a loyal and good man.

James Woods, once got wrong, but is a quiet man, and is now considered safe.

Aris Brown, once a very decided rebel; remained so till lately; it is said he "submits."

A. Nelson, sympathized with the rebellion, but is a good man and will do his duty.

N. E. Alloway, was once disloyal, but is a shrewd, sensible man, and will probably do his duty. He will have much influence in the board.

John M. Hill, once a rebel, but considered reliable at this time.

Levi Wade, once a rebel; present status unknown.

James H. Grant, not known at the capital as a Union man.

Edmund Cooper, Congressman elect.

W. S. Huggins, unknown.

John T. Henderson, unknown.

William E. Gleaner, once an obstinate rebel, and was sent North for his refusal to take the oath of allegiance; present status not known.

Most of these men are of high standing, and will probably do no disloyal act, but the weight of their sympathies will be with *the down-trodden South.*

Respectfully,

A. J. FLETCHER,
Secretary of State.

Official:

GEORGE W. HOWARD,
Assistant Adjutant General.

True copy:

F. J. CRILLY,
Brevet Colonel, Assistant Quartermaster United States Army.

[Telegram.]

ATLANTA, *September* 9, 1865.

GEORGE H. THOMAS, *Major General United States Army:*

I have this day appointed Robert Baugh, esq., of the city of Atlanta, superintendent of the Western and Atlantic railroad. He has full authority to arrange with you all preliminaries for a transfer of the road and stock according to the terms presented by the Secretary of War of the United States. This authority is conferred on him by virtue of his appointment; it has been also given by a resolution of the board of directors, which has been ratified by me. The people are quite anxious that the road should be turned over, and I trust that in a short time we shall be able to gratify them in this particular.

Yours, &c.,

J. JOHNSON,
Provisional Governor, Georgia.

Official:

GEORGE W. HOWARD,
Assistant Adjutant General.

True copy:

F. J. CRILLY,
Brevet Colonel, Assistant Quartermaster United States Army.

HEADQUARTERS MILITARY DIVISION OF THE TENNESSEE,
Nashville, Tennessee, September 15, 1865.

SIR: I have the honor to acknowledge the receipt of your telegram of 9th instant, (reporting the name of the superintendent of the Western and Atlantic railroad,) who is appointed by you, and authorized by a board of directors of said railroad, to arrange the preliminaries for the transfer of it, and to notify you that I am satisfied of the loyalty of said superintendent.

The military superintendent of railways, Major William I. Stevens, and Captain F. J. Crilly, assistant quartermaster, in charge of railroad disbursement and operations, inform me that they will be prepared to give you possession of the Western and Atlantic railroad as soon as you are ready to receive it.

In accordance with paragraph IV of letter of instructions from the honorable Secretary of War, dated Washington, August 8, 1865, I shall require the company to execute a bond conjointly as a company, secured individually by the president and directors thereof, for the payment of the indebtedness of your company to the government for government railroad property turned over, after the same has been first appraised by the board ordered to be convened under the said paragraph.

Captain F. J. Crilly, assistant quartermaster, has received instructions to prepare the necessary bonds, to be made payable one year after date, or at such other reasonable time as may be agreed upon between him and yourselves.

I am, very respectfully, your obedient servant,

GEORGE H. THOMAS,
Major General United States Army, Commanding.

Hon. J. JOHNSON,
Provisional Governor of the State of Georgia, Milledgeville, Georgia.

Official:

GEORGE W. HOWARD,
Assistant Adjutant General.

True copy:

F. J. CRILLY,
Brevet Colonel, Assistant Quartermaster United States Army.

HEADQUARTERS MILITARY DIVISION OF THE TENNESSEE,
Nashville, Tennessee, August 19, 1865.

SIR: I have the honor, by direction of Major General Thomas, to enclose to you, for your information, an official copy of the orders from the War Department with reference to the turning of the railroads in this military division over to the companies formerly owning and operating them.

I am instructed by Major General Thomas to say, further, that, if you appoint a board of directors for the Georgia State road running from Chattanooga, Tennessee, to Atlanta, Georgia, whom you can recommend as being true and loyal men, and which board, in accordance with provisions of the first paragraph of said order, he can conscientiously approve of and accept, he will turn over said Georgia railroad to you upon the same terms precisely as the other railroads coming within his command are turned over to the companies.

The major general commanding would be pleased to have your views on the subject at as early a day as possible.

I am, sir, very respectfully, your obedient servant,

ROBERT H. RAMSEY,
Brevet Colonel and Assistant Adjutant General.

Hon. JAMES JOHNSON,
Provisional Governor of Georgia, Milledgeville, Georgia.

Official:

GEORGE W. HOWARD,
Assistant Adjutant General.

True copy:

F. J. CRILLY,
Brevet Colonel, Assistant Quartermaster United States Army.

FRANKLIN, TENNESSEE, *September* 6, 1865.

DEAR SIR: I herewith submit for your inspection and approval a list of the directors of the Tennessee and Alabama Railroad Company, fifteen in number, viz: John S. Claybrooke, Thomas F. Perkins, William P. Cannon, A. C. Mayberry, H. G. Mayberry, Samuel Henderson, B. B. Toon, R. H. Bradley, John B. McEwen, and John McGavock, of Williamson county; Absalom Thompson, William Park, and James Andrews, of Maury county; M. G. L. Claiborne and C. W. Hance, of Davidson county; John S. Claybrooke, president, post office, Triune, Tennessee; Frank Hardeman, secretary and treasurer, post office, Franklin, Tennessee. They were elected in conformity with the provisions of the charter on the first Tuesday in August last, the day of regular annual stockholders' meeting.

Respectfully submitted.

FRANK HARDEMAN,
Secretary and Treasurer Tenn. and Ala. R. R. Co.

Major General G. H. THOMAS.

Official:

GEO. W. HOWARD,
Assistant Adjutant General.

HEADQUARTERS MILITARY DIVISION OF THE TENNESSEE,
Nashville, Tenn., September 8, 1865.

Respectfully referred to Hon. A. J. Fletcher, secretary of state, for his opinion as to the loyalty of the within named members of the board of directors of the Tennessee and North Alabama railroad, and also to request that the two directors to be chosen by the State be also named.

G. H. THOMAS,
Major General United States Army, Commanding.

Official to endorsement:

GEO. W. HOWARD,
Assistant Adjutant General.

SECRETARY'S OFFICE, *September* 9, 1865.

J. S. Claybrooke, Frank Boardman, Samuel Henderson, M. G. L. Claiborne, and William Parke are loyal and good men. Thomas F. Perkins, R. H. Bradley, John McGavock, John B. McEwen, William P. Cannon, and B. B. Toon have all been more or less in sympa-

thy with the rebellion, but are regarded as honorable men, and will probably discharge their duties loyally. C. W. Hance, Absalom Thompson, James Andrews, and A. C. Mayberry are all liable to the objection of disloyalty. Thompson is the only one of them whose fidelity has been endorsed to me by acquaintances. H. G. W. Mayberry fled South in 1862, and only returned after Johnston's surrender. This is a bad sign, but it is said he ran to save his negroes. On the whole, the board is about as good as it can be made out of the material to be had. It is said that every prominent loyalist among the stockholders is on the board, and the least objectionable of the rebel stockholders were chosen.

Hon. Samuel Arnell, Columbia, and Dr. D. Cliffe, Franklin, are appointed State directors.

(Signed) A. J. FLETCHER.

True copy of letter and endorsements:

F. J. CRILLY,
Brevet Colonel and Assistant Quartermaster United States Army.

OFFICE NASHVILLE AND NORTHWESTERN RAILROAD COMPANY,
Nashville, August 18, 1865.

GENERAL: I have the honor of submitting for your approval the following named directors of the Nashville and Northwestern Railroad Company:

M. Burns, president, A. H. Hicks, R. C. McNairy, J. M Newsome, D. T. McGavock. William H. Horn, W. F. Bang, W. F. Cooper, J. C. Rodimer, of Davidson county; John A. Gardner, W. W. Gleason, Robert Ury, C. S. Woods, H. Gardner, B. S. Allen, of West Tennessee.

All of which is submitted, respectfully, to your just consideration.

I have the honor to be, general, your obedient servant,

(Signed) M. BURNS,
President Nashville and Northwestern Railroad Company.

Major General GEORGE H. THOMAS,
Commanding Division of Tennessee.

Official:

GEO. W. HOWARD,
Assistant Adjutant General.

True copy:

F. J. CRILLY,
Brevet Colonel and Assistant Quartermaster United States Army.

OFFICE EAST TENNESSEE AND GEORGIA RAILROAD COMPANY,
Knoxville, Tennessee, August 19, 1865.

GENERAL: I have the honor of submitting for your approval the following named directors of the East Tennessee and Georgia Railroad Company:

Thomas H. Calloway, president, Bradley county; M. Burns, Nashville; John P. King, Augusta, Georgia; John King, Hamilton county; John Hambright, Ready county; James Parkerson, G. W. Ross, J. H. McGill, McMinnville; Robert Sneed, Daniel Heiskell, Monroe county; William M. Alexander, Roane county; James Donaldson, Blount county; Peres Dickerson, O. P. Semple, S. R. Rogers, A. J. Jackson, William Heiskill, William Hunt, Knox county.

All of which is most respectfully submitted for your consideration.

I have the honor to be, general, your obedient servant,

(Signed) THOS. H. CALLOWAY, *President.*

Major General GEORGE H. THOMAS,
Commanding Division of Tennessee.

Official:

GEO. W. HOWARD,
Assistant Adjutant General.

True copy:

F. J. CRILLY,
Brevet Colonel and Assistant Quartermaster, United States Army.

NASHVILLE, TENNESSEE, *August* 24, 1865.

SIR: The following is a list of the directors and officers of the Central Southern railroad: Thomas Martin, Albert Buford, Newton White, Thomas R. Gordon, C. P. Reed, Giles A. Reynolds, C. N. Ordway, William Perry, Giles county, Tennessee; William J. Dale, John Ballanfant, James T. Moore, Giles T. Harris, John Frierson, Maury county; S. W. Fitzpatrick, Marshall county, directors. Thomas Martin, president; John Baird, secretary and treasurer.

Very respectfully, yours,

(Signed) JOHN BAIRD, *Secretary.*

Major General THOMAS.

Official:

GEO. W. HOWARD,
Assistant Adjutant General.

True copy:

F. J. CRILLY,
Brevet Colonel, Assistant Quartermaster United States Army.

NASHVILLE, TENNESSEE, *August* 21, 1865.

SIR: In pursuance to the letter of instructions addressed to you by the Secretary of War, dated August 8, 1865, in relation to the railroads of Tennessee, I have the honor herewith to submit, that at a meeting of the stockholders of the East Tennessee and Virginia Railroad Company, held in the city of Knoxville, on the 12th of July last, the company was reorganized by the election of the following persons as directors of said road, viz:

John R. Branner, Samuel C. Cunningham, Ephraim Davis, Ethan A. Sawyers, John Talbot, Perez Dickenson, Andrew Shell, George W. Nelson, Peter M. Reeves, William C. Kyle, N. W. Earnest, John R. Fain, George W. Telford, William Galbraith, A. G. Jackson.

The following State directors have been, as provided by law, appointed by the Governor, William G. Brownlow, viz: James M. Meek, esq., Judge R. R. Butler.

After the election and qualification of the above-mentioned directors, the board was regularly organized by electing John R. Branner, president.

All of which is respectfully submitted:

(Signed) JOHN R. BRANNER,
President East Tennessee and Virginia Railroad Company.

Major General GEO. H. THOMAS,
Commanding Division of Tennessee.

Official:

GEO. W. HOWARD,
Assistant Adjutant General.

True copy:

F. J. CRILLY,
Brevet Colonel, Assistant Quartermaster United States Army.

HEADQUARTERS MILITARY DIVISION OF THE TENNESSEE,
Nashville, Tennessee, September 8, 1865.

SIR: I have the honor to acknowledge the receipt of your communication of this day, reporting the names of the president and board of directors of the Tennessee and Alabama Central Railroad Company, and to notify you that I am satisfied of the loyalty of said president and board of directors.

The military superintendent of railways, Major William I. Stevens, and Captain F. J. Crilly, assistant quartermaster in charge of railroad disbursements and operations, inform me that they will be prepared to give you possession of the Tennessee and Alabama Central railroad on the 10th instant.

In accordance with paragraph IV of letter of instructions from the Hon. Secretary of War, dated Washington, D. C., August 8, 1865, I shall require the company to execute a bond, conjointly as a company, secured individually by the president and directors thereof, for the payment of the indebtedness of your company to the government for the government railroad property turned over, after the same has been first appraised by the board ordered to be convened under the said paragraph.

Captain F. J. Crilly, assistant quartermaster, has received instructions to prepare the

necessary bonds, to be made payable one year after date, or at such other reasonable time as may be agreed upon between him and yourselves.

I am, very respectfully, your obedient servant,

(Signed) GEO. H. THOMAS,
Major General United States Army, Commanding.

Mr. JAMES W. SLOSS,
President Tennessee and Alabama Central Railroad, Athens, Alabama.

Similar letter written under date of September 10, 1865, to John S. Claybrooke, Triune, Tennessee, president Tennessee and Alabama railroad, notifying him that the Tennessee and Alabama railroad can be turned over September 15, 1865.

Official:

GEO. W. HOWARD,
Assistant Adjutant General.

True copy:

F. J. CRILLY,
Brevet Colonel, Assistant Quartermaster United States Army.

MILITARY DIVISION OF THE TENNESSEE,
QUARTERMASTER'S OFFICE U. S. MILITARY RAILROADS,
Nashville, Tennessee, September 23, 1865.

COLONEL: General Thomas directed me to communicate with Governor Brownlow and request him to appoint a receiver for the Edgefield and Kentucky railroad. The enclosed document appointing Mr. Cheatham is the result. Will you please endorse the order on it directing me to turn the road over to him, which is in accordance with the general's orders to me.

Very respectfully, your obedient servant,

(Signed) F. J. CRILLY,
Captain, Assistant Quartermaster.

Colonel R. H. RAMSEY,
Assistant Adjutant General, Present.

Official:

GEO. W. HOWARD,
Assistant Adjutant General.

True copy of letter and endorsement:

F. J. CRILLY,
Brevet Colonel, Assistant Quartermaster United States Army.

HEADQUARTERS MILITARY DIVISION OF THE TENNESSEE,
Nashville, Tennessee, September 23, 1865.

Captain F. J. Crilly, disbursing and chief quartermaster United States military railroads, will turn over to Mr. Richard B. Cheatham, receiver, the Edgefield and Kentucky railroad, upon the same terms and conditions required of the companies receiving their roads from the United States.

By command of Major General Thomas:

(Signed) ROBERT H. RAMSEY,
Brevet Colonel and Assistant Adjutant General.

Official:

GEO. W. HOWARD,
Assistant Adjutant General.

ATLANTA, GEORGIA, *September* 9, 1865.

DEAR SIR: I have this day appointed Robert Baugh, esq., of the city of Atlanta, superintendent of the Western and Atlantic railroad. He has full authority to arrange with you all preliminaries for a transfer of the road and stock, according to the terms prescribed by the Secretary of War of the United States.

This authority is conferred on him by law, in virtue of this appointment. It has been also

given by a resolution of the board of directors which has been ratified by me. The people are quite anxious that the road should be turned over, and I trust that in a short time we shall be able to gratify them in this particular.

Yours, &c.,

(Signed) J. JOHNSON,
Provisional Governor of Georgia.

Major General G. H. THOMAS:

Official:

GEO. W. HOWARD,
Assistant Adjutant General.

True copy:

F. J. CRILLY,
Brevet Colonel, Assistant Quartermaster United States Army.

OFFICE OF THE TENNESSEE AND ALABAMA CENTRAL R. R. CO.,
Athens, Alabama, August, 1865.

GENERAL: I would respectfully report the following gentlemen as duly elected as directors and officers of the Tennessee and Alabama Central Railroad Company, to wit:

James W. Sloss, president; Geo. S. Houston, Luke Pryor, Jonathan McDonald, Warren W. Philips, Thos. Redur, Jonathan Fisher, Wm. H. Walker, Jas. W. S. Donnel; John T. Tanner, secretary and treasurer.

Very respectfully, yours,

(Signed) JAS. W. SLOSS, *President.*

Major General G. H. THOMAS,
Commanding District of the Tennessee, Nashville, Tennessee.

Official:

GEO. W. HOWARD,
Assistant Adjutant General.

True copy:

F. J. CRILLY,
Brevet Colonel, Assistant Quartermaster United States Army.

HEADQUARTERS MILITARY DIVISION OF THE TENNESSEE,
Nashville, Tennessee, September 11, 1865.

CAPTAIN: I have the honor to inform you that the Tennessee and Alabama Central railroad was turned over to Mr. Sloss, president of that road, yesterday, (September 10,) and that Mr. John S. Claybrooke, president of the Tennessee and Alabama railroad, has been informed that his road can be turned over to the company on the 15th day of September, proximo.

Respectfully, your obedient servant,

ROBERT H. RAMSEY,
Colonel and Assistant Adjutant General.

Captain F. J. CRILLY,
Chief Quartermaster United States Military Railroads.

Official:

GEO. W. HOWARD,
Assistant Adjutant General.

True copy:

F. J. CRILLY.
Brevet Colonel, Assistant Quartermaster United States Army.

CHIEF QUARTERMASTER'S OFFICE, U. S. MILITARY RAILROADS,
MILITARY DIVISION OF THE TENNESSEE,
Nashville, Tennessee, January —, 1866.

GENERAL: In accordance with the provisions of General Orders No. 20, headquarters military division of the Tennessee, of August 21, 1865, I have the honor to transmit inventories of property sold to railroad companies under the Executive Orders of August 8 and October 14, 1865.

The names of the companies, and the money value of the property sold to each, is as follows:

Nashville and Chattanooga	$1,566,551 73
Nashville and Northwestern	520,320 71
East Tennessee and Georgia	366,183 02
Memphis and Ohio	106,929 13
Tennessee and Alabama	108,692 68
Mississippi and Tennessee	102,668 02
Mobile and Great Northern	14,637 73
Nashville and Decatur	70,984 88
Muscogee	5,244 20
Alabama and Florida	51,912 00
Rome Branch	22,086 05
Mississippi, Gainesville, and Tuscaloosa	33,476 39
Selma and Meridian	142,017 92
Georgia Railroad and Banking Company	11,935 05
Wells Valley	30,248 52
Macon and Brunswick	93,237 50
Southwestern	46,159 89
Edgefield and Kentucky	93,385 09
Memphis and Charleston	64,000 00
Central Southern	77,186 32
Tennessee and Alabama Central	84,143 00
Mobile and Ohio	420,143 70
New Orleans and Ohio	32,150 00
Memphis and Charleston	483,494 09
Memphis, Clarksville, and Louisville	337,082 36
East Tennessee and Virginia	265,655 65
Macon and Western	83,638 15
Montgomery and West Point	38,559 66
Alabama and Tennessee River	183,276 49
New Orleans, Jackson, and Great Northern	131,245 58
Adams Express	4,361 45
Southwestern Iron	32,515 00
Western and Atlantic	472,944 66
Mississippi Central	29,700 00
Total appraised value of property sold up to November 30	6,126,766 62

I also transmit inventories of all captured property, so far as known, in the possession of the military authorities, and which I have transferred to the respective companies, as follows, viz:

Rogersville and Jefferson, Macon and Western, Nashville and Northwestern, Tennessee and Alabama, Nashville and Chattanooga, Western and Atlantic, Southern Railroad, (Mississippi,) Edgefield and Kentucky, Mobile and Ohio, East Tennessee and Virginia, Montgomery and West Point, Memphis and Ohio, Mississippi Central, East Tennessee and Georgia, Louisville and Nashville, New Orleans, Jackson, and Great Northern, Southwestern, Memphis and Charleston.

I also transmit an official statement showing the accountability of each company to the United States November 30, 1865. I have brought all the amounts up to this date so as to make all the instalments due on the last day of each month.

The amount of the first instalment, due November 30, is calculated as one twenty-fourth part of the total of principal, increased by the interest on the whole amount accruing during the month of November.

The second monthly instalment, due December 31, is calculated as one twenty-fourth part of the principal increased by the interest accruing in the month of December on the balance of principal due from November 30.

The third monthly instalment, due January 31, is calculated as one twenty-fourth part of the balance of principal, increased by the January interest on the amount of principal due. The succeeding monthly instalments to be calculated in a similar manner.

It may not be out of place to speak of the great service performed by the gentlemen constituting the board of appraisement, and of the very able manner in which their responsible duties were performed. No doubt many hundred thousand dollars have been saved the government by the careful manner in which the appraisements were made.

There will be left on hand about twenty-one (21) serviceable engines, and two hundred (200) cars, which I have advertised to be sold at public auction in February.

Full opportunity has been given to all the southern companies to purchase railroad property, and I judge they all have as much as they can well pay for.

The roads operated by the United States were returned to their respective companies as promptly as the collection of the large amount of government railroad material along the different lines would admit.

The dates of transfer are as follows, viz:

East Tennessee and Virginia, East Tennessee and Georgia, Rogersville and Jefferson, August 28, 1865; Memphis and Charleston (from Stevenson to Decatur,) Nashville and Northwestern, September 1, 1865; Memphis and Charleston (from Memphis to Corinth,) September 12, 1865; Nashville and Decatur railroad line, Nashville and Chattanooga, September 15, 1865; Edgefield and Kentucky, and Clarksville, Louisville, and Memphis, September 23, 1865; Western and Atlantic, September 25, 1865; Mobile and Ohio, August 25, 1865.

The bonds required of the different companies to secure the payment for the property purchased have nearly all been executed and forwarded to the Quartermaster General. Some I was obliged to return to the companies for slight informalities. I believe they will all be in during the present week.

Owing to the crippled condition of most of the roads but few have commenced paying promptly their monthly instalments.

All the companies express their willingness to pay their indebtedness to the government, and only ask that the time be extended as much as possible until they can get their roads running, when they will pay up all back instalments.

In accordance with the instructions of the major general commanding, I have not pressed them yet for these payments.

Very respectfully, your obedient servant,

F. J. CRILLY,
Brevet Major and A. Q. M. U. S. A., Chief Q. M. U. S. Military railroads, Mil. Div. of the Tennessee.

General W. D. WHIPPLE,
Chief of Staff, Military Division of Tennessee, Present.

A true copy:

ALEXANDER BLISS,
Brevet Colonel, A. Q. M., U. S. A.

Report of sales of United States military railroad property, under Executive Orders of August 8 and October 14, 1865, in the military division of the Tennessee, under the direction of Brevet Major F. J. Crilly, A. Q. M., U. S. Army, for the month ending November 30, 1865.

	Name of company.	Total appraised value of property purchased.	Am't of interest from date of purchase to Nov. 30, 1865.	Total.	Am't of first instalment, due Nov. 30, 1865.	Am't paid Nov. 30, 1865.	Am't of instalments unpaid Nov. 30, 1865.
1	Rome Railroad Company	$22,086 05	$114 25	$22,200 30	$925 00		$925 00
2	Edgefield and Kentucky Railroad Company	93,385 69	757 76	94,142 85	3,900 00		3,900 00
3	Mobile and Great Northern Railroad Company	14,657 73	67 38	14,705 11	620 00	$620 00	
4	Southwestern Railroad Company	46,159 89		46,159 89		32,908 86	
5	Wills Valley Railroad Company	30,248 52	254 05	30,502 57	1,300 00		1,300 00
6	East Tennessee and Georgia Railroad Company	366,183 02	5,111 18	371,294 20	15,500 00	136 61	15,500 00
7	Montgomery and West Point Railroad Company	38,559 66	285 02	38,844 68	1,700 00	1,700 00	
8	Macon and Brunswick Railroad Company	66,417 50		66,417 50		61,000 00	
	Macon and Brunswick Railroad Company	26,820 00	41 09	26,861 09	1,244 71	1,244 71	
9	Alabama and Florida Railroad Company	51,912 00	586 17	52,498 17	2,200 00	2,200 00	
10	Muscogee Railroad Company	5,244 20	50 75	5,294 95	250 00	250 00	
11	Macon and Western Railroad Company	83,638 15		83,638 15		56,305 04	
12	Mobile and Ohio Railroad Company	420,143 70	1,682 38	421,826 08	17,576 00		17,576 00
13	Memphis and Ohio Railroad Company	106,929 13	801 68	107,730 81	4,500 00	4,500 00	
14	Mississippi and Tennessee Railroad Company	102,668 02	907 24	103,575 26	4,500 00	4,500 00	
15	East Tennessee and Virginia Railroad Company	265,655 65	3,800 47	269,456 12	11,228 00		11,228 00
16	Memphis and Charleston Railroad Company	483,494 09	6,329 01	489,823 10	20,800 00	900 08	20,800 00
17	Memphis, Clarksville, and Louisville Railroad Company	337,082 36	1,061 36	338,143 72	14,100 00		14,100 00
18	Nashville and Chattanooga Railroad Company	1,566,551 73	20,605 34	1,587,157 07	66,140 00		66,140 00
19	Nashville and Northwestern Railroad Company	520,320 71	8,880 74	529,201 45	22,501 00		22,501 00
20	New Orleans and Ohio Railroad Company	32,150 00	203 62	32,353 62	1,350 00		1,350 00
21	Tennessee and Alabama Railroad Company	108,692 68	1,655 66	110,384 34	4,600 00		4,600 00
22	Central Southern Railroad Company	77,186 32	1,173 28	78,359 60	3,300 00		3,300 00
16	Memphis and Charleston Railroad Company	64,000 00		64,000 00			
23	Tennessee and Alabama Central Railroad Company	84,143 00	1,278 97	85,421 97	3,600 00		3,600 00
24	Nashville and Decatur Railroad Company	70,984 88	719 33	71,704 21	3,000 00		3,000 00
25	Mississippi, Gainesville, and Tuscaloosa Railroad Company	33,476 39		33,476 39			
26	Selma and Meridian Railroad Company	142,017 92	852 11	142,870 03	6,000 00		6,000 00
27	Southwestern Iron Company	32,515 00		32,515 00			
28	Georgia Railroad Banking Company	11,935 05		11,935 05			
29	Mississippi Central Railroad Company	29,700 00	35 64	29,735 64	1,239 00		1,239 00
30	Alabama and Tennessee River Railroad Company	183,276 49	1,093 83	184,370 32	7,700 00		7,700 00
31	New Orleans, Jackson, and Great Northern Railroad Co.	131,245 58	771 74	132,017 32	6,000 00	6,000 00	
32	Adams Express Company	4,361 45		4,361 45			
33	Western and Atlantic Railroad Company	472,944 66	5,764 27	478,708 93	19,975 00		19,975 00
	Total	6,126,766 62	64,884 32	6,191,650 94	245,748 71	172,265 30	224,734 00

Report of sales of United States military railroad property, &c.—Continued.

	Name of company.	Balance due Nov. 30, 1865.	Terms of sale.	Official statement when forwarded to Qr. Mr. Gen.	Bonds when forwarded.	Remarks.
1	Rome Railroad Co	$22,200 30	To be paid for in equal monthly instalments, with interest at the rate of 7 3-10 per cent. per annum, within two years.	Dec. 28, 1865	Dec. 28, 1865	
2	Edgefield and Kentucky Railroad Co	94,142 85		Dec. 16, 1865		
3	Mobile and Great Northern Railroad Co	14,085 11		....do	Dec. 16, 1865	
4	Southwestern Railroad Co	13,251 03	Payable April 13, 1866, without interest	Dec. 18, 1865	Dec. 18, 1865	$32,908 86 paid Nov. 29, 1865.
5	Wills Valley Railroad Co	30,502 57	Payable in equal monthly instalments, with interest at the rate of 7 3-10 per cent. per annum, within two years.	Dec. 27, 1865		
6	East Tennessee and Georgia Railroad Co	371,157 59		....do	Jan. 3, 1866	$136 61 overcharged, deducted from Capt. Hopkins's account.
7	Montgomery and West Point Railroad Co	37,144 68		Dec. 16, 1865	Dec. 16, 1865	
8	Macon and Brunswick Railroad Co	5,417 50	Payable on or before Dec. 1, 1865, without interest	Dec. 27, 1865		$10,000 paid Oct. 31, $51,000 Nov. 30. Special sale railroad iron, orders Q. M. General, Aug. 30.
	Macon and Brunswick Railroad Co	25,616 38	To be paid for in equal monthly instalments, with interest at 7 3-10 per cent. per annum, within two years.	....do		
9	Alabama and Florida Railroad Co	50,298 17		Dec. 15, 1865	Dec. 15, 1865	
10	Muscogee Railroad Co	5,044 95		Dec. 27, 1865	Jan. 10, 1866	
11	Macon and Western Railroad Co	27,333 11	Payable on or before May 1, 1866, without interest	Dec. 23, 1865	Dec. 23, 1865	$56,305 04 paid Nov. 20, 1865.
12	Mobile and Ohio Railroad Co	421,926 08	To be paid for in equal monthly instalments, with interest at the rate of 7 3-10 per cent. per annum, within two years.	Dec. 22, 1865	Dec. 28, 1865	
13	Memphis and Ohio Railroad Co	103,230 81		Dec. 30, 1865		
14	Mississippi and Tennessee Railroad Co	99,075 26		Dec. 23, 1865		
15	East Tennessee and Virginia Railroad Co	269,456 12		Jan. 7, 1866	Jan. 7, 1866	
16	Memphis and Charleston Railroad Co	488,923 02		....do		$100 08 deducted for improper charge, Sept. 11, 1865.
17	Memphis, Clarksville, & Louisville RR. Co	338,143 72		Dec. 16, 1865		
18	Nashville and Chattanooga Railroad Co	1,587,157 07		Jan. 7, 1866		
19	Nashville and Northwestern Railroad Co	529,201 45		Jan. 8, 1866		
20	New Orleans and Ohio Railroad Co	32,353 62		Jan. 6, 1866		
21	Tennessee and Alabama Railroad Co	110,348 34		Jan. 12, 1866		
22	Central Southern Railroad Co	78,359 60		Jan. 11, 1866		
16	Memphis and Charleston Railroad Co	64,000 00	Payable March 1, 1866	Jan. 7, 1866		
23	Tennessee and Alabama Central RR. Co	85,421 97	Payable in equal monthly instalments, with interest at the rate of 7 3-10 per cent. per annum,	Dec 31, 1865	Jan. 7, 1866	
24	Nashville and Decatur Railroad Co	71,704 21	within two years.	Jan. 7, 1866		
25	Miss., Gainesville, and Tuscaloosa RR. Co	33,476 39	Payable April 10, 1866, without interest	Jan. 5, 1866	Jan. 5, 1866	
26	Selma and Meridian Railroad Co	142,870 03	Payable in equal monthly instalments, with interest at 7 3-10 per cent. per annum, within two years.	Jan. 13, 1866		
27	Southwestern Iron Co	32,515 00	Payable in 40 days from Nov. 7, 1865	....do		
28	Georgia Railroad Banking Co	11,935 05	Payable in six months without interest	Jan. 4, 1866	No bond req'd	
29	Mississippi Central Railroad Co	29,735 64	Payable in equal monthly instalments, with interest at the rate of 7 3-10 per cent. per annum, within two years.	Jan. 13, 1866		
30	Alabama and Tennessee River RR. Co	184,370 32		Jan. 9, 1866		
31	N. Orleans, Jackson, and Gr. North. RR. Co	126,017 32		Jan. 13, 1866		
32	Adams Express Co	4,361 45	Payable in 30 days without interest	....do		
33	Western and Atlantic Railroad Co	478,708 93	Payable in two years in monthly instalments, interest 7 3-10 per cent.	....do		
	Total	6,019,385 64				

I certify that the above report is correct.

F. J. CRILLY, *Brt. Maj. and A. Q. M., U. S. Army.*
Chief Qr. Mr. Mil. R. Rds., Mil. Div. of the Tenn.

True copy.

F. J. CRILLY, *Brt. Col. and A. Q. M., U. S. A.*

Report of sales of United States military railroad property, under Executive Orders of August 8 and October 14, 1865, in the military division of the Tennessee, under the direction of Brevet Major F. J. Crilly, A. Q. M., U. S. A., for the month ending Dec. 31, 1865.

Running No.	Name of company.	Balance of principal due from Nov. 30.	Balance of interest due from Nov. 30.	Total due from Nov. 30.	Appraised value of property purchased in December.	Interest on purchases made in December.	Dec. interest on bal. of principal due from Nov. 30.	Total interest due Dec. 31.	Monthly instalment due December 31.	Amount of back instalment due December 31.
1	Rome Railroad Company	$22,086 05	$114 25	$22,200 30			$134 93	$249 18	$920 25	$925 00
2	Edgefield and Kentucky Railroad Company	93,385 09	756 76	94,142 85			578 99	1,336 75	3,891 65	3,900 00
3	Mobile and Great Northern Railroad Company	14,017 73	67 38	14,085 11			86 91	154 29	584 08	
4	Southwestern Railroad Company	13,251 03	254 15	13,251 03						
5	Wills Valley Railroad Company	30,248 52		30,502 57			185 46	439 51	1,260 36	1,300 00
6	East Tennessee and Georgia Railroad Company	366,046 41	5,111 18	371,157 59			2,269 49	7,380 67	15,251 94	15,500 00
7	Montgomery and West Point Railroad Company	36,859 66	285 02	37,144 68			228 53	513 55	1,535 82	
8	Macon and Brunswick Railroad Company	25,575 29	41 09	25,616 38			158 57	199 66	1,065 64	
	Macon and Brunswick Railroad Company	5,417 50		5,417 50						
9	Alabama and Florida Railroad Company	49,712 00	586 17	50,298 17			308 21	894 38	2,071 34	
10	Muscogee Railroad Company	4,994 20	50 75	5,044 95			30 96	81 71	208 09	
11	Macon and Western Railroad Company	27,333 11		27,333 11						
12	Mobile and Ohio Railroad Company	420,143 70	1,682 38	421,826 08			2,604 89	4,287 27	17,505 99	17,576 00
13	Memphis and Ohio Railroad Company	102,429 13	801 68	103,230 81			635 06	1,436 74	4,267 89	
14	Mississippi and Tennessee Railroad Company	98,168 02	907 24	99,075 26			608 64	1,515 88	4,090 34	
15	East Tennessee and Virginia Railroad Company	265,655 65	3,800 47	269,456 12			1,646 64	5,447 11	11,068 99	11,228 00
16	Memphis and Charleston Railroad Company	482,594 01	6,329 01	488,923 02			2,992 08	9,321 09	20,108 09	20,800 00
	Memphis and Charleston Railroad Company	64,000 00		64,000 00						
17	Memphis, Clarksville, and Louisville Railroad Company	337,082 36	1,061 36	338,143 72			2,089 91	3,151 27	14,045 10	14,100 00
18	Nashville and Chattanooga Railroad Company	1,566,551 73	20,605 34	1,587,157 07			9,712 62	30,317 96	65,272 99	66,140 00
19	Nashville and Northwestern Railroad Company	520,320 71	8,880 74	529,201 45			3,225 99	12,106 73	21,680 03	22,561 00
20	New Orleans and Ohio Railroad Company	32,150 00	203 62	32,353 62			199 33	402 95	1,339 59	1,350 00
21	Tennessee and Alabama Railroad Company	108,692 68	1,655 66	110,348 34			673 89	2,329 55	4,528 87	4,600 00
22	Central Southern Railroad Company	77,186 32	1,173 28	78,359 60			478 56	1,651 84	3,216 10	3,300 00
23	Tennessee and Alabama Central Railroad Company	84,143 00	1,278 97	85,421 97			521 69	1,800 66	3,505 96	3,600 00
24	Nashville and Decatur Railroad Company	70,984 88	719 33	71,704 21	$5,775 00	$3 46	440 11	1,162 90	3,208 76	3,000 00
25	Mississippi, Guinesville, and Tuscaloosa Railroad Co	33,476 39		33,476 39						
26	Selma and Meridian Railroad Company	142,017 92	852 11	142,870 03			880 51	1,732 62	5,917 42	6,000 00
27	Southwestern Iron Company	32,515 00		32,515 00						
28	Georgia Railroad and Banking Company	11,935 05		11,935 05						
29	Mississippi Central Railroad Company	29,700 00	34 64	29,735 64	15,000 00	57 00	184 14	276 78	1,229 68	1,239 00
30	Alabama and Tennessee River Railroad Company	183,276 49	1,093 83	184,370 32			1,136 31	2,230 14	7,636 53	7,700 00
31	New Orleans, Jackson, and Great Northern Railroad Co.	125,245 58	771 74	126,017 32	25,900 00	119 14	776 32	1,667 40	6,344 66	
32	Adams Express Company	4,361 45		4,361 45						
33	Western and Atlantic Railroad Company	472,944 66	5,764 27	478,708 93			2,932 26	8,696 53	19,706 03	19,975 00
34	Virginia and Tennessee Railroad Company				81,140 00	236 47		236 47	3,380 84	
	Total	5,954,501 32	64,884 32	6,019,385 64	127,815 00	416 07	35,721 20	101,021 59	245,502 43	224,734 00

Report of sales of United States military railroad property, &c.—Continued.

Running No.	Name of company.	Total instalments due December 31.	Monthly instalments and interest payable December 31.	Amount paid in December.	When paid.	Balance of principal due December 31.	Total of principal and interest due December 31.	Terms of sale.
1	Rome Railroad Company	$1,845 25	$722 43	$332 75	Dec. 1	$21,753 30	$22,002 48	Payable in equal monthly instalments, with interest at 7 3-10 per cent. per annum, within two years.
2	Edgefield and Kentucky Railroad Company	7,791 05	4,470 04			93,385 09	94,721 84	
3	Mobile and Great Northern Railroad Company	584 08	670 99			14,017 73	14,172 02	
4	Southwestern Railroad Company					13,251 03	13,251 03	Payable April 18, 1866, without interest.
5	Wills Valley Railroad Company	2,560 36	1,445 82	1,300 00	Dec. 23	28,948 52	29,388 03	
6	East Tennessee and Georgia Railroad Company	30,751 94	17,521 43			366,046 41	373,427 08	Payable in equal monthly instalments, with interest at 7 3-10 per cent. per annum, within two years.
7	Montgomery and West Point Railroad Company	1,535 82	1,764 35			36,259 66	37,373 21	
8	Macon and Brunswick Railroad Company	1,065 64	1,224 21			25,575 29	25,774 95	
	Macon and Brunswick Railroad Company			5,417 50	Dec. 23 & 27			
9	Alabama and Florida Railroad Company	2,071 34	2,379 55			49,712 00	50,606 38	Do. do.
10	Muscogee Railroad Company	208 09	39 80	250 00	Dec. 31	4,744 20	4,825 91	
11	Macon and Western Railroad Company					27,333 11	27,333 11	Payable on or before May 1, '66, without int.
12	Mobile and Ohio Railroad Company	35,081 99	20,110 88			420,143 70	424,430 97	
13	Memphis and Ohio Railroad Company	4,267 89	4,902 95			102,429 13	103,865 87	
14	Mississippi and Tennessee Railroad Company	4,090 34	1,798 98	2,900 00	Dec. 31	95,268 02	96,783 90	Payable in equal monthly instalments, with interest at 7 3-10 per cent. per annum, within two years.
15	East Tennessee and Virginia Railroad Company	22,296 99	12,644 49	71 14	Dec. 1	265,584 51	271,031 62	
16	Memphis and Charleston Railroad Company	40,908 09	23,100 17			482,594 01	491,915 10	
	Memphis and Charleston Railroad Company					64,000 00	64,000 00	Payable March 1, 1866, without interest.
17	Memphis, Clarksville, and Louisville Railroad Co.	28,145 10	16,135 01			337,082 36	340,233 63	Payable in equal monthly instalments, with interest at the rate of 7 3-10 per cent. per annum, within two years.
18	Nashville and Chattanooga Railroad Company	131,412 99	74,985 61			1,566,551 73	1,596,869 69	
19	Nashville and Northwestern Railroad Company	44,181 03	24,906 02			520,320 71	532,427 44	
20	New Orleans and Ohio Railroad Company	2,089 59	1,538 92			32,150 00	32,552 95	
21	Tennessee and Alabama Railroad Company	9,128 87	5,202 76			108,692 68	111,022 23	
22	Central Southern Railroad Company	6,516 10	3,494 66			77,186 32	78,838 16	
23	Tennessee and Alabama Central Railroad Company	7,105 96	4,027 65			84,183 00	85,943 66	
24	Nashville and Decatur Railroad Company	6,208 76	3,652 33			76,759 88	77,922 78	
25	Mississippi, Gainesville & Tuscaloosa Railroad Co.					33,476 39	33,476 39	Payable April 10, 1866, without interest.
26	Selma and Meridian Railroad Company	11,917 42	6,797 93			142,017 92	143,750 54	Payable in equal monthly instalments, with interest at the rate of 7 3-10 per cent. per annum, within two years.
27	Southwestern Iron Company			32,515 00	Dec. 13			
28	Georgia Railroad and Banking Company					11,935 05	11,935 05	Payable April 30, 1866, without interest.
29	Mississippi Central Railroad Company	3,128 82	2,130 82			44,700 00	44,976 78	Payable in equal monthly instalments, on last day of each month, with interest at the rate of 7 3-10 per cent. per annum, within two years.
30	Alabama and Tennessee River Railroad Company	15,336 53	8,772 84			183,276 49	185,506 63	
31	New Orleans, Jackson & Great Northern R. R. Co.	6,344 66	7,171 49	68 83	Dec. 31	151,076 75	152,744 15	
32	Adams Express Company			4,361 45	Dec. 18			
33	Western and Atlantic Railroad Company	39,681 03	22,638 29			472,944 66	481,641 19	Payable in equal monthly instalments, with interest at 7 3-10 per cent. per annum, within two years.
34	Virginia and Tennessee Railroad Company	3,380 84	3,617 31			81,140 60	81,376 47	
	Total	470,236 43	278,067 73	47,216 67		6,035,099 65	6,136,121 24	

True copy.

F. J. CRILLY, *Brt. Col., A. Q. M., U. S. A.*

Report of sales of United States military railroad property to the Mississippi and Tennessee Railroad Company for the months ending November 30 and December 31, 1865, January 31 and February 28, 1866; computed in accordance with instructions received from Major General George H. Thomas, commanding military division of the Tennessee.

For the month ending November 30, 1865: Appraised value of purchase made, $102,668 02; interest on purchases from date of purchase to November 30, 1865, $907 24; total interest due November 30, 1865, $907 24; equal monthly instalment due November 30, 1865, $2,851 89; total instalments due November 30, 1865, $2,851 89; date of payment, November 30, 1865; amount paid in November, 1865, $4,500 00; balance of principal due November 30, 1865, $99,075 26; total principal and interest due November 30, 1865, $99,075 26; excess of payment over interest and instalments due, $740 87.

For the month ending December 31, 1865: Balance principal due November 30, 1865, $99,075 26; interest for December on balance principal due November 30, 1865, $614 27; total interest due December 31, 1865, $614 27; equal monthly instalment due December 31, 1865, $2,851 89; total instalments due December 31, 1865, $2,851 89; date of payment, December 31, 1865; amount paid in December, 1865, $2,900; balance of principal due December 31, 1865, $96,789 53; total principal and interest due December 31, 1865, $96,789 53; excess of payment over interest and instalments, $174 71.

For the month ending January 31, 1866: Balance principal due December 31, 1865, $96,789 53; interest for January on balance principal due December 31, 1865, $600 10; total interest due January 31, 1866, $600 10; equal monthly instalment due January 31, 1866, $2,851 89; total instalments due January 31, 1866, $2,851 89; payments made January 30, 1866, $1,014 62, $5,301 45, $4,157 93; amount paid in January, 1866, $10,474; credited interest on payment to January 31, 1866, $97 75; balance of principal due January 31, 1866, $86,817 88; total principal and interest due January 31, 1866, $86,817 88; excess of payments over interest and instalments due, $7,294 47.

For the month ending February 28, 1866: Balance principal due January 31, 1866, $86,817 88; purchases made in February, 1866, $55,082 50; interest on February purchases, $60 20; interest for February on balance principal due January 31, 1866, $486 18; total interest due February 28, 1866, $546 38; equal monthly instalment due February 28, 1866, $3,611 97; total instalments due February 28, 1866, $3,611 97; payment made February 28, 1866; amount paid in February, 1866, $4,315 00; balance of principal due February 28, 1866, $108,131 76; total principal and interest due February 28, 1866, $108,131 76; excess of payment over interest and instalment, $7,451 12.

I certify that the above is correct.

S. R. HAMILL,
Captain, Acting Quartermaster, Disbursing Quartermaster
United States Military Railroads, Military Division of the Tennessee.

True copy:

F. J. CRILLY,
Brevet Colonel, Acting Quartermaster United States Army.

Consolidated report of sales of United States military railroad property, under of the Tennessee, under the direction of Captain S. R.

Running number.	Name of company.	Balance of principal due February 27, 1866.	Balance of interest unpaid February 28, 1866.	Purchases made in March, 1866.	Interest on March purchases.	Interest for March, 1866, on balance of principal unpaid February 28, 1866.	Total interest due March 31, 1866.	Balance of instalments unpaid February 27, 1866.
1	Rome R. R. Co	$19,560 85				$128 28	$121 28	$1,160 13
2	Edgefield and Kentucky R. R. Co	114,772 86	$2,712 66			711 59	3,424 25	16,463 49
3	Mobile and Great Northern R. R. Co	13,469 35				83 51	83 51	1,256 96
4	Southwestern R. R. Co	11,204 68						
5	Wills Valley R. R. Co	28,948 52	781 10			179 48	960 58	3,777 48
6	East Tennessee and Ga. R. R. Co	352,098 35	1,971 75			2,183 01	4,154 76	47,161 01
7	Montgomery and W. Point R. R. Co	33,734 98	188 92			209 16	398 08	1,622 40
8	Macon and Brunswick R. R. Co	25,575 29	501 45			158 57	660 02	3,203 78
9	Alabama and Florida R. R. Co	45,880 84	256 93			284 46	541 39	2,571 16
10	Muscogee R. R. Co	4,563 31	25 55	$41 91	$0 75	28 29	54 59	254 23
11	Macon and Western R. R. Co	27,333 11						
12	Mobile and Ohio R. R. Co	376,061 35				2,331 58	2,331 58	2,621 93
	Mobile and Ohio R. R. Co	40,612 00				251 79	251 79	2,737 00
13	Memphis and Ohio R. R. Co	99,982 93	559 90			619 89	1,179 79	10,745 45
14	Mississippi and Tennessee R. R. Co	108,131 76				670 42	670 42	
15	E. Tennessee and Virginia R. R. Co	265,566 08	1,497 17			1,646 51	3,133 68	44,330 91
16	Memphis and Charleston R. R. Co	482,397 69						
	Memphis and Charleston R. R. Co	64,000 00						
17	Mem., Cl'ksville, & Louisville R.R.Co.	337,082 36	6,977 91			2,089 91	9,067 82	56,230 32
18	Nashville and Chattanooga R. R. Co	1,561,575 93	8,751 57			9,700 37	18,451 94	259,904 35
19	Nashville and Northwestern R. R. Co	519,680 17				3,222 02	3,222 02	84,262 82
20	New Orleans and Ohio R. R. Co	32,150 00	782 32			199 33	981 65	5,367 81
21	Tennessee and Alabama R. R. Co	90,512 55				561 18	561 18	
22	Central Southern R. R. Co	64,245 64				398 32	398 32	
23	Tenn. and Ala. Central R. R. Co	70,033 66				434 21	434 21	
24	Nashville and Decatur R. R. line	122,836 05				761 58	761 58	2,720 47
25	Miss., Gainesville, and Tus. R. R. Co	33,476 39	888 90			207 55	1,096 45	5,579 40
26	Selma and Meridian R. R. Co	91,097 77	510 15	4,310 00	38 79	564 81	1,113 75	
29	Mississippi Central R. R. Co	59,305 65				367 70	367 70	3,056 05
30	Alabama and Tenn. River R. R. Co	183,276 49	4,392 80			1,136 31	5,529 11	30,603 81
31	N. O., Jackson, and Gt. N'n R. R. Co	143,881 33				892 06	892 06	2,018 72
33	Western and Atlantic R. R. Co	472,944 66	14,277 28			2,932 26	17,209 54	79,068 63
34	Virginia and Tennessee R. R. Co	102,880 00	1,402 58			637 86	2,040 44	11,991 46
35	South Carolina R. R. Co	23,458 50	65 68			145 44	211 12	977 44
36	McMinnville & Manchester R. R. Co	20,310 00	56 87			125 92	182 79	846 25
	Total	6,015,641 10	46,591 49	4,351 91	39 54	33,856 37	80,487 40	680,623 49

Excess of payments over interest and instalments $41 56
Do. ..... do. 8,397 79

See, also, enclosure A.

Time of payment extended to April 10, 1866, with interest, at 6 per cent. per annum, from March 1, 1866.

Nashville and Decatur line have transportation accounts awaiting examination and audit to more than meet their payments now due, but which, owing to so much ahead of them, could not be credited to the "Line" this month.

Executive Orders of August 8 *and October* 14, 1865, *in the military division Hamill, A. Q. M., for the month ended March* 31, 1866.

Equal monthly instalments due March 31, 1866.	Total instalments due Mar. 31, 1866.	Date of payments made in March, 1866.	Amounts paid in March, 1866.	Credit interest to March 31, 1866, on payments made.	Balance of interest due and unpaid March 31, 1866.	Balance of instalments due and unpaid Mar. 31, 1866.	Balance of principal due March 31, 1866.	Total principal and interest, due March 31, 1866.
$920 04	$2,080 17	March 5, $1,034 20; March 31, 1,033 05.	.....	$5 38	.....	$128 22	$17,608 90	$17,609 00
4,781 80	21,245 29	.....	.....	.....	$3,424 25	21,245 29	114,772 86	118,197 11
610 69	1,867 59	.....	.....	.....	89 51	1,867 59	13,469 35	13,552 86
.....	.....	.....	.....	.....	.....	.....	11,204 68	11,204 68
1,258 56	5,036 04	.....	.....	.....	960 58	5,036 04	28,948 52	29,909 10
15,246 87	62,407 88	.....	.....	.....	4,154 76	62,407 88	352,098 35	356,253 11
1,605 63	3,228 03	.....	.....	.....	398 08	3,228 03	33,734 98	34,133 06
1,114 07	4,407 85	.....	.....	.....	660 02	4,407 85	25,575 29	26,235 31
2,165 49	4,736 65	.....	.....	.....	541 39	4,736 65	45,880 84	46,422 23
217 56	471 79	March 5, $286 67; March 31, 279 78.	$566 45	1 49	.....	.....	4,091 87	4,091 87
.....	.....	.....	.....	.....	.....	.....	27,333 11	27,333 11
18,519 48	21,141 41	March 30.....	19,713 29	3 94	.....	3,755 76	358,675 70	358,675 70
5,050 00	7,787 00	March 21.....	5,295 76	10 59	.....	2,732 44	35,557 44	35,557 44
4,461 88	15,207 33	March 22.....	6,283 57	11 31	.....	10,092 24	94,867 84	94,867 84
3,611 97	3,611 97	March 15, $1,050 81; March 31, 4,174 89.	5,225 70	3 36	.....	.....	103,573 12	103,573 12
11,061 76	55,392 70	.....	.....	.....	3,133 68	55,392 70	265,506 08	268,699 76
.....	.....	Feb. 12, $4,264 34; March 1, 7 84.	4,272 18	.....	.....	.....	478,125 51	478,125 51
.....	.....	.....	.....	.....	.....	.....	64,000 00	64,000 00
14,042 61	70,272 93	.....	93	.....	9,066 89	70,272 93	337,082 36	346,149 25
65,233 58	325,137 93	March 9, $1,021 65; March 23, 14,128 92.	18,150 57	40 31	261 06	325,137 93	1,564,475 93	1,564,836 99
21,754 16	106,016 98	.....	.....	.....	3,222 02	106,016 98	519,680 17	522,902 19
1,339 11	6,706 92	.....	.....	.....	981 65	6,706 92	32,150 00	33,131 65
4,525 63	4,525 63	March 31.....	5,086 81	.....	.....	.....	85,986 92	85,986 92
3,212 29	3,212 29	March 31.....	3,610 61	.....	.....	.....	61,033 35	61,033 35
3,501 69	3,501 69	March 31.....	3,935 90	.....	.....	.....	66,531 97	66,531 97
5,610 71	8,361 18	Feb. 14, $85 00; March 31, 7,366 68; March 31, 829 37.	8,221 05	64 77	.....	776 94	115,251 81	115,251 81
1,394 85	6,974 25	.....	.....	.....	1,096 45	6,974 25	33,476 39	34,572 84
6,129 16	6,129 16	March 31.....	510 15	.....	603 60	.....	95,407 77	96,011 37
2,692 11	5,748 16	.....	.....	.....	367 70	5,748 16	59,305 65	59,673 35
7,603 64	38,237 45	March 6.....	15,340 18	76 70	.....	28,349 68	173,388 72	173,388 72
7,026 45	9,045 17	March 28, $7,085 00; March 31, 78 75.	7,163 75	4 25	.....	2,769 23	137,605 39	137,605 39
19,693 80	98,762 43	.....	.....	.....	17,209 54	98,762 43	472,944 66	490,154 20
4,328 04	16,319 50	.....	.....	.....	2,040 44	16,317 50	102,880 00	104,920 44
977 44	1,954 88	.....	.....	.....	211 12	1,951 88	23,458 50	23,669 62
846 25	1,692 50	.....	.....	.....	182 79	1,692 50	20,310 00	20,492 79
230,597 26	921,220 75	.....	105,504 75	222 10	48,599 53	846,513 02	5,976,154 03	6,024,753 56

Excess of payments made over instalments due, $21,046 25.

NOTE.—The time for paying the first monthly instalments with accrued interest for the East Tennessee and Georgia and the East Tennessee and Virginia railroads has been extended to the 1st of August next.

I certify that the above report is correct.

S. R. HAMILL, *Captain, A. Q. M.,*
Disbursing Q. M. U. S. Mil. R. R., Mil. Dir. of the Tenn.

True copy.

F. J. CRILLY, *Bvt. Col., A. Q. M. U. S. A.*

HEADQUARTERS MILITARY DIVISION OF THE TENNESSEE,
Nashville, Tennessee, September 1, 1865.

SIR: I have the honor to transmit copy of agreement and bond to be executed by the different railroad companies in this military division desiring to purchase rolling stock, &c., from the United States, under your letter of instructions of August 8. The bond is intended to make the directors jointly and individually liable with the company. After due consideration, I believe this to be the only kind of bond which will secure the payment of the amount due at the specified time, for the reason that all the companies are mortgaged, and it would be impossible for them to execute any bond as a company, in favor of the United States, that would have precedence over those already given. The presidents and directors are strongly opposed to giving their personal bonds, but propose that the title to the property remain with the United States until payment is made, and to execute a deed of trust to that effect. A large amount of the property turned over to them will soon be suspended, and even the rolling stock is liable to accidents common to railroads, and might at any time be entirely destroyed by fire or collision. I respectfully request I may receive instructions as to what form of bond will be considered satisfactory to the government.

I am, sir, very respectfully, your obedient servant,

GEORGE H. THOMAS,
Major General United States Army, Commanding.

Hon. E. M. STANTON,
Secretary of War, Washington, D. C.

Articles of agreement,

Entered into this ——— day of ———, eighteen hundred and sixty-five, between ——— ———, an officer in the service of the United States of America, on the first part, for and on the part of the United States, and by direction of the President of the said United States through the Hon. Edwin M. Stanton, Secretary of War, in a letter of instruction to Major General G. H. Thomas, United States army, dated Washington, D. C., the eighth day of August, eighteen hundred and sixty-five, and which is as follows, viz:

"WAR DEPARTMENT,
"*Washington City, August* 8, 1865.

"GENERAL: It having been determined by the government to relinquish control over all railroads in the State of Tennessee, and continuations in adjoining States, that have been in charge of, and are now occupied by, the United States military authorities, and no longer needed for military purposes, you are hereby authorized and directed to turn over the same to the respective owners thereof at as early a date as practicable, causing in all cases of transfer as aforesaid the following regulations to be observed and carried out:

"1. Each and every company will be required to reorganize and elect a board whose loyalty shall be established to your satisfaction.

"You will cause to be made out in triplicate, by such person or persons as you may indicate, a complete inventory of the rolling stock, tools, and other materials and property on each road.

"3. Separate inventories will be in the same manner made of the rolling stock and other property originally belonging to each of said roads, and that furnished by and belonging to the government.

"4. Each company will be required to give bonds satisfactory to the government that they will, in twelve months from the date of transfer as aforesaid, or such other reasonable time as may be agreed upon, pay a fair valuation for the government property turned over to said companies, the same being first appraised by competent and disinterested parties, at a fair valuation, the United States reserving all government dues for carrying mails and other service performed by each company until said obligations are paid; and if, at the maturity of said debt, the amount of government dues retained as aforesaid does not liquidate the same, the balance is to be paid by the company in money.

"5. Tabular statements will be made of all expenditures by the government for repairing each road, with a full statement of receipts from private freights, passage, and other sources; also a full statement of all transportation performed on government account, giving the number of persons transported and amount of freight, and the distance carried in each case; all of said reports or tabular statements to be made in triplicate, one each for the Secretary of War, the military headquarters of the department, and the railroad company.

"6. All railroads in Tennessee will be required to pay all arrearages of interest due on the bonds issued by that State prior to the date of its pretended secession from the Union, to aid in the construction of said roads, before any dividends are declared or paid to stockholders thereof.

"7. Buildings erected for government purposes on the line of railroads, and not valuable or useful for the business of said companies, should not form a legitimate charge against

such companies, nor should they be charged for rebuilding houses, bridges, or other structures which were destroyed by the federal army.

"8. You are authorized to give any orders to quartermasters within your division which you may deem necessary to carry into execution this order.

"By order of the President:

"EDWIN M. STANTON,
"*Secretary of War.*

"Major General GEORGE H. THOMAS,
"*Commanding Military Division of Tennessee, Nashville, Tenn.*"

And the ——— Railroad Company, of the State of Tennessee, by ———, of the county of ———, State of ———, president; and ———, of the county of ———, State of ———; ———, of the county of ———, State of ———; ———, of the county of ———, State of ———; ———, of the county of ———, State of ———; ———, of the county of ———, State of ———; ———, of the county of ———, State of ———; ———, of the county of ———, State of ———; ———, of the county of ———, State of ———; ———, of the county of ———, State of ———; and ———, of the county of ———, State of ———, ——— ———, directors of said company, on the second part.

This agreement witnesseth, that the said ———, for and in behalf of the United States of America, and the said ——— Railroad Company, and the said ———, president, and ———, directors of said company, for themselves, their heirs, executors, and administrators, have mutually agreed, and by these presents do mutually covenant and agree to and with each other as follows, viz:

First. In accordance with the instructions of the President of the United States, as above written, the party of the first part agrees to sell and deliver to the party of the second part such rolling stock, machinery, and tools as they may require to operate the said ——— railroad, the value of which will be determined by a board of appraisement convened by General Orders No. 20, headquarters military division of the Tennessee, dated Nashville, Tennessee, August twenty-first, eighteen hundred and sixty-five, (official copy being hereunto appended.)

Second. The report of the board of appraisement convened as above mentioned, when properly approved by the major general commanding the military division of the Tennessee, and fixing the value and amount of the articles sold to the said ——— Railroad Company, ———, president, and ———, directors, will be appended to this agreement, and constitute and be considered as a part of said agreement, and the total money value of said rolling stock, machinery, and tools, as so appraised, will be inserted in a bond which we, the said ——— railroad company, and ———, president, and ———, directors, agree to execute for the faithful performance of this agreement.

Third. Payment shall be made by the said ——— Railroad Company, and ———, president, and ———, directors, for the value of said rolling stock, machinery, and tools sold to them as above stated, at the value as appraised and as hereunto appended, on the ——— day of ———, eighteen hundred and sixty-——, in lawful money of the United States of America, after deducting therefrom the amount due said company by the United States for transportation.

Fourth. No member of Congress, officer or agent of the government, or any person employed in the public service, shall be admitted to any share herein, or to any benefits which may arise herefrom.

In witness whereof, the undersigned have hereunto placed their hands and seals the day and date first above written.

Witness:

WAR DEPARTMENT,
Washington, D. C., October 14, 1865.

GENERAL: The provisions and benefits of the Executive Order of 8th of August are hereby extended to all railroads within the limits of your command desiring to purchase railroad rolling stock and material from the United States, for the purpose of repairing the losses of the war.

You are also authorized to direct the sale to any such railroads of rolling stock now within the limits of your command, and not needed by the United States for actual use, upon the following conditions, if they are preferred to the terms of the order of 8th August, and the individual security required by you under that order:

You will take care that this property is distributed among the several roads in proportion to their actual needs, and that none is sold to any railroad in excess of the reasonable requirements of its business, or to be used for purposes of speculation, sale, or hire to other roads.

You will require from all such railroad companies satisfactory bonds, in the form herewith enclosed, binding them to the payment to the United States of the full appraised value of

the property sold to them, in equal monthly instalments, with interest at the rate of seven and three-tenths per cent. per annum, within two years, credit being allowed to them, on the first of each month, for any service of military transportation rendered by them during the preceding month, at the established rates now allowed to northern railroads for such service.

Full reports of all sales under this order will be made to the War Department from time to time, as required by existing orders.

The serviceable railroad iron in possession of the quartermaster's department at Chattanooga and Nashville is excepted. It will be sold only for cash at the prices fixed by the War Department.

By order of the President:

EDWIN M. STANTON,
Secretary of War.

Major General GEORGE H. THOMAS,
Commanding Military Division of the Tennessee,
Headquarters, Nashville, Tennessee.

Bond.

Know all men by these presents, that the ——— Railroad Company, duly incorporated by the act of the ——— of the State of ———, by ——— ———, its president, acting for and in behalf of said railroad company, do hereby acknowledge itself and its successors held and firmly bound unto the United States of America in the full and just sum of ——— dollars, lawful money of the United States; for which payment well and truly to be made to the disbursing quartermaster of the United States military railroads, at his office in Nashville, or to such other disbursing quartermaster as may be designated by the War Department, within two years from the date of these presents, the said railroad company, by its president, hereby binds itself and its successors firmly by these presents.

Sealed with its corporate seal, attested by the signature of its president, and affixed by the express authority of its directors, this ——— day of ———, in the year of our Lord one thousand eight hundred and sixty-—— (186—.)

The nature of the above obligation is such, that whereas the above-bounden railroad company has purchased and received, or shall receive, from the War Department of the United States, rolling stock, iron rails, cross-ties, chairs, spikes, timber, and other materials for operating its railroad, in quantities, at prices, and to an amount and value which shall be evidenced by the receipts given for the same by the said railroad company to the proper officers of the said War Department, upon a credit of two years from the date of these presents, payable in equal monthly instalments, with interest at the rate of 7 3-10 per cent per annum, within the said two years, either in cash to the disbursing quartermaster of the United States military railroads, at his office in Nashville, or to such other disbursing quartermaster as may be designated for this purpose by the War Department, or in transportation of the troops or military supplies of the United States, under the orders of the proper military authorities, at the rates of fare and tolls allowed for such service to northern railroads; and whereas the said railroad company desires, and by these presents intends, to secure to the United States the complete and punctual payment as aforesaid of the amounts which may be due for the said materials received or to be received by it from the United States:

Now, therefore, if the said railroad company shall well and truly pay as aforesaid either in cash, in equal monthly instalments, or in transportation as aforesaid, to the United States, within two years from the date of these presents, all that shall be due as aforesaid to the United States on account and in payments or all the materials received as aforesaid from the United States, then this obligation shall be void and of no effect.

But if the said railroad company shall fail to pay to the United States all or any portion of what may be due to the United States on account of the said materials received from the United States, within two years from the date of these presents, either in cash as aforesaid, or in transportation as aforesaid, or shall fail to pay any of the monthly instalments aforesaid punctually when due, then this obligation shall remain in full force and effect to the extent that may be necessary to fully repay to the United States for the full amount which may be due on account of the said materials so received as aforesaid, and all loss or damage which may have been incurred by the United States by reason of the said railroad company's failure to pay for the same what shall be due therefor when the same shall be due.

And as a further security for such payment and indemnity to the United States, the United States shall have a lien upon the property sold to said company, and in default of such complete and punctual payment of all moneys which may be due on account of the aforesaid purchase of materials, be fully authorized to take possession of and sell said property, and also to place in charge and control of the said company's railroad an agent of the said United States, who shall be fully empowered, and by these presents is fully empowered, in case of such default as aforesaid, to collect all the revenues of the said company, and apply the same to the

payment to the United States of all the moneys which shall be due at the times of such application of such revenues to the United States for any such materials which shall have been delivered by the United States to the said railroad company, or by reason of any loss or injury to the United States resulting from such default in payment of the same And the said company shall have no authority to sell or convey out of its possession, without the consent of the United States first in writing obtained, any of the property referred to in this agreement; but shall hold and retain the same to the exclusive use of said company in carrying on the business of transportation of persons and property over its line of road until the whole is fully paid for as aforesaid.

In witness whereof, the corporate seal of said railroad company is affixed hereto by authority of its directors and attested by its president.

_____ _____.

Witness:

_____ _____.

NOTE.—The amount of this bond to be double the valuation of the property sold and delivered. Internal revenue stamps should be affixed to the amount of fifty cents for every thousand dollars.

HEADQUARTERS MILITARY DIVISION OF THE TENNESSEE,
Chief Quartermaster's Office, Nashville, Tennessee, February 13, 1866.

GENERAL: In making statement of transportation on United States military railroads the following items were omitted both in my report and the report of Mr. McPherson:

Transportation of fourth corps, 18,000 men from Huntsville to Chattanooga, sixty miles, Memphis and Charleston railroad, $21,600; Chattanooga to Knoxville and return, one hundred and ten miles, East Tennessee and Georgia railroad, $79,200; Knoxville to Greenville, seventy-four miles, East Tennessee and Virginia railroad, $26,640.

I am, very respectfully, your obedient servant,

J. L. DONALDSON, *Brevet Major General,*
Chief Quartermaster, Military Division of the Tennessee.

Major General GEORGE H. THOMAS, *U. S. Army,*
Commanding Military Division of the Tennessee.

True copy:

F. J. CRILLY,
Brevet Colonel, Assistant Quartermaster United States Army.

MEMORANDUM.

Military railroads were taken possession of in March, 1862.

Captain R. Stevenson, assistant quartermaster, was in charge to October 3, 1862. He died and was succeeded by Lieutenant C. H. Irwin, to February 8, 1863, when Captain S. Perkins, jr., assistant quartermaster, took charge. Captain Perkins remained in charge to July or August, 1863, when Captain John Stewart, assistant quartermaster, assumed charge. Captain Stewart was relieved in December, 1863, by Captain James F. Rusling, assistant quartermaster, who a few days afterwards was succeeded by Captain J. C. Crane, assistant quartermaster, December, 1863, who remained in charge till May, 1864, when he was relieved by the present officer, Captain S B Brown, assistant quartermaster, January 1, 1866.

From August 28, 1862, to January 8, 1863, military railroads were not opened, as the enemy had possession from Nashville south.

The Chattanooga railroad was in operation to Tullahoma only till July, 1863, and to Stevenson in September, and Bridgeport in October, 1863; it was not opened to Chattanooga till December, 1863.

True copy:

F. J. CRILLY,
Brevet Colonel, Assistant Quartermaster United States Army.

HEADQUARTERS MILITARY DIVISION OF THE TENNESSEE,
Nashville, Tennessee, March 29, 1866.

CAPTAIN: The major general commanding is in receipt of a communication from Minor Merriweather, secretary and treasurer of the Mississippi and Tennessee railroad, stating the inability of the company to which he belongs to continue the regular payment of the monthly instalments due the United States for property purchased by them for the road, and asking an extension of twelve months to the time required by their bond in which to make their payments.

As the company has manifested a disposition to meet their liabilities to the government, and as the reasons given by Mr. Merriweather for asking for an extension of time are considered good and sufficient by the major general commanding, the latter directs that the amount originally due the United States from this road be divided into thirty-six equal parts, one part to be paid monthly, counting from the time when the first one-twenty-fourth monthly instalment under the bond became due, that to be considered as the date of the first of the thirty-six instalments under the arrangement, with interest at seven and three-tenths.

Credit will be given the road for any surplus that may have been paid in, but no interest thereon will be returned.

I am, very respectfully, your obedient servant,

WM. D. WHIPPLE,
Brevet Brigadier General and Chief of Staff.

Captain S. R. HAMILL,
Chief Quartermaster United States Military Railroads,
Nashville, Tennessee.

A true copy:

S. R. HAMILL,
Captain and Assistant Quartermaster.

HEADQUARTERS MILITARY DIVISION OF THE TENNESSEE,
Chief Quartermaster's Office, Nashville, Tennessee, January 23, 1866.

GENERAL: I have the honor to submit a report of Colonel James F. Rusling, inspector quartermaster's department, to myself, on the subject of freight and passenger receipts, &c., on railroads while in the possession of the United States during the rebellion. The report is only approximate, as you will see by reading it. It has been found impossible to make more than an approximate report by reason of the confusion which prevailed when we first seized the roads, the seesawing of the armies back and forth over them, whereby they came first into the hands of the rebels and then into ours, the frequent changes of quartermasters, and last, but not least, the want of unity of action between the various quartermasters and superintendents. I am bound to say that this last obstacle did not exist after I took charge, November 1, 1863. I was in perfect accord with Mr. J. B. Anderson and his successor, General McCallum, and the records, consequently, are comparatively perfect; but previous to that time there is no trace of a directing mind in railroads, so far as the duties of the quartermaster's department are concerned, and Mr. Anderson and his predecessor, Colonel Innes, seem to have run the roads pretty much as a wagon-master runs a train, without keeping any special record of its operations. Colonel Rusling's present statement is derived mostly from Mr. McPherson's statement to you, with such addenda as he could obtain. On the whole, I do not think we can get at any thing more accurate, and therefore submit it.

Very respectfully, your obedient servant,

J. L. DONALDSON,
Brevet Major General, Chief Quartermaster Military Division, Tennessee.

Major General GEORGE H. THOMAS,
Commanding Military Division of the Tennessee, Nashville, Tennessee.

A true copy:

ALEXANDER BLISS,
Brevet Colonel, Assistant Quartermaster United States Army.

OFFICE INSPECTOR QUARTERMASTER'S DEPARTMENT,
Nashville, Tennessee, January —, 1866.

GENERAL: In pursuance of your request a fortnight since, I beg leave to submit herewith approximate reports of persons and freight transported over United States military railroad here, as far as I have been able to obtain the necessary data.

In addition thereto, I would state the following facts that I have derived from various sources. It appears that the railroads running south from here were taken possession of, with offices, shops, rolling stock, &c., in March, 1862, on the arrival here of our army after the fall of Fort Donelson. Fort Donelson surrendered February 16, 1862, and our forces arrived here about one week after. Soon after Captain R. Stevenson, assistant quartermaster, was placed in charge, in addition to other duties here.

It appears that the Nashville and Chattanooga and the Nashville and Decatur railroads were at once opened as the troops advanced, reaching Murfreesboro' and Columbia in March and Stevenson and Decatur late in April. Up to May 15, 1862, it appeared that the main

body of General Buell's army (about 48,000 men) were supplied largely by the Nashville and Decatur line; the balance, some 12,000 men, under General O. M. Mitchell, were stationed along the Nashville and Chattanooga line and about Stevenson, threatening Chattanooga, and were supplied mainly by that line. Late in May, Buell swung around more toward Chattanooga, and then both roads were used about equally. This continued until about August 8, 1862, both roads being used very considerably, when, in consequence of Bragg's march north, our forces fell rapidly back on Nashville, the enemy following, and by September 8 our supplies had been withdrawn and the last train from the south got into Nashville. Our line, it seems, fell back covering both roads, so that both were abandoned about same time, September 8. When our forces again advanced, late in the fall of 1862, they found trestle-work and bridges gone generally, so that the roads were scarcely used, if at all, until in February, 1863.

By the death of Captain Stevenson the roads passed into the hands of Lieutenant (now brevet colonel) C. H. Irwin, about October 1, 1862, but, as above stated, they do not appear to have been used much until February following, because of siege of Nashville, nearness of our own troops, broken condition of roads, &c. His first shipments were made to Lavergne, February 8, 1863, and he appears to have kept an accurate account, from that time on, of stores forwarded, but not of troops transported. The latter was in the hands of Mr. J. B. Anderson, the then civil superintendent, and I have not been able to obtain here any accounts of same whatever. This brings us forward to March 19, 1863, when Colonel Irwin was relieved by Captain S. Perkins, jr., assistant quartermaster, who remained in charge, as near as I can find, to August 1, 1863. Captain Perkins is now out of the service, in Akron, Ohio, and I have not been able to secure any data from him. I presume, however, that he kept very full and accurate accounts, as things had begun to settle down by this time, and he had Colonel Irwin's precedents to go upon. Colonel Irwin informs me that he had written and telegraphed him for a report on the subject, as far as he is able, and I suppose you will get something from him soon.

Captain Perkins was relieved on or about August 1, 1863, by Captain John Stewart, assistant quartermaster, who continued in charge until November 19, 1863, when he was relieved by myself. Subsequently I was relieved December 1, 1863, by Captain John C. Crane, assistant quartermaster, who continued in charge of freight and passenger transportation, until May 1, 1864, when he was relieved of this portion of his railroad duties by Captain S. B. Brown, assistant quartermaster, who has remained in charge down to the present date.

During this last period, from August 1, 1863, the accounts kept by the various officers are comparatively accurate as to stores transported, but are not so satisfactory as to troops. Current supplies have mostly been regularly itemized and shipped by bill of lading, &c., the usual reports of stores forwarded being rendered to the Quartermaster General; but this is not invariable, and the data as to other shipments are merely so many "cars of baggage," or "cars of troops" forwarded, from which the actual amount of contents can only be surmised. Instances have occurred, as in the hurried or heavy shipments of troops, when no transportation tickets were issued, and but little, if any, record kept of the movement at all. There was a general looseness, indeed, in this respect, resulting from the fact that the roads were being run as government roads, with no charges made or expected to be made for government freight and travel.

The Chattanooga road I find was opened up again as Rosecrans advanced in 1863, reaching Tullahoma in July, Stevenson in August, Bridgeport in September, and Chattanooga in December, 1863. The Nashville and Decatur road was opened up again to Decatur in March, 1864.

The section of the Memphis and Charleston railroad from Decatur to Stevenson was put in operation about same time. The East Tennessee and Georgia was opened up to Knoxville the latter part of April, 1864, though the East Tennessee and Virginia, from Knoxville east, and that portion of East Tennessee and Georgia, from Knoxville to Tennessee river, had been operated for some months before, to some extent, by General Burnside. The Western and Atlantic followed Sherman, in May, 1864, as he marched on Atlanta, keeping close on his heels, and was in full operation to Atlanta about September 1, 1864. The Rome branch was opened as Sherman covered that region, and used slightly. The Nashville and Northwestern was got in running order some distance out in the fall of 1863, but it was not pushed through to Johnsonville until May, 1864, which may be regarded as its real opening. The Edgefield and Kentucky was in operation as far as Springfield early in the winter of 1864, but did not reach Clarksville or become of much use until June, 1864.

All of these roads were, at different times and for different periods, broken and abandoned, so that it is most difficult to fix anything like their real work, or their real claims, if any, upon the government. I enclose, however, an approximate report, marked A, of operations of Lieutenant (now Brevet Colonel) Irwin, compiled from data now in his possession. The freight transported is nearly correct, but the troops I have had to estimate, because of the absence of all records. I also enclose an approximate report of troops and freight transported by United States military railroads from August 1, 1863, to date of transfer of roads to companies, marked B. These reports both show the probable number of troops transported, and average distance, with cost to the government of same had the established rate of two cents

per mile each been charged; also, the probable amount of government stores transported, and average distance, with cost to the government of same had the established rate of two cents per ton per mile been charged. They give the following results:

Estimated charges for troops transported by Lieutenant Irwin		$1,970 00
Estimated charges for freight transported by Lieutenant Irwin		7,854 40
Total		9,824 40
Estimated charges for troops transported by United States military railroads	$1,289,721 72	
Estimated charges for freight transported by United States military railroads	2,593,856 40	
		3,882,578 12
Adding these together we have—total charges		3,892,402 52

I also enclose a report, marked C, showing cash earnings of roads while in hands of the United States, from August 1, 1863, to date of transfer to companies. These, it will be seen, foot up $1,203,687 64.

The cash earnings previous to August 1, 1863, must have been considerable, as charges were made for all private freight and travel, and the amount of cotton and tobacco that came in on return trains was often very large, as Brevet Colonel Irwin informs me. As evidence of this he stated, from opening of the roads up to September, 1862, the total expenses were paid for by the cash earnings, with the exception of about $30,000 drawn from the quartermaster's department. All these passed into the hands of Mr. J. B. Anderson, then general superintendent, who rendered an account of same to the Secretary of War, as I am informed.

For the reports, marked B and C, I am chiefly indebted to Mr. R. B. McPherson, general superintendent United States military railroads, "who has compiled same," as he informs me, "from books and records of United States military railroads," now in the office of the general superintendent here. He does not pretend that report B is accurate, but he claims that it is as full and complete as he is able to make from data in existence, and this is no doubt true. In making it he has had recourse to shipping books, way bills, reports, telegrams, letters, &c., as well as books of transportation quartermasters, and I recommend it to be accepted as about the best that can be made or even approximated to under existing circumstances.

For the gap in reports covered by period of Captain Perkins, I recommend that you await Captain Perkins's report, which can readily be reduced to same form as those herewith. For that of Captain Stevenson I recommend that you call on Quartermaster General for copies of his report of stores forwarded, from which you will be able to estimate his troops transported, the same as I have done in report A. I learn that such reports were kept by him, and that his papers were forwarded to Quartermaster General by Brevet Colonel Irwin in 1865. My basis for estimate of troops in report A was that of one man to each four tons of freight forwarded. I assumed this ratio because you will see that the ratio in report B appeared to be about one man to each two tons of freight forwarded, this being the case where shipments of troops were general, and often heavy. But during Colonel Irwin's and Captain Stevenson" administration much fewer troops were transported because of shortness of rolling stocks orders compelling troops to march, and less distance from base.

Submitting which as the best my time will allow, and returning memoranda and reports furnished me,

I remain, very respectfully, your obedient servant,

JAMES F. RUSLING,
Colonel and Inspector Quartermaster's Department.

Brevet Major General J. L. DONALDSON,
Chief Quartermaster Military Division, Tennessee.

A true copy:

ALEXANDER BLISS,
Brevet Colonel and Assistant Quartermaster United States Army.

A.—*Statement of the business of the United States Military Railroads, Division of the Tennessee, from February 8, 1863, to March 19, 1863, inclusive.*

Railroads.	No. of troops transported.	Average distance.	Troops transported one mile.	Amount at 2 cts. per man per mile.	Amount of government stores transported.	Average distance.	Am't of stores transported one mile.	Amount at 2 cts. per ton per mile.	Total cost to the government if charged established rates.
		Miles.			*Tons.*	*Miles.*	*Tons.*		
Nashville and Chattanooga railroad	2,900	32	92,800	$1,856 00	11,560	32	369,920	$7,398 40	$9,254 40
Nashville and Decatur railroad	300	19	5,700	114 00	1,200	19	22,800	456 00	570 00
Total	3,200	.....	98,500	1,970 00	12,760	.....	392,720	7,854 40	9,824 40

True copy.

F. J. CRILLY,
Brevet Colonel, Assistant Quartermaster United States Army.

B.—*Statement of the business of United States Military Railroads, Division of the Tennessee, from August* 1, 1863, *to the date of their transfer to original owners.*

Railroads.	No. of troops transported.	Average distance.	Troops transported one mile.	Amount at 2 cents per man per mile.	Amount of government stores transported.	Average distance.	Am't of stores transported one mile.	Amount at 2 cts. per ton per mile.	Total cost to the government if charged established rates.	Date of transfer to civil authorities.
		Miles.			*Tons.*	*Miles.*	*Tons.*			
Nashville and Chattanooga	392,484	110	43,173,240	$863,464 80	744,377	110	81,881,470	$1,637,629 40	$2,501,094 20	September 14, 1865.
East Tennessee and Georgia	43,582	75	3,268,650	65,373 00	94,835	75	7,112,625	142,252 50	207,625 50	August 28, 1865.
East Tennessee and Virginia	21,121	75	1,584,075	31,681 50	44,813	75	3,360,975	67,219 50	98,901 00	August 28, 1865.
Western and Atlantic	47,574	90	4,281,660	85,633 20	109,748	90	9,877,320	197,546 40	283,179 60	September 25, 1865.
Rome Branch	9,073	17	154,241	3,084 82	13,220	17	224,740	4,494 80	7,579 62	September 25, 1865.
Nashville and Decatur	49,324	75	3,699,300	73,986 00	151,598	75	11,369,850	227,397 00	301,383 00	September 14, 1865.
Memphis and Charleston	24,578	30	737,340	14,746 80	50,171	30	1,505,130	30,102 60	44,849 40	September 1, 1865.
Nashville and Western	100,312	75	7,523,400	150,468 00	182,454	75	13,684,050	273,681 00	424,149 00	September 1, 1865.
Edgefield and Kentucky	709	20	14,180	283 60	33,833	20	676,660	13,533 20	13,816 80	September 1, 1865.
Total	688,757	.....	64,436,086	1,288,721 72	1,425,049	.....	129,692,820	2,593,856 40	3,882,578 12	

True copy.

F. J. CRILLY,
Brevet Colonel, Assistant Quartermaster United States Army.

Statement of the business on the United States Military Railroads, Division of the Tennessee, from August 1, 1863, to the date of transfer to the original owners.

Roads.	Cash earnings.				Troops transported.			Government stores transported.			Total.	Date of transfer.
	Freight.	Passengers.	Express, &c.	Total.	One mile.	Average distance.	Amount.	One mile.	Average distance.	Amount.		
						Miles.		*Tons.*	*Miles.*			
Nashville and Chattanooga	$241,283 02	$170,588 27	$221,039 43	$632,910 72	43,173,240	110	$863,464 80	81,881,470	110	$1,637,629 40	$3,134,004 92	Sept. 14, 1865.
East Tennessee and Georgia	7,374 62	33,431 19	41,772 35	82,578 16	3,268,650	75	65,373 00	7,112,625	75	142,252 50	290,203 66	Aug. 28, 1865.
East Tennessee and Virginia	8,205 23	19,152 64	3,513 97	30,871 84	1,584,075	75	31,681 50	3,360,975	50	67,219 50	129,772 84	Do.
Western and Atlantic	41,535 33	57,371 17	32,946 01	131,852 51	4,281,660	90	85,633 20	9,877,320	90	197,546 40	415,032 11	Sept. 25, 1865.
Rome Branch					154,241	17	3,084 82	224,740	17	4,494 80	7,579 62	Do.
Nashville and Decatur	91,718 24	50,459 70	62,290 62	204,468 56	3,699,300	75	73,986 00	11,369,850	75	227,397 00	505,851 56	Sept. 14, 1865.
Memphis and Charleston	18,812 11	57,371 17	14,616 06	90,799 34	737,340	30	14,746 80	1,505,130	30	30,102 60	135,648 74	Sept. 1, 1865.
Nashville and Northwestern	5,883 51	14,292 75	4,749 70	24,925 96	7,523,400	75	150,468 00	13,684,050	75	273,681 00	449,074 96	Do.
Edgefield and Kentucky	2,545 65	2,283 40	451 50	5,280 55	14,180	20	283 60	676,660	20	13,533 20	19,097 35	Do.
Total	417,357 71	404,950 29	381,379 64	1,203,687 64	64,436,086		1,288,721 72	129,692,820		2,593,856 40	5,086,265 76	

NASHVILLE, *January* 19, 1866.

I certify that the above statement is as full and complete as I am able to make from the books and records of the military railroad department.

R. B. M'PHERSON, *Assistant to General Superintendent.*

A true copy.

ALEXANDER BLISS, *Brevet Colonel, A. Q. M., U. S. A.*

C.—*Statement of the cash earnings of the United States Military Railroads, Division of the Tennessee, from August* 1, 1863, *to date of transfer to original owners.*

Roads.	Freights.	Passengers.	Express, &c.	Total.	When transfer'd.
Nashville and Chattanooga	$241,283 02	$170,588 27	$221,039 43	$632,910 72	Sept. 14, 1865.
East Tennessee and Georgia ...	7,374 62	33,431 19	41,772 35	82,578 16	Aug. 28, 1865.
East Tennessee and Virginia...	8,905 23	19,152 64	3,513 97	30,871 84	Do.
Western and Atlantic	41,535 33	57,371 17	32,946 01	131,852 51	Sept. 25, 1865.
Rome branch					Do.
Nashville and Decatur.....	91,718 24	50,459 70	62,290 62	204,468 56	Sept. 14, 1865.
Memphis and Charleston.....	18,812 11	57,371 17	14,616 06	90,799 34	Sept. 1, 1865.
Nashville and Northwestern ...	5,883 51	14,292 75	4,749 70	24,925 96	Do.
Edgefield and Kentucky.....	2,515 65	2,263 40	451 50	5,230 55	Do.
Total.....	417,357 71	404,950 29	381,379 64	1,203,687 64	

True copy.

F. J. CRILLY,
Brevet Colonel, Assistant Quartermaster United States Army.

RECORD.

Proceedings of a board of appraisers convened at Nashville, Tennessee, by virtue of the following order, viz:

[General Orders No. 20.]

HEADQUARTERS MILITARY DIVISION OF THE TENNESSEE,
Nashville, Tennessee, August 21, 1865.

The following letter of instructions, just received from the War Department, is published for the information of all concerned:

WAR DEPARTMENT,
Washington City, August 8, 1865.

GENERAL: It having been determined by the government to relinquish control over all railroads in the State of Tennessee, and their continuations in adjoining States that have been in charge of, and are now occupied by, the United States military authorities, and no longer needed for military purposes, you are hereby authorized and directed to turn over the same to the respective owners thereof at as early a date as practicable, causing in all cases of transfer, as aforesaid, the following regulations to be observed and carried out:

I. Each and every company will be required to reorganize and elect a board of directors whose loyalty shall be established to your satisfaction.

II. You will cause to be made out in triplicate, by such person or persons as you may indicate, a complete inventory of the rolling stock, tools, and other materials and property on each road.

III. Separate inventories will be, in the same manner, made of the rolling stock and other property originally belonging to each of said roads, and that furnished by and belonging to the government.

IV. Each company will be required to give bonds, satisfactory to the government, that they will in twelve months from the date of transfer, as aforesaid, or such other reasonable time as may be agreed upon, pay a fair valuation for the government property turned over to said companies, the same being first appraised by competent and disinterested parties at a fair valuation, the United States reserving all government dues for carrying the mails, and other service performed by each company, until said obligations are paid; and if at the maturity of said debt the amount of government dues retained as aforesaid does not liquidate the same, the balance is to be paid by the company in money.

V. Tabular statements will be made of all expenditures by the government for repairing each road, with a full statement of receipts from private freights, passage, and other sources; also a full statement of all transportation performed on government account, giving the number of persons transported, and the amount of freight and the distance carried in each case; all of said reports or tabular statements to be made in triplicate; one each for the Secretary of War, the military headquarters of the department, and the railroad company.

VI. All railroads in Tennessee will be required to pay all arrearages of interest due on the bonds issued by that State prior to the date of its pretended secession from the Union, to aid

in the construction of said roads, before any dividends are declared or paid to the stockholders thereof.

VII. Buildings erected for government purposes on the line of railroads, and not valuable or useful for the business of said companies, should not form a legitimate charge against such companies, nor should they be charged for rebuilding houses, bridges, or other such structures which were destroyed by the federal army.

VIII. You are authorized to give any orders to quartermasters within your division which you may deem necessary to carry into execution this order.

By order of the President:

EDWIN M. STANTON, *Secretary of War.*

Major General GEORGE H. THOMAS,
Commanding Military Division of the Tennessee.

In accordance with the requirements contained in paragraph IV, Brevet Major General Z. B. Tower, United States volunteers; Colonel William E. Merrill, first regiment United States veteran volunteer engineers; Albert Fink, esq., Louisville, Kentucky; Walter McQueen, esq., superintendent Schenectady Locomotive Works, and J. Farnsworth, esq., Madison, Indiana, are appointed a board of appraisers, with Brevet Major S. C. Kellogg, aide-de-camp, as recorder for the board. It shall be the duty of the board, in compliance with the directions given in paragraph IV, to assess at a fair valuation all government railroad property to be disposed of under the provisions of the foregoing letter of instructions. The board of appraisers will assemble in the city of Nashville at 10 o'clock a. m., September 1, 1865, or as soon thereafter as practicable, and will continue their sessions at this and such other points within this military division as the duties upon which they are called together may require.

By command of Major General George H. Thomas:

WILLIAM D. WHIPPLE,
Brigadier General and Assistant Adjutant General.

Official:

ROBT. H. RAMSEY,
Assistant Adjutant General.

SEPTEMBER 1, 1865—10 a. m.

The board met pursuant to the above order. Present, Brevet Major General Z. B. Tower, United States volunteers; Colonel W. E. Merrill, first regiment United States veteran volunteer engineers; Brevet Major S. C. Kellogg, aide-de-camp, recorder.

Absent, Albert Fink, esq., Louisville, Kentucky; Walter McQueen, esq., en route to Nashville, and J. Farnsworth, esq., Madison, Indiana, not heard from.

The board adjourned to 10 a. m. the 4th instant.

SEPTEMBER 4, 1865—10 a. m.

The board met pursuant to adjournment. Present, all the members except J. Farnsworth, esq., Madison, Indiana, not heard from.

After consultation with the officers of the military railroad department, it was decided by the board to appraise the locomotives first, and the following numbers were appraised at the sums respectively set opposite to them, viz:

No. 28, $12,500; 36, $14,500; 73, $16,500; 87, $16,500; 88, $16,500; 89, $16,500; 117, $16,500; 120, $17,000; 180, $16,250; 181, $16,500; 182, $16,750; 185, $16,500; 187, $17,000; 188, $17,000; 194, $16,000; 202, $16,500; 125, $17,000; 126, $16,500; 127, $16,500; 203, $15,500; 205, $15,500;

At 6 p. m. the board adjourned to the 5th instant at 9 a. m.

SEPTEMBER 6, 1865—9 a. m.

The board met pursuant to adjournment Present, all the members except J. Farnsworth, esq., Madison, Indiana, not heard from.

Appraised twenty-four locomotive engines, as follows, viz:

No. 15, $8,500; 19, $8,500; 19, $8,500; 27, $10,750; 35, $15,500; 54, $13,250; 71, $16,250; 72, $16,250; 81, $17,000; 84, $15,500; 96, $13,500; 101, $8,000; 111, $12,000; 112, $14,000; 113, $12,500; 128, $17,000; 132, $16,750; 135, $17,000; 167, $13,500; 177, $13,500; 191, $16,750; 193, $17,400; 196, $16,250; 210, $15,500.

After which a consultation was held with various members of the military railroad department to devise means of facilitating further appraisements of box cars, machinery, &c.

Adjourned at 5.30 p. m. until 9 a. m. September 6.

SEPTEMBER 6, 1865—9 a. m.

The board met pursuant to adjournment. Present, all the members except J. Farnsworth, esq., Madison, Indiana, not heard from.

Appraised eleven (11) locomotive engines, as follows, viz:

No. 14, $10,500; 29, $8,500; 44, $16,000; 118, $17,000; 124, $17,250; 129, $17,000, 139, $17,250; 172, $15,000; 176, $16,750; 184, $17,000; 192, $17,000.

The board then proceeded to appraise the fixed machinery in the car shops, as follows:
One stationary double engine, counter shaft and pulleys complete, $12,000.
Injector to same, $250.
Three (3) boilers to same, $2,250.
Boiler, front grate and breeching, $1,000.
Steam fire-engine, first class, $750.

Wood machine shop.

No. 4. Circular saw and bench fixtures, including saw, bench, mandrils, counter-shaft and windlass, $250.
No. 1. Boxing machine, $150.
No. 1. Resawing machine, $450.

Iron machine shop, (first story.)

No. 1. Boring and turning mill and counter-shaft, (Bement & Dougherty, No. 10,) $1,750.
No. 1. Hydraulic press for drawing on and off wheels, with gauge and fixtures, (Bement & Dougherty, No. 19,) $1,250.
No. 2. Driving-wheel lathe, double headed counter-shafts, complete, (Wm. Sellers & Co., No. 176,) $4,000.
No. 1. Wheel quartering machine, double-headed, fixtures, counter-shafts, (Bement & Dougherty, No. 6,) $1,800.
No. 20. Axle lathe, with counter-shaft, (Bement & Dougherty, No. 26,) $800.
Nos. 1 and 2. Travelling-head shaping machine or compound planers with vices, at $1,500 each, (Bement & Dougherty, Nos. 6 and 13,) $3,000.
No. 4. Small shaping machine, (Gould & Brothers,) $350.
Nos. 1, 2, and 3. Planers at $1,600, $1,500, and $1,450, (Bement & Dougherty, Nos. 27, 26, and 27.) $4,550.
No. 4. Overhead drill, $300.
No. 1. Putnam column drill press, $550.
No. 1. Slanting machine, counter-shaft, (Bement & Dougherty, No. 8,) $1,600.
No. 3. 54-inch engine, lathe counter-shaft, (Bement & Dougherty, No. 11,) $3,500.
No. 1. Straightening machine, $800.

Third shop, (second story.)

No. 1. Milling machine, counter-shaft, (Bement & Dougherty, No. 178,) $700.
No. 1. Colter and Key, seat drilling machine, counter-shaft, complete, (Bement & Dougherty,) $1,000.
No. 1. Gear cutting machine, (Gould Brothers,) $500.
No. 5. Compound planer, counter-shaft, (Bement & Dougherty, No. 19,) $800.
No. 6. Compound planer, counter-shaft, (Gould Brothers.) $250.
No. 3. Compound planer, counter-shaft, travelling head, (Wm. Sellers & Co., No. 41,) $1,500.
No. 6. Planer, (bought of Cleburne, Nashville,) $400.
No. 5. Planer, (bought of Cleburne, Nashville,) $600.
No. 3. Column drill press, (Sellers & Co., No. 56,) $550.
No. 2. Drill, (bought of Cleburne, Nashville,) $325.
No. 4. 36-inch lathe slide, (Bement & Dougherty, No. 16,) $2,500.
No. 6. Engine lathe, (bought of Cleburne, Nashville,) $1,000.
No. 16. Slide and screw-cutting Putnam lathe, captured at gun factory, C. S. A., Nashville, 18½-inch swing, $550.
No. 15. Slide and screw-cutting Putnam lathe, 20-inch swing, $700.
No. 14. Slide and screw-cutting Putnam lathe, 23-inch swing, $750.
No. 13. Slide and screw-cutting Putnam lathe, 26¼-inch swing, $850.
No. 12. Duplicate of 13, $900.
No. 11. Double-headed lathe, (bought of Cleburne, Nashville,) $1,000.
No. 10. Lathe, (bought of Cleburne, Nashville,) $600.
No. 9. Lathe, (bought of Cleburne, Nashville,) $600.
No. 8. Lathe, (claimed by Anderson, taken from gun factory, C. S.,) $550.
No. 19. Bolt lathe, (Bement & Dougherty, No. 52,) $600.
No. 18. Bolt lathe, (Bement & Dougherty, No. 51,) $600.
No. 17. Hand lathe, (bought of Cleburne, Nashville,) $125.
One double engine hoisting machine, taken from the "Overton House," $1,200.
No. 7. Lathe, (bought of Cleburne, Nashville,) $850.
No. 5. Lathe, (bought of Cleburne, Nashville,) $1,200.
No. 5. Nutt tapping machine, (taken from Brannan's shops, Nashville,) $150.
No. 3. Bolt and nutt tapping machine, (bought of Cleburne, Nashville,) $175.
No. 1. Bolt cutting machine, (Bement & Dougherty,) $850.

No. 2. Bolt cutting machine, (Wm. Sellers & Co., 136,) $750.
No. 1. Boiler roller, (Wm. Sellers & Co., No. 6,) $650.
One grindstone, 8 by 36, pulley shaft, and cast-iron frame, $150.
Grindstone, 12 by 52, wooden frame, $50.
The board then adjourned to September 7, 9 a. m.

SEPTEMBER 7—9 a. m.

The board met pursuant to adjournment. Present, all the members except J. Farnsworth, esq., not heard from.

Appraised eight (8) locomotive engines, as follows, viz:

No. 186, $17,000; No. 189, $17,900; No. 159, $16,750; No. 161, $17,000; No. 32, $15,000; No. 74, $17,400; No. 77, $16,000; No. 94, $14,000.

The following heavy tools were then appraised in the engine or round house, viz:

One (1) hand shearing machine, $200.
No. 1. Hand punch, $250.
No. 1. Hand screw and hydraulic punch, $100.
No. 2. Portable boiler rollers, $400.
No. 2. Small compound lever hand punch, $75.
No. 2. Hand shears, $75.

In work shop, (first story.)

One (1) link planer attachment, $125.

In work shop, (second story.)

One portable cylinder borer, (boxed up,) $300.

It was resolved by the board that all new and unused machinery, not included in the foregoing categories of appraisements, will be disposed of at the builders' present market rates, transportation not to be added.

Owing to the great number of cars, viz., over three thousand, (3,000,) the board resolved to classify the cars (box) into four classes, the flats into two classes, hand cars into two classes, and hand truck cars into two classes—the appraisement to be made according to the samples offered in each class. Passenger cars are to be appraised each one separately.

The appraisement on engine No. 36, (locomotive,) made on the 4th of September, and valued at $14,500, was reconsidered by the board, and increased to $16,000. The subject of buildings was then brought before the board, and was considered until 5.30 p. m., when the board adjourned until 9 a. m., September 8.

SEPTEMBER 8—9 a. m.

The board met pursuant to adjournment. Present, all the members except J. Farnsworth, esq., Madison, Indiana, not heard from.

Eight (8) locomotive engines were appraised as follows, viz:

No. 45, $16,500; No. 76, $16,000; No. 85, $17,000; No. 140, $17,000; No. 164, $16,500; No. 165, $16,500; No. 170, $15,000; No. 171, $15,000.

An examination was then made by the board of the various buildings in and about the railroad yard, with a view of making an appraisement on the same at a later period.

The following amount of wood, remaining on the line of the Nashville and Northwestern railroad, was then appraised by the board, as follows:

16,614¾ cords of four-foot wood, at $3 per cord.
4,880¼ cords of 30-inch wood, at $3 50 per cord.
4,880½ cords of four-foot wood, in the woods at Vaughn's Gap, at $2 25 per cord.
1,280 cords of four-foot wood, in the woods at Johnsonville, at $3 per cord.

The board then considered the subject of cars, and resolved to appraise them by classes, as follows:

Box cars.

Class 1.—Those strengthened in bolsters, without defects, and that have been in use about six months, with good combination or rubber springs, $950. For every additional six months' use deduct $75 more.

Class 2.—Those not strengthened in bolsters, but in complete repair, and in use about six months, with good combination or rubber springs, $900. For every additional six months' use deduct $75 more.

If "Davis springs" are used in the foregoing classes, (No. 1 or No. 2,) deduct $50 (fifty dollars) additional.

Class 3.—Those not in good repair: Deduct from the valuation according to the foregoing rules, and, in addition thereto, the probable cost to put the car in good running order.

Class 4.—Those that are too old or too much injured to be worth repairing are to be disposed of as the United States military railroad authorities may see fit.

Flat cars.

Class 1.—Those in good running order, not used more than six months, $700; deduct for every six months' additional use $50.

Class 2.—From those out of repair deduct from the valuation, as per rules of class 1, the amount necessary to put it (the car) in good running order.

Hand cars.

Class 1.—New, $150.

Class 2.—All others in running order, $100.

Hand truck cars.

Class 1.—New, $75.

Class 2.—All others in running order, to be valued at an average price of $50.

The board then adjourned until September 9, at 9 a. m.

SEPTEMBER 9—9 a. m.

The board met pursuant to adjournment. Present, all the members except J. Furnsworth, esq., not yet heard from, and A. Finke, esq.

Seventeen locomotive engines were appraised as follows, viz:

No. 18, $8,000; 46, $16,000; 60, $5,000; 79, $16,500; 80, $17,000; 92, $14,000; 122, $15,000; 123, $17,250; 104, $4,000; 155, $16,500; 176, $14,250; 178, $14,500; 183, $13,000; 198, $13,000; 204, $14,500; 207, $5,000; Wisconsin, $4,500.

The board then appraised the machinery in the car shops as follows, viz:

One hydraulic press for drawing on and off car wheels, and fixtures, (Bement & Dougherty, No. 6,) $1,000.

One small screw-cutting lathe and fixtures, (Fay & Co.,) $550.

One axle lathe, 16" 24', and fixtures, (Bement & Dougherty, No. 31,) $800.

Car-wheel borer and fixtures, (Bement & Dougherty, No. 13,) $1,650.

Wood hand-lathe, no fixtures, $75.

Overhead drill and fixtures, (Fay & Co.,) $300.

Upright drill and fixtures, (Lowell Machine Company,) $250.

Screw cutter and fixtures, (Fay & Co.,) $650.

Screw cutter and fixtures, (maker unknown,) $600.

Grindstone, wooden frame and pulleys, 44 by 6 inches, $30.

Wood planer, circular cutter and fixtures, (Fay & Co.,) $1,750.

Circular saw, cast iron bench, arbors and three saws, (Fay & Co.,) $125.

Saw tooth gummer or cutter, (Toole & Silver, Salem,) $50.

Thirty-inch grindstone, $25.

Horizontal wood-boring machine and fixtures, (Fay & Co.,) $150.

Cut-off saw, saw bench, two saws with counter shaft, (Fay & Co.,) $250.

Circular saw, cast iron bench arbors with two saws, (Fay & Co.,) $125.

Patent scroll saw fixtures, (Fay & Co.,) $275.

Tenon-cutting machine, (Fay & Co.,) $300.

Incomplete heavy timber-splitting saw and table, with rollers, $125.

Daniel's planer, 60 by 27, and fixtures, carriage 70 feet long, $800.

Morticer and borer, (Rodgers & Co.,) $500.

One stationary engine, shaft pulleys, fly wheel, two boilers, heater, boiler fronts, and breeching, (counter-shaft and belt not included,) $4,000.

Wood-lathe and counter-shaft, $100.

Wood-shaping machine, counter-shaft, (Fay & Co,) $200.

Small circular saw-arbor and bench, $50.

Foot-morticing machine scroll saw, $50.

Rotary steam fire-engine, first-class, $750.

In the foundry attached to car shops.

Large crane, $650.

Small cupola, $200.

Large cupola, $800.

Patent fan and pipes, (McKinzie,) $600.

Small stationary engine, boiler and heater, smoke pipe and counter-shaft, $1,600.

Blacksmith shop attached to car shop.

Patent fan, $125.

Small furnace, $150.

The board then appraised the following tools:

In locomotive machine shop.

80 tool boxes at $1 25 each.
2 tackle blocks at manufacturers' present price.
20 wooden buckets at 25 cents each.
4 steel bars at 25 cents per pound.
13 boring bars at 10 cents per pound.
1 cylinder bar at 12½ cents per pound.
68 rose bits at $1 50 per pound.
1 hand brace at $1 25.
Work benches, 389 feet long by 2' 3½ wide, at $1 per running foot.
Work benches, 163 feet long by 2' 4½ feet wide, at $1 per running foot.
18 tool cupboards at $2 each.
20 boring cutters at 50 cents per pound.
3 pairs large calipers at $3 per pair or each.
3 belt clamps at 15 cents per pound.
26 horseshoe clamps at 15 cents per pound.
8 steel clamps at 30 cents per pound.
3 screw chucks at manufacturers' present prices.
13 universal chucks at manufacturers' present prices.
4 drill chucks at $1 per pound.
19 brass chucks at $1 per pound.
5 planer chucks at 20 cents per pound.
170 screw chasers at $1 50 per pound.
275 steel cold chisels at 30 cents per pound.
135 sets of dies at $3 per pound.
25 steel drifts at 30 cents per pound.
4 sets dogs (lathe) at 25 cents per pound.
4 sets dogs (planers) at 12½ cents per pound
308 steel drills at 35 cents per pound.
21 pin drills at 50 cents per pound.
5 screw-drivers at 50 cents each.
15 wheel gauges at 10 cents each.
34 hubs for dies at $2 per pound.
50 machinist hammers at 50 cents per pound.
1,400 feet fire-hose (including couplings) at $1 per foot.
7 jackscrews at $15 each.
30 iron mandrels at 7 cents per pound.
33 steel nut drills at 40 cents per pound.
9 steel plain round drills at 30 cents per pound.
4 brass hose nozzles at $15 each.
56 machine oilers at 20 cents each.
2 glue pots at $1 25 each.
20 steel punches at 30 cents per pound.
2 face plates at 10 cents per pound.
3 belt punches at 25 cents per pound.
42 centre punches at 30 cents per pound.
14 angle plates at 10 cents per pound.
6 ratchets at $10, $15, $20, according to size.
106 reamers at $2 per pound.
1 platform scale at manufacturers' present price.
4 hack saws at $2 each.
4 blacksmiths' sledges at 12½ cents per pound.
4 grindstones at 2 cents per pound.
7 oil stones at $7 for the lot.
13 centre squares at 50 cents per pound.
84 parallel strips at 12½ cents per pound.
1 tinners' snips at $1.
9 screw stocks at 25 cents per pound.
1 set of type (letter) at 20 cents each letter.
1 set of type (figures) at 20 cents each figure.
108 hand turning tools at 30 cents per pound.
608 turning tools at 30 cents per pound.
236 planing tools at 30 cents per pound.
44 boring tools at 30 cents per pound.
19 slotting machine tools at 30 cents per pound.
375 steel taps at $3 per pound.
2 gas-pipe tongs at 15 cents per pound.
45 vices at 20 cents per pound.
85 monkey-wrenches at $1 each for the lot.

1 clamp wrench at 15 cents per pound.
36 tap wrenches at 15 cents per pound.
1 socket wrench at 15 cents per pound.
87 key iron wrenches at 15 cents per pound.

In erecting shops (locomotive.)

2 iron tackle blocks at manufacturers' present prices.
20 wooden buckets at 25 cents each.
9 portable work benches, 15 feet long and 3 feet 5 inches wide, at $20 each.
9 side benches, 308 feet long and 3 feet 6 inches wide, at $1 per running foot.
7 pinch bars at 12½ cents per pound.
788 steel cold chisels at 30 cents per pound.
1 stock at 25 cents per pound.
2 screw-drivers at 50 cents each.
60 engine hammers at 50 cents per pound.
5 jackscrews at $15 each.
4 hydraulic jacks at $100 each.
5 hack saws at $2 each.
1 tinners' snips at $1.
2 oil stones at $2 for the lot.
86 vices at 20 cents per pound.
4 spirit levels at $1 25 each.
107 padlocks at 50 cents each for the lot.
25 Dutch lamps at 25 cents each.
48 spring-bottom oilers at 25 cents each.
30 steel punches at 30 cents per pound.
9 tool racks at $12 each.
2 pair trams at $5 each.
114 monkey-wrenches at $1 each.
89 iron key wrenches at 15 cents per pound.

In boiler shop and round-house.

2 anvils at 18 cents per pound.
4 blacksmiths' bellows at $15 each.
1 set black clamps at 8 cents per pound.
21 pinch bars at 12½ cents per pound
7 steel bars at 25 cents per pound.
25 iron clamps at 10 cents per pound.
204 cold chisels at 30 cents per pound.
38 steel drills at 30 cents per pound.
4 top fullers at 50 cents per pound.
2 flatters at 50 cents per pound.
4 forges at 7 cents per pound.
1,550 feet gum hose, (old,) at 50 cents per foot.
26 chipping hammers at 50 cents per pound.
61 engine hammers at 50 cents per pound.
8 button hand at 40 cents per pound.
35 jackscrews at $15 each.
12 hydraulic jacks at $100 each.
20 steel mandrels at 30 cents per pound.
25 iron mandrels at 10 cents per pound.
1 face plate at 7 cents per pound.
19 steel punches at 30 cents per pound.
5 ratchets at $10, $15, and $20, according to size.
8 blacksmiths' sledges at 12½ cents per pound.
8 bottom swedges at 25 cents per pound.
24 scrapers at 8 cents per pound.
20 blacksmiths' tongs at 12½ cents per pound.
73 vices at 20 cents per pound.
119 key iron wrenches at 15 cents per pound.
20 tap wrenches at 15 cents per pound.
17 spanner wrenches at 15 cents per pound.
32 box wrenches at 15 cents per pound.
64 socket wrenches at 10 cents per pound.
111 spring steel key wrenches at 25 cents per pound.
91 monkey-wrenches at $1 each.

After which the board adjourned until Monday, September 11, at 9 a. m.

SEPTEMBER 11—9 a. m.

The board met pursuant to adjournment. Present, all the members except J. Farnsworth, esq., Madison, Indiana, and A. Fink, esq., Louisville, Kentucky.

The board appraised nine locomotive engines as follows, viz:

No. 34, $15,000; 43, $14,000; 47, $16,500; 50, $13,500; 75, $14,500; 119, $17,000; 141, $17,000; 201, $16,500; 206, $16,000.

Tools in blacksmith shop, (locomotive shop.)

Anvils, 18 cents per pound.
Swedge blocks, 5 cents per pound.
Wheelbarrows, $1 each.
Steel cold chisels, 30 cents per pound.
Office clock, at manufacturer's price.
Spring clamps, 10 cents per pound.
Blacksmith's cranes, 15 cents per pound.
Desks, $2 each.
Blacksmith forges, 7 cents per pound.
Cast bolt furnace, 7 cents per pound.
Top fullers, 50 cents per pound.
Bottom fullers, 25 cents per pound.
Flatters, 50 cents per pound.
Patent fan, $1 40.
Wrought-iron horses, 12½ cents per pound.
Cast-iron horses, 7 cents per pound.
Steel hammers, 50 cents per pound.
Backing hammers, 50 cents per pound.
Hand hammers, 50 cents per pound.
Cast-iron mandrels, 7 cents per pound.
Steel mandrels, 30 cents per pound.
Iron mandrels, 10 cents per pound.
Fance plates, 7 cents per pound.
Steel punches, 30 cents per pound.
Spring rollers, $25 each.
Battering rams, 10 cents per pound.
Platform scales, at manufacturers' prices.
Squares, $1 25 each.
Sledges, 15 cents per pound.
Iron safe, at manufacturers' price.
Axle straightener, $5.
Bottom swedges, 25 cents per pound.
Slack troughs, 7 cents per pound.
Cupping tools, 50 cents per pound.
Blacksmith's tongs, 12½ cents per pound.
Heading tools, 15 cents per pound.
Vices, 20 cents per pound.

Carpenter shop, (locomotive shop.)

Tackle blocks, wood, $12 each.
Tackle blocks, iron, manufacturers' prices.
Buckets, 25 cents each.
24 work benches, $200 for the lot.
Glue pots, $1 25 each.
Grindstones, 2 cents per pound.
Oil stones, (10,) $10 for the lot.
Hand screws, manufacturers' prices.
Glue stoves, $8 each.
Vices, 20 cents per pound.
Monkey-wrenches, (8,) $1 each.

Pattern shop, (locomotive shop.)

Fire buckets, 50 cents each.
Work benches, (20,) $15 each for the lot.
Tool cupboard, $15.
Varnish cans, (29,) 25 cents each for the lot.
Glue kettles, $1 25 each.
No. 1 sawing machine, $275.
No. 27 double-headed lathe, $250.
No. 28 double-headed lathe, $330.

8 oil stones, $8 for the lot.
Glue stove, $6.
Circular saw table, $100.
Wooden trestles, (31,) $8 for the lot.
1,130 patterns for iron castings, and 840 patterns for brass castings, $5,000 for the lot.

Paint shop.

Glazier's diamond, manufacturer's price.
Paint stones, $8 each.

Engine-house.

Crane for setting tires, $300.
All shafting, pulleys, hangers, bearings, and couplings are appraised by the board at 15 cents per pound.
New belting at manufacturers' prices; worn belting at a discount of 25 per cent. therefrom; the whole to be sold in one lot.

Foundry at car shop.

Wooden flasks, $350 for the lot.
Cast-iron flasks, 7 cents per pound.
Iron clamps, 7 cents per pound.
Weights, 5 cents per pound.
Wrought iron kettles, 12¼ cents per pound.
Wrought iron tongs and ladles, 12¼ cents per pound.
The appraisement of tools as given in the foregoing lists will apply to tools of similar classes in all other workshops of the United States military railroads in Tennessee.
Wrecking car, "A," with ordinary fixtures permanently attached to it, two sets of blocks and falls, and two ratchet jacks, $2,000.
Wrecking car "C," with same fixtures as "A," $3,000.
The board then adjourned until September 12 at 9 a. m.

SEPTEMBER 12—9 a. m.

The board met pursuant to adjournment. Present, all the members except J. Farnsworth, esq., Madison, Indiana.
The following buildings were appraised, viz:

Wooden buildings.

Storehouse and office	$7,000	
Quartermaster's office	8,000	
Auditor's office	3,500	
Printing house	2,500	
Machinist's office, with storerooms below	7,000	
Paint and pattern shop	5,000	
Two large machine shops, two stories each	35,500	
Engine-house	33,000	
Blacksmith's shop and extension	13,500	
Commissary storehouse next to freight depot	8,000	
Extension to freight house	5,000	
		$128,000
Car shop	17,000	
Paint shop	4,500	
Blacksmith and machine shops and shed	6,000	
Office and storeroom	3,000	
Brass and iron foundry and sheds	5,000	
		35,500
		163,500

Brick buildings and other brick structures:

Stationary engine building, (locomotive shops,)	12,000	
Brick drying house at car shops	2,000	
Brass foundry chimney	300	
Masonry setting of engine at car shops, with iron chimney	1,400	
Brick work in foundry	300	
		16,000
Total		179,500

Many of the foregoing buildings being temporary wooden structures, and the business of the Nashville and Chattanooga Railroad Company not requiring them all, the board resolved to appraise them in one lot at $100,000, *Provided* the Nashville and Chattanooga Railroad Company take them all in a body.

The board then determined to proceed at 8 a. m. on the 13th to Chattanooga, Tennessee, stopping at such intermediate points as they should find property to appraise.

Adjourned.

SEPTEMBER 13, 1865.

The board met at 8 a. m., and proceeded by special train to Lavergne, Murfreesboro', Decherd, Cowan, Stevenson, Whiteside, and Chattanooga. Present, all the members except J. Farnsworth, esq., Madison, Indiana, and A. Fink, esq., Louisville, Ky., (sick.)

Appraised as follows:

At Lavergne:

A caloric pumping machine, with wrought-iron pipe, manufacturer's present prices, $500.

At Murfreesboro':

A caloric pumping machine, wrought-iron pipe, at manufacturer's price, at $500.
Horse-power pump, at $150.

At Decherd:

Locomotive No. 51, at $14,000.
A McGowan pump with boiler and building, at $1,200.

Buildings.

Office of superintendent of bridges and buildings, 36½ by 18, at $300.
Two-story frame building and addition, at $2,000.
Despatcher's office, 29½ by 20, (Davenport,) at $300.
Two sleeping quarters, $1,500 and $1,200, at $2,700.
Round house, 204 by 60, at $3,000.
Turn-table, stone work on the above, at $3,000.
Sand house, 37 by 18, at $200.
Small mess house at $125.
Blacksmith shop, 60 by 30, at $400.
Two mess houses, at $300 each, $600.
Eating house and platform and addition at $2,000.
Adams express and telegraph office platform at $700.
Car shop and addition at $800.
Commissary storehouse and platform at $500.
Woodshed, 200 by 20, at $800.

At Cowan:

A double McGowan pump (water power) at $500.
Locomotives, No. 90, at $19,000; No. 93, at $18,000.

At Stevenson:

Locomotive No. 56 at $14,500.

Buildings.

Office of supervisor, 40 by 20, at $500.
Blacksmith and car shop, 55 by 18, at $200.
Round house, (refuse lumber,) 64 by 56, no value.
Small dwelling, about twenty feet square, at $200.
Long building at $100.
Old mess house at $400.

At Whiteside:

Wrecking car "B" (with two sets blocks and fall, two ratchet jacks, and permanent fixtures belonging to it) at $2,200.
Locomotive No. 42 at $16,000, No. 49 at $14,000.

SEPTEMBER 14, 1865.

At Chattanooga:

Locomotives.

No. 16, $10,000; No. 31, $16,500; No. 41, $16,000; No. 17, $9,000; No. 33, $14,500; No. 48, $14,500; No. 21, $7,500; No. 37, $16,000; No. 53, $14,000; No. 25, $16,000; No. 38, $16,500; No. 61, $8,500; No. 26, $16,250; No. 39, $17,000; No. 63, $14,000; No. 30,

$16,250; No. 40, $15,500; No. 64, $14,000; No. 65, $16,500; No. 146, $16,250; No. 70, $15,750; No. 147, $15,500; No. 78, $14,000; No. 148, $16,250; No. 83, $15,500; No. 150, $16,500; No. 91, $18,000; No. 151, $16,500; No. 95, $14,000; No. 152, $16,500; No. 103, $10,000; No. 153, $16,750; No. 105, $15,500; No. 154, $15,000; No. 115, $17,000; No. 156, $16,500; No. 116, $17,000; No. 160, $16,500; No. 121, $17,500; No. 162, $16,500; No. 130, $16,500; No. 166, $15,000; No. 131, $17,250; No. 173, $15,000; No. 133, $17,500; No. 175, $15,000; No. 134, $17,000; No. 199, $16,000; No. 142, $16,500; No. 200, $16,500; No. 144, $16,500; No. 208, $15,500.

Boiler and wheels only captured, rest all new.

Machinery.

Double head driving-wheel lathe, $4,500.
Horizontal boring and drilling machine, (B. & D.,) No. 32, $1,000.
Vertical drill, (Sellers & Co.,) No. 62, $1,200.
Vertical drill, (Sellers & Co.,) No. 63, $1,200.
Planer, 36 by 12, (Sellers & Co.,) No. 123, $2,000.
Planer, 36 by 12, (Sellers & Co.,) No. 124, $2,000.
3 lathes, 20-inch swing, (Sellers & Co.,) No. 260, $1,000.
3 lathes, 20-inch swing, (Sellers & Co.,) No. 263, $1,000.
3 lathes, 20-inch swing, (Sellers & Co.,) No. 265, $1,000.
Compound planer, with vice, (B. & D.,) No. 20, $800.
Cotler machine, (B. & D.,) No. 12, $1,000.
Screw-cutter, (B. & D.,) No. 3, $750.
2 overhead drills, each, $350.
Upright drill, $175.
Planer, 2½-inch swing, $450.
Small screw-cutter, with taps and dies, $400.
Double nut-tapping machine, (B. & D.,) No. 12, $450.
3 bolt lathes, Nos. 53, 54, 57, (B. & D.,) each $600.
20-inch lathe, screw-cutting, (bought at Columbus, Kentucky,) $650.
30-inch lathe, screw-cutting, (bought at Columbus, Kentucky,) $750.
24-inch lathes, screw-cutting, (bought at Columbus, Kentucky,) White's patent, $700.
Portable grindstone, pulley, cast-iron frame and wheels, at $175.
Engine lathe, 24-inch swing, (B. & D.,) No. 52, at $1,500.
Engine lathe, 24-inch swing, (B. & D.,) No. 50, at $1,800.
Cylinder borer at $300.
Traveling head-shaping machine, (B. & D.,) No. 14, $1,500.
Planer, 17 by 36, (Sellers & Co.,) No. 123, at manufacturers' prices, viz., $2,709.
Wheel-boring and turning machines, (B. & D.,) No. 11, at manufacturer's price, viz., $2,968.
Slotting machine, (B. & D.,) No. 15, manufacturer's price, $2,099.
Shears and punch, (B. & D.,) No. 4, manufacturer's price, $1,865.

In blacksmith's shop.

Fan (B. & D.) at $125.
Howell's patent trip-hammer, at $1,500.

In engine room.

Rotary steam fire-engine, at $750.
Wrought-iron crane, at 25 cents per pound.
Two stationary engines, at $2,500 each; with pumps, heater, injector, and fly-wheel, $5,000.
Three boilers, at $700 each, $2,100.
Boiler front and iron smoke-stack $1,500.
Castings for floors, at 7 cents per pound.
Brick work, at $500.
Stone work, at $500.

Car shops.

Double cylinder wood planer, $1,750.
Circular saw and table, shaft and pulley, mandrel and two (2) saws, $125.
Grindstone, wooden frame, and pulley, $60.
Grindstone, wooden frame, and pulley, $60.
Daniel's planer, 60 by 27, $800.
Large car-mortising machine, $500.
Small circular saw and table, $30.
Tenoning machine, $300.
Foot mortising machine, $50.

Screw-cutter, taps, and dies, at $350.
Upright drill, at $350.
Patent fan, at $75.
Stationary engine, with pumps, at $1,500.
Boilers, at $1,400.
Boiler front, breeching, and smokestack, at $1,300.
Brick setting, at $400.

In foundry.

Cylinder rollers, at $650.
Hydraulic punch, at $100.

CHATTANOOGA, *September* 15, 1865.

The board appraised six (6) locomotive engines, as follows, viz:
No. 137, $17,250; No. 143, $16,500; No. 149, $16,500; No. 190, $17,000; No. 195, $16,500; No. 209, $15,500.
Also a steam pump and water-tank, on Chattanooga creek, at $1,200.
And the following buildings:

Car shop, 180 by 50, at	$9,000	
Blacksmith shop, 100 by 40, at	2,000	
		$11,000
Machine shop, 300 by 70, at		21,000
Blacksmith shop, 150 by 50, at		4,500
Transfer-pit and masonery, at		2,000
Reservoir		500
Station agent office		3,000
		42,000

The above is including mess-houses Nos. 10 and 12, and out houses near all the buildings aforementioned. If taken all in a body the board appraised the lot at $25,000.
The board then proceeded by rail to Atlanta, Georgia, arriving there on the morning of the 16th, and appraised locomotives Nos. 52 and 86, as follows:
No. 52, at $14,000; No. 86, at $17,000.
The board then returned to Dalton, stopping on the way at Allatoona, to appraise a steam pump, including water-pipe, which was valued at $800.

SEPTEMBER 17, 1865.

Leaving Dalton at 8 a. m., the board proceeded to Cleveland, Charleston, Sweetwater, Athens, and Knoxville, making the following appraisements:
At Charleston: Railroad depot, 24 by 60, at $600.
At Athens: Railroad depot, 24 by 60, at $600.
At Sweetwater: Railroad depot, 24 by 60, at $600.
At Mouse Creek: Locomotive No. 136, at $17,000.
At various places: Eight switch houses, 8 by 8, at $25 each.
Arrived at Knoxville at 3.30 p. m., and adjourned until Monday, the 18th; no hour.

KNOXVILLE, *September* 18, 1865.

The board met pursuant to adjournment.
Present, Brevet Major General Z. B. Towers, United States volunteers; Colonel W. E. Merrill, first United States volunteer engineers; W. McQueen, esq., of Schenectady, New York; S. C. Kellogg, brevet major and aide-de-camp, recorder. Absent, A. Fink, esq., of Louisville, Kentucky; J. Farnsworth, esq., of Madison, Indiana.
Appraised locomotive engine No. 168, at $14,500. And the following machinery and tools, viz:
Rotary steam pump, at $750.
Hydraulic punch, at $100.
Compound planer, 12 by 24, (Gould Brothers,) at $600.
Upright drill, (Sellers & Co., No. 69,) at $600.
Small bolt lathe, (Bement & Dougherty, No. 58,) at $600.
Turning lathe, 7½, captured at Rome, Georgia; belongs to a man named Nobles. Government has expended $350 on it—at $350.
Three universal chucks, 9″, 15″, 20″, $150.
Blacksmith vices, at 20 cents per pound.
Blacksmith anvils, at 18 cents per pound.
Grindstones, at 2 cents per pound.
Iron bench screws, at 2½ cents each.
Smokestack, complete, at $100.

Smokestack saddle, 454 pounds, at 5 cents per pound, $22 70.
Blacksmith forges, at 7 cents per pound.
Tender and truck wheels, at $24 each wheel.
One 4-foot 8 inch grindstone, at $40.
Coal stoves, 5 feet high, each $20.
Coal stoves, small, each $6 50.
Box stoves, at $15.
7,174 feet of pine lumber, at per M $40.
11,136 feet of hard lumber, at per M $25.
1 blacksmith's bellows, at $15.
600 feet 10-foot fencing entire, at $100.
One spring balance and dish, at $2.
Corn brooms, at 50 cents each.
Portable forge, at manufacturer's price.
1,691 bushels of coal, per ton $10.
4 office arm-chairs, at $1 50 each, $6.
1 office stool, at 75 cents.
1 office desk (black walnut) and table, at $15.
2 office tables (pine) at 1 each, $2.
1 copy press and stand, at manufacturer's price.
3 ratchet drills, at $15 for the lot.
White lights, (good second hand,) at New York price, less 10 per cent.
Buckets, stoves and stove-pipes, marked second hand in inventory, at New York price, less 50 per cent.
Old brass castings, at 30 cents per pound.
New iron castings, at 7 cents per pound.
Old iron castings, at 2 cents per pound.
Coal per ton, at $10.
Oak lumber, at $25 per thousand.
Pine lumber, (rough, choice and grooved or matched,) at $10 per thousand for the lot.
Stone hammers, at 40 cents per pound.
18 monkey-wrenches, at $1 each.
20 trackmen's tool boxes, at $60 for the lot.
All other tools, paints, oils, and other railroad supplies, not specified above, are to be appraised at New York market prices if new. If used previous to their transfer to the East Tennessee and Virginia Railroad Company, they are to be appraised at New York market prices less 15 per cent.
The following buildings at Knoxville were also appraised by the board, viz:
Blacksmith shop, frame and foundation, 50 by 80, with wood blast pipe, at $1,800.
Brass foundry, with one set of tools complete, at $60.
Two-story mess-house, 24 by 40, at $450.
Office, 30 by 50, at $2,000.
Master-mechanic's dwelling, at $250.
Master-mechanic's office, at $800.
Small blacksmith shop, at $100.
One-story mess-house, at $125.
Adjourned until September 19; no hour.

SEPTEMBER 19, 1865.

The board met, pursuant to adjournment, at 6 a. m. Present, all the members except J. Farnsworth, esq., and A. Fink, esq.
Appraised the following locomotive engines, viz:
No. 24, $16,000; 138, $17,000; 145, $16,500; 174, $15,500.
The board then proceeded to Chattanooga; arrived at Chattanooga at 6 p. m., and adjourned to September 20.

CHATTANOOGA, *September* 20, 1865.

The board met pursuant to adjournment. Present, Brevet Major General Z. B. Tower, United States volunteers; Colonel W. E. Merrill, first United States volunteer engineers; Brevet Major S. C. Kellogg, aide-de-camp, recorder; J. Farnsworth, esq., Chicago, Illinois. Absent, Walter McQueen, esq., Schenectady, New York; A. Fink, esq., Louisville, Kentucky.
Appraised the following locomotives, viz:
No. 157, $16,350; 158, $16,500; 163, $16,500; 169, $15,000; wrecking car D, with ordinary permanent fixtures, two sets blocks and falls, two ratchet jacks, at $2,500.
Buildings turned over September 19 to the East Tennessee and Georgia railroad were appraised by the board as follows:
Storehouse, 151 by 32½ feet, (No. 40,) at $2,000.
Two-story frame building, 32 by 60 feet, at $700.
Mess-house, 16 by 30, and addition, at $350.

Mess-house, 16 by 30, and addition, at $350.
Mess-house, 21 by 28, and addition, (No. 31,) at $200.
Mess-house, 20 by 42, (No. 30,) at $275.
Mess-house, 21 by 57, and addition, (Nos. 25 and 27,) at $350.
Mess-house, 21 by 57, and addition, (Nos. 21 and 23,) at $350.
Mess-house, 20 by 36, (No. 1,) with porch, at $275.
At 7.30 p. m. the board proceeded, *via* Stevenson, to Huntsville, Alabama.

HUNTSVILLE, *September* 21—10 a. m.

The board appraised the following machinery:
Lathe, 28-inch, $950.
Column drill-press lathe, 18-inch, (Bement & Dougherty, No. 98,) $950.
Do. screw-cutting, with taps and dies, $500.
Grindstone, wooden frame and pulley, $50.
Three wooden trestles for engine rods, each $15.
Lumber, at $25 per thousand feet.
Castings, at 7 cents per pound.
The board then proceeded to Nashville, where it arrived at 9 p. m., and then adjourned until the 22d at 9. a. m.

NASHVILLE, *September* 22—9 a. m.

The board met pursuant to adjournment. Present, all the members except A. Fink, esq., and Walter McQueen, esq.
Appraised locomotive engines Nos. 23 and 211 as follows: No. 23 at $7,500, and No. 211 at $12,500; also blacksmith and car shop at Smyrna, on line of Nashville and Chattanooga railroad, at $150.
A large number of passenger and box cars were examined by the board without arriving at any conclusion as to valuation.
Adjourned until September 23, at 9 a. m.

SEPTEMBER 23—9 a. m.

The board met pursuant to adjournment. Present, all the members except A. Fink, esq., and Walter McQueen, esq.
Appraised the following lumber at Nashville:
Oak, poplar, black walnut for engines and tenders, and all the fine lumber in carpenter shop, at $35 per thousand for the lot.
Pattern lumber, at $75 per thousand feet for the lot.
Engine pilots, at $35 each, as they now stand.
Engine cabs, at $75 each, as they now stand.
The board also examined a large number of box and passenger cars with a view to a final appraisement by averaging a price per lot of the selections made by each railroad company.
Adjourned until Monday, September 25, at 9 a. m.

SEPTEMBER 25—9 a. m.

The board met pursuant to adjournment. Present, all the members except A. Fink, esq., and Walter McQueen, esq.
Reconsidered appraisement of buildings at Nashville, Tennessee, made on the 12th instant, said appraisement having been made at $100,000 for the lot, on condition that they were taken collectively by the Nashville and Chattanooga Railroad Company, on whose property they now stand, and application having been made by the Nashville and Chattanooga Railroad Company to Captain F. J. Crilly, assistant quartermaster, to except from the above conditions four buildings as follows, viz: Storehouse and offices, at $7,000; quartermaster's office, at $8,000; auditor's office, at $3,500; printing house, at $2,500; total, $21,000; and it being represented to the board satisfactorily that the United States authorities would need the four above-mentioned buildings for some time to come, the board reconsidered the former appraisement made, altering it so as to read "$90,000 for all buildings except storehouse and offices, quartermaster's office, auditor's office, and printing house."
The board also appraised the following, viz:
Castings (iron) for engines, good and bad, 4¼ cents per pound for the lot.
Castings (iron) in blacksmith shop, at 75 cents per pound.
Castings (brass), selected, at 50 cents per pound.
Castings (brass), good and bad, at 40 cents per pound for the lot.
Timber and cross-ties and cord wood on East Tennessee and Virginia railroad, East Tennessee and Georgia railroad, Nashville and Chattanooga railroad, and Nashville and Decatur railroad: Timber at 15 cents per cubic foot, cross-ties at 30 cents each, cord wood at $3 per cord, sawed wood at $3 50 per cord.
Two derricks, with fixtures complete, as follows: 154 pounds inch rope; 1,234 pounds 1½-inch rope; 4 single tackle-blocks, 1½-inch; 4 single tackle-blocks, 1 inch; 2 snatch tackle-

blocks, 1 inch; 2 crane wrénches (cast-iron,) 462 pounds; 2 cranks (wrought iron,) 118 pounds; 2 booms and derricks, at $100 each, $200.

A. Fink and J. Farnsworth, esqs., having applied to be relieved from further duty with the board, urging as an excuse therefor important private interests demanding their attention elsewhere, they were relieved accordingly.

The board then adjourned until W[illegible]ter McQueen, esq., could return from Schenectady, New York.

By virtue of the following order the board met at Louisville, Kentucky, on the 11th day of October, and proceeded thence to Memphis, Tennessee:

[Special Orders No. 99.—Extract.]

"HEADQUARTERS MILITARY DIVISION OF THE TENNESSEE,
"*Nashville, Tennessee, October* 5, 1865.

"IV. The following named officers, members of the board of appraisers of the United States military railroad property in the military division of the Tennessee, are directed to go to Louisville, Kentucky, to meet other members of the board, and then proceed to Memphis, Tennessee. Having finished the appraisement of the United States railroad property at Memphis, unless otherwise ordered, they will return to Nashville:

"Brevet Major General Z. B Tower, United States volunteers.
"Brevet Major W. E. Merrill, United States engineer corps.
"Brevet Major S. C. Kellogg, aide-de camp, United States volunteers.
"By command of Major General Thomas:

"GEO. W. HOWARD,
"*Assistant Adjutant General.*"

MEMPHIS, TENNESSEE, *October* 16, 1865—10 a. m.

The board met pursuant to the foregoing order. Present, Brevet Major General Z. B. Tower, United States volunteers; Brevet Major W. E. Merrill, United States engineers; Walter McQueen, esq., of Schenectady, New York; and Brevet Major S. C. Kellogg, aide-de-camp, recorder.

Appraised the following locomotive engines:

Tennessee, at $15,000; Michigan, at $15,000; Maine, at $9,000; Connecticut, at $5,000; Eagle, at $3,000; Hammond, at $4,000; Ohio, at $13,000; Iowa, at $13,000; Bay State, at $8,000;* Granite State, at $9,000;* New Jersey, at $9,000;* California, at $5,500.*

[The four engines marked thus* belong to the Memphis and Ohio railroad, the foregoing appraisement being for repairs made to them by the United States government.]

Machinery.

Stationary engine, with fly-wheel, counter-shaft, pump, heater, boilers, and brick setting, at $3,250.
Rotary steam fire-engine at $500.
Slotting machine (Sellers & Co., No. 38,) at $1,500.
Upright drill, 24-inch, (Sellers & Co., No. 71,) at $1,300.
Wood turning lathe at $50.
Patterns at $500.
Circular saw, with table and counter-shaft, at $75.
Grindstone, frame, and counter-shaft, at $75.
Patent lathe and counter-shaft at $75.
Iron lathe, 2-feet swing, at $175.
Wheel borer at $500.
Machine for pressing on and off wheels at $150.
Grindstone, frame, and pulleys, at $40.
Driving wheel lathe (Gage, Warner & Whitney, makers) at $2,800.
Upright drill (Parmalee & Mix, New Haven) at $325.
Paint mill at $50.
Nut-tapping machine (no taps or dies) at $350.
Compound planer, traveling head, (Sellers & Co., No. 42,) at $1,025.
Lathe, 30-inch swing, 20-foot bed, at $950.
Lathe, 16-inch swing, 9-foot bed, (Bement & Dougherty, No. 99,) at $850.
Lathe, 24-inch swing, 10-foot bed, at $600.
Upright drill, 2 feet with counter-shaft, (Gage, Warner & Whitney, makers, Nashua, New Hampshire,) at $600.
Planer, 6-foot bed, (John Parchley, maker,) at $650.
Mason's patent fan at $150.
Boiler-rollers at $400.
Shears at $250.

Saw-mill, new and unused, at $3,200.
Portable pumping engine, (on car No. 85,) at $1,200; or car and engine at $2,000.
Trucks, with wheels complete, at $275.
The board then adjourned until the 17th, at 10 o'clock a. m.

OCTOBER 17, 1865—10 a. m.

The board met pursuant to adjournment. Present, all the members.
Appraised the following locomotive engines:
Keystone, at $17,000; Rhode Island, at $5,000; Empire, at $17,000; W. H. Whitton, at $12,000; and stable, near Memphis and Charleston railroad depot, at $250.
Water tank at machine shop, 10 by 22, at $200.
Smokestack, with saddles, at $125.
28 doors to round house at $20 each, $560.
Cistern for stationary engine at $500.

At Columbus, Kentucky.

One 8-horse power engine at $800.
One turning lathe at $250.
One circular saw, 12 inches, and frame, at $50.
One truck car, No. 1, at $50.
Three hand cars, Nos. 1, 2, and 3, at $100 each, $300.
Thirteen flat cars, as follows, viz: No. 1, at $700; Nos. 501, 505, 508, 509, 506, 521, 531, 532, 533, 546, and 7, at $650 each; No. 36, at $350.
Twenty box cars: No. 78, at $400; Nos. 635, 804, 805, 800, 801, 612, 638, 803, 647, 649, 651, 657, 658, 602, 802, and 648, at $750 each; No. 659, at $800; Nos. 1 and 2, at $1,000 each.

Cars selected by the Memphis and Charleston railroad, at Memphis, as follows, viz:
Passenger cars, Nos. 5, (B. & P.,) at $1,800 each; passenger car, (pay car,) at $2,900; passenger cars, (2d class,) Nos. 1 and 7, at $1,500 each; truck cars, No. 1, at $50, and No. 3, at $75; hand cars, Nos. 1 and 6, at $600 each, and No. 8, at $150.

Box cars, (108.)

No. 24, at $600; No. 215, at $650; Nos. 26, 28, 30, 32, 31, 36, 38, 40, 42, 44, 46, 48, 50, 52, 54, 56, 58, 60, 62, 64, 66, 68, 70, 72, 74, 76, 78, 80, 82, 84, 86, 88, 90, 92, 94, 96, 98, 100, 101, 102, 104, 106, 108, 110, 112, 114, 120, 129, 203, and 1,064 at $700 each; Nos. 2, 4, and 202, at $750 each; Nos. 6, 8, 18, 20, 22, 124, 126, 128, 130, 132, 134, 136, 138, 140, 142, 143, 144, 145, 146, 148, 150, 152, 154, 156, 158, 160, 162, 164, 166, 168, 170, 172, 174, 176, 186, 190, 192, 194, 198, 200, and 204, at $800 each; No. 188, at $850; No. 122, at $900; Nos. 10, 12, 14, 16, 178, 180, 182, 184, and 196, at $950 each.

Flat cars, (68.)

Nos. 41, 517, and 551, at $500 each; Nos. 10, 252, 266, and 518, at $600 each; Nos. 14, 95, 97, 99, 103, 105, 107, 109, 113, 115, 431, 510, and 525, at $650 each; Nos. 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 23, 25, 79, 81, 83, 87, 89, 91, 93, and 127, at $700 each; Nos. 27, 29, 31, 33, 35, 37, 39, 41, 43, 45, 47, 49, 51, 53, 55, 57, 59, 61, 63, 65, 67, 69, 71, 73, 75, and 77, at $750 each; Nos. *85 and 123, at $800 each.

All Kentucky Central railroad cars belonging to the United States government on the line of the Memphis and Charleston railroad are appraised at $400 each.
One water-tank engine, about ten miles from Memphis, is appraised at $800.
The board then adjourned to meet at Nashville.

NASHVILLE, *October* 20, 1865—10 a. m.

The board met, all the members present, and appraised one flatboat, used by the Memphis and Charleston Railroad Company, at Decatur, Alabama, as a ferry, at $600.
700 bushels of coke at Chattanooga, 50 cents per bushel.
Also the following buildings on the Nashville and Northwestern railroad, viz:

At Johnsonville, Tennessee:

Building No. 2. Two-story frame, 56 by 20, at $350.
Building No. 3. One-story frame, 14 by 12, at $50.
Building No. 9. Blacksmith shop, 26 by 16, at $50.

* No. 85 has a portable pumping engine on it, appraised by the board at $1,200.

Building No. 11. One-and-a-half-story frame, 40 by 20, at $275.
Building No. 12. One-and-a-half-story frame, 30 by 20, at $150.
Building No. 14. Mess-house, 35 by 13, } at $175.
Building No. 15. Kitchen, 18 by 13, }

At Waverly, Tennessee:

Building No. 17. Frame, shingled, 20 by 14, at $110.

At McEwen's:

Building No. 18. One-story frame, 20 by 14, at $90.

At Gillam's, Tennessee:

Building No. 19. One-story frame, 20 by 14, at $110.

At Smeadville, Tennessee:

Building No. 20. One-story frame, 20 by 14, at $110.

At White Bluff, Tennessee:

Building No. 21. One-story frame, 20 by 14, at $100.

At Kingston Springs, Tennessee:

Building No. 22. One-story frame, 20 by 14, with two sheds, at $120.

At Pegram's, Tennessee:

Building No. 23. Two-story frame, 20 by 14, at $100.

The board then proceeded to affix prices to the inventories of articles, old and new, issued to the Mobile and Ohio railroad, and to the Macon and Western railroad. A complete schedule of the prices of articles issued and turned over to all the railroads will be included in these proceedings when all the items shall have been acted upon by the board.

At 6 p. m. the board adjourned until the 21st, at 9.30 a. m.

OCTOBER 21—9.30 a. m.

The board met pursuant to adjournment; present, all the members.

Affixed prices to inventories of property, old and new, issued to the Southwestern Railroad Company.

Appraised the iron pipe and fixtures laid about the railroad buildings at Nashville, as follows, viz:

At stationary engine-house, thence to cistern:

Four-inch iron pipe, 20 feet, at $2 per foot.
Four-inch cast-iron pipe, 120 feet, or 2,280 pounds, at 7 cents per pound.
Two four-inch brass valves, at 68 cents each.

At blacksmith shop:

One-inch iron pipe, 120 feet, at 20 cents per foot.
Three-fourths-inch iron pipe, 50 feet, at 14 cents per foot.
Half-inch iron pipe, 87 feet, at 11 cents per foot.
Half-inch bibb cocks, 20 feet, at $2 40 each.
Twelve-inch galvanized iron blast pipe, 200 feet, at 75 cents per foot.
Nine-inch galvanized iron blast pipe, 180 feet, at 50 cents per foot.

At machine shop:

Three-inch iron pipe, 94 feet, at $1 25 per foot.
Two-inch iron pipe, 27 feet, at 50 cents per foot.
One-and-a-half-inch iron pipe, 37 feet, at 33 cents per foot.
One-inch iron pipe, 5 feet, at 20 cents per foot.
Three-fourths-inch iron pipe, 15 feet, at 14 cents per foot.
Three-inch angle valve, 1 foot at $30 each.

At round-house:

437 feet four-inch cast-iron pipe, 8,303 pounds, at 7 cents per pound.
Eight three-inch angle valves, at $30 each.

The board then adjourned until Monday, October 23, at 9.30 a. m.

OCTOBER 23, 1865—9.30 a. m.

The board met pursuant to adjournment. Present, all the members.

Appraised all the articles, viz:

Two portable engines, 7x8 and 4½x8, $800 each.
One portable engine, small upright, 6¾x11, no boiler, $300.
One portable engine, (horizontal,) 7x12, $1,000.
One portable engine, 4½x10, $500.
No. 24. 16-inch lathe, (B & D., No. 96,) $848.
No. 25. Lathe for cutting off axles, $800.
No. 23. Lathe, slide and screw cutter, 5 feet 8 inch swing, (Rufus & Pond,) $1,800.

No. 21. Lathe, 30-inch swing. (Sellers & Co.,) $2,988.
No. 4. Planer, (Brannan,) $700.
No. —. Planer, (Lucas & Pond.) $4,000.
No. 8. Planer, (Sellers & Co.,) $3,735.
No. 5. Bracket drill, not appraised.
No. 8. Drill press, (Sellers & Co.,) $550.
No. 10. Drill press, portable, (Lamback,) $150.
No. 11. Drill press, portable, (Lamback.) $150.
No. 6. Screw-cutter, (Sellers & Co.,) $650.
No. 7. Screw-cutter, (Sellers & Co.,) $850.
No. 1. Steam hammer, (Bloomfield patent,) $2,500.
No. 2. Steam hammer, (Morrison's patent,) $2,000.
No. 3. Steam hammer, (Morrison's patent,) $1,600.
No. 4. Steam hammer, (Howell, Louisville,) $800.
No. 5. Steam hammer, (Merrick's patent,) $1,500.
No. 3. Blowing fan, $125.
No. 1. Worthington pump, $300.
No. 2. Worthington pump, $250.
Nos. 3, 4, and 5. Worthington pumps, with boilers, $300 each.
Nos. 3, 4, and 5. Worthington pumps, without boilers, $300.
No. 6, 6-inch cylinder pump, without boiler, $150.
No. 7, 4½ inch cylinder pumps, without boiler, $100.
One cut-off saw, (railway,) $125.
Fay's patent scroll machine, $200.
Wood lathe fixtures, viz: heads, pulleys, and cone for counter-shaft rests, $75.

The board then took up the inventories of supplies, &c., issued and transferred to the various railroad companies, and affixed prices to the same, of which mention will be made hereinafter.

At 6 p. m. adjourned until October 24, at 9.30 a. m.

OCTOBER 24, 1865—9.30 a. m.

The board met pursuant to adjournment. Present, all the members.

Continued the work of affixing prices to the inventories, commenced on the 23d instant, and remained in the same occupation throughout the 25th, 26th, 27th, and 28th instant, the board being in session each day from 9.30 a. m. until 6 p. m.

OCTOBER 30, 1865.

The board met pursuant to adjournment. Present, all the members, viz: Brevet Major General Z. B. Tower, United States volunteers; Brevet Major A. E. Merrill, United States engineer corps; Walter McQueen, esq., Schenectady, New York; Brevet Major S. C. Kellogg, aide-de-camp, United States volunteers.

Appraised one saw gummer, $30.
1,400,000 feet of oak bridge timber, $12½ per thousand.
300,000 feet pine bridge timber, $15 per thousand.
8,650 fire-brick, at $55 per thousand.

And the following hospital buildings, United States military railroad:

No. 132. 174x20, front building, offices and quarters.
First Ward.—No. 133, 60x20; No. 134, 50x20; No. 135, 50x20; No. 136, 50x20.
Second Ward.—No. 137, 50x20; No. 138, 50x20; No. 139, 60x20; No. 140, 50x20.
Third Ward.—No. 141, 60x20; No. 142, 50x20; No. 143, 50x20.
Mess-house and outbuildings.—No. 144, 18x17; No. 145, 18x16; No. 146, 79x20; No. 147, 85x20; No. 148, 30x16; No. 149, 20x12.
Mess-houses and outbuildings.—No. 150, 20x12; No. 151, 40x18; No. 152, 12x10; No. 153, 20x8.

In all numbering twenty-two (22) buildings, which the board agree to appraise at ten thousand dollars ($10,000) for the lot.

The following engineering instruments were then appraised, viz:
One transit, (J. T. Hobby, New York,) $75.
Three transits, (J. T. Hobby, New York,) $100 each.
One transit, (J. T. Hobby, New York,) $150.
One transit, (W. & L. E. Gurley, Troy, New York,) $175.
One level, (W. & L. E. Gurley, Troy, New York,) $150.
One level, (J. T. Hobby, New York,) $130.
Two levels, (J. T. Hobby, New York,) $125 each.
One level, (E. Brown & Son,) $125.
One level, (J. T. Hobby, New York,) $100.
Seven leveling rods, $10 each.
One chain, $6.
One chain, $2.

One box of mathematical instruments, incomplete, $2.

The board then agreed upon the following appraisement of passenger cars, viz: No. 1, $2,700; 2, $2,450; 3, $3,000; 4, $1,900; 5, $2,050; 6, $1,900; 7, $1,800; 8, $1,800; 10, $2,000; 17, $2,000; 18, $2,000; 19, $2,000; 20, $1,950; 22, $2,000; 23, $2,150; 24, $2,000; 34, $800; 39, $2,000; 40, $1,900; 41, $1,950; 43, $2,200; 45, $1,650; 47, $1,900; 49, $1,600; 50, $1,600; 48, $1,600; 35, $1,700; 36, $1,000; 37, $1,850; 217, $1,900; 219, $1,700.

Walter McQueen, esq., at his own request, was relieved from further duty with the board, leaving the few items of unfinished business still to be acted on, to be completed by the remaining members of the board.

Adjourned at six p. m., until October 31, at nine a. m.

OCTOBER 31—9 a. m.

The board met pursuant to adjournment. Present, Brevet Major General Z. B. Tower, United States volunteers; Brevet Major W. E. Merrill, United States engineer corps; Brevet Major S. C. Kellogg, aide-de-camp, United States volunteers, recorder, and appraised as follows, viz:

Iron pipe laid about the railroad buildings at Nashville.

1,155 feet of 6-inch main pipe, $2 50 per foot.
1,626 feet of 4-inch cast-iron pipe, $1 50 per foot.
200 feet of 1½-inch wrought-iron pipe, 62½ cents per foot.
500 feet of 1-inch wrought-iron pipe, 50 cents per foot.
One 6-inch street valve for fire-plug, $45.
One 6-inch stop valve, $40.
Two 4-inch street valves, each, $30.
Two 4-inch stop valves, each, $25.

Wood yard.

2,300 feet of 2-inch pipe, 75 cents per foot.
One 4-inch stop valve, 30 cents per foot.

Hospital grounds.

1,100 feet of 2-inch pipe, 75 cents per foot.
250 feet of 1-inch pipe, 50 cents per foot.
Four 2-inch street valves, each, $15.
Two 2-inch stop valves, each, $12.

Mess-house.

500 feet of 2-inch pipe, 75 cents per foot.

Special mess-house.

300 feet of 1-inch pipe, 50 cents per foot.

McLemore street mess-house.

100 feet of 1-inch pipe, 50 cents per foot.

The board then resumed the work of affixing prices to the inventories of property transferred to the various railroad companies, at which occupation the board was engaged daily until November 22, when Brevet Major W. E. Merrill, United States engineer corps, was relieved from further duty with the board, and proceeded to obey General Orders 371, paragraph 21, War Department.

The following articles were also appraised by the board during the interval above mentioned.

Transferred by Captain Hopkins, assistant quartermaster, United States military railroad, at Chattanooga.

One common rough wooden building, 17x57, taken by the East Tennessee and Georgia Railroad Company, $450.
One small rough wooden building, $75.
Horses (not in good condition,) each, $100.
Carts, $25.
Carts (half worn) $20.
Horse collars, each, 50 cents.
Halters, each, $2.
Halters, $1 75.
Singletrees, $1.
Wagon bridles, $1 75.
Wheel-horse harness, per set, $12.

One small shed roof on Line street, Nashville, 10x15, $15.
Building, (portion of Taylor depot,) 78x21x12, $400.
Building, (corner of Summer and Broad streets,) 51x20x12, $250.
Building, (station-house Pulaski,) 40x16x15, $320.
Building, (station-house State line,) 30x26x12, $390.
Screw turn-table on Nashville and Northwestern railroad, $35.

The following prices for box and flat cars were decided upon by examining and comparing the long list of special appraisements previously made, in accordance with the rules determined by the full board mentioned, September 8.

Name of road.	Box cars.	Flat cars.
Memphis, Clarksville, and Louisville, each	$755 00	$000 00
Edgefield and Kentucky, each	800 00	610 00
Nashville and Chattanooga, (new lot,) each	847 00	650 00
Nashville and Northwestern, each	830 00	650 00
Nashville and Decatur	825 00	.....
Tennessee and Alabama, each	826 00	650 00
Central Southern	835 00	650 00
Tennessee and Alabama Central	816 00	650 00
Wills Valley, each	815 00	650 00
East Tennessee and Georgia, each	845 00	650 00
East Tennessee and Virginia, each	847 00	650 00
Rogersville and Jefferson, each	850 00	650 00
Western and Atlantic, each	820 00	650 00
Rome, each	715 00	530 00
Macon and Western, each	790 00	625 00
Southwestern, each	839 00	650 00
Macon and Brunswick, each	815 00	650 00
Montgomery and West Point	847 00	.....
Alabama and Florida, each	847 00	625 00
Alabama and Tennessee River, each	855 00	650 00
Selma and Meridian, each	805 00	625 00
Mississippi, Gainesville, and Tuscaloosa, each	855 00	625 00
Mobile and Ohio	780 00	.....
New Orleans, Jackson, and Great Northern	780 00	.....
Mississippi and Tennessee, each	730 00	600 00
Memphis and Charleston, each	830 00	650 00
Memphis and Ohio, each	730 00	600 00
New Orleans and Ohio, each	715 00	.....
Mobile and Great Northern, each	735 00	575 00
Nashville and Chattanooga, (2d quality,) each	725 00	550 00
Mississippi Central, each	710 00	525 00
Adams Express Company	700 00	.....
Rolling Mill Company	.....	600 00

The following list contains the prices of all articles affixed by the board to the different inventories which are not previously recorded, viz:

Articles.	New.	Used.
Acid, nitric ..... per pound	$0 16	
oxalic ..... per pound	.....	
muriatic ..... per pound	08	
sulphuric ..... per pound	04	
Adzes, railroad ..... per dozen	27 25	$21 00
carpenters' ..... per dozen	25 25	21 00
Alcohol ..... per gallon	4 40	
Ammoniac, sal ..... per pound	18	
Antimony ..... per pound	.22	
Anvils, wrought ..... per pound	18	
cast ..... per pound	07	
swedge ..... each	15 00	

List of prices—Continued.

Articles.	New.	Used.
Augers, assorted ..... per dozen..	$9 00	$6 00
2-inch ..... per dozen..	18 00	
1¼-inch ..... per dozen..	16 00	
1½-inch ..... per dozen..	12 00	12 00
1-inch ..... per dozen..	9 00	
¾-inch ..... per dozen..	8 40	
⅝-inch ..... per dozen..	7 80	
⅜-inch ..... per dozen..	8 64	
¼-inch ..... per dozen..	6 00	
½-inch, $7 20; 1⅝-inch, $14; 1¾-inch, $17; 1⅞-inch, $17 50; 1⅛-inch, $10 44.		
Awls, brad ..... per dozen..	55	
scratch ..... per dozen..	80	72
belt ..... per dozen..	2 50	
Axes, chopping ..... per dozen..	15 00	12 00
broad ..... per dozen..	31 50	21 00
hand ..... per dozen..	18 00	15 00
Axles, engine, tender, or car ..... per pound..	07	
driving-wheel ..... per pound..	10	
Arms, engine pump ..... per pound..	15	
hand-car ..... per pound..	07	
barge	.....	600 00
balance-beam ..... each..	20 00	
Balances, engine spring ..... each..	18 00	
spring ..... each..	2 00	
spring, with dish ..... each..	3 00	
Barrows, wheel ..... per dozen..	38 00	18 00
wheel, large ..... each..	.....	4 00
Basins, wash ..... each..	67	50
Bars, steel ..... per pound..	.....	25
boring ..... per pound..	.....	10
claw ..... each..	6 00	4 50
lining ..... per pound..	15	
crow ..... per pound..	15	
cylinder ..... per pound..	15	
switch ..... per pound..	15	12½
tamping ..... per pound..	15	
timber ..... per pound..	15	
pinch ..... per pound..	15	
shackle draw ..... per pound..	15	
draw, cast-iron ..... per pound..	07	
Belting leather, 1-inch ..... per foot..	11	
1½-inch ..... per foot..	16	12
2-inch ..... per foot..	23	17
2½-inch ..... per foot..	27	20
3-inch ..... per foot..	35	26
3½-inch ..... per foot..	41	31
4-inch ..... per foot..	46	35
4½-inch ..... per foot..	52	
5-inch ..... per foot..	57	46
Belting leather, 5½-inch ..... per foot..	$0 67	
6-inch ..... per foot..	72	$0 58
7-inch ..... per foot..	85	68
8-inch ..... per foot..	1 03	82
9-inch ..... per foot..	1 12	
10-inch ..... per foot..	1 30	1 10
11-inch ..... per foot..	1 38	
12-inch ..... per foot..	1 56	
13 inch ..... per foot..	1 70	
14-inch ..... per foot..	1 88	
15-inch ..... per foot..	2 08	
16-inch ..... per foot..	2 28	
17-inch ..... per foot..	2 43	

List of prices—Continued.

Articles.	New.	Used.
Belting leather, 18-inch ..... per foot..	$2 63	
19-inch ..... per foot..	2 78	
20-inch ..... per foot..	3 05	
21-inch ..... per foot..	3 25	
22 inch ..... per foot..	3 45	
23-inch ..... per foot..	3 60	
24-inch ..... per foot..	3 85	3 08
assorted ..... per foot..	.....	52
Belting rubber, 1-inch ..... per foot..	.....	
2-inch ..... per foot..	22	
3-inch ..... per foot..	33	25
4-inch ..... per foot..	45	31
5-inch ..... per foot..	50	42
6-inch ..... per foot..	68	51
7-inch ..... per foot..	77	58
8-inch ..... per foot..	92	69
9-inch ..... per foot..	1 00	80
10-inch ..... per foot..	1 21	91
11-inch ..... per foot..	1 35	1 01
.....	1 49	1 12
Benches, work ..... each..	.....	10 00
work ..... per running foot..	.....	1 00
work, portable, 15 feet by 3 feet 5 inches ..... each..	.....	20 00
small vice ..... each..	.....	5 00
pattern makers' ..... each..	.....	15 00
blacksmiths' ..... each..	.....	5 00
draw ..... each..	.....	95 00
work and screw ..... each..	.....	15 00
small ..... each..	.....	7 50
side ..... each..	.....	15 00
small trestle ..... each..	.....	3 50
Benzine ..... per gallon..	50	
Bell, signal gong ..... each..	6 50	5 50
engine alarm ..... each..	7 50	6 50
engine and frame	80 00	
Bevels, sliding T ..... per dozen..	6 00	5 00
Bellows, blacksmiths' ..... each..	.....	15 00
..... each..	.....	35 00
42 inches ..... each..	34 00	
48 inches ..... each..	46 00	
60 inches ..... each..	.....	45 00
Bell, call	.....	2 50
Beeswax ..... per pound..	50	
Bits, car ..... per set..	10 50	7 50
auger, assorted ..... per set..	4 00	3 00
brace, assorted ..... per set..	4 00	3 00
rose ..... per pound..	.....	1 50
auger, 4-2 ..... per dozen..	2 50	
auger, 5-2 and 6-2 ..... per dozen..	2 75	
auger, 7-2 and 8-2 ..... per dozen..	3 00	
Bits, auger, 9-2 and 10-2 ..... per dozen..	3 25	
11-2 ..... per dozen..	4 00	
12-2 ..... per dozen..	4 25	
13-2 ..... per dozen..	4 50	
14-2 ..... per dozen..	4 75	
15-2 ..... per dozen..	5 00	
16-2 ..... per dozen..	5 75	
copper hatchet ..... per set..	5 00	
Black, drop ..... per pound..	18	
blue, (in tubes) ..... per dozen..	1 50	
India ..... per pound..	37½	
lamp ..... per pound..	10	
ivory, (in tubes) ..... per dozen..	1 50	
Blenders ..... each..	1 00	

List of prices—Continued.

Articles.	New.	Used.
Blue, cobalt, (in tubes) ..... per dozen..	4 38	
ultramarine ..... per pound..	65	
ultramarine, (in tubes) ..... per dozen..	4 38	
ultramarine, (in oil) ..... per pound..	60	
Prussian ..... per pound..	1 10	
Prussian, (in tubes) ..... per dozen..	1 50	
Bolts, common, coupling, &c ..... per pound..	15	
bridge, assorted ..... per pound..	09	
carriage, assorted ..... per hundred..	7 50	
carriage, per hundred, 2×½, $7 20; 2½×½, $7 60; 3½×½, $8 40; 3×⅝, $8; 4×½, $8 80; 4½×½, $9 20; 5×½, $9 60; 5½×½, $10; 2×⅝, $3 70; 2½×⅝, $3 95; 2¾×⅝, $4 07; 3×⅝, $4 20; 3½×⅝, $4 45.		
square head, assorted ..... per hundred..	7 50	
copper ..... per pound..	45	
door ..... per dozen..	1 75	
Boards, bulletin ..... each..	2 50	
Borax ..... per pound..	50	
Bowls, tin, sugar ..... each..	.....	$0 25
Books, blank, 6 quires ..... each..	3 00	
blank, 4 quires ..... each..	1 48	
blank, 3 quires ..... each..	1 38	
blank, 2 quires ..... each..	1 20	
memorandum ..... each..	50	
time, (small) ..... per dozen..	45	
time, (large) ..... each..	50	
copying ..... each..	4 00	
receipt ..... each..	50	
invoice ..... each..	1 25	
oil and tallow ..... each..	25	
conductors' ticket ..... each..	25	
way-bills ..... per dozen..	8 00	
Boxes, post office delivery ..... each..	1 00	
post office delivery, large ..... each..	.....	2 00
tool ..... each..	.....	1 25
twine ..... each..	50	
mess ..... each..	.....	2 00
bill head ..... each..	1 50	
ration ..... each..	.....	4 00
emery ..... each..	.....	25
pepper ..... each..	.....	05
lamp ..... each..	.....	1 00
ticket ..... each..	7 00	
tender ..... each..	.....	3 00
Blower, fan, No. 3	100 00	
fan, 30 inches	125 00	
and shafting	600 00	
Two boilers, 24 feet long, 40 inches diameter, with pumps	1400 00	
Boiler, front, breeching, and smokestack	1300 00	
Boiler, tin ..... each..	3 00	
Brooms, corn ..... each..	50	$0 25
hickory ..... each..	25	
Brick setting for furnace	.....	400 00
Braces, iron ..... per dozen..	13 00	9 00
and bits ..... per set..	5 00	4 00
hand ..... each..	.....	2 00
Brick, fire ..... per thousand..	55 00	
Brushes, scrubbing ..... per dozen..	3 00	2 50
whitewash ..... per dozen..	7 50	6 00
copying ..... per dozen..	9 00	8 40
counter ..... each..	33	25
car window ..... each..	1 87	

List of prices—Continued.

Paint brushes, twine-bound, (extra.)

Description.	Price.	Description.	Price.
C, No. 7-0.....per dozen..	$26 00	A, No. 3-0.....per dozen..	$12 15
C, No. 6-0.....per dozen..	23 15	M, No. 2-0.....per dozen..	10 25
C, No. 5-0.....per dozen..	20 25	M, No. 1-0.....per dozen..	8 45
C, No. 4-0.....per dozen..	17 35	M, No. 1.....per dozen..	7 00
C, No. 3-0.....per dozen..	14 50	M, No. 2.....per dozen..	5 62
C, No. 2-0.....per dozen..	12 50	B, No. 3.....per dozen..	4 70
C, No. 1-0.....per dozen..	10 25	B, No. 4.....per dozen..	3 70
A+B.		B, No. 5.....per dozen..	2 85
A, No. 6-0.....per dozen..	18 50	B, No. 6.....per dozen..	2 20
A, No. 5-0.....per dozen..	15 65	B, No. 7.....per dozen..	1 70
A, No. 4-0.....per dozen..	13 88		

Paint brushes, wire-bound.

M, No. 7-0.....per dozen..	$20 15	B, No. 1.....per dozen..	$7 70
M, No. 6-0.....per dozen..	16 80	B, No. 2.....per dozen..	5 90
M, No. 5-0.....per dozen..	13 45	B, No. 3.....per dozen..	4 40
M, No. 4-0.....per dozen..	11 25	B, No. 4.....per dozen..	3 85
M, No. 3-0.....per dozen..	10 12	B, No. 5.....per dozen..	3 25
M, No. 2-0.....per dozen..	9 20	B, No. 6.....per dozen..	2 60
M, No. 1-0.....per dozen..	8 05	B, No. 7.....per dozen..	.....

Varnish brushes, oval, wire-bound.

M, No. 6-0.....per dozen..	$16 80	B, No. 1.....per dozen..	$8 05
M, No. 5-0.....per dozen..	15 20	B, No. 2.....per dozen..	7 70
M, No. 4-0.....per dozen..	13 45	B, No. 3.....per dozen..	5 90
M, No. 3-0.....per dozen..	11 25	B, No. 4.....per dozen..	4 40
M, No. 2-0.....per dozen..	10 12	B, No. 5.....per dozen..	3 25
M, No. 1-0.....per dozen..	9 20	B, No. 6.....per dozen..	2 60

Varnish brushes, oval, twine-bound.

Extra A+B:			M, No. 2.....per dozen..	$7 65	$6 40
C, No. 4-0.....per dozen..	$18 20	$15 30	B, No. 3.....per dozen..	6 00	5 40
C, No. 3-0.....per dozen..	15 30	13 00	B, No. 4.....per dozen..	5 00	4 40
M, No. 2-0.....per dozen..	13 45	11 25	B, No. 5.....per dozen..	4 00	3 25
M, No. 1-0.....per dozen..	11 00	9 15	B, No. 6.....per dozen..	3 00	2 70
M, No. 1.....per dozen..	9 40	7 50			

List of prices- Continued.

Articles.	New.	Used.
Bristle hair varnish brushes, flat, in tin, E, 1 inch wide....per dozen..	$2 70	
1¼ inch wide....per dozen..	3 25	
1½ inch wide....per dozen..	3 80	
1¾ inch wide....per dozen..	4 50	
2 inches wide....per dozen..	5 38	
2¼ inches wide....per dozen..	6 35	
2½ inches wide....per dozen..	7 20	
2¾ inches wide....per dozen..	8 05	
3 inches wide....per dozen..	9 00	
3½ inches wide....per dozen..	10 80	
Brushes,* paint, good, 2-0....per dozen..	.....	$7 90
paint, good, 3-0....per dozen..	.....	8 70
paint, good, 5-0....per dozen..	.....	14 40
paint, good, 6-0....per dozen..	.....	18 00
varnish, 2-0....each..	.....	87
varnish, 3-0....each..	.....	1 00
varnish, 4-0....each..	.....	1 20
varnish, 5-0....each..	.....	1 35
paint, old worn....per dozen..	.....	4 00
Brass, sheet....per pound..	55	
roll, assorted....per pound..	55	
old scrap....per pound..	30	
Brasses, engine truck and car....per pound..	45	
Brown, Spanish....per pound..	04	
Vandyke....per pound..	20	
Vandyke, in tubes....per dozen..	1 50	
Brads....per dozen papers..	75	
nails....per pound..	07	
Buttons, brass, on plate....per gross..	10 00	
enameled, black and green....per gross..	1 25	
enameled tufting....per gross..	1 40	
Butts, assorted brass, cast, or wrought iron....per pair..	15	
loose joint, 3 by 2½ and 2½ by 2½....per pair..	25	
loose joint, 4 by 4....per pair..	40	
loose joint, 3 by 3½....per pair..	35	
loose joint, 3 by 3....per pair..	30	
Buckets, wooden....each..	68	{ 25 { 50
engine, galvanized....each..	1 50	1 00
tin, paint....	50	25
varnish....	.....	15
tin, assorted....	50	40
tallow....	50	40
Bunks....	2 00	1 50
Burrs, copper....per pound..	75	
Boards, foot....for loading each..	.....	2 00
Bands, elastic....each..	02	
Burlaps....per yard..	35	
Bunting, red....	42	
Buggies, timber....each..	4 00	2 50
Brakes, finished....each..	3 00	
shoes....per pound..	07	07
levers....per pound..	12½	12½
head, (cast iron)....	07	07
(wood)....each..	50	
Burners, coal-oil....each..	.....	25
Boards, office, drawing....	3 00	3 00
Bushings, bell-cord....per dozen..	4 50	
Blocks, cast-iron truss, truck, anvil, chilled swedge, shaping, &c., per lb..	07	07
backing, swedge, cast iron....per pound..	05	05

* Paint and varnish brushes that have been used are appraised at 20 to 50 per cent. discount from the price of new, according as they have been much or little used.

List of prices—Continued.

BLOCKS.

Size.	* Iron bushed.			† Iron bushed.			‡ Iron bushed.		
	Single price.	Double price.	Triple price.	Single price.	Double price.	Triple price.	Single price.	Double price.	Triple price.
3	.....	.....	.....	.....	.....	.....	$1 00	$1 25	.....
4	$2 00	$2 50	.....	$1 75	$2 50	.....	1 50	2 00	.....
5	2 25	3 00	$3 50	2 00	2 75	.....	1 75	2 25	.....
6	2 75	3 75	4 50	2 35	3 35	$4 00	2 00	3 00	$3 75
7	3 50	3 50	5 50	3 00	4 00	5 00	2 75	3 75	4 50
8	4 25	5 50	6 50	3 75	5 00	6 00	3 25	4 50	5 50
9	5 25	6 50	8 00	4 75	5 75	7 25	4 00	5 25	6 75
10	6 25	7 75	9 50	5 50	7 50	8 50	.....	.....	.....
11	7 50	9 00	11 50	6 75	8 00	10 25	.....	.....	.....
12	8 75	10 75	13 75	7 75	9 75	12 25	.....	with thimble.	
13	11 00	14 25	17 75	.....	.....	.....	.....	.....	15 75
14	13 50	16 50	20 50	.....	.....	.....	.....	.....	18 50

Size.	‖ Heavy pure'e blocks, double strapped, iron bushed.		Size.	Snatch blocks.		Size.	Snatch blocks.	
	Double price.	Triple price.		Iron bushed.	Roller bushed.		Iron bushed.	Roller bushed.
15	$20 00	$25 00	10	$7 00	$8 00	18	$20 00	.....
16	22 25	27 75	11	7 75	9 00	20	25 00	.....
17	25 00	31 00	12	8 50	10 00	22	30 00	.....
18	28 00	34 00	13	11 00	13 00	24	35 00	.....
20	32 00	40 00	14	13 00	15 50	.....	.....	.....
.....	.....	.....	15	15 00	18 00	.....	.....	.....
.....	.....	.....	16	17 00	21 00	.....	.....	.....

Articles.		New.	Used.
Carpet, Brussels	per yard	.....	$2 00
Case, drawer paint	each	.....	10 00
tin stencil	each	$1 00	
book	each	.....	2 00
pigeon-hole	each	.....	5 00
pigeon-hole	each	.....	2 00
pigeon-hole, (large)	each	.....	25 00
ticket	each	.....	3 00
.....	each	.....	5 00
.....	each	.....	8 00
pigeon-hole, (large)	each	.....	20 00
Cover, flag	each	25	
Cans, 1-quart	each	30	23
½-gallon	each	50	40
1-gallon	each	87	70
2-gallon	each	1 50	1 25
3-gallon	each	1 75	
4-gallon	each	1 87	
5-gallon	each	2 00	

* Heavy well-made blocks, with full-served straps. † Light well-made blocks, with half-served straps.
‡ Light well-made blocks, with plain strap. § Heavy well-made double riveted, double strapped.

List of prices—Continued.

Articles.		New.	Used.
Cans, 8-gallon	each	$3 50	$3 20
10-gallon	each	4 00	
15-gallon	each	5 00	
20-gallon	each	6 00	
50-gallon	each	15 00	
80-gallon	each	20 00	
100-gallon	each	25 00	
200-gallon	each	40 00	
220-gallon	each	50 00	
tallow	each	50	
brass	each	.....	1 25
emery, (large)	each	.....	25
emery, (small)	each	.....	10
Canvas	per yard	1 00	
Castings, iron	per pound	07	
brass	per pound	45	
Caps, stove-pipe	each	75	
Car, hand	each	150 00	100 00
hand, (worn)	each	.....	75 00
hand, (worn, bad order)		.....	50 00
truck, dump, same as above		75 00	50 00
Candles, star	per pound	32	
Catches, car window	each	30	
Calendar	each	75	50
Calipers, 2-inch	each	50	
4-inch	each	60	
5-inch	each	65	
6-inch	each	70	
8-inch	each	75	
Cement	per barrel	2 00	
Chimney's, head-light	each	33	
coal-oil lamp	per dozen	75	
Chalk, white	per pound	04	
red	per pound	05	
Centres for lathes	per pound	50	
Candlesticks	each	10	06
Chairs, cushioned	each	2 50	
Chisels, corner	each	.....	75
hand, tinners'	per set	4 00	
blacksmiths'	per pound	.....	30
cold	per pound	30	25
cold, track	each	1 50	
firmer	per set	4 00	
firmer, socket	per set	6 60	
framing, ½-inch	per dozen	8 40	
framing, ¾-inch	per dozen	10 20	8 57
framing, 1-inch	per dozen	12 00	10 20
framing, 1¼-inch	per dozen	12 75	11 00
framing, 1½-inch	per dozen	13 50	11 60
framing, 1¾-inch	per dozen	14 25	12 12
framing, 2-inch	per dozen	15 00	12 80
slicks	each	4 00	3 00
large cast-steel	per pound	30	
Chains, assorted	per pound	15	
log	per pound	.....	12
block and fall	per pound	.....	12 ½
civil engineers'	each	.....	6 00
Chucks, universal	per inch	4 00	
cast	per pound	.....	20
Cloth, emery	per ream	35 00	
enameled	per yard	1 00	
Clocks	each	.....	10 00

List of prices—Continued.

Articles.	New.	Used.
Clocks.....each..	.....	$7 50
Chest, lamp.....each..	$1 50	
Chairs, office.....each..	1 50	1 25
office.....each..	.....	1 00
common.....each..	1 00	
railroad, wrought.....per pound..	07	
Clasps, door.....per pound..	.....	12½
Chasers, lathe.....per pound..	1 50	
Clips, boards.....each..	75	50
letter.....each..	15	10
Cleaver, meat.....each..	.....	1 50
Clamps, switch.....per pound..	10	
iron, spring.....per pound..	12½	
wood.....each..	1 50	1 00
timber.....each..	.....	1 50
bench.....each..	.....	1 50
belt.....per pound..	15	
Cord bell.....per pound..	32	
Cranes, B. S.....per pound..	.....	15
Coupling, brass.....per pound..	.....	50
three links.....per pound..	12½	
hose.....new, $3 60 each; used, 50 cents per pound..	3 60	50
Copper, ingot.....per pound..	30	
sheet.....per pound..	45	
bar.....per pound..	45	
Compasses.....per pair..	50	
Compasses, wing.....per pair..	86	
Coolers, water, from $3 to $6, according to size and style.....		
Cocks, cylinder.....each..	2 50	2 00
blow-off.....each..	6 50	
bilds, assorted.....per dozen..	36 00	
miss. gauge, assorted.....new, $36 per dozen; used, $2 each..	36 00	2 00
miss. gauge, ¼-inch.....each..	1 50	
pet.....each..	2 50	
racking, brass.....each..	1 00	
stop, 2-inch.....each..	7 00	
heater.....each..	3 00	2 50
Crane, driving wheel.....	.....	200 00
Cots.....each..	2 50	2 00
Crayons.....per gross..	3 00	
Crucibles.....per No...	8½	
Cutters, tin, paper.....each..	10	
spring.....each..	1 50	
iron.....each..	1 50	
Cups, oil, steam-chest.....each..	5 00	
oil.....each..	1 50	
tin.....per dozen..	1 25	1 00
glass, sponge.....each..	.....	25
tin, 1-quart.....each..	.....	20
Cupboard, pigeon-hole.....each..	.....	20 00
pigeon-hole, (small).....each..	.....	11 50
.....each..	.....	5 00
.....each..	.....	2 50
counter.....each..	.....	7 50
ticket.....each..	.....	7 50
tool, (Decatur railroad).....each..	.....	5 00
Cushion.....each..	.....	1 00
Coke.....per bushel..	50	
Coal.....per bushel..	35	
Coal at the mine.....	25	
Desks, office, from $2 to $100, according to size and style.....		
field.....	.....	5 00
Demijohns, 2-gallons.....each..	.....	1 00

List of prices—Continued.

Articles.	New.	Used.
Dividers, per pair	$0 86	
Dividers, spring, 6-inch, per pair	50	
spring, 8-inch, per pair	75	
spring, 10-inch, per pair	1 00	
Dies and taps, per pound	3 00	
Die, date, each	.....	$2 00
Diamond, glaziers', each	5 00	4 00
Dippers, tin, each	15	
Drivers, screw, per dozen	4 50	3 60
Dippers, oil, each	75	50
Drills, steel, for drilling machine, per pound	35	30
hand, per pound	20	
pine, per pound	50	
ratchet, No. 1, each	8 00	
ratchet, No. 2, each	10 80	
ratchet, No. 3, each	12 80	
ratchet, No. 4, each	15 20	
ratchet, (large), each	.....	15 00
ratchet, (small), each	.....	7 50
ratchet, (worn), each	.....	6 00
friction and fiddle, (worn)	.....	2 00
Drier, patent, per pound	20	
Duster, feather, each	2 50	2 00
large	.....	2 75
painters', per dozen	5 00	
hair, each	50	
Duck, per yard	90	
Drums, per pound	15	
Doors, unfinished, each	2 50	
Diagrams and stands, per lot of four	.....	25 00
Dogs, lathe, per pound	.....	25
iron screwed, per pound	.....	25
planers, per pound	.....	12½
Ears, kettle, assorted, per gross	2 00	
brass screw, per gross	2 50	
Edges, steel straight, per pound	30	
Elbows, stove-pipe, each	75	
gas-pipe, ⅜-inch, each	10	
gas-pipe, ⅝-inch, each	15	
gas-pipe, ¾-inch, each	20	
gas-pipe, 1-inch, each	30	
gas-pipe, 1¼-inch, each	60	
gas-pipe, 2-inch, each	90	
gas-pipe, 2¼-inch, each	1 50	
Emery flour, per pound	10	
Engine, portable, 8-horse power	.....	800 00
Envelopes, letter, per thousand	6 00	
official, per thousand	6 75	
Erasers, ink, steel, each	75	
rubber, each	5	
Eyes, brass screw, per dozen	20	
brass bell-cord, per dozen	2 00	
japanned bell-cord, per dozen	1 00	
Ends, draw, bar, and equalizers, per pound	12½	
Easel, each	5 00	
Fasteners, car window, each	30	
metallic, per paper	30	
Ferrules, per pound	15	
Fullers, assorted, top and bottom, per pound	.....	37½
Faucets, brass, each	1 75	
Fillers, lamp, each	50	40
Fitches, per dozen	2 50	
Fixtures, grindstone, per set	2 00	

List of prices—Continued.

Articles.	New.	Used.
Fixtures, cook-stove ..... per set..	$7 00	
Flannel, Canton ..... per yard..	60	
Flues, engine ..... per pound..	10½	
copper ..... per pound..	55	$0 45
Former, stove-pipe ..... each..	.....	20 00
Forges, cast iron, complete ..... each..	.....	205 27
cast iron ..... each..	.....	50 00
cast iron, blacksmiths' ..... per pound..	7	
portable and bellows ..... each..	.....	30 00
Forks, table ..... per dozen..	1 00	75
flesh ..... each..	.....	50
Frames, car door ..... each..	5 00	
Frames and slides for box car windows ..... each..	1 00	
Frogs, plated ..... per pound..	08½	
chilled iron ..... per pound..	7	
patent portable ..... per pair..	100 00	
Funnels, tin ..... each..	30	25
Fuse, safety ..... per thousand feet..	10 00	
Furnace, plumbers' ..... each..	1 50	
Figures, steel ..... per set..	5 00	
steel ..... each..	20	
Files, 4-inch flat bastard ..... per dozen..	1 58	
5-inch flat bastard ..... per dozen..	1 96	
6-inch flat bastard ..... per dozen..	2 31	
7-inch flat bastard ..... per dozen..	2 80	
8-inch flat bastard ..... per dozen..	3 45	
9-inch flat bastard ..... per dozen..	4 10	
10-inch flat bastard ..... per dozen..	5 00	
11-inch flat bastard ..... per dozen..		
12-inch flat bastard ..... per dozen..	6 93	
13-inch flat bastard ..... per dozen..	8 19	
14-inch flat bastard ..... per dozen..	9 66	
15-inch flat bastard ..... per dozen..	12 00	
16-inch flat bastard ..... per dozen..	14 49	
4-inch square bastard ..... per dozen..	1 75	
5-inch square bastard ..... per dozen..	2 10	
6-inch square bastard ..... per dozen..	2 16	
8-inch square bastard ..... per dozen..	3 24	
9-inch square bastard ..... per dozen..	4 02	
10-inch square bastard ..... per dozen..	4 80	
11-inch square bastard ..... per dozen..		
12-inch square bastard ..... per dozen..	8 04	
13-inch square bastard ..... per dozen..	9 36	
14-inch square bastard ..... per dozen..	9 66	
15-inch square bastard ..... per dozen..	12 00	
16-inch square bastard ..... per dozen..	14 49	
4-inch half-round bastard ..... per dozen..	1 75	
5-inch half-round bastard ..... per dozen..	2 10	
6-inch half-round bastard ..... per dozen..	3 40	
7-inch half-round bastard ..... per dozen..	3 00	
8-inch half-round bastard ..... per dozen..	3 60	
9-inch half-round bastard ..... per dozen..	4 44	
10-inch half-round bastard ..... per dozen..	5 16	
11-inch half-round bastard ..... per dozen..		
12-inch half-round bastard ..... per dozen..	7 80	
14-inch half-round bastard ..... per dozen..	10 20	
15-inch round bastard ..... per dozen..	13 44	
16-inch round bastard ..... per dozen..	15 96	
18-inch round bastard ..... per dozen..	21 84	
6-inch hand bastard ..... per dozen..	2 80	
8-inch hand bastard ..... per dozen..	4 10	
10-inch hand bastard ..... per dozen..	5 77	
12-inch hand bastard ..... per dozen..	8 19	
14-inch hand bastard ..... per dozen..	11 97	

List of prices—Continued.

Articles.		New.	Used.
Files, 16-inch hand bastard	per dozen	$17 22	
round, parallel, bastard, same price as above.			
4-inch flat smooth	per dozen	2 16	
6-inch flat smooth	per dozen	3 12	
8-inch flat smooth	per dozen	4 68	
10-inch flat smooth	per dozen	6 24	
12-inch flat smooth	per dozen	9 00	
13-inch flat smooth	per dozen	10 92	
14-inch flat smooth	per dozen	12 60	
16-inch flat smooth	per dozen	18 48	
4-inch half-round smooth	per dozen	2 40	
5-inch half round smooth	per dozen	2 76	
6-inch half-round smooth	per dozen	3 24	
7-inch half-round smooth	per dozen	4 08	
8-inch half-round smooth	per dozen	4 80	
9-inch half-round smooth	per dozen	5 64	
10-inch half-round smooth	per dozen	6 72	
12-inch half-round smooth	per dozen	10 20	
13-inch half-round smooth	per dozen	12 60	
14-inch half-round smooth	per dozen	14 28	
16-inch half-round smooth	per dozen	20 16	
5-inch round smooth	per dozen	2 88	
6-inch round smooth	per dozen	3 24	
9-inch round smooth	per dozen	5 64	
10-inch round smooth	per dozen	6 72	
12-inch round smooth	per dozen	10 20	
14-inch round smooth	per dozen	14 28	
4-inch hand smooth	per dozen	2 40	
5-inch hand smooth	per dozen	2 88	
6-inch hand smooth	per dozen	3 84	
8-inch hand smooth	per dozen	5 16	
10-inch hand smooth	per dozen	7 32	
12-inch hand smooth	per dozen	11 16	
14-inch hand smooth	per dozen	15 12	
16-inch hand smooth	per dozen	22 68	
8-inch flat dead-smooth	per dozen	9 10	
10-inch flat dead-smooth	per dozen	12 40	
12-inch flat dead-smooth	per dozen	17 64	
14-inch flat dead-smooth	per dozen	25 20	
16-inch flat dead-smooth	per dozen	36 96	
2½-inch taper	per dozen	1 60	
3-inch taper	per dozen	1 68	
4-inch taper	per dozen	1 68	
5-inch taper	per dozen	1 96	
7-inch taper	per dozen	2 80	
8-inch taper	per dozen	3 36	
10-inch taper	per dozen	5 00	
8-inch mill saw	per dozen	3 36	
9-inch mill saw	per dozen	4 10	
10-inch mill saw	per dozen	5 20	
12-inch mill saw	per dozen	6 93	
13-inch mill saw	per dozen	8 19	
14-inch mill saw	per dozen	9 66	
16-inch mill saw	per dozen	14 50	
11-inch round second-cut	per dozen	7 56	
12-inch round second-cut	per dozen	9 24	
3-inch hand saw	per dozen	1 40	
3½-inch hand saw	per dozen	1 40	
4-inch hand saw	per dozen	1 58	
5-inch hand saw	per dozen	2 10	
6-inch hand saw	per dozen	2 80	
7-inch hand saw	per dozen	3 36	
8-inch hand saw	per dozen	4 10	
9-inch hand saw	per dozen	4 94	

List of prices—Continued.

Articles.	New.	Used.
Files, 10-inch hand saw ..... per dozen..	$5 78	
10-inch half-round second-cut ..... per dozen..	6 09	
12-inch half-round second-cut ..... per dozen..	9 24	
14-inch half-round second-cut ..... per dozen..	12 64	
16-inch half-round second-cut ..... per dozen..	18 06	
8-inch flat second cut ..... per dozen..	3 96	
10-inch flat second-cut ..... per dozen..	5 76	
13-inch flat second-cut ..... per dozen..	10 92	
14-inch flat second-cut ..... per dozen..	12 64	
16-inch flat parallel ..... per dozen..	19 78	
12 inch round parallel ..... per dozen..	10 80	
10-inch hand round ..... per dozen..	5 25	
assorted ..... each..	75	
14-inch square smooth ..... per dozen..	13 68	
paper ..... each..	1 00	
ready reference ..... each..	25	
wire ..... each..	10	
Fittings, gas-pipe ..... per pound..	28	
Folder, paper ..... each..	20	
Frames, tank ..... each..	.....	$100 00
Flags, red signal ..... each..	25	
Gauge, wire ..... each..	2 00	
truck ..... each..	1 00	
steam ..... each..	25 00	
marking ..... per dozen..	1 50	1 25
screw ..... each..	2 50	
panel ..... per dozen..	4 50	
mortice ..... each..	75	
Gates, oil ..... each..	1 50	
molasses ..... each..	50	
Gimlets ..... per dozen..	38	
Glass, tail-light ..... per dozen..	5 00	
head-light, (28 inches diameter) ..... each..	1 50	
single, 10×12 ..... per box..	4 65	
single, 10×14 ..... per box..	4 80	
single, 10×16 ..... per box..	5 00	
single, 8×10 ..... per box..	4 00	
single, 12×16 ..... per box..	5 20	
single, 12×14 ..... per box..	5 48	
single, 12×18 ..... per box..	5 50	
single, 17×24 ..... per box..	7 00	
single, 20×24 ..... per box..	7 10	
single, 24×24 ..... per box..	8 00	
double, 10×12 ..... per box..	9 80	
double, 10×14 ..... per box..	10 40	
double, 12×16 ..... per box..	10 96	
double, 12×18 ..... per box..	11 52	
double, 20×24 ..... per box..	13 80	
double, 24×24 ..... per box..	16 12	
double, 21×28 ..... per box..	16 12	
double, 24×30 ..... per box..	16 1[illegible]	
Glue, white ..... per pound..	30	
common ..... per pound..	15	
Grease, car ..... per gallon..	90	
Green, emerald ..... per pound..	40	
emerald, in tubes ..... per dozen..	1 33	
silk ..... per pound..	1 25	
Quaker ..... per pound..	25	
Hibernian ..... per pound..	25	
chrome ..... per pound..	20	
chrome, in tubes ..... per dozen..	1 33	
Paris ..... per pound..	40	
Gummer, saw ..... each..	30 00	
Gouge, flat ..... per set..	.....	10 00

List of prices—Continued.

Articles.	New.	Used.
Gouge, turning ..... per set	.....	$10 00
firmer ..... per set	$6 50	5 20
Grater, tin ..... each	.....	06
Gibs ..... each	2 25	
Gamboge, in tubes ..... per dozen	1 50	
Griddles, stove ..... each	50	
Hammers, single set ..... per set	.....	25 00
blacksmiths' backing ..... each	.....	1 50
riveting ..... each	1 50	
raising ..... each	3 30	
shoe ..... each	.....	37½
ballast ..... each	1 00	
spike ..... each	1 75	
engineers' ..... each	2 00	
round cornered ..... each	1 50	
claw, steel ..... per dozen	9 00	7 65
blacksmiths' ..... each	1 50	*12½
counter-sink ..... per pound	.....	12½
copper, soft ..... per pound	45	30
tack ..... per dozen	1 50	
tinners' ..... each	1 75	
stone-masons' ..... each	1 75	1 50
Handles, axe ..... per dozen	2 25	1 75
pick ..... per dozen	2 00	1 60
hatchet ..... per dozen	60	
file ..... per dozen	1 00	
file, offset ..... each	25	
augur, assorted ..... per dozen	75	
spike maul ..... per dozen	1 75	1 40
hammer ..... per dozen	1 50	1 00
chisel ..... per dozen	50	
sledge ..... per dozen	2 50	
adze ..... per dozen	4 50	3 00
adze, tack ..... per dozen	4 50	3 00
broad-axe ..... per dozen	4 00	3 50
Hair, curled ..... per pound	60	
Hatchet, shingling, assorted ..... per dozen	8 00	6 80
broad ..... per dozen	12 00	10 00
Hangers, shafting ..... per pound	15	
Heads, coppersmith ..... per pound	10	
Heaters ..... each	60	
Hinges, hasp, 6-inch ..... per pair	30	
hasp, 8-inch ..... per pair	37	
hasp, 10-inch ..... per pair	65	
hasp, assorted ..... per dozen	3 60	
strap, 6-inch ..... per pair	30	
strap, 8-inch ..... per pair	35	
strap, 10-inch ..... per pair	45	
strap, 12-inch ..... per pair	75	
strap, 14-inch ..... per pair	87	
brass ..... per pair	30	
Horse, wood ..... each	.....	50
Hose, rubber, 6-inch conducting, two-ply ..... per foot	2 27	1 70
7-inch conducting, two-ply ..... per foot	2 65	1 99
8-inch conducting, two-ply ..... per foot	3 03	2 27
9-inch conducting, two-ply ..... per foot	3 41	2 56
10-inch conducting, two-ply ..... per foot	3 73	2 79
¾-inch hydrant, three-ply ..... per foot	34	26
¼-inch hydrant, three-ply ..... per foot	40	30
1-inch hydrant, three-ply ..... per foot	45	34
1¼-inch hydrant, three-ply ..... per foot	56	42
1½-inch hydrant, three-ply ..... per foot	68	51
1¾-inch hydrant, three-ply ..... per foot	78	59
2-inch hydrant, three-ply ..... per foot	90	68

* Per pound.

List of prices—Continued.

Articles.	New.	Used.
Hose, rubber, 2½-inch hydrant, three-ply ..... per foot..	$1 01	$0 76
2½-inch hydrant, three-ply ..... per foot..	1 13	85
2¾-inch hydrant, three-ply ..... per foot..	1 23	92
3-inch hydrant, three-ply ..... per foot..	1 35	1 01
¼-inch engine, four-ply ..... per foot..	30	23
⅜-inch engine, four-ply ..... per foot..	41	31
½-inch engine, four-ply ..... per foot..	47	35
¾-inch engine, four-ply ..... per foot..	54	41
1¼-inch engine, four-ply ..... per foot..	68	51
1½-inch engine, four-ply ..... per foot..	81	61
1¾-inch engine, four-ply ..... per foot..	95	71
2-inch engine, four-ply ..... per foot..	1 08	81
2¼-inch engine, four-ply ..... per foot..	1 22	92
2½-inch engine, four-ply ..... per foot..	1 35	1 01
2¾-inch engine, four-ply ..... per foot..	1 49	1 12
3-inch engine, four-ply ..... per foot..	1 62	1 22
2½-inch, with couplings and nozzle ..... per foot..	.....	1 55
3½-inch, three-ply, with couplings and nozzle ..... per foot..	.....	1 75
Hooks, clothes ..... each..	10	
belt, No. 9 ..... per thousand..	2 00	
belt, No. 6 ..... per thousand..	4 00	
packing ..... each..	25	
cant ..... each..	1 00	
and thimbles, switch rope ..... per pound..	15	
shear ..... each..	3 00	
Hoods, stove-pipe ..... each..	1 50	
Holders, tinners' stake ..... each..	9 90	
pen ..... per dozen..	1 00	
Hods, coal ..... each..	1 00	75
Head, square ..... each..	5 00	
stake ..... each..	.....	1 75
Ink, writing ..... per bottle..	75	
copying ..... per bottle..	75	
carmine ..... per bottle..	12½	
blue ..... per bottle..	50	
Iron, bar, half-round, round, and square ..... per pound..	06	
assorted ..... per pound..	06	
angle ..... per pound..	07	
sheet, 10 inches to 24 inches ..... per pound..	08	
sheet, 24 inches to 26 inches ..... per pound..	11	
Russia ..... per pound..	25	
galvanized ..... per pound..	18	
tank ..... per pound..	08	
flue ..... per pound..	10½	
boiler ..... per pound..	10½	
pig ..... per ton..	45 00	
railroad ..... per ton..	90 00	
hoop ..... per pound..	09	
Irons, dog ..... per pound..	07	
truck ..... per pound..	12½	
blacksmiths' ..... per pound..	15	12½
soldering ..... each..	.....	72
switch ..... per pound..	10	
Injectors, No. 5 ..... each..	90 00	
Jacks, elevating, and frame for trundling drivers ..... each..	.....	60 00
Journal, large ..... each..	15 00	
Jacks, lever, large ..... each..	15 00	
lever, small ..... each..	10 00	
screw ..... each..	15 00	
hydraulic ..... each..	.....	90 00
hydraulic, 4 tons ..... each..	60 00	
hydraulic, 10 tons ..... each..	100 00	
hydraulic, 15 tons ..... each..	125 00	
track ..... each..	7 50	6 50

List of prices—Continued.

Articles.	New.	Used.
Keys, cross-head, iron ..... per pound..	$0 15	
cross-head, steel ..... per pound..	30	
spring hanger ..... per pound..	25	
car lock ..... each..	25	
Kettle, camp ..... each..	1 00	
cast ..... each..	1 00	
tea ..... each..	1 00	
Knives, table ..... per dozen..	2 00	$1 60
table, and forks ..... per dozen..	.....	2 50
drawing, 10-inch ..... per dozen..	13 00	
drawing, assorted ..... per dozen..	.....	10 00
butcher ..... per dozen..	4 00	
pallette ..... each..	65	
putty ..... per dozen..	1 65	1 44
shoe ..... per dozen..	1 00	
packing ..... per dozen..	1 65	
spatchel ..... each..	.....	50
farriers' ..... each..	.....	50
cast steel for Daniels's planer ..... per pound..	50	
Knobs, mahogany ..... per gross..	2 50	
Ladders, step, from 75 cents to $5 each.		
20-feet ..... each..	.....	4 00
Lamps, Dutch ..... per dozen..	2 00	
hand ..... each..	.....	25
head ..... each..	100 00	
tail ..... each..	17 00	
car candle ..... each..	5 00	
bracket, coal oil ..... each..	5 00	
swinging, coal oil ..... each..	5 00	
coal oil, from $1 25 to $3 each.		
cab ..... each..	50	
bull's eye ..... each..	1 00	
red ..... per dozen..	35 00	
white ..... per dozen..	10 00	
blue ..... per dozen..	10 00	
green ..... per dozen..	35 00	
office ..... each..	1 00	
Lake, madder, in tubes ..... per dozen..	3 75	
violet, in tubes ..... per dozen..	3 75	
maroon, in tubes ..... per dozen..	3 75	
crimson, in tubes ..... per dozen..	1 50	
purple, in tubes ..... per dozen..	1 50	
yellow, in tubes ..... per dozen..	1 50	
Lustre, British, (papers) ..... per gross..	6 50	
Leather, sole ..... per pound..	50	
lace ..... per side..	3 25	
Leaf, gold ..... per package..	10 00	
Lead, pig ..... per pound..	10	
bar ..... per pound..	12	
sheet ..... per pound..	16	
white, dry ..... per pound..	14	
white, in oil ..... per pound..	12	
red, in oil ..... per pound..	14	
red, dry ..... per pound..	15	
black ..... per pound..	10	
sugar ..... per pound..	55	
sugar, in tubes ..... per dozen..	1 50	
Letters, steel ..... per set..	10 00	
Letters, steel ..... per each letter..	.....	20
Ledger, large ..... each..	15 00	
Levels, spirit ..... each..	1 25	1 00
Lifts, window ..... per gross..	8 00	
Lime ..... per pound..	01	

List of prices—Continued.

Articles.		New.	Used.
Lines, chalk	per dozen	$1 00	$0 75
metallic measuring tape, 50 feet	each	8 00	
metallic measuring tape, 75 feet	each	10 00	
metallic measuring tape, 100 feet	each	12 00	
tape, ass skin, 60 feet	per dozen	9 00	
tape, linen, 50 feet	each	75	
tape, linen, 100 feet	each	1 12	
tape, linen, assorted	per dozen	10 00	7 50
seagrass	per dozen	1 75	
Litharge	per pound	14	
Links	per pound	15	12½
Locks, door	each	50	
switch	per dozen	20 00	
spring chest	per dozen	6 00	
chest	per dozen	3 00	
pad	per dozen	3 00	*20
drawer	per dozen	3 00	
drawer, iron	per dozen	2 00	
cupboard	per dozen	1 50	
passenger car	per dozen	20 00	†10 00
freight car	per dozen	20 00	
mortice	per dozen	15 00	
small trunk, iron	per dozen	3 00	
small desk	per dozen	3 00	
rim and knob	per dozen	15 00	
tumbler	per dozen	15 00	
Lye, concentrated	per pound	3½	
Lye, concentrated, in boxes	per dozen	3 00	
Ladles, lead	each	.....	1 50
Ladles, lead	per pound	.....	12½
Lumber, pine	per M	40 00	
pine and poplar	per M	35 00	
pine, rough	per M	30 00	
cherry, rough	per M	30 00	
cherry, 1-inch	per M	35 00	
poplar	per M	32 00	
poplar, dressed	per M	37 00	
pine, boards dressed	per M	45 00	
pine, framed for carundans	per M	75 00	
pine, clear in pattern shops, not dressed	per M	75 00	
pine, clear in pattern shops, dressed	per M	80 00	
pine, flooring	per M	45 00	
pine, worked and framed for hand cars	per M	100 00	
pine, dressed for car roofing	per M	50 00	
oak, assorted	per M	30 00	
oak, dressed	per M	35 00	
oak, dressed for transoms	per M	40 00	
oak, dressed for tanks	per M	40 00	
oak, dressed and framed for brake beams	per M	60 00	
for general car repairs	per M	35 00	
ash	per M	30 00	
beech	per M	25 00	
black walnut	per M	45 00	
ash, worked and framed for hand cars	per M	75 00	
yellow pine	per M	35 00	
rough, assorted	per M	30 00	
black walnut, dressed	per M	50 00	
ash, dressed	per M	35 00	
cherry and walnut, boards	per M	35 00	
pine, scantling	per M	25 00	
Marlin, tarred	per pound	35	

* Each. † Old.

List of prices—Continued.

Articles.	New.	Used.
Mauls, spike ..... each..	$2 00	
railroad spike ..... each..	3 50	$3 00
bridge spike ..... each..	.....	3 50
wooden ..... each..	.....	1 00
Mallets, carpenters' ..... per dozen..	3 00	2 75
tinners' ..... each..	.....	10
Matches ..... per gross..	1 75	*1 00
Metal, babbitt ..... per pound..	45	
Mills, paint 25 pounds ..... each..	5 00	
paint, 50 pounds ..... each..	6 00	
paint, 100 pounds ..... each..	8 00	
coffee ..... per dozen..	4 50	
Mucilage ..... per bottle..	20	
Mauls, paint ..... each..	6 00	
Mandrels, cast-iron ..... per pound..	07	
wet iron ..... per pound..	10	
steel ..... per pound..	30	
Measures, tin, 1 pint ..... each..	25	
tin, 1 quart ..... each..	30	
tin, ½ gallon ..... each..	37½	
tin, 1 gallon ..... each..	50	
Matting ..... per yard..	30	
Nails, cut, assorted ..... per pound..	7	
finishing ..... per pound..	7	
finishing, (papers) ..... per paper..	10	
wrought ..... per pound..	10	
plush ..... per gross..	1 60	
enameled ..... per gross..	1 60	
silver head lining ..... per paper..	40	
clout, 1¼-inch ..... per paper..	14	
Nippers, cutting ..... each..	1 65	1 40
Nuts, square, assorted ..... per pound..	12	
hexagon, assorted ..... per pound..	13	
octagon ..... per pound..	13	
Needles, upholsterers' ..... each..	25	
Nozzles, brass ..... each..	.....	15 00
hose, leather-lipped ..... each..	.....	10 60
hose, lipped ..... each..	.....	6 00
Ochre, yellow ..... per pound..	03	
transparent, gold tubes ..... per dozen..	1 50	
Oil, lard ..... per gallon..	2 20	
raw linseed ..... per gallon..	1 60	
boiled linseed ..... per gallon..	1 70	
neat's-foot ..... per gallon	1 75	
lubricating ..... per gallon..	1 60	
coal ..... per gallon..	1 25	
petroleum ..... per gallon..	80	
Lead-light ..... per gallon..	2 25	
Oilers, engine ..... each..	1 00	75
spring bottom ..... per dozen..	3 00	
spring bottom, No. 2 ..... per dozen..	4 00	3 00
machine ..... each..	50	20
spring top ..... each..	25	
Ovens, Dutch ..... each..	.....	1 50
Patterns, assorted, one lot of 109—for the lot	.....	500 00
Packing, hemp ..... per pound..	20	
yarn ..... per pound..	20	
steam ..... per pound..	20	
gum ..... per pound..	90	
Pans, dish ..... each..	1 50	1 25
dust ..... each..	25	
ash, cast ..... per pound..	.....	07

* Poor.

List of prices—Continued.

Articles.	New.	Used.
Pans, mess ..... per dozen..	$1 50	
mess ..... each..	.....	$30
tin ..... each..	75	50
tin, six-quart ..... each..	50	
bake ..... each..	50	
dripping	.....	25
Paper, flat-letter ..... per ream..	.....	.....
letter ..... per ream..	6 75	
note ..... per ream..	5 50	
cap ..... per ream..	8 40	
P. O ..... per ream..	12 00	
printing ..... per ream..	22 00	
folio post, ruled ..... per ream..	10 00	
folio post, unruled ..... per ream..	9 60	
emery, assorted ..... per ream..	7 00	
sand ..... per ream..	4 50	
oil ..... per sheet..	20	
blotting ..... per sheet..	12	
cross-section ..... per quire..	6 50	
white drawing ..... per yard..	60	
hardware ..... per ream..	12 00	
Paints, in tubes, assorted ..... per dozen..	1 50	
Paint, mineral ..... per pound..	04	
assorted ..... per pound..	15	
mixed ..... per pound..	10	
Pencils, lettering ..... each..	03	
lead ..... per dozen..	1 00	
slate ..... per box..	50	
Pens, steel ..... per box..	60	
ruling ..... each..	75	50
Pipe, brass ..... per pound..	55	
copper ..... per pound..	45	
lead ..... per pound..	16	
stove ..... per pound..	15	
stove ..... per joint..	50	
stove, Russia iron ..... per pound..	30	
and plate ..... each..	2 00	
hose, with brass nozzle	6 00	
gas, ⅛-inch ..... per foot..	07	
gas, ¼-inch ..... per foot..	08	
gas, ⅜-inch ..... per foot..	10	
gas, ½-inch ..... per foot..	11	
gas, ¾-inch ..... per foot..	14	
gas, 1-inch ..... per foot..	20	
gas, 1¼-inch ..... per foot..	25	
gas, 1½-inch ..... per foot..	32	
gas, 2-inch ..... per foot..	47	
gas, 2½ inch ..... per foot..	84	
gas, 3-inch ..... per foot..	1 22	
gas, 3½-inch ..... per foot..	1 50	
gas, 4-inch ..... per foot..	1 88	
gas, 4½-inch ..... per foot..	2 25	
gas, 5-inch ..... per foot..	2 58	
gas 6-inch ..... per foot..	2 75	
gas, 7-inch ..... per foot..	5 18	
gas, 8-inch ..... per foot..	6 75	
gas, 9-inch ..... per foot..		
gas, 10-inch ..... per foot..		
Pink rose ..... per pound..	18	
Pink Dutch ..... per pound..	25	
Picks, railroad or earth ..... per dozen..	16 00	14 00
tamping ..... per dozen..	20 00	17 00
Pins, coupling ..... per pound..	12½	
Plates, tin ..... per dozen..	1 00	

List of prices—Continued.

Articles.	New.	Used.
Plates, cast iron ..... per pound..	$0 07	
Plugs, gas-pipe ..... each..	40	
Planes, assorted ..... each..	.....	$1 00
double jack ..... each..	1 10	1 00
smooth ..... each..	75	
jack rabbit ..... each..		1 00
jointer or fore ..... each..	1 50	1 25
plough ..... each..	9 00	
plough panel ..... each..	9 00	
bead ..... each..	60	
matched ..... per pair..	1 37	
moulding ..... each..	.....	1 50
rabbit, ⅛ to 1-inch ..... each..	66	
rabbit, 1¼-inch ..... each..	71	
rabbit, 1½-inch ..... each..	77	
rabbit, 1¾-inch ..... each..	84	
rabbit, 2-inch ..... each..	92	
rabbit, ¼ and ⅜-inch ..... each..	60	
rabbit, ½-inch ..... each..	68	
rabbit, fillister ..... each..	1 50	1 25
Plaster Paris ..... per pound..	02	
Pots, watering ..... each..	1 00	
marking ..... each..	30	20
glue ..... each..	80	
glue, small ..... each..	50	
tea, three-quart ..... each..	1 75	
coffee ..... each..	2 00	1 50
Points, glazier's ..... per paper..	20	
glazier's ..... per pound..	25	
Power, horse, Emery's patent ..... each..	125 00	100 00
Poker, fire ..... each..	25	
Potash, Prussiate ..... per pound..	50	
Powder, blasting ..... per pound..	30	
Punches, blacksmith's hand ..... each..	.....	25
paper ..... each..	2 50	
hollow tinner's ..... each..	2 50	
tinner's assorted ..... each..	50	
belt ..... per dozen..	3 75	
B. maker's, (screw) ..... each..	5 00	
blacksmith's ..... per pound..	30	
railroad ..... each..	.....	25
sheet-iron, (machine) ..... each..	.....	75 00
Pincers ..... per pair..	75	
shoe ..... per pair..	75	
Pilot engine, (good) ..... each..	.....	35 00
Pumps, McGowan force, (worn) ..... each..	52 50	50 00
McGowan force ..... each..	.....	45 00
Worthington's ..... each..	300 00	
Worthington's, with engine ..... each..	800 00	
copper ..... each..	.....	10 00
oil ..... each..	.....	6 00
steam fire ..... each..	.....	750 00
Press, copying and stand, appraised according to size and condition, from $5 to $30 each.		
Press, manifest ..... each..	.....	50 00
hand drill ..... each..	.....	10 00
Putty ..... per pound..	6	
Plates, angle ..... per pound..	.....	10
Plyers ..... per pair..	1 00	75
gas-pipe ..... per pair..	.....	1 50
Rugs ..... per pound..	10	
Racks, pen ..... each..	10	
Rasps, wood, 12-inch ..... per dozen..	8	50 00
wood, 12-inch ..... per dozen..	9	3 00

List of prices—Continued.

Articles.	New.	Used.
Rasps, wood, 14-inch ... per dozen	$0 09	$50 00
Reamers, cast steel ... per pound	.....	2 00
Racks, tool ... each	.....	12 00
Range, cooking, No. 4 ... each	300 00	200 00
Red, India ... per pound	15	
India, in tubes ... per dozen	1 50	
Venetian ... per dozen	1 50	
Venetian ... per pound	5	
Reports, telegraphic train ... each	3	
Riddles, sand (old) ... each	.....	1 00
Rings, packing ... per pound	45	
flush ... per dozen	12½	
Rivets, iron, in kegs ... per pound	12	
iron, in papers ... per pound	17	
smokestack and stovepipe ... per pound	17	
tank ... per pound	17	
boiler iron ... per pound	9	
r'd head iron ... per pound	25	
r'd head brass ... per pound	25	
copper belt ... per pound	66	
black assorted ... per pound	25	
tinned ... per pound	30	
Resin ... per pound	8	
Rods, tank, &c., (iron) ... per pound	12½	
Rope, switch ... per pound	24½	
⅝ inch ... per pound	32	
Manilla, (old) ... per pound	24	15 00
hair ... per pound	45	
Rollers, spring, (machine) ... each	.....	25 00
small tin, (machine) ... each	.....	11 00
Rulers ... each	1 50	
ebony ... each	30	25
rubber ... each	50	
Refrigerator ... each	.....	10 00
Railing, office ... each	.....	10 00
Ratchets and dogs ... per pound	.....	15
Saws, circular, 8-inch ... each	2 75	
circular, 10-inch ... each	3 75	
circular, 12-inch ... each	4 50	
circular, 14-inch ... each	5 25	
circular, 18-inch ... each	8 00	
circular, 20-inch ... each	10 00	
circular, 24-inch ... each	14 00	
circular, 28-inch ... each	18 75	
circular, 30-inch ... each	22 00	
circular, 36-inch ... each	34 75	
cross-cut ... per foot	1 00	
hand, (assorted) ... each	3 00	2 50
rip, (assorted) ... each	3 00	2 50
meat ... each	.....	1 00
back, 10-inch ... per dozen	18 00	
back, 12-inch ... per dozen	20 00	
back, 14-inch ... per dozen	22 00	
back, 16-inch ... per dozen	24 00	20 00
back, 18-inch ... per dozen	26 00	
buck ... each	.....	1 00
buck blades ... each	50	
buck blades ... each	25	
buck and frame ... each	.....	2 00
tenon ... each	5 00	4 00
Saw, compass, 12 and 14-inch ... each	60	50
jig, 30-inch ... each	.....	75

List of prices—Continued.

Articles.	New.	Used.
Safes office, appraised according to size and condition, at from $50 to $200, each.		
Safes, paymasters', Deabold & Brenneman.....each..	$30 00	
match.....each..	10	
stove-pipe.....each..	1 00	
Scoops, large, tin.....each..	75	
Scissors, lamp.....pair..	.....	$0 50
Salt.....per pound..	03	
Scales, platform, 600-pounds.....each..	25 00	
platform, 1,500-pounds.....each..	68 00	
platform, 1,400-pounds.....each..	65 00	
platform, 2,000-pounds.....each..	.....	50 00
platform, 3,000-pounds.....each..	90 00	

Brass screws—ten per cent. off.

Nos.	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	20	22	24	26
In.	*cts.*	*cts.*	*cts.*	*cts.*	*cts.*	*cts.*	*cts.*	*cts.*	*cts.*	*cts.*	*cts.*	*cts.*	*cts.*	*cts.*	*cts.*	*cts.*	*cts.*	*cts.*	*cts.*	*cts.*	*cts.*	*cts.*
¼	89	89	89	92	96	102	111															
¼		89	89	92	96	102	111	119	129	143												
¼		90	90	93	98	104	112	120	131	144	159	180										
⅜				96	101	107	114	123	135	149	164	180	203	233	270	315						
⅜						110	119	129	141	156	174	195	218	267	305	345						
½						114	126	140	155	173	194	218	245	275	308	353		413				
½							135	146	173	203	233	260	290	333	359	383	413	459	525			
½								188	200	231	258	288	323	363	413	465	525	600	780			
½									245	269	293	324	365	413	473	540	617	702	810	960	1125	
2										300	327	357	416	474	533	581	650	708	834	1050	1200	
2½												413	470	531	590	615	705	780	870	1125		
2½														589	645	695	780	866	1053	1245	1463	
3																813		1023	1296	1575	1950	2400

Flat-head iron screws.

No. 1,	⅝-inch, at....	$0 29	No. 8,	⅝-inch, at....	$0 41	No. 10,	⅞-inch, at...	$0 53
2,	⅝-inch, at....	29	9,	⅝-inch, at....	47	11,	⅞-inch, at...	57
3,	⅝-inch, at....	29	10,	⅝-inch, at....	50	12,	⅞-inch, at...	62
4,	⅝-inch, at....	29	11,	⅝-inch, at....	53	13,	⅞-inch, at..	69
5,	⅝-inch, at....	30	12,	⅝-inch, at....	56	14,	⅞-inch, at...	75
6,	⅝-inch, at....	32	4,	¾-inch, at....	33	15,	⅞-inch, at...	87
7,	⅝-inch, at....	36	5,	¾-inch, at....	36	16,	⅞-inch, at...	98
8,	⅝-inch, at....	39	6,	¾-inch, at....	39	5,	1-inch, at...	44
2,	½-inch, at....	29	7,	¾-inch, at....	42	6,	1-inch, at...	45
3,	½-inch, at....	29	8,	¾-inch, at....	45	7,	1-inch, at...	48
4,	½-inch, at....	29	9,	¾-inch, at....	48	8,	1-inch, at...	50
5,	½-inch, at....	30	10,	¾-inch, at....	51	9,	1-inch, at...	53
6,	½-inch, at....	32	11,	¾-inch, at....	54	10,	1-inch, at ..	56
7,	½-inch, at....	36	12,	¾-inch, at....	57	11,	1-inch, at...	60
8,	½-inch, at....	39	13,	¾-inch, at....	66	12,	1-inch, at...	65
9,	½-inch, at....	44	14,	¾-inch, at....	72	13,	1-inch, at ..	72
10,	½-inch, at....	47	15,	¾-inch, at....	84	14,	1-inch, at...	80
2,	⅝-inch, at....	30	16,	¾-inch, at....	96	15,	1-inch, at...	90
3,	⅝-inch, at....	30	5,	⅞-inch, at....	39	16,	1-inch, at...	1 02
4,	⅝-inch, at....	32	6,	⅞-inch, at....	41	17,	1-inch, at...	1 13
5,	⅝-inch, at....	33	7,	⅞-inch, at....	44	18,	1-inch, at...	1 26
6,	⅝-inch, at....	36	8,	⅞-inch, at....	47	20,	1-inch, at...	1 74
7,	⅝-inch, at....	39	9,	⅞-inch, at....	50	7,	1¼-inch, at...	56

List of prices—Continued.

No. 8, 1¼-inch, at	$0 57	No. 17, 1⅞-inch, at	$1 59	No. 16, 2½-inch, at	$1 89
9, 1¼-inch, at	60	18, 1⅞-inch, at	1 76	17, 2½-inch, at	2 06
10, 1¼-inch, at	65	20, 1⅞-inch, at	2 01	18, 2½-inch, at	2 19
11, 1¼-inch, at	69	22, 1⅞-inch, at	2 25	20, 2½-inch, at	2 54
12, 1¼-inch, at	75	24, 1⅞-inch, at	2 78	22, 2½-inch, at	3 15
13, 1¼-inch, at	83	10, 2-inch, at	86	24, 2½-inch, at	3 90
14, 1¼-inch, at	92	11, 2-inch, at	93	13, 2¾-inch, at	1 59
15, 1¼-inch, at	1 05	12, 2-inch, at	1 07	14, 2¾-inch, at	1 76
16, 1¼-inch, at	1 20	13, 2-inch, at	1 19	15, 2¾-inch, at	1 89
17, 1¼-inch, at	1 29	14, 2-inch, at	1 32	16, 2¾-inch, at	2 06
18, 1¼-inch, at	1 41	15, 2-inch, at	1 46	17, 2¾-inch, at	2 33
20, 1¼-inch, at	1 76	16, 2-inch, at	1 59	18, 2¾-inch, at	2 51
8, 1⅓-inch, at	65	17, 2-inch, at	1 76	20, 2¾-inch, at	3 00
9, 1⅓-inch, at	68	18, 2-inch, at	1 89	22, 2¾-inch, at	3 69
10, 1⅓-inch, at	71	20, 2-inch, at	2 19	24, 2¾-inch, at	4 43
11, 1⅓-inch, at	77	22, 2-inch, at	2 54	14, 3-inch, at	1 89
12, 1⅓-inch, at	83	24, 2-inch, at	3 38	15, 3-inch, at	2 06
13, 1⅓-inch, at	92	11, 2¼ inch, at	1 07	16, 3-inch, at	2 33
14, 1⅓-inch, at	1 05	12, 2¼-inch, at	1 20	17, 3-inch, at	2 80
15, 1⅓-inch, at	1 19	13, 2¼-inch, at	1 34	18, 3-inch, at	2 88
16, 1⅓-inch, at	1 32	14, 2¼-inch, at	1 46	20, 3-inch, at	3 42
17, 1⅓-inch, at	1 46	15, 2¼-inch, at	1 59	22, 3-inch, at	4 20
18, 1⅓-inch, at	1 58	16, 2¼-inch, at	1 77	24, 3-inch, at	5 10
20, 1⅓-inch, at	1 89	17, 2¼-inch, at	1 89	26, 3-inch, at	5 70
9, 1⅜-inch, at	78	18, 2¼-inch, at	2 06	16, 3½-inch, at	2 82
10, 1⅜-inch, at	81	20, 2¼-inch, at	2 36	17, 3½-inch, at	3 14
11, 1⅜-inch, at	86	22, 2¼-inch, at	2 88	18, 3½-inch, at	3 51
12, 1⅜-inch, at	95	24, 2¼-inch, at	3 75	20, 3½-inch, at	4 31
13, 1⅜-inch, at	1 05	12, 2⅓-inch, at	1 31	22, 3½-inch, at	5 00
14, 1⅜-inch, at	1 19	13, 2⅓-inch, at	1 46	24, 3½-inch, at	5 54
15, 1⅜-inch, at	1 32	14, 2⅓-inch, at	1 59	26, 3½-inch, at	6 08
16, 1⅜-inch, at	1 46	15, 2⅓-inch, at	1 77		

Articles.	New	Used.
Screws, assorted, per gross	$1 00	
blued, do, per gross	1 00	
iron, do, per gross	1 00	
brass, do, per gross	1 50	
bench, wood and iron, each	2 50	$2 00
hand, wood, each	1 00	
hand, iron, per dozen	6 00	
lag, per pound	12½	

List of prices—Continued.

Round and flat head silver and brass capped screws.

½-inch.		§-inch.		¾-inch.		⅞-inch.		1-inch.		1¼-inch.	
No.		*No.*		*No.*		*No.*		*No.*		*No.*	
3	$1 37	3	$1 39	4	$1 48	6	$1 69	6	$1 75	7	$2 07
4	1 41	4	1 43	5	1 55	7	1 83	7	1 93	8	2 24
5	1 47	5	1 51	6	1 65	8	1 99	8	2 16	9	2 66
6	1 57	6	1 60	7	1 75	9	2 17	9	2 38	10	3 12
7	1 69	7	1 74	8	1 89	10	2 39	10	2 66	11	3 44
8	1 83	8	1 85	9	2 07	11	2 67	11	2 98	12	4 05
9	1 99	9	2 02	10	2 14	12	3 01	12	3 44	13	4 52
10	2 20	10	2 21	11	2 52	13	3 50	13	3 77	14	4 97
		11	2 44	12	2 77	14	4 10	14	4 23	15	5 43
		12	2 77	13	3 12	15	4 69	15	4 75	16	5 89
				14	3 59	16	5 31	16	5 43	17	6 36
				15	4 16			17	5 89	18	6 93
				16	4 83			18	6 36	20	8 08

1½-inch.		1¾-inch.		2-inch.		2¼-inch.		2½-inch.		2¾-inch.	
8	$2 88	9	$3 77	9	$1 38	12	$6 36	14	$9 04	16	$11 76
9	3 22	10	4 13	10	4 62	13	7 21	15	9 93	18	14 53
10	3 56	11	4 51	11	5 05	14	8 18	16	10 70	20	18 09
11	3 98	12	4 98	12	5 49	15	9 09	17	12 01	22	21 71
12	4 42	13	5 61	13	6 40	16	9 93	18	13 30	24	26 28
13	4 97	14	6 37	14	7 29	17	10 85	20	16 21		
14	5 59	15	7 28	15	8 20	18	12 01	22	19 17		
15	6 36	16	8 32	16	9 10	20	13 40	24	22 53		
16	7 15	17	9 49	17	10 01	22	17 32			3-inch.	
17	8 08	18	10 81	18	10 89	24	20 51				
18	9 24	20	12 47	20	12 84					16	$12 98
20	12 01	22	14 78	22	16 17					18	15 75
		24	17 32							20	19 95
										22	24 25
										24	30 03
										26	36 96

Articles.		New.	Used.
Scales, platform, 3,200 pounds	each		$80 00
platform, 4,000 pounds	each	$120 00	
platform, 4,000 pounds	each		90 00
platform, counter	each	12 00	
Fairbanks's, No. 2	each	68 00	
track, No. 2	each	750 00	
Howe's army	each	35 00	
Scale, letter	each	5 00	
Scales, 1 set and weights	each		75 00
Screen, fire	each		75
Scythes, briar	per dozen		14 00
Scrapers, engine	each		50
hoe	per pound		12½
Sienna, Italian	per pound	18	
raw	per pound	5	
burnt	per pound	18	
burnt, in tubes	per dozen	1 50	
burnt, in oil	per pound	20	

List of prices—Continued.

Articles.	New.	Used.
Sieves, sand and funnel ..... each	.....	$5 00
Nos. 1 to 8 ..... each	$1 50	
No. 18 ..... each	3 50	
brass ..... each	.....	1 00
flour, (old) ..... each	.....	30
Set rivets ..... each	50	
hand-saws ..... each	25	
mill-saws ..... each	50	
Scuttle, coal ..... each	.....	75
Shelac, gum ..... per pound	65	
Shovels ..... each	1 25	75
fire ..... each	50	
and scrapers for forge ..... per pound	.....	12½
Shears, bench ..... each	10 00	6 00
sheet-iron ..... each	12 00	
small, B. makers' size, 3-inch bil ..... each	8 00	
boiler makers', No. 2 ..... each	75 00	
bankers' ..... each	2 50	
tinners' ..... each	12 00	
draw ..... each	33	
lever, 10-inch blade ..... each	.....	20 00
Shaves, spoke ..... each	50	
Shafting ..... per pound	15	
Sinks, drifts ..... per pound	.....	12½
Skins, chamois ..... each	75	
Sledges, stone ..... per pound	18	12½
blacksmiths' ..... per pound	18	12½
Snips, tinners' ..... each	1 00	
circular ..... each	1 25	
Sockets, car spring ..... per pound	7	
Sprinkler ..... each	1 00	
Solder, spelter ..... per pound	45	
soft ..... per pound	45	
Sash, glazed, (6 lights,) 10 by 12 ..... each	2 00	
glazed, (6 lights,) 10 by 14 ..... each	2 20	
glazed, (6 lights,) 10 by 16 ..... each	2 25	
glazed, (6 lights,) 12 by 16 ..... each	2 50	
glazed, (12 lights,) 10 by 16 ..... each	4 50	
Sponge, fine ..... per pound	5 00	
common ..... per pound	2 50	
Springs, rubber ..... per pound	75	
engine ..... per pound	18	
patent spiral ..... per pound	18	
packing ..... per pound	18	
combination ..... per pound	45	
Spittoons, wood ..... each	25	
tin ..... each	50	
Spouts, bent, assorted ..... per gross	2 50	
can, assorted ..... per gross	2 50	
Spades ..... per dozen	16 50	13 20
Spoons ..... per dozen	1 00	
table, (old) ..... per dozen	1 50	45
tea ..... per dozen	50	
basting ..... each	20	
Spikes, railroad ..... per pound	7	
wrought and bridge ..... per pound	9	
cut ..... per pound	7	
marlin ..... each	.....	2 50
Square, carpenters' steel ..... each	1 50	1 25
square, carpenters' steel, (old) ..... per dozen	.....	10 00
try, assorted ..... per dozen	6 00	
try, 3-inch ..... each	25	
try, 7-inch ..... each	50	
try, 12-inch ..... each	90	

List of prices—Continued.

Articles.		New	Used.
Stacks, engine smoke	each	$125 00	$100 00
smoke	per pound	15	
Stops, car-seat	per pound	85	
Stamps, ticket	each	5 00	
Stocks and dies, No. 1	each	10 00	
No. 2	each	40 00	
No. 3	each	.....	
No. 4	each	34 00	
No. 6	each	12 00	
No. 27	each	4 88	
No. 29 and 31	each	4 50	
Screw-cutter, (worn)	each	.....	2 00
Staples	per pound	25	
Skillet, stove	each	50	
Stone, grind	per pound	2	
oil	per pound	1 00	
Stones, rotten	per pound	10	
pumice	per pound	6	
lamp	per pound	7	
grind	each	.....	25 00
paint	each	.....	8 00
Stoves, cook, and fixtures	each	25 00	20 00
cook	each	18 00	
cook, large	each	30 00	
cook, large	each	40 00	
Russia iron	each	12 00	
sheet iron	each	9 00	
box	each	10 00	
coal	each	15 00	
cylinder, 1,600 pounds	each	50 00	
cast-iron, 300 pounds	each	15 00	
cast-iron, 900 pounds	each	25 00	
Strainer, copper		1 00	
Stand, safe		.....	3 00
wash, appraised according to size and style, at $2 to $5 60	each		
ink, appraised according to size and style, at	each	25	to 2 00
letter press	each	.....	1 50
switch	per pound	10	
Stake, blow horn	each	.....	5 00
beak horn	each	.....	17 00
candle mould	each	.....	3 00
needle case	each	.....	2 50
square head	each	.....	3 00
coffee pot	each	.....	4 00
tea kettle	each	.....	9 00
wrought iron	each	.....	6 70
bench, tinners'	each	.....	7 50
hatchet	each	.....	7 50
double seaming	each	.....	9 00
Stocks and dies, gas pipe, 2 inch	each	16 00	
No. 19	each	6 75	
No. 33	each	4 00	
No. 51	each	3 40	
No. 53	each	2 00	
	each	5 00	
Steel, cast	per pound	20	
frog	per pound	16	
blister	per pound	15	
spring	per pound	14	
bar scrap	per pound	15	
Skids, for loading	each	2 00	
Strips, copper	per pound	45	

List of prices—Continued.

Articles.	New.	Used.
Sulphur, flour ..... per pound..	$0 80	
Swedges, top ..... per pound..	50	
bottom ..... per pound..	25	
assorted ..... per pound..	37½	
steel ..... each..	1 25	
anvil ..... each..	30	
and chisels ..... per pound..	15	
Slate, double ..... each..	1 00	
office, (single) ..... each..	35	$0 25
Stocks, iron ..... per pound..	.....	25
Staffs, flag ..... each..	10	
Stools ..... each..	.....	1 00
bench ..... each..	.....	50
Shades, lamp ..... per dozen..	2 50	
Stencils, copper ..... per pound..	.....	30
Shingles ..... per M..	7 50	
Screens, fire ..... each..	.....	3 00
Tape, office ..... per spool..	1 50	
Tables, appraised according to size and style, at from $1 00 to $18 00.		
Tacks, assorted ..... per dozen papers..	72	
2½ oz ..... per dozen papers..	38	
3 oz ..... per dozen papers..	43	
4 oz ..... per dozen papers..	48	
6 oz ..... per dozen papers..	58	
8 oz ..... per dozen papers..	62	
10 oz ..... per dozen papers..	72	
12 oz ..... per dozen papers..	82	
14 oz ..... per dozen papers..	92	
16 oz ..... per dozen papers..	1 02	
gimp, assorted ..... per dozen papers..	38	
upholsterer's ..... per dozen papers..	1 25	
Tops, zinc, lamp, screw ..... per gross..	5 00	
brass lamp, screw ..... per gross..	5 50	
tallow can ..... per gross..	2 50	
Templete switch ..... each..	5 00	
Trams, from $2 00 to $5 00 per pair		
T's, gas pipe, 2-inch ..... each..	1 25	
Tallow ..... per pound.	12	
Tanks, (not put up) ..... each..	200 00	
10 feet, (set up) ..... each..	.....	200 00
6 feet by 12 feet, (set up) ..... each..	.....	350 00
7 feet by 14 feet, (set up) ..... each..	.....	400 00
Tank and fixtures near N. and D. junction	.....	490 60
Elkmont station, N. and D.	.....	1020 00
Linnville station	.....	980 00
Pulaski station	.....	1034 00
Smith's station	.....	592 00
West Harpeth station	500 00	
Franklin station	915 00	
Little Harpeth station	190 00	
Brown's Creek station, N. and D.	917 00	
Lydel's station	960 48	
Tunnel station	.....	600 00
small	.....	3 00
hoops ..... per pound.	10	
Tent, Sibley ..... each..	.....	75 00
Ties, cross ..... each..	30	
cross, (under size) ..... each..	20	
switch ..... each..	60	
Tin, block ..... per pound..	45	
sheet, 10 by 14 ..... per box.	14 00	
Ix., 10 by 14 ..... per box.	15 00	
I. C., 10 by 14 ..... per box.	15 00	

List of prices—Continued.

Articles.	New.	Used.
Tin, sheet, I. C., 14 by 20 ..... per box..	$16 75	
C., 14 by 20 ..... per box..	16 75	
Ix., 14 by 20 ..... per box..	21 50	
II., 14 by 20 ..... per box..	20 00	
II. II., 14 by 20 ..... per box..	23 00	
22 by 18 ..... per box..	17 00	
20 by 24 ..... per box..	18 00	
Torpedoes, signal ..... per gross..	25 00	
Tongs, B. S ..... per pound..	15	$0 12½
roofing ..... per pair..	3 00	
gas pipe, ⅜ ..... per pair..	2 00	
½ ..... per pair..	2 00	
¾ ..... per pair..	2 10	
1 ..... per pair..	2 50	
1¼ ..... per pair..	2 75	
1½ ..... per pair..	2 75	
1¾ ..... per pair..	2 75	
2 ..... per pair..	3 00	
3 ..... per pair..	3 50	
adjustable ..... per pair..	4 00	
Tools, B. S ..... per set..	.....	30 00
B. S., government, (for two sets old)	.....	110 00
B. S ..... per set..	.....	112 50
copper smith ..... per set..	.....	250 00
B. S ..... per pound..	.....	15
heading ..... each..	.....	75
sash, assorted ..... per dozen..	3 50	
No. 1 ..... per dozen..	1 75	
No. 2 ..... per dozen..	2 00	
No. 4 ..... per dozen..	3 00	
No. 5 ..... per dozen..	3 25	
No. 6 ..... per dozen..	5 00	
No. 7 ..... per dozen..	5 50	
Turpentine ..... per gallon..	1 10	
Twine, hemp ..... per pound..	75	
tufting ..... per pound..	1 00	
Thread, black ..... per pound..	2 00	
Tyres, engine ..... per pound..	25	
flange ..... per pound..	25	
Type, letters and figures ..... per letter..	20	
Trucks, baggage ..... each..	10 00	8 00
engine ..... each..	.....	250 00
car ..... each..	.....	22 00
Timber, 15 to 30 cents per running foot,		
half square, 12 cents per running foot.		
oak, B. M ..... per M..	15 00	
poplar, B. M ..... per M..	15 00	
pine bridge, B. M ..... per M..	20 00	
Truss, iron ..... per pound..	12½	
Umber, burnt ..... per pound..	06	
burnt in oil ..... per pound..	21	
burnt in tubes ..... per dozen..	1 50	
raw ..... per pound..	05	
raw, in oil ..... per pound..	21	
Varnish, Demar ..... per gallon..	4 00	
coach-body ..... per gallon..	5 00	
brown Japan ..... per gallon..	2 25	
black Japan ..... per gallon..	1 50	
asphaltum ..... per gallon..	2 75	
copal ..... per gallon..	3 00	
Valves, globe, brass, ¼-inch ..... each..	1 75	
globe, brass, ⅜-inch ..... each..	2 00	
globe, brass, ½-inch ..... each..	2 60	

List of prices—Continued.

Articles.		New.	Used.
Valves, globe, brass, ¾-inch	each	$3 60	
globe, brass, 1-inch	each	5 30	
globe, brass, 1¼-inch	each	7 60	
globe, brass, 1½-inch	each	9 60	
globe, brass, 1¾-inch	each	12 00	
globe, brass, 2-inch	each	14 40	
globe, brass, 2½-inch	each	24 00	
globe, brass, 3-inch	each	36 00	
tank	per pound	07	
Vermilion, American	per pound	35	
English	per pound	1 60	
Chinese	per pound	1 75	
Verdigris	per pound	1 00	
in tubs	per dozen	1 50	
Ventilators	each	.....	$3 00
Vices	per pound	20	20
Vitriol	per pound	08	
White silver, in tubes	per dozen	1 50	
flake, in tubes	per dozen	1 33	
flake	per pound	35	
flake, in oil	per pound	30	
Whiting, Spanish	per pound	03½	
Waste, cotton	per pound	35	
Washer's, cast, assorted	per pound	10	
wrought, assorted	per pound	10	
Weights, paper, appraised according to size and style, at from 10 cents to 50 cents			
White china	per pound	25	
Whistle, engine	each	50 00	
Wardrobes, appraised at $7 to $15 each, according to size and style			
Wheels, engine tender, on axles	per pair	85 00	
engine tender, on axles	each	24 00	
car, on axles	per pair	.....	65 00
passenger car, on axles, (old)	per pair	75 00	55 00
car, 26-inch, (good)	each	22 00	20 00
car, 28-inch	each	22 00	
truck, 16-inch	each	.....	5 60
truck, small iron	each	.....	5 00
engine, spoke	each	25 00	
car, double plated	each	26 00	
car, single plated	each	22 00	
car, spoke	each	24 00	
car, 24-inch	each	20 00	
hand-car and crank	per pound	12½	
Wrenches, monkey, 12-inch	per dozen	14 00	12 00
monkey, 14-inch	per dozen	18 00	15 00
monkey, 15-inch	per dozen	10 75	15 60
monkey, 18-inch	per dozen	.....	19 20
monkey, 20-inch	per dozen	24 00	
monkey, assorted	each	1 25	1 00
assorted	per pound	15	12½
bridge	per pound	15	
wheel	per pound	15	
gas-pipe	each	5 00	
packing	each	.....	50
spanner	each	.....	50
truck	each	.....	1 25
Wire, iron, 8-inch and 9-inch	per pound	10	
iron, 12-inch	per pound	11½	
iron, 15-inch	per pound	14	
iron, assorted	per pound	15	
tinned	per pound	25	
copper	per pound	65	

List of prices—Continued.

Articles.	New.	Used.
Wire, brass ..... per pound..	$0 65	
Wicks, lamp ..... per pound..	50	
flat ..... per dozen..	25	
Webbing, French ..... per yard..	15	
Windlass, hand	.....	$50 00
Wire netting ..... per square foot..	35	
Weights, (scrap value) ..... per pound..	.....	05
Wood ..... per cord..	3 00	
Yellow chrome ..... per pound..	50	
chrome, in tubes ..... per dozen..	1 33	
Naples, in tubes ..... per dozen..	1 50	
Canary ..... per pound..	50	
Yokes, ox and bows ..... each..	6 00	
Yellow, brilliant, tubes ..... per dozen..	1 50	
Zinc, sheet ..... per pound..	15	
slab ..... per pound..	12	
French ..... per pound..	16	

After the departure of the other members of the board, Brevet Major General Z. B. Tower, United States volunteers, president of the board, and Brevet Major S. C. Kellogg, recorder, were engaged in examining and attesting inventories, and preparing the records up to the 30th of December, 1865, when the proceedings of the board were closed.

Respectfully submitted.

S. C. KELLOGG,
Brevet Major and Aide-de-camp, U. S. Volunteers, Recorder of the Board.

Z. B. TOWER,
Brevet Major General, U. S. Volunteers, President of the Board.

SUPPLEMENT.

Articles.	New.	Used.
Bushings, silver mounted ..... per dozen..	$1 50	
Buttons, nail-red plush ..... per gross..	1 60	
black patent ..... per gross..	1 25	
green patent ..... per gross..	1 25	
red patent ..... per gross..	1 25	
Cups, tin paint, large ..... each..	.....	$0 37½
Handles, chest ..... per pair..	50	
Hangers, bell rope, and rims ..... per dozen..	4 00	
Jack's hydraulic, (seven tons) ..... each..	85 00	
Frying pans ..... each..	.....	25
Four sets tackle blocks, three and four sheaves, 2¼-inch ..... per set..	85 00	
Three sets tackle blocks, two and three sheaves, 2-inch ..... per set..	42 00	
Buckets, with covers, 2½-gallon ..... each..	75	
Folder, iron, wood	.....	4 00
Files, flat, dead smooth, 5-inch ..... per dozen..	6 24	
flat, smooth, second cut, 16-inch ..... per dozen..	20 58	
flat, smooth, second cut, 15-inch ..... per dozen..	16 80	
Files, flat, dead smooth, 11-inch ..... per dozen..	8 08	
flat, dead smooth, 6-inch ..... per dozen..	3 73	
flat, dead smooth, 4-inch ..... per dozen..	2 62	
Mandril stove-pipe, No. 70 ..... per pound..	07	
Oilers, tin, one quart ..... each..	.....	30
tin, half gallon ..... each..	.....	50
Picks, stone masons' ..... each..	.....	$1 00
Pans, dripping, oil ..... each..	.....	1 00
Riddles, moulders' ..... each..	.....	1 00

List of prices—Continued.

Articles.	New.	Used.
Rasps, horse, 12-inch ..... per dozen	$7 77	
Rivets, seat-back ..... per pound	1 00	
brass, for car seats ..... per pound	1 00	
Moulders' shovels ..... each	1 30	
Parlor stove ..... each	15 00	
Stretchers, upholsterers' ..... each	50	
Scoops, flour, small ..... each	50	
Shears, bench, 8-inch ..... each	5 50	
Swedges, pan ..... each	.....	5 00
Trowels, masons' ..... each	.....	75
plasterers' ..... each	.....	75
Tacks, plasterers', 20-ounce ..... per dozen papers	1 22	
18 ounce ..... per dozen papers	1 12	
Wedge, stone masons' ..... for lot of 10	.....	1 00
Folder, 24-inch	14 50	
Fasteners and hinges, window blinds ..... per pair	60	
Duck, 3 yards wide, car roofing ..... per yard	2 70	
Circular shears, tinners' tool	25 00	
Square shears, tinners' tool	40 00	
Wrenches, patent ..... each	1 50	
Sieves, flour ..... each	50	
One piece old shafting ..... per pound	.....	5
Box car, 411, without trucks, (W. and A. R. R.)	.....	100 00
Shipping books ..... each	15 00	
Requisition books ..... each	25 00	
Virginia and Tennessee railroad box cars	820 00	
Virginia and Tennessee railroad flat cars	620 00	
Regulator, upholsterers' ..... each	25	
Building, 78 by 21 by 12, portion of Taylor depot	.....	400 00
51 by 20 by 12, corner of Summer and Broad streets, Nashville	.....	250 00
Shed roof on Line street, Nashville, 10 by 15	.....	15 00
Ties, cross, under size, culls ..... each	20	
Wood in woods ..... per cords	2 25	
Old lime at Chattanooga ..... per bushel	.....	20
Charcoal, (refuse) ..... per bushel	.....	10

S. C. KELLOGG,
Brevet Major, Captain, and Aide-de-camp, Recorder of the Board.

Approved:

Z. B. TOWER,
Brevet Major General, United States Volunteers, President of the Board.

JULY 17, 1867.

A true copy:

F. J. CRILLY,
Brevet Colonel and Assistant Quartermaster, United States Army, in charge Fourth Division Quartermaster General's Office.

WAR DEPARTMENT, ADJUTANT GENERAL'S OFFICE,
Washington, July 22, 1867.

SIR: In compliance with the request of yourself and Hon. Thomas Williams to the Secretary of War, of this date, I have the honor to enclose herewith copy of a letter dated December 21, 1866, to the commanding general, department of the Potomac, directing him to discharge Dr. James L. Watson from military custody, and to dissolve the military commission before which he was to be tried.

I am, sir, very respectfully, your obedient servant,

E. D. TOWNSEND,
Assistant Adjutant General.

Hon. WILLIAM LAWRENCE,
Judiciary Committee, House of Representatives.

WAR DEPARTMENT, ADJUTANT GENERAL'S OFFICE,
Washington, December 21, 1866.

GENERAL: The case of James L. Watson, on trial by a military commission under your orders, and in respect to whom a writ of habeas corpus was applied for, has been submitted to the Attorney General, who reports to the President his opinion that the military commission ordered by you has not competent jurisdiction for the trial of Mr. Watson.

The President therefore directs that the commission be dissolved and James L. Watson discharged from military custody without delay, and that you report your action to this department.

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant General.

Brevet Major General J. M. SCHOFIELD, *United States Army,*
Commanding Department of the Potomac, Richmond, Va.

ADJUTANT GENERAL'S OFFICE,
Washington, D. C., July 22, 1867.

Official:

E. D. TOWNSEND
Assistant Adjutant General.

WAR DEPARTMENT,
Washington City, August 23, 1867.

SIR: In reply to your request of the 14th instant for copies of certain papers mentioned in report of Major General George H. Thomas, dated April 28, 1866, I am directed to transmit herewith a copy of Executive Document No. 155, House of Represeptatives, 39th Congress, 1st session, containing report of all captured property returned to railroad companies. The Quartermaster General reports that the inventories referred to will take some time to copy, but will also be transmitted if the accompanying document is not sufficient.

Very respectfully, your obedient servant,

ED. SCHRIVER,
Inspector General.

E. G. BOWDOIN, Esq.,
Clerk Judiciary Committee, House of Representatives.

REPORT

OF

SUB-COMMITTEE TO SELECT DOCUMENTS.

The Committee, to whom it was referred to examine the documents called for by the Judiciary Committee with respect to the investigation ordered by the House by resolution of March 7, 1867, and report what portion, if any, should be published in connection with the report of the Committee, respectfully report:

That they have examined the documents above referred to, and respectfully recommend that the following documents or parts of documents be made a part of the report of this Committee, and published therewith:

1. Of H. R. Ex. Doc. No. 155, 39th Congress, 1st session, relative to railroad property in possession of the government, insert the letter of General M. C. Meigs, dated July 23, 1866, on pages 1–3, and also the report No. 2 on pages 428–431, and the statement on pages 518–520, (8 pages.)

2. Senate Ex. Doc. No. 7, 39th Congress, 1st session, giving information why Jefferson Davis is still held in confinement, and why he has not been put upon his trial, (4 pages.)

3. Senate Ex. Doc No. 45, 39th Congress, 1st session. Veto of the first bill passed for the admission of Colorado, but omitting the bill itself at the end of the document, (3 pages.)

4. Senate Ex. Doc. No. 57, 39th Congress, 1st session. Message of the President showing action of Executive Department with respect to concurrent resolution of Congress, requesting the President to submit to the legislatures of the States an additional article to the Constitution of the United States. Inserting to close of circular at the bottom of second page, and omitting all thereafter, (2 pages.)

5. Senate Ex. Doc. No. 14, 39th Congress, 2d session. Message of the President, February 2, 1867, relative to appointment of persons to office whose names had not been submitted to the Senate, (16 pages.)

6. H. R. Ex. Doc. No. 116, 39th Congress, 2d session. Message of the President giving names of persons pardoned by the President, and petitioners therefor, (85 pages.)

7. H. R. Ex. Doc. No. 68, 39th Congress, 2d session. Message of the President transmitting papers relative to New Orleans riots. Of this document the Committee recommends the insertion of the first forty-three pages, or all except the testimony forming a part of the document; but as quite a number of the letters and despatches in the first forty-three pages are duplicated, they recommend that the clerk, in furnishing the document to the printer for publication, mark for omission so much as may prevent duplication of any part that may be published, (43 pages.)

8. H. R. Ex. Doc. No. 99, 39th Congress, 1st session. Message of the President relative to pardons and restoration of abandoned property. Of this document the Committee recommend the insertion of the opinion of the Attorney General, pages 3–8; also, the report of General Howard, pages 11–13, and the list of property restored on pages 14 and 15, and at the top of page 16, (10 pages.)

9. H. R Ex. Doc. No. 81, 39th Congress, 1st session. Message of the President relative to the modification of the oath of office, (5 pages.)

10. Senate Ex. Doc. No. 26, 39th Congress, 1st session. Message of the President transmitting information in regard to provisional governors of States. Of this document the Committee recommend the insertion of—

(1.) The letter from William H Seward to William W. Holden, and the proclamation of the President, on the 11th and 12th pages, to bottom of 12th page.

(2.) The letter from William H. Seward to William W. Holden, on the 17th page.

(3.) The telegram and letters on the 47th page, and the letter from William H. Seward to William W. Holden on the top of the 48th page.

(4.) The letter from William H. Seward to W. L. Sharkey, and telegram from W. L. Sharkey to William H. Seward, on the 55th page, and telegram from William H. Seward to W. L. Sharkey, dated July 24, 1865, on 60th page, and letter from William H. Seward to W. L. Sharkey, dated August 28, 1865, on the 60th page.

(5.) The letter from W. L. Sharkey to William H. Seward, dated October 19, 1865, and the telegram from William H. Seward to W. L. Sharkey, dated November 3, 1865, both on the 78th page.

(6.) Letters and telegrams between the State Department and James Johnson, provisional Governor of Georgia, from October 17, 1865, to October 28, 1865, on the 80th and 81st pages.

(7.) Letter from William H. Seward to Louis E. Parsons, dated June 21, 1865, at top of 97th page.

(8.) Letter from William H. Seward to Louis E. Parsons, dated November 4, 1865, on page 109.

(9.) Letter from B. F. Perry to William H. Seward, dated July 22, 1865, and reply, dated July 22, 1865, on pages 112 and 113.

(10.) Letter from William H. Seward to B. F. Perry, dated September 29, 1865, on the 118th page.

(11.) Letters and telegrams between William H. Seward and B. F. Perry, from bottom of 197th page to middle of 201st page.

(12.) Letter from William H. Seward to William Marvin, dated July 14, 1865, on the 202d page; letter from William Marvin to William H Seward, dated August 29, 1865, on the 203d page; the last or tenth clause of Governor Marvin's proclamation, on the 205th page, and letter from William H. Seward to William Marvin, dated September 12, 1865, on the 205th page.

(13.) Telegram from William Marvin to William H. Seward, dated November 18, 1865, and reply of Seward to Marvin, dated November 20, 1865, on the 215th page.

(14.) Telegrams from W. W. Holden to the President, and reply, beginning at telegram date of September 21, 1865, on 223d page, and inserting to bottom of 224th page.

(15.) Telegrams from the President to W. L. Sharkey, dated August 15, 1865, and August 21, 1865, on the 229th page.

(16.) Telegram from J. Johnson to the President, dated October 27, 1865, and reply, dated October 28, 1865, on page 236.

(17.) Telegrams from J. Johnson to the President, dated November 21 and November 24, 1865, and reply, dated November 26, 1865, on 239th page; also, from same to same, dated December 10, 1865, and reply, dated December 11, 1865, on 240th page.

(18.) Telegram from B. F. Perry to the President, dated November 27, 1865, and reply of the same date, on the 256th page.

11. H. R. Report No. 30, 39th Congress, 2d session. New York custom-house frauds. Of this document the Committee recommend the insertion of the

testimony of Thomas J. Barr, found on pages 79 to 83 of the above document, (4 pages.)

12. Senate Ex. Doc. No. 1, 39th Congress, 1st session. Letter of Secretary of War giving information in relation to persons employed in that department who had not taken the oath prescribed by law, and persons appointed to offices not authorized by law, (2 pages.)

13. Senate Ex. Doc. No. 3, 39th Congress, 1st session. Letter of the Secretary of the Treasury on the same subject, (10 pages.)

Respectfully submitted.

JOHN C. CHURCHILL,
Chairman of Sub-Committee.

(No. 1.)

RAILROAD PROPERTY.

QUARTERMASTER GENERAL'S OFFICE,
Washington, D. C., July 23, 1866.

SIR: I have the honor to return herewith resolution of the House of Representatives of June 4, 1866, referred by the War Department to this office June 5 for report.

A copy of the resolution was transmitted, June 6, to D. C. McCallum, director and general manager of military railroads of the United States, for report from the files of his office of the information called for. Herewith is respectfully forwarded, under date of July 19, the full report of General McCallum, embracing that of Brevet Major F. J. Crilly, assistant quartermaster United States army, under whose supervision the transfer of all the railroad property in the military division of the Tennessee and in the military division of the Mississippi was effected.

In addition thereto is respectfully forwarded a report with schedules of railroad property in the possession of the United States May 1, 1865, prepared from reports received at this office from officers in the military division of the Gulf, showing the disposition of such property, with the authority therefor, and steps taken to recover the value thereof, appended in each case; altogether comprising, it is believed, a full schedule of all railroad property in the possession of the government on May 1, 1865, whether held by right of capture or purchase; also, what disposition has been made of such property—if sold, whether for cash or credit; and if for credit, under what law or authority.

Attention is invited to the letters of General McCallum and Major Crilly, transmitting their respective reports, and especially to the statements contained therein, that, owing to the large amount of property transferred, and the many different sources from which it was derived, it would be impossible, in every case, to trace each separate item back to its original purchase-bill within the present session of Congress, and consequently so much of the resolution requiring the original cost of the property held by the United States by right of purchase has not been fully complied wit. For information on this subject, the following extract from the letter transmitting General McCallum's report is quoted:

"The greater portion of this property had been on hand and in use a long time, and though the prices obtained were below the cost, with some exceptions, they are believed to be very favorable to the government; this is particularly true with the property sold on credit, the companies purchasing it paying better prices than when sold for cash."

Upon an examination of the prices obtained for the railroad property in the military division of the Gulf, a similar state of circumstances is found to exist.

The following is a statement of the amounts of sales of railroad property:

For cash	$3,403,412 22
On credit	7,418,962 30
Total	10,822,374 52

Attention is invited to the enclosed consolidated statement of the indebtedness of railroad companies, May 31, 1866, for the purchase of railway material of the United States on credit, prepared from reports transmitted to this office by quartermasters in obedience to General Orders No. 80, Quartermaster General's office, December 22, 1865, (accompanying.)

In order to secure payment of the indebtedness of railroads for the purchase of property of the United States, every railroad company to which sales have been made on credit is

required to give bond in double the amount of the value of the property transferred to it, as per form contained in Executive Order of October 14, 1865, (accompanying,) by the terms of which the United States has a lien upon the property transferred, and each company is required to make prompt payments of the instalments as they fall due. These bonds, with lists and receipts of the property transferred, have, in every instance, been executed, and are on file in this office.

A great number of these roads have failed to comply strictly with the terms of their bonds; but owing to the devastating effects of the war, and the great expenses incurred in repairing the roads by rebuilding bridges, trestles, &c., and the prostrate condition of the southern roads, it is believed that they are actually unable to meet their engagements with the United States, and that to attempt to enforce prompt payments would be to arrest the operations of the roads, and thus to defeat the object of the Executive in the policy which dictated Executive Orders relative thereto. A general willingness to meet their engagements with the government appears to be manifested, however, by the greater number of the roads purchasing property, and a very large proportion of the payments already made have been in *cash*. All moneys accruing to their credit for the transportation of troops and supplies have been stopped against them and applied in liquidation of their indebtedness to the government; and arrangements have been made with the Post Office Department by which all payments for mail services performed by indebted railroads are withheld and placed to the credit of such roads on account of the purchase of military railroad property.

It is believed that these arrangements are sufficient to secure, ultimately, the payment of the indebtedness, with interest in full, of all railroads for the purchase of railway material of the United States.

Respectfully, your obedient servant,

M. C. MEIGS,

Quartermaster General, Brevet Major General United States Army.

Hon. EDWIN M STANTON,

Secretary of War, Washington, D. C.

REPORT

OF ALL

RAILROADS OPERATED AND CONTROLLED BY THE UNITED STATES

AT

ANY TIME DURING THE WAR.

No. 2.—*Report of all railroads operated and controlled by the United States, at director and general manager, giving the name of the road, number of miles what authority transferred,**

No.	Name of road.	Distance operated.			Estimated
		From—	To—	Miles.	Per mile.
	DEPARTMENT OF VIRGINIA.				
1	Washington and Alexandria	Washington	Alexandria	7	$57,142 85 5-7
2	Orange and Alexandria	Alexandria	Mitchell's Station	68	40,000 00
3	Warrenton Branch	Warrenton Junction	Warrenton	9	40,000 00
4	Alexandria, London, and Hampshire.	Alexandria	Vienna	15	30,000 00
5	Richmond, Fredericksburg, and Potomac.	Aquia Creek	Falmouth	15	30,000 00
6	Richmond and York River	White House	Fair Oaks	20	15,000 00
7	South Side	City Point	Burkeville	62	42,000 00
8	Richmond and Petersburg	Manchester	Petersburg	22	40,000 00
9	Clover Hill Branch of Richmond and Petersburg railroad.	Clover Hill Station	Coal Mines	18	20,000 00
10	Richmond and Danville	Manchester	Danville	140	30,000 00
11	Norfolk and Petersburg	Norfolk	Blackwater	41	50,000 00
12	Seaboard and Roanoke	Portsmouth	Suffolk	17	35,000 00
13	City Point and Army Line	Pikin Station, &c	Humphrey's Station	18	11,111 11 1-9
14	Manassas Gap	Manassas Junction	Strasburg	62	40,000 00
15	Winchester and Potomac	Harper's Ferry	Stevenson	28	25,000 00
	Total			514	
	MILITARY DIVISION OF THE TENNESSEE.				
1	Louisville City	River Landing	Louisville and Nashville railroad depot.	2	15,000 00
2	Nashville and Chattanooga	Nashville	Chattanooga	151	50,000 00
3	Shelbyville Branch	Wartrace	Shelbyville	9	30,000 00
4	Nashville and Decatur	Nashville	Decatur	120	50,000 00
5	Mt. Pleasant Branch	Columbia	Mt. Pleasant	12	30,000 00
6	Nashville and Northwestern	Nashville	Johnsonville	78	30,000 00
7	Nashville and Clarksville	do	Clarksville	62	30,000 00
8	McMinnville and Manchester	Tullahoma	McMinnville	35	30,000 00
9	East Tennessee and Georgia	Chattanooga	Knoxville	112	30,000 00
10	Dalton	Cleveland	Dalton	27	30,000 00
11	East Tennessee and Virginia	Knoxville	Carter's Station	110	40,000 00
12	Rogersville and Jefferson	Junction of East Tennessee and Virginia railroad.	Rogersville	12	25,000 00
13	Western and Atlantic	Chattanooga	Atlanta	136	40,000 00
14	Rome	Kingston	Rome	17	25,000 00
15	Macon and Western	Atlanta	Rough and Ready	11	30,000 00
16	Memphis and Charleston	Decatur, Ala	Stevenson, Ala	80	40,000 00
		Memphis, Tenn	Pocahontas	75	45,000 00
17	Mississippi Central	Grand Junction	Tallahatchie River	48	40,000 00
18	Mobile and Ohio	Columbus, Ky	Crockett's Station	35	40,000 00
19	Memphis and Little Rock	Duvall's Bluff	Little Rock, Ark	49	30,000 00
	Total			1,181	

* The time of taking possession of the roads is not given, for the reason that the possession thereof was not continuous, being held and abandoned as the United States armies advanced or retreated.

any time during the war, under the direction of General D. C. McCallum, operated, estimated value, how held, date of transfer, and to whom and by

value.	How held.	How disposed of.		
Total.		Date.	To whom delivered.	By whose authority.
$480,000	By right of capture ..	Aug. 8, 1865	W., A., and G. R. R. Co....	By order of Sec'y of War.
2,720,000	.....do.....	June 27, 1865	Board of public works of Va.	Do.
300,000	.....do.....	.....do....	.....do.....	Do.
450,000	.....do.....	Aug. 8, 1865	.....do.....	Do.
450,000	.....do.....	May 23, 1861	Abandoned.....	
300,000	.....do.....	June 13, 1861	Track taken up, material removed, and road abandoned.	Lieut. Gen. U. S. Grant.
2,480,000	.....do.....	July 24, 1865	Southside R. R. Co	By order of Sec'y of War.
880,000	.....do	July 3, 1865	Board of public works of Va	By order of Gen. Halleck.
360,000	.....do.....	.....do.....	.....do.....	Do.
4,200,000	.....do.....	July 4, 1865	.....do	Do.
2,200,000	.....do	July 1, 1865	N. and P. R. R. Co.....	Do.
595,000	.....do.....	.....do.....	S. and R. R. R. Co	Do.
200,000	Built by the United States.	June —, 1865	Track taken up and sold by the United States.	By order of Sec'y of War.
2,480,000	By right of capture...	Nov. 10, 1864	Track removed and road abandoned.	
700,000	.....do.....	Jan. 20, 1866	W. and P. R. R. Co	Do.
18,775,000				
$30,000	Built by the United States.	Mar. —, 1865	Track taken up.....	Do.
7,550,000	By right of capture ..	Sept. 25, ——	N. and C. R. R. Co.....	Executive orders of August 8 and October 14.
270,000	.....do.....	.....do.....	.....do.....	Do.
6,000,000	.....do.....	.....do.....	T. and A., C. S. and T., and A. C. R. R. Cos.	Do.
360,000	.....do.....	—— —, 1864	Track removed by the United States.	By order of Gen. Grant.
			Road turned over to N. and D. R. R. Co.	Executive orders of August 8 and October 14.
2,310,000	27½ miles by right of capture, 50½ miles built by the United States.	Sept. 1, ——	N. and N. W. R. R. Co.....	Do.
1,800,000	By right of capture ..	Sept 23, ——	M., C., and L. R. R. Co	Do.
1,050,000	.....do.....	.....	27 miles and 2,750 feet of track removed and used in repairs of other roads; road abandoned.	By order of Lt. Gen. Grant.
3,300,000	.....do.....	Aug. 28, ——	E. T. and Ga. R. R. Co	Executive orders of August 8 and October 14.
710,000	..... do.....	.....do.....	.....do.....	Do.
4,400,000	.....do.....	..... do.....	E. T. and Va. R. R. Co.....	Do.
300,000	.....do.....	.....do.....	R. and J. R. R. Co	Do.
5,140,000	..... do.....	Sept 25, ——	State of Georgia	Do.
340,000	.....do.....	..... do.....	Rome R. R. Co	Do.
330,000	.....do.....	Nov. —, 1864	Track removed and road abandoned.	By order of the general commanding.
3,200,000	.....do.....	Sept. 1, ——	M. and C. R. R. Co	Executive orders of August 8 and October 14.
3,375,000	.....do.....	..... do	.....do.....	Do.
1,920,000	.....do.....	Aug. 24, 1864	Abandoned	
1,400,000	.....do.....	Aug. 25, ——	M. and O. R. R. Co	Do.
1,470,000	.....do.....	Nov. 1, ——	M. and L. R. R. R. Co.....	Do.
45,705,000				

No. 2.—*Report of all railroads operated and*

No.	Name of road.	Distance operated.			Estimated
		From—	To—	Miles.	Per mile.
	MIDDLE DEPARTMENT AND DEPARTMENT OF THE SUSQUEHANNA.*				
1	Western Maryland railroad	Relay	Westminster	29	$25,000 00
2	Hanover Branch railroad	Hanover Junction	Hanover	13	20,000 00
3	Gettysburg railroad	Hanover	Gettysburg	17	20,000 00
4	Franklin railroad	Chambersburg	Hagerstown	22	20,000 00
	Total			81	
	DEPARTMENT OF GEORGIA.				
1	Savannah and Gulf railroad	Savannah	Ogeeche River	11	30,000 00
2	Georgia Central railroad	In and around the city of Savannah.		3	33,333 33
	Total			14	
	DEPARTMENT OF NORTH CAROLINA.				
1	Atlantic and North Carolina railroad.	Morehead City	Goldsboro'	95	30,000 00
2	North Carolina railroad	Goldsboro'	Charlotte	223	30,000 00
3	Wilmington and Weldon railroad.	Wilmington	Weldon	162	30,000 00
4	Raleigh and Gaston railroad	Raleigh	Cedar Creek	25	30,000 00
	Total			505	
	DEPARTMENT OF THE GULF.				
1	New Orleans, Opelousas, and Great Western railroad.†	New Orleans	Brashear City	80	

*No special orders were given relative to relinquishing these roads. The necessity for military occupation having ceased the several companies were allowed to resume control.

†This road was controlled and operated by the quartermaster's department and not by the military railroad department.

controlled by the United States, &c.—Continued.

value.	How held.	How disposed of.		
Total.		Date.	To whom delivered.	By whose authority.
$725,000	Seized	July 7, 1863	W. M. R. R. Co	
260,000	do	Aug. 1, 1863	Hanover Branch R. R. Co	
310,000	do	do	Gettysburg R. R. Co	
440,000	do	Oct. 1, 1862	Cumberland Valley R. R. Co.	
1,765,000				
$330,000	By right of capture	June 20, ——	S. and G. R. R. Co	
1,000,000	do	do	Ga. Cen. R. R. Co	Major General Gilmore.
1,330,000				
$2,850,000	do	Oct. 25, ——	A. and N. C. R. R. Co	By order of Sec'y of War.
6,630,000	do	Oct. 22, ——	N. C. R. R. Co	Do.
4,860,000	do	Aug. 27, ——	W. and W. R. R. Co	Do.
750,000	do	May 3, ——	R. and G. R. R. Co	
5,150,000				
	do	Jan. 31, 1866	N. O., O., and Gt. W. R. R. Co	Executive orders of August 8 and October 14.

Statement of the indebtedness of railroad companies for the purchase of railroad material of the United States, on credit, under Executive Orders of August 8, and October 14, 1865, showing the appraised value of property transferred by the United States, with interest accrued thereon to May 31, 1866, amount payments made, and balance remaining due at that date.

Name of road.	Value of property sold.	Interest to May 31, 1866.	Total indebtedness May 31.	Payments.	Balance.
Wills Valley Railroad Company	$30,248 52	$1,313 75	$31,562 27	$1,300 00	$30,262 27
Edgefield and Kentucky	111,772 86	4,824 48	116,597 34	.....	116,597 34
Macon and Brunswick	93,237 50	953 01	94,200 51	67,662 21	26,547 33
Montgomery and West Point	38,559 66	1,516 16	40,075 82	9,566 76	30,509 06
Southwestern	46,159 89	.....	46,159 89	46,159 89	.....
Rome	22,086 05	816 20	22,902 31	7,256 71	15,645 60
Memphis and Ohio	106,920 13	4,379 67	111,308 80	15,283 57	96,025 23
Memphis, Clarksville, and Louisville	337,082 36	13,329 29	350,411 65	150 00	350,261 65
Mississippi and Tennessee	127,750 52	4,500 89	132,251 41	30,401 35	101,849 46
Alabama and Florida	79,021 01	2,254 77	81,275 81	21,033 03	60,242 78
East Tennessee and Georgia	366,183 02	18,010 29	384,193 31	26,942 97	357,250 34
Muscogee	5,214 20	244 04	5,458 24	1,316 45	4,141 79
Macon and Western	83,638 15	.....	83,638 15	81,282 60	2,355 55
Nashville and Chattanooga	1,566,551 73	76,526 33	1,643,078 06	158,745 53	1,484,332 83
Tennessee and Alabama Central	84,143 00	3,958 31	88,101 31	25,071 06	63,030 25
Mobile and Ohio	505,143 70	17,482 65	522,626 35	221,341 58	301,284 77
Mobile and Great Northern	18,036 72	561 08	18,600 80	7,581 18	11,011 62
Memphis and Charleston	547,491 09	9,779 97	557,274 06	79,774 41	477,499 65
Alabama and Tennessee River	183,276 49	7,567 75	190,844 24	15,340 18	175,504 06
Mississippi, Gainesville, and Tuscaloosa	31,476 39	1,504 86	31,981 25	.....	31,981 25
Georgia Railroad and Banking Company	11,935 05	.....	11,935 05	11,935 05	.....
New Orleans and Ohio	32,150 00	1,373 88	33,523 88	.....	33,523 88
Nashville and Decatur	135,171 92	4,018 66	139,220 58	31,015 04	108,205 54
Western and Atlantic	472,944 66	22,979 47	495,924 13	.....	495,924 13
Central Southern	77,186 32	3,631 17	80,817 49	22,996 13	57,821 16
East Tennessee and Virginia	265,655 65	13,434 96	279,090 61	7,888 42	271,202 19
Southwestern Iron Company	32,515 00	.....	32,515 00	32,515 00	.....
Adams Express Company	4,361 45	.....	4,361 45	4,361 45	.....
Nashville and Northwestern Railroad Co	525,400 26	67,723 49	551,123 75	23,044 75	530,079 00
Mississippi Central	78,460 00	2,144 18	80,604 18	14,415 29	66,188 89
New Orleans, Jackson, and Great Northern	200,805 58	6,658 03	207,523 61	49,967 58	157,556 06
Tennessee and Alabama	108,692 68	5,117 81	113,810 49	32,349 20	81,461 29
Selma and Meridian	146,327 92	4,815 21	151,143 13	56,038 49	95,111 64
Virginia and Tennessee	102,880 00	3,295 58	106,175 58	.....	106,175 58
Wilmington and Weldon	110,000 00	2,274 21	112,274 21	4,536 57	107,737 64
Atlantic and North Carolina	51,453 93	1,786 05	53,239 98	5,948 01	47,291 94
Western North Carolina	14,209 82	465 06	14,734 88	2,038 35	12,696 53
Petersburg	65,000 00	1,411 80	63,411 80	18,012 67	48,399 13
Virginia Central	70,000 00	3,995 13	73,995 13	4,424 71	69,570 42
Richmond, Fredericksburg, and Potomac	7,449 27	.....	7,449 27	7,449 27	.....
Orange and Alexandria	90,395 74	4,176 93	94,572 67	8,642 75	85,929 92
Alexandria, Loudon, and Hampshire	62,592 96	1,903 85	64,496 81	.....	64,496 81
Manassas Gap	4,663 51	119 72	4,783 23	309 00	4,474 14
McMinnville and Manchester	20,340 00	430 57	20,770 57	.....	20,770 57
South Carolina	23,458 50	497 31	23,955 81	.....	23,955 81
Memphis and Little Rock	153,287 17	7,459 99	160,746 16	.....	160,746 16
New Orleans, Opelousas, and Great Western	110,573 45	2,768 19	116,541 94	.....	116,541 94
Total	7,370,196 16	292,027 20	7,662,223 36	1,151,146 56	6,508,076 80

List of railroad property transferred by Captain J. B. Dexter, assistant quartermaster United States volunteers, to the president and directors of the New Orleans, Jackson, and Great Northern railroad, belonging to the United States government, for the value of which said road has given bond for $66,100 to secure payment.

Date.	Articles.	Cost when new.	Cost of articles and prices charged.
1865.			
Mar. 10	21 platform cars.....each...	$550 00	$11,550 00
	5 platform cars.....do....	400 00	2,000 00
	2 wood cars.....do....	600 00	1,200 00
	5 box cars.....do....	650 00	3,250 00
	1 box car.....do....	450 00	450 00
	3 cattle cars.....do....	550 00	1,650 00
	25 coal cars.....do....	300 00	7,500 00
	1 dummy car and engine.....do....	4,000 00	4,000 00
	14 push-cars.....do....	50 00	550 00
	8 hand cars.....do....	50 00	400 00
	1 turn-table.....do....	500 00	500 00
	Total value of railroad property transferred.....	.....	33,050 00

[No. 2.]

MESSAGE OF THE PRESIDENT OF THE UNITED STATES, COMMUNICATING, IN COMPLIANCE WITH A RESOLUTION OF THE SENATE OF DECEMBER 21, 1865, INFORMATION UPON WHAT CHARGES AND FOR WHAT REASONS JEFFERSON DAVIS IS STILL HELD IN CONFINEMENT, AND WHY HE HAS NOT BEEN PUT UPON HIS TRIAL.

To the Senate of the United States:

I have received the following preamble and resolution adopted by the Senate on the 21st ultimo:

"Whereas the Constitution declares that 'in all criminal prosecutions the accused shall enjoy the right of a speedy and public trial by an impartial jury of the State or district wherein the crime shall have been committed;' and whereas several months have elapsed since Jefferson Davis, late president of the so-called confederate States, was captured and confined for acts notoriously done by him as such, which acts, if duly proved, render him guilty of treason against the United States, and liable to the penalties thereof; and whereas hostilities between the government of the United States and the insurgents have ceased, and not one of the latter, so far as is known to the Senate, is now held in confinement for the part he may have acted in the rebellion, except said Jefferson Davis: Therefore,

"*Resolved*, That the President be respectfully requested, if compatible with the public safety, to inform the Senate upon what charges or for what reasons said Jefferson Davis is still held in confinement, and why he has not been put upon his trial."

In reply to the resolution, I transmit the accompanying reports from the Secretary of War and the Attorney General, and at the same time invite the attention of the Senate to that portion of my message, dated the 4th day of December last, which refers to Congress the questions connected with the holding of circuit courts of the United States within the districts where their authority has been interrupted.

ANDREW JOHNSON.

WASHINGTON, *January* 5, 1866.

WAR DEPARTMENT,
Washington City, January 4, 1866.

SIR: To the annexed Senate resolution, passed December 21, 1865, referred to me by you for report, I have the honor to state:

1. That Jefferson Davis was captured by United States troops in the State of Georgia, on or about the 10th day of May, 1865, and by order of this department has been, and now is, confined in Fortress Monroe, to abide such action as may be taken by the proper authorities of the United States government.

2. That he has not been arraigned upon any indictment or formal charge of crime, but has been indicted for the crime of high treason by the grand jury of the District of Columbia, which indictment is now pending in the supreme court of said District. He is also charged with the crime of inciting the assassination of Abraham Lincoln, and with the murder of Union prisoners of war, by starvation and other barbarous and cruel treatment towards them.

3. The President deeming it expedient that Jefferson Davis should first be put upon his trial before a competent court and jury for the crime of treason, he was advised by the law officer of the government that the most proper place for such trial was in the State of Virginia. That State is within the judicial circuit assigned to the Chief Justice of the Supreme Court, who has held no court there since the apprehension of Davis, and who declines for an indefinite period to hold any court there.

The matters above stated are, so far as I am informed, the reasons for holding Jefferson Davis in confinement, and why he has not been put upon his trial.

4. Beside Jefferson Davis, the following persons who acted as officers of the rebel government are imprisoned, to wit: Clement C. Clay, at Fortress Monroe, charged, among other things, with treason, with complicity in the murder of Mr. Lincoln, and with organizing bands of pirates, robbers, and murderers in Canada, to burn the cities and ravage the commerce and coasts of loyal States on the British frontier; D. L. Yulee, at Fort Pulaski, charged with treason while holding a seat in the United States Senate, and with plotting to capture the forts and arsenals of the United States, and with inciting war and rebellion against the government; S. R. Mallory, at Fort Lafayette, charged with treason, and with organizing and setting on foot piratical expeditions against the United States commerce and marine on the high seas.

Other officers of the so-called confederate government, arrested and imprisoned, have been released on parole to abide the action of the government in reference to their prosecution and trial for alleged offences, on their applications for amnesty and pardon. Among these are G. A. Trenholm, secretary of the treasury; John A. Campbell, assistant secretary of war; James A. Seddon, secretary of war; John H. Reagan, postmaster general; R. M. T. Hunter, senator; Alexander H. Stephens, vice-president, and sundry other persons of less note.

EDWIN M. STANTON,
Secretary of War.

The PRESIDENT.

IN THE SENATE OF THE UNITED STATES,
December 21, 1865.

Mr. Howard submitted the following resolution, which was considered by unanimous consent and agreed to:

Whereas the Constitution declares that "in all criminal prosecutions the accused shall enjoy the right of a speedy and public trial by an impartial jury of the State or district wherein the crime shall have been committed;" and whereas several months have elapsed since Jefferson Davis, late president of the so-called confederate States, was captured and confined for acts notoriously done by him as such, which acts, if duly proved, render him guilty of treason against the United States, and liable to the penalties thereof; and whereas hostilities between the government of the United States and the insurgents have ceased, and not one of the latter, so far as is known to the Senate, is now held in confinement for the part he may have acted in the rebellion, except said Jefferson Davis: Therefore,

Resolved, That the President be respectfully requested, if compatible with the public safety, to inform the Senate upon what charges or for what reasons said Jefferson Davis is still held in confinement, and why he has not been put upon his trial.

ATTORNEY GENERAL'S OFFICE,
January 4, 1866.

SIR: I have the honor to acknowledge the receipt from you of a copy of the resolution of the Senate of the United States, of date the 21st of December, 1865. In that resolution the Senate respectfully request to be informed upon what charges and for what reason Jefferson Davis is still held in confinement, and why he has not been put upon his trial.

When the war was at its crisis, Jefferson Davis, the commander-in-chief of the army of insurgents, was taken prisoner, with other prominent rebels, by the military forces of the United States. It was the duty of the military so to take them. They have been heretofore, and are yet, held as prisoners of war. Though active hostilities have ceased, a state of war still exists over the territory in rebellion. Until peace shall come in fact and in law, they can rightfully be held as prisoners of war.

I have ever thought that trials for high treason cannot be had before a military tribunal. The civil courts have alone jurisdiction of that crime. The question then arises, Where and when must the trial thereof be held?

In that clause of the Constitution mentioned in the resolution of the Senate, it is plainly written that they must be held in the State and district "wherein the crime shall have been committed." I know that many persons (of learning and ability) entertain the opinion that the commander-in-chief of the rebel armies should be regarded as constructively present with all the insurgents who prosecuted hostilities and made raids upon the northern and southern borders of the loyal States.

This doctrine of constructive presence, carried out to its logical consequences, would make all who had been connected with the rebel armies liable to trial in any State and district into which any portion of those armies had made the slightest incursion. Not being persuaded of the correctness of that opinion, but regarding the doctrine mentioned as of doubtful constitutionality, I have thought it not proper to advise you to cause criminal proceedings to be instituted against Jefferson Davis, or any other insurgent, in States or districts in which they were not actually present during the prosecution of hostilities.

Some prominent rebels were personally present at the invasion of Maryland and Pennsylvania; but all, or nearly all, of them received military parole upon the surrender of the rebel armies. Whilst I think that those paroles are not ultimate protection for prosecution for high treason, I have thought that it would be a violation of the paroles to prosecute those persons for crimes, before the political power of the government has proclaimed that the rebellion has been suppressed.

It follows from what I have said that I am of the opinion that Jefferson Davis and others of the insurgents ought to be tried in some one of the States or districts in which they in person respectively committed the crimes with which they may be charged. Though active hostilities and flagrant war have not for some time existed between the United States and the insurgents, peaceful relations between the government and the people in the States and districts in rebellion have not yet been fully restored. None of the justices of the Supreme Court have held circuit courts in those States and districts since actual hostilities ceased.

When the courts are open, and the laws can be peacefully administered and enforced in those States whose people rebelled against the government; when thus peace shall have come in fact and in law, the persons now held in military custody as prisoners of war, and who may not have been tried and convicted for offences against the laws of war, should be transferred into the custody of the civil authorities of the proper districts, to be tried for such high crimes and misdemeanors as may be alleged against them.

I think that it is the plain duty of the President to cause criminal prosecutions to be instituted before the proper tribunals, and at the proper times, against some of those who were mainly instrumental in inaugurating, and most conspicuous in conducting the late hostilities.

I should regard it as a direful calamity if many whom the sword has spared the law should spare also; but I would deem it a more direful calamity still, if the Executive, in performing his constitutional duty of bringing those persons before the bar of justice to answer for their crimes, should violate the plain meaning of the Constitution, or infringe, in the least particular, the living spirit of that instrument.

I have the honor to be, most respectfully,

JAMES SPEED, *Attorney General.*

The PRESIDENT.

(No. 3)

MESSAGE OF THE PRESIDENT OF THE UNITED STATES, RETURNING TO THE SENATE THE BILL ENTITLED "AN ACT FOR THE ADMISSION OF THE STATE OF COLORADO INTO THE UNION," WITH HIS OBJECTIONS TO ITS BECOMING A LAW.

To the Senate of the United States:

I return to the Senate, in which house it originated, the bill which has passed both houses of Congress, entitled "An act for the admission of the State of Colorado into the Union," with my objections to its becoming a law at this time.

First. From the best information which I have been able to obtain, I do not consider the establishment of a State government at present necessary for the welfare of the people of Colorado. Under the existing territorial government all the rights, privileges, and interests of the citizens are protected and secured. The qualified voters choose their own legislators and their own local officers, and are represented in Congress by a delegate of their own selection. They make and execute their own municipal laws, subject only to revision by Congress—an authority not likely to be exercised, unless in extreme or extraordinary cases. The population is small, some estimating it so low as twenty-five thousand, while advocates of the bill reckon the number at from thirty-five thousand to forty thousand souls. The people are principally recent settlers, many of whom are understood to be ready for removal to other mining districts beyond the limits of the Territory, if circumstances shall render them more inviting. Such a population cannot but find relief from excessive taxation if the

territorial system, which devolves the expenses of the executive, legislative, and judicial departments upon the United States, is for the present continued. They cannot but find the security of person and property increased by their reliance upon the national executive power for the maintenance of law and order against the disturbances necessarily incident to all newly organized communities.

Second. It is not satisfactorily established that a majority of the citizens of Colorado desire, or are prepared for, an exchange of a territorial for a State government. In September, 1864, under the authority of Congress, an election was lawfully appointed and held, for the purpose of ascertaining the views of the people upon this particular question. 6,192 votes were cast, and of this number a majority of 3,152 was given against the proposed change. In September, 1865, without any legal authority, the question was again presented to the people of the Territory, with the view of obtaining a reconsideration of the result of the election held in compliance with the act of Congress approved March 21, 1864. At this second election 5,905 votes were polled, and a majority of 155 was given in favor of a State organization. It does not seem to me entirely safe to receive this, the last mentioned result, so irregularly obtained, as sufficient to outweigh the one which had been legally obtained in the first election. Regularity and conformity to law are essential to the preservation of order and stable government, and should, as far as practicable, always be observed in the formation of new States.

Third. The admission of Colorado, at this time, as a State into the federal Union, appears to me to be incompatible with the public interests of the country. While it is desirable that Territories, when sufficiently matured, should be organized as States, yet the spirit of the Constitution seems to require that there should be an approximation towards equality among the several States comprising the Union. No State can have less or more than two senators in Congress. The largest State has a population of four millions; several of the States have a population exceeding two millions; and many others have a population exceeding one million. A population of 127,000 is the ratio of apportionment of representatives among the several States.

If this bill should become a law, the people of Colorado, thirty thousand in number, would have in the House of Representatives one member, while New York, with a population of four millions, has but thirty-one; Colorado would have in the electoral college three votes, while New York has only thirty-three; Colorado would have in the Senate two votes, while New York has no more.

Inequalities of this character have already occurred, but it is believed that none have happened where the inequality was so great. When such inequality has been allowed, Congress is supposed to have permitted it on the ground of some high public necessity, and under circumstances which promised that it would rapidly disappear through the growth and development of the newly admitted State. Thus, in regard to the several States in what was formerly called the "northwest territory," lying east of the Mississippi, their rapid advancement in population rendered it certain that States admitted with only one or two representatives in Congress would, in a very short period, be entitled to a great increase of representation. So, when California was admitted on the ground of commercial and political exigencies, it was well foreseen that that State was destined rapidly to become a great, prosperous, and important mining and commercial community. In the case of Colorado, I am not aware that any national exigency, either of a political or commercial nature, requires a departure from the law of equality, which has been so generally adhered to in our history.

If information submitted in connection with this bill is reliable, Colorado, instead of increasing, has declined in population. At an election for members of a territorial legislature held in 1861, 10,580 votes were cast. At the election before mentioned, in 1864, the number of votes cast was 6,192; while at the irregular election held in 1865, which is assumed as a basis for legislative action at this time, the aggregate of votes was 5,905. Sincerely anxious for the welfare and prosperity of every Territory and State, as well as for the prosperity and welfare of the whole Union, I regret this apparent decline of population in Colorado; but it is manifest that it is due to emigration which is going on from that Territory into other regions within the United States, which either are in fact, or are believed by the inhabitants of Colorado to be, richer in mineral wealth and agricultural resources. If, however, Colorado has not really declined in population, another census, or another election under the authority of Congress, would place the question beyond doubt, and cause but little delay in the ultimate admission of the Territory as a State, if desired by the people.

The tenor of these objections furnishes the reply which may be expected to an argument in favor of the measure derived from the enabling act which was passed by Congress on the 21st day of March, 1864. Although Congress then supposed that the condition of the Territory was such as to warrant its admission as a State, the result of two years' experience shows that every reason which existed for the institution of a territorial instead of a State government in Colorado, at its first organization, still continues in force.

The condition of the Union at the present moment is calculated to inspire caution in regard to the admission of new States. Eleven of the old States have been for some time, and still remain, unrepresented in Congress. It is a common interest of all the States, as well as those represented as those unrepresented, that the integrity and harmony of the Union should be restored as completely as possible, so that all those who are expected to bear the

burdens of the federal government shall be consulted concerning the admission of new States; and that in the mean time no new State shall be prematurely and unnecessarily admitted to a participation in the political power which the federal government wields, not for the benefit of any individual State or section, but for the common safety, welfare, and happiness of the whole country.

ANDREW JOHNSON.

WASHINGTON, D. C., *May* 15, 1866.

(No. 5.)

MESSAGE OF THE PRESIDENT OF THE UNITED STATES, COMMUNICATING, IN COMPLIANCE WITH A RESOLUTION OF THE SENATE OF DECEMBER 12, 1866, INFORMATION IN RELATION TO THE APPOINTMENT OF PERSONS TO OFFICE SINCE THE ADJOURNMENT OF THE LAST SESSION OF CONGRESS, WITHOUT THE SUBMISSION OF THE NAME OF SUCH PERSON TO THE SENATE FOR ITS CONFIRMATION.

To the Senate of the United States:

The accompanying reports from the heads of the several executive departments of the government are submitted in compliance with a resolution of the Senate dated the 12th ultimo, inquiring "whether any person appointed to an office required by law to be filled by and with the advice and consent of the Senate, and who was commissioned during the recess of the Senate, previous to the assembling of the present Congress, to fill a vacancy, has been continued in such office and permitted to discharge its functions, either by the granting of a new commission or otherwise, since the end of the session of the Senate on the twenty-eighth day of July last, without the submission of the name of such person to the Senate for its confirmation; and particularly whether a surveyor or naval officer of the port of Philadelphia has thus been continued in office without the consent of the Senate; and if any such officer has performed the duties of that office, whether he has received any salary or compensation therefor."

ANDREW JOHNSON.

WASHINGTON, *January* 31, 1867.

DEPARTMENT OF STATE,

Washington, December 17, 1866.

The Secretary of State, to whom was referred the resolution of the Senate of the 12th instant, requesting the President to inform that body "whether any person appointed to an office required by law to be filled by and with the advice and consent of the Senate, and who was commissioned during the recess of the Senate, previous to the assembling of the present Congress, to fill a vacancy, has been continued in such office and permitted to discharge its functions, either by the granting of a new commission or otherwise, since the end of the session of the Senate on the twenty-eighth day of July last, without the submission of the name of such person to the Senate for its confirmation," &c., has the honor to state, in reply to that part of the resolution which relates to this department, that its records do not show that any person has been appointed to an office under its supervision or commissioned during the recess of the Senate to fill a vacancy, or otherwise, except such as have been nominated to the Senate at its present session.

Respectfully submitted.

WILLIAM H. SEWARD.

The PRESIDENT.

TREASURY DEPARTMENT,

December 22, 1866.

SIR: I transmit herewith the reply of this department to the resolution of the Senate of December 12, requesting you to inform that body "whether any person appointed to an office required by law to be filled by and with the advice of the Senate, and who was commissioned during the recess of the Senate previous to the assembling of the present Congress, to fill a vacancy, has been continued in such office, and permitted to discharge its functions, either by the granting of a new commission or otherwise, since the end of the session of the Senate on the twenty-eighth day of July last, without the submission of the name of such person to the Senate for its confirmation, and particularly whether a surveyor or naval officer of the

port of Philadelphia has thus been continued in office without the consent of the Senate; and if any such officer has performed the duties of that office, whether he has received any salary or compensation thereof." The persons whose names appear on the enclosed statement were appointed during the recess of the Senate in 1865, and owing to clerical inadvertence their nominations were not submitted to the Senate during the last session, with the exception of Peter McGough and A. S. Cadwallader, they having been recommissioned or others appointed in their places. The nomination of Mr. McGough is now before the Senate, and that of Nathan C. James in place of Mr. Cadwallader.

James L. Selfridge was appointed assessor of internal revenue, eleventh district Pennsylvania, July 14, 1865, *vice* Samuel Oliver, resigned.

Samuel P. Gary appointed assessor, fifth district of Wisconsin, June 6, 1865, *vice* G. Gary, resigned.

Thomas W. Tipton, appointed assessor, Nebraska, July 10, 1865, *vice* J. H. Burbank, resigned.

Joseph E. Webster appointed assessor, second district of Georgia, July 14, 1865. New office; no predecessor.

William I. Phillips appointed assessor, second district of Texas, July 1, 1865. New office, no predecessor.

A. S Cadwallader appointed collector, fifth district of Pennsylvania, *vice* J. W. Cowell, resigned, (September 13, 1865.)

Peter McGough appointed collector, twentieth district of Pennsylvania, March 27, 1865, *vice* W. F. Clark, resigned.

William S. Ingham appointed assessor, third district of Missouri, April 27, 1865, *vice* C. B. Wilkinson, transferred to the sixth district under a new organization.

William A. Price appointed collector, sixth district of Missouri, October 12, *vice* C. B Wilkinson, removed.

Alonzo M. Keeler appointed collector, fifth district of Michigan, November 27, 1865, *vice* D. Mussy, resigned.

In cases of resignations and removals, the incumbent has never been allowed to vacate the office until his successor had been appointed and qualified, when the books, papers, &c., pertaining to the office have been turned over by the retiring party to the new appointee, thus leaving the office at no time actually vacant.

Edward Wallace, naval officer, and E. Reed Myer, surveyor of the port of Philadelphia, were both originally confirmed by the Senate and commissioned for four years; the former July 26, 1861, and the latter July 27, 1861. Upon the expiration of these commissions, (occurring during the recess of the Senate in 1865,) they were reappointed to the offices by temporary commissions, as shown in the statement.

The nominations of these officers to the Senate at its last session were accidentally omitted, and upon the adjournment of that body and the discovery of the omission, they were again furnished with temporary commissions.

September 18, 1866, Joseph P. Flanigan was commissioned as naval officer, *vice* Edward Wallace, removed, and November 20, 1866, Joseph Severns was appointed surveyor in place of E. Reed Myer, resigned.

The enclosed reports from the First Comptroller and Commissioner of Customs are submitted as a reply to that portion of the resolution referring to the salary and compensation paid to the different officers of the internal revenue and customs, mentioned in the report.

I am, sir, very respectfully,

HUGH McCULLOCH,
Secretary of the Treasury.

The PRESIDENT.

Names of officers of the internal revenue appointed during the recess of the Senate in 1865, *and whose names were withheld from the Senate in* 1866, *and they continued in office after the adjournment thereof.*

Names.	Office.	District and State.	Date of appointment.	In whose place.	Remarks.
J. L. Selfridge	Assessor	Eleventh, Penn	July 14, 1865	—— Oliver	Daniel H. Nieman appointed in his place November 11, 1866.
Samuel P. Gary	do	Fifth, Wisconsin	June 6, 1865	—— Gary	Adolph Sorrenson appointed in his place September 22, 1866.
Thomas W. Tipton	do	Nebraska	July 10, 1865	—— Burbank	Andrew S. Holliday appointed in his place September 17, 1866.
Joseph E. Webster	do	Second, Georgia	July 14, 1865		Re-commissioned September 19, 1866.
William I. Phillips	do	Second, Texas	July 1, 1865		Could not qualify. J. A. Henderson appointed in his place October 24, 1866.
A. S. Cadwallader	Collector	Fifth, Penn	Sept. 13, 1865	—— Cowell	Still in office.
Peter McGough	do	Twentieth, Penn	March 27, 1865		Still in office.
William S. Ingham	do	Third, Missouri	April 29, 1865	New office	John M. Glover appointed in his place September 25, 1866.
William A. Price	do	Sixth, Missouri	Oct. 12, 1865	do	James W. Black appointed in his place September 19, 1866.
Alonzo M. Keeler	do	Fifth, Michigan	Nov. 27, 1865	—— Murphy	Seymour Brownell appointed in his place October 4, 1866.
		OFFICERS OF THE CUSTOMS.			
Edward Wallace	Naval officer	Philadelphia, Penn	July 26, 1865	Edward Wallace, (reappointed.)	Joseph R. Flanigan appointed in his place September 18, 1866.
E. Reed Myer	Surveyor	Philadelphia, Penn	July 27, 1865	E. Reed. Myer, (reappointed.)	Joseph Severns appointed in his place November 20, 1866.

The persons whose names appear on this list were appointed during the recess of the Senate in 1865, and owing to clerical inadvertence their nominations were not submitted to the Senate during the last session. With the exception of Peter McGough and A. S. Cadwallader they have been recommissioned or others appointed in their places. The nomination of Mr. McGough is now before the Senate, and that of Nathan C. James, *vice* Cadwallader.

TREASURY DEPARTMENT,
Comptroller's Office, December 18, 1866.

SIR: I have the honor to acknowledge the receipt of your letter of the 15th instant, enclosing copy of resolution of the Senate, calling for information relative to appointments to offices during the recess, their compensation, &c.; also a list which shows such appointments as have been made under the internal revenue, with dates, &c., and asking me to furnish at the earliest practicable moment such information as this office may afford, to be used in reply.

In compliance with your request, I enclose herewith a statement containing the desired information; and I beg leave to refer you to my letter of the 14th instant, stating certain facts to be used in answer to Mr. Senator Edmunds's letter to the Secretary.

Very respectfully, &c.,

R. W. TAYLER, *Comptroller.*

Hon. HUGH MCCULLOCH,
Secretary of the Treasury.

TREASURY DEPARTMENT,
Comptroller's Office, December 14, 1866.

SIR: I have to acknowledge the receipt of your letter of the 12th instant, with copy of one from Hon. George F. Edmunds, chairman of the Joint Select Committee of Congress, and requesting a statement of such facts as this office may afford, to be used as a reply to Mr. Edmunds's inquiries.

Mr. Edmunds asks whether, since the 9th day of February, 1863, any money has been paid from the treasury to any person acting or assuming to act as an officer, civil, military, or naval, as salary in any office where such office was not authorized by some previously existing law, and whether any money has, during the same period, been paid to any person appointed during the recess of the Senate to fill a vacancy in any existing office, which vacancy existed while the Senate was in session, and the incumbent of which office was one whose final appointment required the advice and consent of the Senate, before such appointee has been confirmed by the Senate, or in any case in which such confirmation never took place; and also asks the Secretary to communicate the name of each person thus receiving money from the treasury, together with the name of the office or duty for which the payment was made, the times and amounts of the money thus paid, and the names of each of the officers of the Treasury Department upon whose warrant or signature or authority such payment was made.

In answer to the inquiries of the committee, the Comptroller states that the records and files of this office do not show that any payment has been made in either of the cases referred to, and he has no personal knowledge of any such payment having been made.

The Comptroller does not intend to state that no payment of the character named has been made, but only that, if it has been, the records of the office do not show it, and that he has no knowledge of its having been made.

The commissions of officers are never exhibited to the Comptroller, nor are the dates of their appointments generally communicated to him. When oaths of office have been taken and bonds given they are generally made known to the Comptroller, and generally filed in his office, in cases subject to his supervision, or otherwise the facts are communicated to him from the proper office, and he necessarily assumes that an officer has been properly appointed and is entitled to the salary or compensation attached to the office after properly qualifying and entering upon the discharge of its duties, unless the contrary appears; and he cannot assume that a person appointed to office has been improperly appointed or is not entitled to compensation. Nor can he enter upon the inquiry, in cases of appointments to fill vacancies, as to when or how the vacancy occurred. The record of appointments is not kept by the Comptroller, and he has no means of knowing when vacancies occur, or whether appointees have or not been confirmed by the Senate. He can therefore but assume, when notice of an appointment is communicated to him in the usual way by the proper office, that the appointee, when properly qualified, is entitled to the compensation attached to the office.

In but one instance of a vacancy of the character named has the question of paying the officer been brought directly to the consideration of the Comptroller, and in that case the salary was withheld until after the Senate had confirmed the appointment at the next succeeding session.

In a few other cases of internal revenue officers the Comptroller learned, incidentally, that they had been appointed during the recess to fill vacancies existing during the previous session of the Senate, and therefore directed that their compensation should be withheld until the action of the Senate should have authorized its payment.

And the Comptroller has given direction generally that in all like cases coming to the knowledge of the clerks in his office, this course should be pursued; and he has no knowledge of any payment in conflict with the act of February, 1863.

Respectfully submitted.

R. W. TAYLER, *Comptroller.*

Hon. H. MCCULLOCH,
Secretary of the Treasury.

Statement exhibiting the amounts allowed by the Commissioner of Internal Revenue, and approved by the Comptroller, to the several assessors and collectors of internal revenue referred to in the list submitted by the Secretary of the Treasury, for salary and commissions, as shown by the estimates of the several collectors as disbursing agents, since July 28, 1866.

Name.	Office.	District and State.	Period covered by allowance.	Salary allowed.	Commissions allowed.	Remarks.
J. L. Selfridge	Assessor	Eleventh, Penn.	July, 1866	$123 00		
Do	do	do	August, 1866	123 00	$259 05	Commissions allowed on settlement of account from July 29 to September 30, 1866
Do	do	do	Sept., 1866	119 00		
Do	do	do	Oct., 1866	123 00		
Do	do	do	Nov., 1866			D. H. Nieman, his successor, allowed salary from November 14, sixteen days, $64.
Total				488 00	259 05	
S. P. Gary	do	Fifth, Wisconsin	July, 1866	123 00		
Do	do	do	August, 1866	123 00		No advance for pay of assessor or collector since that for August, 1866.
Total				246 00		
T. W. Tipton	do	Nebraska				Salary of A. S. Holliday, his successor, $119, allowed for November, 1866.
J. E. Webster	do	Second, Georgia	July, 1866	123 00		
Do	do	do	August, 1866			
Do	do	do	Sept., 1866	880 00		Salary allowed at $2,500 per annum, and $81 additional for July, 1866.
Do	do	do	Oct., 1866			
Do	do	do	Nov., 1866			
Total				1,003 00		
A. S. Cadwallader	Collector	Fifth, Penn	July, 1866	123 00	543 00	Commissions being on collections and deposits in June, 1866.
Do	do	do	August, 1866	123 00	791 00	Commissions being on collections and deposits in July, 1866.
Do	do	do	Sept., 1866	119 00	791 00	Commissions being on collections and deposits in August, 1866.
Do	do	do	Oct., 1866	123 00	804 00	Commissions being on collections and deposits in September, 1866.
					*698 00	
Do	do	do	Nov., 1866	119 00	655 00	Commissions being on collections and deposits in October, 1866.
Total				607 00	4,282 00	
† Peter McGough	do	Twentieth, Penn.	July, 1866	123 00	816 00	Commissions being on collections and deposits for June, 1866.
Do	do	do	August, 1866	123 00	607 00	Commissions being on collections and deposits for July, 1866.
Do	do	do	Sept., 1866	119 00	752 00	Commissions being on collections and deposits for August, 1866.

Statement exhibiting the amounts allowed by the Commissioner of Internal Revenue, &c.—Continued.

Name.	Office.	District and State.	Period covered by allowance.	Salary allowed.	Commissions allowed.	Remarks.
Peter McGough	Collector	Twentieth, Penn.	Oct., 1866	123 00	781 00	Commissions being on collections and deposits for September, 1866.
Do	do	do	Nov., 1866	119 00	697 00	Commissions being on collections and deposits for October, 1866.
Total				607 00	3,743 00	
W. S. Ingham	do	Third, Missouri	July, 1866	123 00	437 00	
Do	do	do	August, 1866	123 00	478 00	
Do	do	do	Sept., 1866	119 00	716 00	No advance yet made to J. M. Glover, his successor.
Total				365 00	1,631 00	
W. A. Price	do	Sixth, Missouri	July, 1866	123 00	475 00	
Do	do	do	August, 1866	123 00	517 00	
Do	do	do	Sept., 1866	119 00	686 00	An advance of $2,943 made to J. W. Black, his successor, for October and November expenses.
Total				365 00	1,678 00	
A. M. Keeler	do	Fifth, Michigan	July, 1866	123 00	333 00	
Do	do	do	August, 1866	123 00	30 00	
Do	do	do	Sept., 1866	119 00	317 00	An advance of $2,149 made to S. Brownell, his successor, for October and November expenses.
Total				365 00	700 00	

* Balance due on compensation and expense account to June 30, 1866.
† Compensation and expense account adjusted November 21, 1866, for fiscal year ending June 30, 1866, and balance found due him thereon of $3,029 31, which remains unpaid.
‡ Compensation and expense account adjusted October 27, 1866, for fiscal year ending June 30, 1866, and balance found due him thereon of $2,727 57, which remains unpaid.

TREASURY DEPARTMENT, *Comptroller's Office, December* 18, 1866.

TREASURY DEPARTMENT,
Office of the Commissioner of Customs, December 17, 1866.

SIR: In answer to your letter of the 15th instant, making inquiry in regard to Edward Wallace, late naval officer, and E. Reed Myer, late surveyor of Philadelphia, Pennsylvania, I have the honor to report that Mr. Edward Wallace continued to discharge the duties of naval officer up to the 30th of September last. His accounts have been adjusted to the 30th June, 1865; the remainder of his accounts from that time up to the end of his official term are unadjusted in the office of the First Auditor. Mr. E. Reed Myer remained in office until the 30th November last. His accounts have been adjusted to 30th June, 1865; the remaining portion of his accounts are in the First Auditor's office.

Both of these gentlemen have been allowed all the emoluments of their offices up to the time of the last adjustment by this office, viz, June 30, 1865.

Very respectfully, your obedient servant,

N. SARGENT,
Commissioner of Customs.

Hon. H. MCCULLOCH,
Secretary of the Treasury.

DEPARTMENT OF THE INTERIOR,
Washington, December 18, 1866.

SIR: The Senate resolution of the 12th instant, requesting the President "to inform the Senate whether any person appointed to an office required by law to be filled by and with the advice and consent of the Senate, and who was commissioned during the recess of the Senate, previous to the assembling of the present Congress, to fill a vacancy, has been continued in such office and permitted to discharge its functions, either by the granting of a new commission or otherwise, since the end of the session of the Senate on the 28th day of July last, without the submission of the name of such person to the Senate for its confirmation; and particularly whether a surveyor or naval officer of the port of Philadelphia has thus been continued in office without the consent of the Senate; and if any such officer has performed the duties of that office, whether he has received any salary or compensation therefor," is before this department, by reference, for answer.

I have no knowledge of any such case as is contemplated by the resolution, having occurred in respect to any officer appointed by, connected with, or under the control of this department.

This department does not furnish the means of information as to the names of nominees submitted to or withheld from the Senate by the President, and I cannot, therefore, speak with absolute certainty; but I am not aware of any instance in which an officer, under the control of this department, who had been appointed in the recess of the Senate previous to the assembling of the present Congress, and whose name was not submitted to the Senate at its last session for confirmation, "has been continued in such office and permitted to discharge its functions either by the granting a new commission or otherwise."

I have the honor to be, very respectfully, your obedient servant,

O. H. BROWNING,
Secretary of the Interior.

The PRESIDENT.

WAR DEPARTMENT,
Washington City, December 17, 1866.

Mr. PRESIDENT: In reply to so much of the Senate's resolution of December 12, respecting appointments to office required to be filled by and with the advice and consent of the Senate, &c., &c., &c., hereto annexed, as pertains to this department, I have the honor to transmit herewith the Adjutant General's report of the 14th instant, containing the information desired.

Very respectfully, your obedient servant,

EDWIN M. STANTON,
Secretary of War.

The PRESIDENT.

WAR DEPARTMENT, ADJUTANT GENERAL'S OFFICE,
Washington, December 14, 1866.

SIR: In obedience to your instructions, I have the honor to make the following report in reply to certain inquiries of the Senate addressed to the President and conveyed in their resolution of the 12th instant.

The records of this office have been carefully searched, but their examination has failed to elicit any case similar to that presented in the resolution. Since the adjournment of the thirty-eighth Congress no person, appointed to any office in the army or volunteer force, has been continued in such office without having been nominated to and confirmed by the Senate at the first session of the present Congress. There have been no exceptional cases, so far as full appointments are concerned. Appointments by brevet would hardly seem to be included among those concerning which these inquiries have been made, being offices yielding no profit to the incumbent by way of salary or emoluments. Several cases have occurred through inadvertence merely, in which officers receiving brevet appointments (during the recess) as an appreciation by the government of their gallant services during the war were omitted from the nomination list sent in to the Senate at their next session. In order, therefore, that the brevet promotion should not entirely fall, these appointments expiring by constitutional limitation on the last day of the next ensuing session of Congress, new letters of appointment have been issued to these officers. Their names now appear upon the list of nominations for brevet appointment sent in to the Senate by the President on the 11th instant, in order that the action of the Senate may be obtained upon them, and that, if confirmed, commissions in due form may be conferred upon them.

I am, sir, very respectfully, your obedient servant,

E. D. TOWNSEND
Assistant Adjutant General.

Hon. EDWIN M. STANTON, *Secretary of War.*

NAVY DEPARTMENT, *Washington, December* 13, 1866.

SIR: I have the honor to acknowledge the receipt of a copy of a resolution of the Senate, dated the 12th instant, requesting information of the President concerning the appointment of persons during the recess of Congress, required by law to be confirmed by the Senate, &c.

No appointments requiring confirmation by the Senate have been made since the adjournment of the last session of Congress.

Promotions of naval officers have been made in due course, as vacancies have occurred.

Very respectfully,

GIDEON WELLES,
Secretary of the Navy.

The PRESIDENT.

ATTORNEY GENERAL'S OFFICE,
Washington, December 14, 1866.

SIR: In answer to the inquiries in the following resolution of the Senate of the United States, passed December 12, 1866, and referred by you to this office, "*Resolved*, That the President be requested to inform the Senate whether any person appointed to an office required by law to be filled by and with the advice and consent of the Senate, and who was commissioned during the recess of the Senate previous to the assembling of the present Congress, to fill a vacancy, has been continued in such office, and permitted to discharge its functions, either by the granting of a new commission, or otherwise, since the end of the session of the Senate on the 28th day of July last, without the submission of the name of such person to the Senate for its confirmation; and particularly whether a surveyor or naval officer of the port of Philadelphia has thus been continued in office without the consent of the Senate; and if any such officer has performed the duties of that office, whether he has received any salary or compensation therefor," I have to say that no such cases as those described in the resolution have occurred, within the knowledge of this office.

I have the honor to be, with the greatest respect,

HENRY STANBERY, *Attorney General.*

The PRESIDENT.

IN THE SENATE OF THE UNITED STATES, *December* 12, 1866:

Resolved, That the President be requested to inform the Senate whether any person appointed to an office required by law to be filled by and with the advice and consent of the Senate, and who was commissioned during the recess of the Senate previous to the assembling of the present Congress, to fill a vacancy, has been continued in such office, and permitted to discharge its functions, either by the granting of a new commission, or otherwise, since the end of the session of the Senate on the 28th day of July last, without the submission of the name of such person to the Senate for its confirmation; and particularly whether a surveyor or naval officer of the port of Philadelphia has thus been continued in office without the consent of the Senate; and if any such officer has performed the duties of that office, whether he has received any salary or compensation therefor.

Attest: J. W. FORNEY, *Secretary.*

POST OFFICE DEPARTMENT,
January 15, 1867.

SIR: In answer to the foregoing resolution, (so far as relates to the action of this department,) I have the honor to transmit, herewith, a list of offices at which appointments of postmasters were made during the recess of the senate, March 11, 1865, to December 4, 1865, which appointments appear not to have been sent to the Senate for confirmation, and the names of the postmasters at such offices who still discharge the duties thereof, as shown by the records of this department.

In many of these cases the commissions expired previous to the adjournment of the Senate in March, 1865, and nominations were not sent to the Senate by President Lincoln. The cases have been continued along, without your attention having been called to them, so far as I remember, during the last session of the present Congress. I append also a list of cases, now in the same condition, which were sent to the Senate at its last session, and not acted upon either in confirmation or rejection. I am now having them all prepared for your action and for the action of the Senate.

With very great respect, I am your obedient servant,

ALEX. W. RANDALL,
Postmaster General.

The PRESIDENT.

List of post offices at which appointments were made during the recess of the Senate, March 11, 1865, to December 4, 1865, which appointments appear not to have been sent to the Senate for confirmation; and the names of postmasters at such offices who still discharge the duties thereof.

Office.	State.	Postmaster.	Date of appointment.
Boston	Massachusetts	John G. Palfrey	Appointed July 7, 1865.
Bath	New York	Ebenezer Ellis	Appointed July 12, 1865.
Fulton	do	Allan C. Livingston	Appointed July 12, 1865.
Goshen	do	Charles T. Jackson	Appointed April 11, 1865.
Bridgeton	New Jersey	Joseph S. Miner	Appointed April 26, 1865. Mr. Miner was not nominated to the Senate. On the 19th of July, 1866, Daniel B. Thompson was nominated to the Senate, but not confirmed. On the 28th of September 1866, Samuel R. Fithian was appointed postmaster by the President. Fithian's commission suspended, and Miner is now the acting postmaster.
Morristown	do	Alanson A. Vance	Reappointed July 14, 1865. On the 8th of May, 1866, Wm. E. Atno, jr., was nominated to the Senate by the President in place of Vance, whose commission had expired. Mr. Atno, jr., was rejected by the Senate on the 13th of July, 1866. On the 17th of November, 1866, Albert H. Stanburrough was appointed postmaster at Morristown by the President, but his commission being suspended, Mr. Vance is now the acting postmaster.
Ashland	Pennsylvania	Levi C. Leib	Appointed July 28, 1865.
New Castle	do	David Emery	Appointed July 12, 1865.
Warren	do	Christian Smith	Appointed March 17, 1865. On the 23d of July, 1866, Leonard D. Crandall was nominated to the Senate by the President as postmaster, but was not confirmed by that body. Mr. Smith is now the acting postmaster.
Tamaqua	do	Daniel Eveland	Appointed April 11, 1865. On the 23d July, 1866, John Sheilly was nominated to the Senate by the President as postmaster, and rejected by that body on July 27, 1866. Daniel Eveland appears on the books of the department as the acting postmaster, though it is said he has abandoned the office.
Hagerstown	Maryland	John Schleigh	Appointed July 7, 1865.
Finley	Ohio	Joseph B. Rothchild	Appointed August 4, 1865. On the 9th November, 1866, Cloys B. Wilson was appointed postmaster at Finley by the President, but his commission being suspended, Mr. Rothchild is now the acting postmaster.
Ripley	do	Henry Biehn	Appointed April 11, 1865.
Pontiac	Michigan	Salmon S. Matthews	Appointed April 11, 1865.
Port Huron	do	William Hartsuff	Appointed August 10, 1865.
Bloomington	Indiana	Joseph G. McPheeters, jr.	Appointed March 14, 1865.
Columbus	do	Samuel J. Harris	Appointed August 18, 1865.
Elkhart	do	Robert K. Brush	Appointed March 20, 1865.
Greensburg	do	Marine D. Tackett	Appointed July 20, 1865.
Lawrenceburg	do	James Vaughn	Appointed October 17, 1865.
New Albany	do	John M. Wilson	Appointed March 14, 1865.
Peru	do	James H. Fetler	Appointed July 7, 1865.
Shelbyville	do	John S. Campbell	Appointed June 16, 1865.
Charleston	Illinois	David C. Ambler	Appointed June 16, 1865.
Moline	do	George D. Gould	Appointed April 25, 1865, and not nominated to the Senate. On the 28th September, 1866, Henry E. Wells was appointed postmaster at Moline by the President, and his commission being suspended, Mr. Gould is at present in possession of the office.
Rockford	do	Anson S. Miller	Appointed March 14, 1865. On the 12th June, 1866, Jason Marsh was nominated to the Senate by the President as postmaster at Rockford, and rejected by that body on the 23d July, 1866. On the 5th October, 1866, Azro E. Goodwin was appointed postmaster by the President; and Goodwin's commission being suspended, Mr. Miller remains in charge of the office.

Cape Girardeau	Missouri	Lewis F. Klosterman	Appointed July 7, 1865.
Columbia	do	Mrs. Ann Gentry	Reappointed April 21, 1865. On the 1st November, 1866, Paul Hubbard was appointed postmaster at Columbia by the President, but his commission being suspended, Mrs. Gentry is still the acting postmaster.
Jefferson City	do	Allen P. Richardson	Reappointed July 7, 1865.
Pilot Knob	do	Ferdinand Schmitz	Appointed July 7, 1865.
St. Charles	do	Albert H. Edwards	Appointed March 17, 1865.
Lexington	do	John B. Alexander	Reappointed June 16, 1865. On the 19th July, 1866, H. K. Davis was nominated to and rejected by the Senate on the 27th July, 1866; Mr. Alexander still holds the office.
Napoleon	Arkansas	William Robertson	Appointed October 17, 1865.
Columbus	Kentucky	James M. Moore	Appointed July 7, 1865.
Mount Sterling	do	James Howard	Appointed July 7, 1865.
Munfordville	do	David T. Moneypenny	Appointed November 14, 1865.
Shelbyville	do	William Standeford	Appointed March 17, 1865.
Chattanooga	Tennessee	Elbert A. James	Appointed July 18, 1865.
Parkersburg	West Virginia	James M. Boreman	Reappointed July 7, 1865. On the 12th July, 1866, J. C. Walker was nominated to the Senate, but not confirmed by that body, as postmaster at Parkersburg. Mr. Boreman still holds the office.
Virginia City	Montana Territory	James Gibson	Appointed April 11, 1865.
Cohoes	New York	Izrahiah W. Cheesebro	Appointed May 2, 1865. On the 16th of June, 1865, J. H. Masten was appointed postmaster in place of Cheesebro, but his name was not sent to the Senate. On the 25th of July, 1866, Mr. Izrahiah W. Cheesebro was nominated to the Senate as postmaster by the President, and rejected by that body on the 27th of July, 1866. On the 19th October, 1866, Samuel D. Trull was appointed postmaster, and his commission being suspended, Masten is now acting postmaster.

List of nominations sent to the Senate by the President for confirmation, and not acted on by that body.

Crandall, L. D., Warren, Pennsylvania, nominated to Senate July 23, 1866.

Dunn, Michael, Fort Leavenworth Kansas, nominated to Senate July 10, 1866.

Gibson, James, Virginia City, Montana, nominated to Senate April 18, 1866, and withdrawn April 26.

Gash, Henry W., Macomb, Illinois, nominated to the Senate May 1, 1866, and withdrawn June 4.

Green, Henry A., Jersey City, New Jersey, nominated to the Senate July 20, 1866.

Ireland, Thomas, Annapolis, Maryland, nominated to the Senate April 10, 1866.

Marsh, H. C., Muncie, Indiana, nominated to the Senate March 21, 1866.

Merrill, Edwin S., Winchendon, Massachusetts, nominated to the Senate July 23, 1866.

McDowell, J. A., nominated to the Senate July 27, 1866.

Newman, A. G., Columbia, Missouri, nominated to the Senate February 6, 1866.

Osborn, John, Greencastle, Indiana, nominated to the Senate May 1, 1866, reported May 18, and withdrawn May 22.

Oliver, J. B., Rahway, New Jersey, nominated to the Senate July 10, 1866, and withdrawn July 20.

Rosseline, Charles, nominated to the Senate July 27, 1866.

Starr, H. A., Milwaukee, Wisconsin, nominated to the Senate May 23, 1866, and withdrawn June 4.

Smith, Ethanan, Towanda, Pennsylvania, nominated to the Senate July 23, 1866.

Shelley, John W., Hornellsville, New York, nominated to the Senate July 26, 1866.

Taylor, J. E., nominated to the Senate July 27, 1866.

Walker, J. C., Parkersburg, West Virginia, nominated to the Senate June 13, 1866.

Williams, D. J., nominated to the Senate July 27, 1866.

Hutchinson, W. S., Columbia, California, nominated to the Senate July 17, 1866.

Biehn, Henry, Ripley, Ohio, nominated to the Senate July 23, 1866.

[No. 6.]

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES, FURTHER IN ANSWER TO A RESOLUTION OF THE HOUSE OF 10TH DECEMBER LAST, RELATIVE TO PERSONS PARDONED BY THE PRESIDENT.

To the House of Representatives:

I transmit herewith a report from the Attorney General, additional to the one submitted by him December 31, 1866, in reply to the resolution of the House of Representatives of December 10, 1866, requesting a "list of names of all persons engaged in the late rebellion against the United States government who have been pardoned by the President from April 15, 1865, to this date; that said list shall also state the rank of each person who has been so pardoned, if he has been engaged in the military service of the so-called confederate government, and the position, if he shall have held any civil office under said so called confederate government; and shall also further state whether such person has at any time prior to April 14, 1861, held any office under the United States government, and, if so, what office, together with the reasons for granting such pardons; and also the names of the person or persons at whose solicitation such pardon was granted."

ANDREW JOHNSON.

WASHINGTON, *March* 2, 1867.

MARYLAND.

Name.	Exemption under amnesty proclamation of May 29, 1865.	By whom recommended.	Date of pardon.
William H. Archer	Left a loyal State	Governor Bradford, E. H. Webster, and W. W. Watkins	Nov. 14, 1865.
William T. Besant	do	Governor Bradford and W. J. Maultby	Sept. 11, 1865.
John R. Buchanan	do	Governor Bradford	Sept. 11, 1865.
R. M. Beale	do	Governor Bradford, H. C. England, H. F. Veirs, R. M. Williams, John T. Bevans, Bernard Munday, and W. V. Bowie.	Oct. 28, 1865.
L. T. Brien	do	Governor Bradford	Oct. 28, 1865.
J. B. Balderston	do	do	Sept. 20, 1865.
Henry Bell	do	do	July 26, 1865.
S. C. Botts	do	do	Sept. 20, 1865.
Thorndike Brooks	Ex-United States navy. Left a loyal State	Governor Bradford and Chauncey Brooks	July 26, 1865.
John W. Bennett	Left a loyal State	Governor Bradford and United States Attorney William Price	July 26, 1865.
George E. Baker	do	Governor Bradford	Nov. 14, 1865.
Lemuel T. Beall	do	do	Oct. 14, 1865.
McY. Barry	Left a loyal State, and a blockade runner	do	July 26, 1865.
D. S. Boyle	Left a loyal State	Governor Bradford and United States Attorney William Price.	
L. O. Bennett	do	Governor Bradford	Sept. 20, 1865.
H. Cretin	do	do	Oct. 28, 1865.
John Cretin	do	do	Oct. 28, 1865.
G. Carter	do	Governor Bradford and United States Attorney William Price	Sept. 2, 1865.
William E. Cocke, jr	Left a loyal State. Worth over $20,000	Hon. Attorney General Speed and David T. Patterson	Nov. 8, 1865.
E. J. Chiswell	Left a loyal State	A. J. Hamilton, military Governor of Texas	June 17, 1865.
D. Conde	do	Governor Bradford and District Attorney Price	July 26, 1865.
Philip Cashmyer	Left a loyal State. Indicted for treason	Governor Bradford, J. P. W. Phall, Brevet Brigadier General Mulford, Charles Palmer, Franklin Stearns, F. J. Smith, Brevet Major General James W. Turner, Hon. John M. Botts, Colonel Michael Corcoran, 69th reg't N. Y. M., O. B. Miller, colonel, &c., Colonel John L. Croker, 93d regiment N. Y. V., Lieutenant Colonel L. J. Lowman, 8th regiment, Pennsylvania, Lieutenant Colonel Lewis Benedick, jr., 73d N. Y. V., Major J. Louges, 1st artillery, U. S. A., Major A. S. Cassidy, 93d N. Y., Major A. Steinhaufer, 68th regiment N. Y., Surgeon John McGregor, 3d Conn. V., Captain John Downey, Co. D, 11th N. Y. Vol., First Lieutenant A. M. Underhill, 11th N. Y. Vol., Lieutenant Colonel G. W. Neff, 2d Ky. infantry, and Lieutenant Colonel R. A. Constable, 75th Ohio volunteers.	Sept. 20, 1865.
James G. Clark	Left a loyal State	Governor Bradford	Sept. 20, 1865.
Lawrence F. Dickinson	do	Governor Bradford and R. H. Jones	Sept. 20, 1865.
W. H. B. Dorsey	do	Governor Bradford	Oct. 14, 1865.
Ferdinand Duvall	do	do	Sept. 20, 1865.
W. F. Dement	do	Governor Bradford and P. W. Crair	Oct. 9, 1865.
H. Clay Dallam	do	United States District Attorney W. J. Jones	Sept. 27, 1865.
Jesse W. Downey	do	Governor Bradford and United States District Attorney William Price	July 26, 1865.
G. W. Emmerich	do	Hon. Attorney General Speed and William Price, United States district attorney	July 19, 1865.
Joseph Forrest	do	Governor Bradford	Oct. 9, 1865.
Adolphus Fearhake, jr	do	do	Sept. 20, 1865.
John Gill	do	By order of the President	Oct. 13, 1865.
R. Biddle Grogan	do	Governor Bradford	Sept. 20, 1865.

Maryland—Continued.

Name.	Exemption under amnesty proclamation of May 29, 1865.	By whom recommended.	Date of pardon.
G. R. Gaither	Left a loyal State	Governor Bradford	Sept. 20, 1865.
J. H. Herbert	do	Governor Bradford, United States District Attorney William Price, C. A. Gambrill, Robert Tyson, and H. D. Harvey	July 26, 1865.
W. J. Hull	do	Governor Bradford and United States District Attorney William Price	Sept. 2 1865.
I. E. Hall	do	Governor Bradford	Oct. 28, 1865.
George Henry	do	do	Oct. 28, 1865.
William J. Hill	do	do	July 6, 1865.
W. K. Howard	do	Frank P. Blair, sr	July 11, 1865.
T. M. Healey	do	Ordered by the President	June 14, 1865.
William M. Hill	do	Governor Bradford and John B. Blacke	Sept. 20, 1865.
James Hawken	do	Governor Bradford	Oct. 14, 1865.
Maurice A. Healey	do	do	Sept. 20, 1865.
Richard P. Hays	do	Governor Bradford, Hon. Montgomery Blair, S. T. Hays, J. W. Brown, R. F. Trail, F. S. Poole, William Metzger, William Cissel, James E. King, William T. Jones, John Gall, and Hatten Brown.	Sept. 20, 1865.
W. T. Harwood	do	Governor Bradford and Hon. Montgomery Blair	Sept. 20, 1865.
A. J. Harding	do	do	Sept. 20, 1865.
William D. Hartley	do	Governor Bradford, John W. Bear, J. M. Stephens, late adjutant 5th Maryland volunteer infantry, J. N. Linaweaver, James Ensor, H. B. Jones, A. J. Miller, and W. Buckley.	Sept. 11, 1865.
Clement D. Hill	do	Ordered by the President	Oct. 2, 1865.
Otis Johnson	do	Governor Bradford	Sept. 20, 1865.
A. Jones	do	Governor Bradford and United States Attorney W. J. Jones	Sept. 2, 1865.
George C. Jenkins	do	Ordered by the President	Oct. 25, 1865.
Caleb S. Keech	do	Governor Bradford	Oct. 28, 1865.
R. G. Keene	do	do	Oct. 28, 1865.
J. Mortimer Kilgour	do	Governor Bradford and Richard J. Bowie	Oct. 14, 1865.
Robert V. Lanier	do	Governor Bradford	Sept. 20, 1865.
S. H. Lyon	do	J. L. Chapman, mayor of Baltimore, United States Attorney William Price, William Fisher, Thomas Wilson, John M Frazier, speaker house of delegates, H. McKim, Charles C. Cox, lieutenant governor of Maryland, John Hopkins, and J. W. Garrett.	Aug. 15, 1865.
Richard S. Merryman	do	Governor Bradford	Oct. 14, 1865.
C. G. W. Macgill	do	Governor Bradford and United States District Attorney W. J. Jones	Sept. 20, 1865.
T. B. Maynard	do	do	Sept. 2, 1865.
Albert Maynard	do	do	Sept. 2, 1865.
Henry McAtee	do	Governor Bradford and J. M. Frazier	Oct. 28, 1865.
W. P. McCabe	do	Governor Bradford	Sept. 20, 1865.
Charles Marshall	do	United States District Attorney	July 21, 1865.
William H. McLanahan	do	United States District Attorney, Governor Bradford, and J. W. Clumplit	Aug. 2, 1865.
Samuel McCubbin	do	William Prescott Smith, Baltimore and Ohio Railroad Company	July 13, 1865.
Henry Marriott	do	Governor Bradford and United States District Attorney William Price	July 26, 1865.
E. C. McSherry	do	do	July 26, 1865.
Daniel Murray	do	Governor Bradford, United States District Attorney William Price, and A. S. Ridgely	Sept. 25, 1865.
Robert M. Miles	do	Governor Bradford	Sept. 20, 1865.

William P. McCabe	Left a loyal State	Ordered by the President	Mar. 17, 1866.
William Henry Norris	do	Governor Bradford and United States District Attorney W. J. Jones	Sept. 19, 1865.
W. H. Newell	do	do	Sept. 20, 1865.
R. H. Norris	do	do	Sept. 20, 1865.
B. W. Owens	do	By order of the President	Aug. 19, 1865.
James W. Owens	do	Governor Bradford	Sept. 11, 1865.
Nicholas Owings	do	Ordered by the President	June 20, 1866.
John Y. Parker	do	Governor Bradford	Oct. 14, 1865.
W. S. Purnell	do	Governor Bradford and W. H. Purnell	Oct. 14, 1865.
George W. Purnell	do	Governor Bradford, Hons. John A. J. Creswell, T. A. Spencer, W. H. Purnell, George M. Covington, A. M. Payne, John E. Lecompte, William C. Mumford, G. H. Richardson, J. S. Lecompte, J. W. Merrill, and W. H. W. Farrow.	Oct. 14, 1865.
W. R. T. Pitts	do	Governor Bradford and United States District Attorney William Price	July 26, 1865.
O. H. Pearre	do	United States District Attorney William Price	Aug. 15, 1865.
Aubray Pearre	do	United States District Attorney William Price	Aug. 15, 1865.
V. L. Perry	do	Governor Swann and United States District Attorney W. J. Jones	July 6, 1866.
John H. Parkhill	do	Governor Bradford and United States District Attorney William Price	July 26, 1865.
E. T. Paca	do	do	July 26, 1865.
H. M. Pettit	do	do	July 26, 1865.
William L. Ritter	do	Governor Bradford	Nov. 14, 1865.
John Ridgely	do	Governor Bradford and United States District Attorney William Price	July 26, 1865.
J. H. Smith	do	Governor Bradford and United States District Attorney W. J. Jones	Oct. 28, 1865.
D. H. Stephenson	do	do	Sept. 2, 1865.
George R. Simpson	do	do	Sept. 2, 1865.
J. Y. Scharf	do	Governor Bradford	Sept. 20, 1865.
W. C. Schley	do	Governor Bradford, United States District Attorney W. J. Jones, and W. Schley	Sept. 11, 1865.
M. O. Shriver	do	Governor Bradford and United States District Attorney William Price	July 26, 1865.
T. H. Shriver	do	do	July 26, 1865.
J. H. Septer	do	Governor Bradford	Sept. 30, 1865.
P. M. Shipley	do	do	Oct. 14, 1866.
A. E. Shipley	do	do	July 6, 1866.
St. Clair F. Sutherland	do	Hon. Attorney General Speed and Major General Donaldson	Sept. 9, 1865.
A. K. Shriver	do	Governor Bradford and United States District Attorney William Price	July 26, 1865.
Henry C. Selman	do	Governor Bradford, Hon. M. Blair, John W. Crown, P. F. Trail, E. D. Cruit, F. S. Porle, William Metzger, William Cissel, James E. King, William T. Jones, John Gall, and H. Brown.	Sept. 20, 1865.
Ignatius D. Thomson	do	Governor Bradford, United States District Attorney William Price, Hon. Reverdy Johnson, and H. S. Ridgly.	July 26, 1865.
John H. Steele	do	Governor Bradford	Nov. 14, 1865.
Grafton Tyler	do	Lieutenant Governor Cox, of Maryland, and Hon. Mayor Wallach	July 25, 1865.
I. West Thompson	do	Hon. J. A. J. Creswell	July 17, 1865.
Edmund Thomas	do	Governor Bradford and William P. Maulsby	Sept. 20, 1865.
Levin Thomas	do	do	Sept. 20, 1865.
A. C. Trippe	do	Governor Bradford and United States District Attorney W. J. Jones	Oct. 14, 1865.
S. H. Trundle	do	Governor Bradford	Oct. 14, 1865.
James W. Upshur	do	do	Oct. 14, 1865.
Thomas J. Wheeden	do	United States District Attorney William Price and C. M. Stewart	July 31, 1865.
Levi S. White	Left a loyal State, and a blockade runner	Ordered by the President	June 13, 1865.
William Woodville	Left a loyal State	Governor Bradford and United States District Attorney W. J. Jones	Sept. 11, 1865.
I. L. Wagner	do	Governor Bradford	Sept. 20, 1865.
Thomas H. West	do	Governor Bradford and Hon. Francis Thomas	Sept. 20, 1865.
William B. Wilson	do	Governor Bradford	Nov. 14, 1865.

Maryland—Continued.

Name.	Exemption under amnesty proclamation of May 29, 1865.	By whom recommended.	Date of pardon.
John T. Wakenight	Left a loyal State	Governor Bradford	Sept. 20, 1865.
H. H. Wootten	do	Governor Bradford, R. J. Bowie, Washington Bonifant, M. Blair, William Willins, W. H. Purnell, E. Hammond, and W. W. Watkins.	Oct. 28, 1865.
Samuel C. White	do	Governor Bradford, George W. Dawson, and Daniel T. White	Sept. 20, 1865.

KENTUCKY.

Jas. S. Allen	Left a loyal State	Governor Bramlette, R. T. Baird, George D. Prentice, A. J. Ballard, and A. M. Stout	Oct. 16, 1865.
Clayton Anderson	Left a loyal State. Worth over $20,000	Hon. Attorney General Speed, G. W. Dunlane, W. F. Barrett, R. H. Watts, J. M. Wright, D. P. Henderson, F. C. Coleman, B. D. Lusk, W. R. Handy, C. R. Dupuy, E. Mitchell, T. D. Tilford, T. T. Taylor, John M. Burr, W. R. Kinney, J. K. Goodloe, J. T. Boyle, W. C. Hits, J. G. Barrett, John B. Smith, G. W. Harris, T. T. Shreu, J. M. Heath, J. S. Todd, J. M. Armstrong, John Hurderker, W. R. Boice, George A. Caldwell, J. B. Bonnon, F. H. Kean, S. G. Gibbs, J. M. Bryant, H. Denk.	July 1, 1865.
R. H. Anderson	Petty civil officer	R. H. Stanton and J. J. Anderson	Sept. 2, 1865.
N. Frank Brown	Left a loyal State. Rebel clerk	R. H. Stanton and John J. Anderson, collector 6th district	July 14, 1865.
Duncan Bell	Left a loyal State. Indicted for treason	B. S. Campbell, J. H. Caldwell, J. S. Phelps, W. A. Davis, G. Spratt, W. Terry, Hons. James Guthrie, G. Davis, C. C. Smith, A. Harding, L. S. Trumbull, B. C. Ritter, L. H. Rousseau, and W. H. Randall.	April 7, 1866.
J. D. Bright	do	Governor Bramlette	Aug. 2, 1866.
Cassius Bell	do	Governor Bramlette, B. S. Campbell, J. H. Caldwell, Jas. S. Phelps, W. H. Davis, G. Spratt, William Terry.	April 7, 1866.
Thomas S. Bryan	do	William Terry, G. B. Long, R. Barrell, J. H. Caldwell, Jas. S. Phelps, W. H. Davis, and G. Spratt.	April 7, 1866.
William Bell	Left a loyal State	Governor Bramlette and Major General Palmer	April 21, 1866.
James W. Bird	do	Major General Palmer	April 21, 1866.
R. Scott A. Briggs	do	Postmaster T. K. Marshal, E. H. McKay, collector, J. W. Shaw, T. W. Taylor, John H. Terwell, James C. Duncan, R. A. Houston, Richard Johnson, J. T. Teshenor, Captain J. D. Wickliff, J. E. Hunts, W. T. Spalding, R. D. Hackley, J. S. Bean, John E. Newman, judge 8th judicial district, D. J. Weed, deputy provost marshal, W. F. Graves, Samuel Boyanton, W. F. Stoughton, and James Wood.	Aug. 18, 1865.
Joseph Y. Briggs	do	Judge T. P. Smithieum, postmaster, Chaplain T. K. Marshal, Postmaster B. Caldwick, R. D. Hackley, A. C. Thompson, D. P. Wood, W. T. Spalding, and Captain John D. Wickliffe.	Aug. 18, 1865.
R. J. Breckenridge	Member of rebel congress. Left a loyal State	R. J. Breckenridge, sr.	Aug. 11, 1865.
James B. Barrack	Left a loyal State. Tampering with United States mail.	Governor Bramlette, George D. Prentice, W. F. Evans, W. T. Barret	Sept. 23, 1865.
R. J. Burns	Left a loyal State. Indicted for treason	Governor Bramlette, Judge D. Garmon, King Garmon, (William King, captain 39th Kentucky volunteers,) Thomas J. Sowards, James M. Thornburg, captain 39th Kentucky volunteers; C. C. Bawels, H. Williamson, clerk Pike county court, T. J. Owens, Jonathan Gamm, L. C. Ditz, J. R. Mann, Thomas Johnson, J. H. Stump, Sergeant John Dameron, H. M. Dougherty, George Stump, S. M. Furgurson, and J. W. Dills.	Sept. 19, 1865.

S. M. Bemis	Left a loyal State	Colonel Pennebaker and Attorney General Speed	July 21, 1865.
J. H. Brent	do	Hon. Attorney General Speed and Major General Frank P. Blair	July 18, 1865.
W. M. Badger	do	W. S. Thomas, Eli H. Brown, W. P. Baker, M. L. Cooper, James E. Stone, notary public, G. W. McAdams, J. S. Reading, W. P. D. Bush, and Governor Bramlette.	Aug. 2, 1865.
Marion M. Burch	do	Governor Bramlette	Oct. 1865.
Thos. L. Burnett	Member of rebel congress	Major General J. M. Palmer, W. F. Bullock, and T. L. Burnett	June 25, 1865.
Walter O. Bullock	Left a loyal State	Governor Bramlette	Aug. 15, 1865.
H. W. Bruce	Member of rebel congress	R. H. Stanton, Lizzie B. Bruce, John L. Helm, and Hon. Attorney General Speed	June 12, 1866.
A. J. Barry	Left a loyal State	Hon. Attorney General Speed and Hon. F. P. Blair	July 22, 1865.
Thomas W. Bullock	do	Governor Bramlette and John C. Bullett	Aug. 8, 1866.
E. M. Bruce	Member of rebel congress	Governor Bramlette, John T. Fisk, L. M. Sherley, Charles S. Harrison, Hon. Attorney General Speed, G. C. Smith, and Major General Rousseau.	June 12, 1865.
Albert J. Berry	Left a loyal State	Governor Bramlette, Judge Campbell, Hon. Mayor of Newport, Hons. R. T. Baker, Jacob Hawthorn, M. M. Benton, General John W. Finnell, Colonel Armstrong, and General Artsman.	July 5, 1865.
W. F. Bullock, jr	do	Hon. Attorney General Speed, Messrs. Ballard, Muir, Ripley, and Bell	July 6, 1865.
Wm. C. P. Breckenridge	do	Hon. Attorney General Speed and Rev. R. J. Breckenridge	Aug. 11, 1865.
A. P. Bruce	do	Rev. R. J. Breckenridge, Governor Bramlette, Brigadier General Fry, Joseph Smith, R. H. Mizz, C. Rodes, J. W. Grocter, Reuben Gentry, J. P. Fisher, R. W. Washington, John Cowan, J. E. Lee, George Y. Lee, J. J. Craig, G. Rice, G. W. Welsh, Charles Ridgeway, T. E. Quisenberry, R. P. Jacobs, J. J. Bell, and J. T. Boyle.	July 6, 1866.
Henry Bruce	Worth over $20,000	Governor Bramlette, Rev. R. J. Breckenridge, Speed S. Fry, late brigadier general U. S. V.; Major General Palmer, J. F. Speed, Henry Birtie, J. M. Armstrong, John Cowan, H. P. Bosley, G. Rice, Ben. Bell, T. E. Quinsberry, J. A. Jacobs, Jos. Smith, A. R. McKee, O. Beatty, S. H. Ralston, J. W. Irwine, J. W. Cardwell, W. B. Edelen, S. P. Barber, R. P. Jacobs, W. R. Creror, James Kinnard, S. S. M. Roberts, and Colonel Pennybacker.	July 6, 1866.
James Guthrie	do	Hon. Attorney General Speed, Governor Bramlette, and Senator Guthrie	May 23, 1866.
John H. Cave	Indicted for treason	Hon. Attorney General Speed, Governor Bramlette, and Major General J. M. Palmer	April 21, 1866.
A. E. Camp	Left a loyal State. Indicted for treason	Governor Bramlette	April 9, 1866.
Edward Crossland	do	Hon. James Speed, Attorney General, Judge R. R. Williams, Hon. S. Anderson, John S. Bolinger, and Colonel Charles D. Pennybaker.	Nov. —, 1865.
Benjamin C. Craig	Left a loyal State	Governor Bramlette	July 6, 1866.
H. B. Clay and his wife, Nannie B. Clay.	Worth over $20,000	Governor Bramlette, A. G. Hodges, John M. Clay, M. C. Johnson, D. A. Juyie, G. Robertson, and H. C. McDowell.	Aug. 26, 1865.
Benjamin R. Cowherd	Left a loyal State	Governor Bramlette, General Rousseau, and late Brevet Major General W. T. Ward	Sept. 13, 1865.
Corby Coward, jr	do	Governor Bramlette, Major General Rousseau, and late Major General Ward	Sept. 13, 1865.
E. M. Clark	do	Governor Bramlette, G. S. Shanklin, L. S. Trimble, H. Grider, A. Harding, B. C. Ritter, and Hon. L. H. Rousseau.	Mar. 19, 1866.
J. B. Caplinger	Worth over $20,000	Governor Bramlette, J. B. Cochran, Z. Wheat, G. A. Armstrong, G. W. Fishback, J. T. Ballard, A. P. Hickman, G. W. Harkinson, J. L. Caldwell, J. K. Holsean, T. Wilson, Abraham Kotchlid, J. W. Williams, J. L. Atherton, C. Morton, B. F. Blackiston, S. Vannatta, T. A. Winlock, and G. W. Caplinger.	Oct. 2, 1865.
Thomas J. Chenowith	Left a loyal State	Governor Bramlette and L. W. Andrews	Sept. 2, 1865.
John W. Cardwell	do	Governor Bramlette, G. S. Fry, and W. G. Patillow.	
W. L. Crabb	Left a loyal State. Indicted for treason	Governor Gramlette	July 6, 1866.
Thomas J. Dean	Indicted for treason	Governor Bramlette, Jeff. C. Davis, brevet major general, Hon. Attorney General Speed, and W. R. Smith.	June 9, 1866.
William W. Dunlap	Student at West Point. Refused to take the oath and resigned.	Hon. Attorney General Speed, Governor Bramlette, Major General Rousseau, William L. Neale, W. L. Boice, William Davis, collector internal revenue, 5th district, and D. S. Goodloe.	Oct. 21, 1865.
R. B. Drake	Left a loyal State	Governor Bramlette and J. F. Speed, esq	July 6, 1866.

Kentucky—Continued.

Name.	Exemption under amnesty proclamation of May 29, 1865.	By whom recommended.	Date of pardon.
C. B. Dobyns	Left a loyal State	Ordered by the President	Sept. 2, 1865.
Blanton Duncan	Left a loyal State. Worth over $20,000. Indicted for treason. Rebel blockade runner and confederate printing contractor.	Hon. Attorney General Stanberry, Governor Bramlette, Hons. G. S. Shanklin, A. Harding, B. C. Ritter, H. Grider, L. T. Trimble, James Guthrie, Garrett Davis, Thurlow Weed, N. Y., Richard Schell, N. Y., James Hughes, (Edward Kidder, James H. Chadbourn, J. Shackelford, Wilmington, N. C.,) and C. Wendell, Washington, D. C.	Oct. 12, 1866.
Benjamin F. Danley	Worth over $20,000	G. C. Smith, Rev. R. J. Breckenridge, Governors Holden and Worth	Jan. 31, 1866.
George M. Everhart	Left a loyal State. Worth over $20,000	Hon. Attorney General Speed, R. McP. Smith, Tenn., F. B. Fogg, Tenn., W. T. Barry, Tenn., A. M. Gazly, J. M. Armstrong, James Craik, R. J. Comsby, and L. B. Smith, all of Louisville, Ky.	June 30, 1865.
Joseph C. Frank	Left a loyal State	Governor Bramlette, John T. Pickett, C. W. Bruce, R. H. Stanton, and John L. Scott	Sept. 28, 1866.
John W. Friddle	do	General Rousseau, Philip Speed, and T. S. Bell	Oct. 9, 1866.
George W. Figeley	do	United States Attorney B. H. Bristow, Thomas B. Fairleigh, H. S. Stites, and J. S. Phelps.	July 18, 1866.
S. H. Ford	do	Governor Bramlette and R. T. Billard	July 6, 1866.
William Field	do	Attorney General Speed and John Roberts	Oct. 16, 1865.
Thomas Field	do	do	Oct. 16, 1865.
James M. Groves	Indicted for treason	Governor Bramlette, C. G. Lebree, C. R. Rutherford, J. D. Christian, J. H. Lowry, B. T. Perkins, J. G. Hollingsworth, H. C. Petree, T. T. B. Barney, M. S. Coutter, J. A. McReynolds, Frank H. Bristow, L. R. I. Shuff, E. B. Edwards, and T. McGiven.	Apr. 7, 1866.
Grandison G. Goodwin	Left a loyal State. Indicted for treason	Governor Bramlette, B. S. Campbell, J. H. Caldwell, James S. Phelps, William H. Davis, G. Spratt, and William Terry.	Apr. 7, 1866.
Lewis W. Garth	do do	Governor Bramlette, B. S. Campbell, J. H. Caldwell, James S. Phelps, William A. Davis, G. Spratt, and William Terry.	Apr. 7, 1866.
S. Gray	Member of so-called council of the provisional government of Kentucky.	Governor Bramlette	Nov. 17, 1865.
W. D. Gilmore	Left a loyal State	do	Oct. 26, 1865.
William P. Grayson	do	Governor Bramlette, Attorney General Speed, Arch. Dixon, John Young Brown, S. B. Vance, Judge Charles Eaves, W. H. Delano, F. E. Walker, C. M. Pennel, Jackson McClain, M. Yeaman, B. P. Cissell, H. Yeaman, James T. Clay, A. T. Dudley, W. W. Cutton, deputy sheriff; E. D. McBrid, jailer; Adam Rankin, clerk of court; W. S. Hicks, J. H. Howell, T. Sapiess, J. C. Stapp, W. S. Holloway, W. A. Hopkins, D. Banks, C. H. Johnson, C. Bailey, W. R. Lancaster, H. Dixon, John McBride, D. P. Lockett, J. B Vaughan, T. J. Johnson, P. H. Hillzer, J. D. Hughes, Sol. S. Seizemore, C. H. C.; S. W. Rankin, G. D. Posey, P. H. Lockett, S. Young, E. R. Moore, J. F. Meyer, G. A. Mager, John McCullugh; Geo. Syne, C. W. Hutchins, R. Dixon, John J. Berry, S. J. Alves, P. B. Matthews, T. F. Cheney, L. G. Taylor, B. C. Redford, Thomas B. Young, Jo. Dixon, James M. Callender, R. Stiles, J. S. Taylor, J. G. Holloway, W. B. Woodruff, J. Johnson, J. H. Butler, J. B. Hart, P. A. Blackwell, D. Hart, S. Nelson, W. J. Marshall, James Alves, J. O. Cheney, J. R. Dixon, J. E. Fagan, S. P. Smith, J. F. Jones, B. P. Green, M. L. Hicks, J. Held, jr., J. Held, sr., William Steele, A. T. Leslie, P. Thompson, H. P. S. Knight, E. Atkins, I. B. Walker, W. J. Payne, G. E. Funk, J. P. Breckenridge, N. C. Perry, George S Morris, C. B. Tolman, W. P. Fowler, S. W. Powell, and George M. Priert.	Jan. 27, 1866.
I. B. Green	do	Governor Bramlette	Aug. 25, 1865.

Frank Gorm, jr	Violation of oath	Charles G. Wintusmith	Sept. 2, 1865.
Alvin Hughes	Left a loyal State. Indicted for treason	Governor Bramlette and Major General Palmer	Apr. 21, 1866.
Daniel Hagar	Left a loyal State	Governor Bramlette and S. H. Ford	July 6, 1866.
T. H. Hunt	do	Hon. Attorney General Speed	Aug. 24, 1865.
H. J. Hudder, jr	do	do	Aug. 8, 1865.
A. G. Hawes	do	do	June 12, 1865.
James A. Hoge	do	Hon. Attorney General Speed, Governor Bramlette, William L. Vance, E. J. Polk, T. J. Polk, J. L. Smeadley, James E. Thompson, Charles A. Hardin, J. H. Fairman, W. M. Tomlinson, James Harlin, jr., W. T. Curry, C. S. Abell, Richard Board, B. S. Hardin, R. P. McGrath, and Robert Alexander.	July 11, 1866.
James Hemaker	Indicted for treason	Governor Bramlette, Captains William King and T. J. Sowards, Commander John Dills, jr., officers of the late 39th Kentucky volunteers. The following are non-commissioned officers and privates of same regiment: D. B. Coleman, J. W. Hale, J. Farmer, W. C. W. Sowards, Fred. Charles, D. Newson, T. W. Rose, S. Newson, D. Newson, R. Little, P. H. Vaughan, L. Thannberg, W. R. Dotran, G. Bennett, James Baly, Hiram Lambert, M. McCoy, H. S. Carter, Rhodes Medd, H. C. H. Daniels. Hibbins Williamson, clerk court; S. K. Dana, clerk court; Thomas Johnson, jailer.	Aug. 28, 1865.
Mrs. Kitty G. Hill	Worth over $20,000	Hon. Attorney General Speed, Governor Bramlette, and A. D. Hunt	May 4, 1866.
Larkin Harried	Indicted for treason	Ordered by the President	July 6, 1866.
William Hayes, M. D	Left a loyal State	do	Sept. 2, 1865.
John W. Headley	Left a loyal State and a Canada raider	G. D. Prentice and John Barbee	Sept. 2, 1865.
Henry Hart	Left a loyal State. Worth over $20,000	Ordered by the President	Sept. 9, 1865.
James B. Hawkins	Left a loyal State	Governor Bramlette and John E. Hawkins	May 31, 1865.
C. A. Hawkins	do	W. J. Hawkins	Sept. 5, 1865.
Richard Hawes	Rebel provisional governor of Kentucky. Left a loyal State.	Hon. Garrett Davis, C. N. Hawes, and E. M. Bruce	Sept. 2, 1865.
S. K. Hays	Left a loyal State	Governor Bramlette	Nov. 9, 1865.
I. G. Hunter	do	J. W. Finnell	Sept. 2, 1865.
Lemuel S. Hardin	do	Governor Bramlette	Oct. 24, 1866.
Edwin J. Hall	Worth over $20,000. Left a loyal State	Attorney General, General Rousseau, D. Thurston, and H. J. Stiles	Dec. 19, 1865.
William Jennings	Left a loyal State	Governor Bramlette	Sept. 13, 1865.
C. F. Johnson	do	Hon. Attorney General Speed, A. D. Hunt, and J. F. Speed	June 27, 1865.
James C. Johnson	do	Hon. Attorney General Speed	July 22, 1865.
William Johnson	do	do	July 22, 1865.
George M. Jessie	do	Hons. L. S. Trimble, G. S. Shanklin, James Guthrie, L. Rousseau, Garret Davis, W. A. Perry, J. P. Ellis, D. L. Luckett, J. N. Webb, M. B. Luesien, George T. Hunsten, R. B. Gray, M. Murphy, William Forquer, J. M. Jones, Frank Gross, Ben. B. Gray, J. N. Webb, John Corbin, sr., W. J. Wright, W. H. Moody, B. L. Owens, J. R. Benjamin, Thomas S. Haydon, David Fitzgerald, George C. Caslinan, E. M. Drane, and C. T. Chilton.	May 11, 1866.
William P. Johnston	do	Ordered by the President	Apr. 2, 1866.
A. H. Kerr	Worth over $20,000	J. E. Merriman, William M. Farrington, E. W. McKing, J. M. Hill, and F. S. Richards	Aug. 31, 1865.
Alexander Kirkland	Left a loyal State	Governor Pierpont, of Virginia, B. B. Woodson, and William T. Johnson	Sept. 2, 1866.
Philip Lee	do	P. B. Muir, M. C. Taylor, and W. H. Hays	June 21, 1865.
H. B. Lyon	Graduate of West Point and rebel brig. general	Hon. L. S. Trimble and F. H. Skinner	June 11, 1866
W. M. Lackey	Worth over $20,000	Governor Bramlette, Rev. R. J. Breckenridge, J. F. Speed, Henry Pirtle, J. M. Armstrong, John Cowan, H. P. Bosley, G. Rice, Benjamin Bell, T. E. Quisenberry, J. A. Jacobs, James Smith, A. R. McKee, O. Beatty, L. H. Ralston, John W. Irwin, J. M. Cardwell, W. B. Edelen, S. P. Barbee, R. P. Jacobs, W. R. Orien, James Kinnard, S. S. M. Roberts, G. M. Welsh, Thomas W. Vernon, John C. Cooper, G. McRoberts, M. D., J. S. Lytle, R. Carron, J. R. Warren, A. G. Huffman, W. B. Berry, W. F. Evans, and E. B. Caldwell, sheriff of Lincoln county.	July 6, 1866.

Kentucky—Continued.

Name.	Exemption under amnesty proclamation of May 29, 1865.	By who a recommended.	Date of pardon.
Sanford Lyne	Left a loyal State	Governor Bramlette and Major General John M. Palmer	Sept. 11, 1865.
Isaac Landes	Left a loyal State. Indicted for treason	Major General Palmer, James F. Buckner, John P. Ritter, John B. Gowen, sup't freedman, Judge H. M. Littell, James O. Ellis, H. A. Phelps, John M. Gowan, R. L. Grissam, R. H. Kelley, H. W. Kelley, D. M. Claggett, E. A. Starling, county attorney, J. I. Lander, John M. Carroll, sheriff, and Benjamin C. Welch.	Apr. 13, 1866.
John D. Morris	Left a loyal State. Rebel bank agent	Governor Bramlette, James F. Buckner, A. L. Jones, and James P. Flint	July 17, 1865.
Robert K. Moore	Left a loyal State	Governor Bramlette and W. C. Whittaker, late major general U. S. volunteers	July 6, 1866.
J. L. McDowell	Indicted for treason	Hon. Attorney General Speed, late Lieutenant Colonel A. S. Boylers, D. M. Nelson, Duval English, major eleventh Kentucky cavalry, Thomas H. Ritchey, J. P. Orr, jr., J. B. English, R. S. Beck, James P. Orr, P. M., Sheriff J. M. Brown, M. S. Montgomery, R. H. Buckley, J. P. Ellis, R. B. Gray, M. Murphey, J. W. Barham, J. N. Caplinger, and George C. Cassleman.	June 13, 1866.
J. S. McDowell	....do		
E. V. McDowell	....do		
Warren Mitchel	Left a loyal State. Worth over $20,000	Hon. Attorney General Speed and Joshua Hill	July 3, 1865.
J. A. Munday	Left a loyal State	A. J. Ballard, Hon. James Guthrie, and G. P. Arbegust	June 28, 1865.
Edward Miller	....do	Hons. Attorney General Speed, A. J. Ballard, L. Rousseau, M. J. Grul, W. D. Gallagher, Philip Speed, George D. Prentice, and A. Guthrie Cooke.	June 28, 1865.
H. L. Meriwether	....do	Governor Bramlette	Oct. 17, 1865.
C. J. Murray	....do	Governor Bramlette and Attorney General	Apr. 19, 1866.
B. S. Murray	....do	....do	Apr. 19, 1866.
William T. Marshall	....do	Hon. Attorney General Stanbery	Nov. 25, 1866.
C. C. Morgan	....do	Governor Bramlette, Isaac Caldwell, and A. D. Hunt	July 26, 1865.
Alexander G. Morgan	....do	Attorney General Speed	July 22, 1865.
George R. Miller	....do	J. J. Ballard, Major General Rousseau, W. D. Gallagher, Philip Speed, and George D. Prentice.	June 28, 1865.
R. M. Martin	Left a loyal State and rebel raider	Governor Bramlette and E. Rumsey Wing	Sept. 19, 1866.
J. B. McMillin	Left a loyal State. Indicted for treason	Governor Bramlette, P. H. Leslie, and M. S. Reynolds	Dec. 28, 1866.
J. H. D. McKee	Left a loyal State	Governor Bramlette, Judge J. H. Hickman, O. C. Egbert, George W. Mathews, R. M. Kercheval, C. H. Fenwick, M. V. Royally, B. S. Meyers, J. L. McGinis, Wiley Searcy, John Druffen, W. H. Sneed, M. Searcy, D. D. Wilson, W. M. Searcy, and K. Brown.	July 11, 1865.
James McFall	....do	Governor Bramlette and Major General Palmer	Sept. 11, 1865.
George S. Morris	Left a loyal State. Worth over $20,000	T. P. Smith, Governor Bramlette, B. B. Muir, and T. S. Bell; also Attorney General	Apr. 4, 1866.
Robert C. Nunnelley	Left a loyal State	Hon. Attorney General Speed, Squire Turner, R. White, R. Russell, J. W. Carpenter, C. F. Burnham, P. P. Ballard, D. Breck, C. Field, Green Clay, T. Emlercy, A. B. Lyman, R. C. Nunnelley, R. G. Burton, E. H. Field, David Russell, S. S. Parker, C. C. Ball, S. P. Wallers, B. Cronke, G. B. Turley, N. Parish, W. Walker, T. H. Embry, T. W. Bust, C. Kurtz, E. H. Field, E. S. Shakerford, jr., J. W. Crook, S. F. Emby, W. G. Briggerstaff, L. E. Francis, John Scott, J. Y. Estill, W. M. Ballard, Richard White, of Nashville; James C. Caldwell, and Joseph Jones.	May 26, 1866.
James T. Neal	....do	Hon. Attorney General Speed	Nov. 20, 1865.
John C. Noble	....do	Hon. Attorney General Stanberry and L. S. Trimble, M. C.	Dec. 27, 1866.
George W. Owen	Indicted for treason. Left a loyal State	Governor Bramlette, J. H. Langsford, C. M. Harwood, J. A. Middleton, J. W. Owen, L. W. Smith, W. H. Bell, D. Harbinson, W. R. Smith, Pulaski Ellingwood, William Stanbery, H. Frazier, Thomas Welles, M. C. Taylor, J. R. Duping, R. B. Winlock, J. S.	June 16, 1866.

		Roberts, S. H. Ellingwood, William McFadden, John A. Middleton, jr., Erazmus Frazier, W. M. Sharrard, Gordon Wallace, J. W. Robb, and William C. Bullock.	
V. B. O'Neal	Left a loyal State	Hon. Attorney General	Nov. 1, 1866.
Walter Overton	do	Governor Bramlette	July 31, 1865.
Thomas Pike	do	United States Attorney B. H. Bristow and L. W. Cowell	July 18, 1866.
James S. Peak	Worth over $20,000	Major General Rousseau	Sept. 27, 1865.
John R. Proctor	Left a loyal State	Governor Bramlette	July 6, 1866.
A. H. Price	do	Governor Bramlette, late Major General E. H. Hobson, A. H. Price, Hon. G. C. Smith.	Sept. 15, 1865.
J. R. Price	do		
John M. Johnson	do	General Rousseau and Hon. R. W. Johnson	Sept. 9, 1865.
James R. Price	do	Hon. Attorney General, Governor Bramlette, James Simpson, and Harmson Thomson	Jan. 27, 1865.
Henry Pelham	do	Governor Bramlette	July 6, 1866.
W. W. Parker	do	Hon. Attorney General	July 6, 1866.
James I. Peak, sr.	Worth over $20,000	do	Oct. 17, 1865.
Richard Potts	Left a loyal State	Governor Bramlette, L. H. Rousseau, major general; W. L. Neale, W. R. Proice, M. L. Rice, and Willard Davis.	Oct. 21, 1865.
Jno. Powell and David Powell	Left a loyal State. Indicted for treason.	Governor Bramlette, Judge Daniel Gannon, Wm. King, Lieutenant James M. Thornburg, Captain T. J. Sowards, O. C. Bawels, 39th Kentucky, A. Williams, T. J. Owens, Jonathan Gannon, L. C. Dils, J. R. Mann, Thos. Johnson, Lieutenant Jas. H. Stremp, Jno. Damron, H. M. Dougherty, George Strump, William Swords, Lieutenant Colonel S. M. Ferguson, and Colonel Jno. Dils, jr., late of the 39th Kentucky volunteers.	Sept. 19, 1865.
Wm. D. Reed and Booker Reed	Left a loyal State	T. B. Cochran, late lieutenant colonel 3d cavalry, United States volunteers, W. T. Ward, late brevet major general of volunteers, J. B. Cochran, J. H. Ward, and W. P. Boone.	Dec. 24, 1865.
J. E. Rankin	do	Hon. Attorney General Speed	June 27, 1865.
A. K. Richards	do	Governor Bramlette, Major General Rousseau, J. F. Robinson, S. F. Gano, W. C. Goodloe, Rev. R. S. Breckenridge, and Hon. Attorney General Speed.	Sept. 8, 1865.
C. H. Rochester	do	J. F. Speed and G. A. Caldwell	July 5, 1865.
D. Howard Smith	do	Hon. Attorney General Stanbery and Hon. L. H. Rousseau	Dec. 3, 1866.
W. R. Smith	Indicted for treason	Governor Bramlette and Major General Jeff. C. Davis	June 9, 1866.
S. B. Shipp	Left a loyal State	Attorney General Speed	Aug. 15, 1865.
A. M. Sea	do	Governor Bramlette and R. H. Stanton	Aug. 26, 1866.
Chas. J. Steritt	do	Governor Bramlette and A. G. Hodges	Aug. 8, 1865.
Theophilus Steele	do	Attorney General Speed and Rev. R. J. Breckenridge	Aug 11, 1865.
Robert Tyler	do	J. F. Speed	Feb. 20, 1866.
John Tutt	do	Governor Bramlette	May 3, 1865.
W. H. Turkington	do	Samuel Hoard, J. W. Muell, A. Grannis, M. Morrison, J. H. Brown, D. B. Fisk, Lyon Healy, S. M. Fassette, J. M. Stuart, Joseph Taylor.	July 6, 1866.
Phil. B. Thompson	do	Governor Bramlette, J. D. Hardin, J. W. Cardwell, J. G. Keyle, W. T. Curry, Jas. E. Thompson, C. H. Spilman, R. F. Vandeffer, Wm. Frailions, Richard Figg, C. S. Abell, D. W. Thompson, A. G. Keyle, and James Taylor.	Sept. 2, 1865.
M. M. Yeager	do	S. B. Cox, Hiram Wallingford, J. P. F. C., Jno. M. Harbeson, and W. T. Dudley	Sept. 2, 1865.
Amos R. Taylor	do	Governor Bramlette	Sept. 11, 1865.
Alexander Utley	do	Hon. Attorney General Speed, A. P. Cochran, and Ward & Son	June 20, 1866.
Lewis M. Vanmeter and Jno. M. Vanmeter.	Worth over $20,000. Left a loyal State	Governor Bramlette, A. S. Allen, Charles Edgington, and G. Clay Smith	Sept. 21, 1865.
J. W. Valentine	Left a loyal State	General Rousseau, R. Rodes, Wm. V. Loving, W. E. Hobson, A. W. Graham, S. A. Barclay, C. E. Bennett, P. J. Potter A. G. Hobson, Jno. Loving, Alex. Pyler, G. G. Potter, W. J. Hobson, J. M. Lyler, J. L. Shower, P. Thomas, P. Hines.	July 6, 1866.
W. C. D. Whips	Indicted for treason	J. G. Baret, W. C. Hite, G. L. Talbot, Colonel T. B. Fairleigh, G. Ballard, A. D. Hunt	Aug. 8, 1865.
J. F. Witherspoon	Left a loyal State	Governor Bramlette	Sept. 11, 1865.
Franklin Williamson	Left a loyal State. Indicted for treason	Governor Bramlette, Colonel John Dills, jr., Captain W. King, Lieutenants Stump and	Sept. 19, 1865.

Kentucky—Continued.

Name.	Exemption under amnesty proclamation of May 29, 1865.	By whom recommended.	Date of pardon.
		Thornburg, late of the 39th Kentucky volunteers, Dan. Garnon, T. J. Owens, L. Soward, F. J. Sowards, D. B. Colman, D. Coleman, J. M. Hurley, Franklin King, J. V. Mullins, L. C. Detz, A. J. Breeding, H. Lambert, J. Hatfield, U. McCoy, J. F. Stafford, S. R. Hurley, J. M. Francis, R. Dotran, P. M. Prater, W. Hurly, E. Collins, C. Luster, all privates and non-commissioned officers of the 39th Kentucky volunteers.	
J. H. Wolfe	Left a loyal State	Hon. Attorney General Stanbery and D. Howard Smith	Aug. 2, 1865.
Jno. C. Wall	do	L. S. Trimble, G. S. Shanklin, A. Harding, and B. E. Ritter	Aug. 27, 1866.
Moses Webster	do	Governor Bramlette, S. G. Burbridge, and S. W. Price, late colonel 21st Kentucky	July 6, 1866.
D. W. Vandell	do	Russell Houston	Sept. 2, 1865.

LOUISIANA.

Elizabeth Adams	Worth over $20,000	Governor Wells	Apr. 10, 1866.
Wm. D. Anderson	do	do	Apr. 10, 1866.
R. W. Adams	Ex-United States and rebel surveyor of the port of New Orleans.	do	July 11, 1865.
Bernard Avegno	Worth over $20,000	do	May 29, 1866.
Mrs. Olivia Andrews	do	do	Dec. 5, 1865.
John Andrews	do	do	Mar. 12, 1866.
D. D. Avery	do	do	Sept. 25, 1865.
John Adger	do	do	Oct. 26, 1865.
J. T. R. Allen	do	Attorney General Speed	Sept. 8, 1865.
R. E. Amis	do	Governor Wells	Oct. 31, 1865.
Mrs. Henrietta Amis	do	do	Oct. 31, 1865.
R. T. Buckner	do	do	June 15, 1866.
C. J. Barstow	Rebel railroad agent	Governor Wells and James Dixon	Aug. 26, 1866.
A. Boudurant	Worth over $20,000	Governor Wells	Apr. 23, 1866.
H. Boudurant	do	do	Apr. 23, 1866.
Joseph D. Bryan	do	do	Apr. 21, 1866.
Joseph N. Bryan	do	do	Apr. 21, 1866.
J. N. Bringham	Rebel receiver	do	Nov. 6, 1865.
J. S. Barry	Ex-United States and rebel postmaster	do	Nov. 9, 1865.
A. W. Bosworth	Proceedings commenced for confiscation	do	Oct. 2, 1865.
H. J. G. Battle	Rebel depositary	Governor Wells, A. H. Lenard, Samuel Wells, C. W. Lewis, Thomas S. Lard, George Williams, and J. I. Weems.	Aug. 26, 1865.
A. T. Bowie	Worth over $20,000	Hon. Reverdy Johnson	Nov. 2, 1865.
Wm. J. Briscoe	do	Governor Wells	Dec. 5, 1865.
John Boudurant	do	do	Dec. 5, 1865.
E. Bowman	do	do	Nov. 2, 1865.
Sarah A. Biggs	do	Governor Wells and W. L. Sharkey	Feb. 5, 1866.
Adele Browder	do	Attorney General Speed	Aug. 19, 1865.

T. C. Bethell	do	By order of the President	Aug. 16, 1865.
L. A. Bringier	do	Governor Wells	Oct. 10, 1865.
William A. Bisland	do	do	Oct. 13, 1865.
Sheperd Brown	Left a loyal district, and worth over $20,000	do	Aug. 26, 1865.
W. F. Bledsoe	Worth over $20,000	do	Oct. 18, 1865.
W. C. Black	Rebel chief of foreign supply office	do	Sept. 21, 1865.
Joseph Bensadon	Proceedings commenced for confiscation	do	Nov. 24, 1865.
Thomas L. Bague	Worth over $20,000	Hon. J. A. Rozier and J. N. Lee	Oct. 20, 1866.
A. E. Buss	do	Governor Wells	Apr. 19, 1866.
W. N. Buck	do	do	Apr. 10, 1866.
Matilda J. Bowie	do	do	Apr. 30, 1866.
Euclid Borland	do	do	Apr. 26, 1866.
James Bowman	do	do	Apr. 10, 1866.
Charles J. Bowman	do	do	Apr. 10, 1866.
B. T. K. Bennett	Proceedings commenced for confiscation	Governor Wells and H. Kennedy	Apr. 17, 1866.
Louis Buck	Worth over $20,000	Governor Wells	Nov. 6, 1865.
W. A. Broadwell	Worth over $20,000	J. B. Douglas, R. S. Dodd, J. H. Waugh, John F. Baker, Hon. John Hogan, C. B. Brown, and Austin A. King, (citizens of Missouri.)	Aug. 23, 1866.
J. P. Broadwell	do		Aug. 23, 1866.
J. L. Cowan	Rebel tax assessor	Governor Wells	Oct. 12, 1865.
J. D. Conn	Worth over $20,000	do	April 4, 1866.
George W. Campbell	Proceedings commenced for confiscation	do	Aug. 11, 1865.
J. B. Chandler	Worth over $20,000	do	April 17, 1866.
Philemon Chew	Rebel agent to collect cotton	do	Dec. 5, 1865.
George Connelly	Worth over $20,000	Major General Canby	April 4, 1866.
C. M. Conrad	Member of rebel congress	J. P. Sullivan	July 6, 1866.
L. L. Conrad	Worth over $20,000	do	July 6, 1866.
Charles A. Conrad	do	do	July 6, 1866.
A. Condroy	Rebel tax collector	Governor Wells	Oct. 21, 1865.
John Chaffe	Rebel funding agent	do	Oct. 6, 1865.
Robert Colon	Rebel tax assessor	Governor Wells, H. Johnson, W. L. Collinsworth, John Gullath, J. Conger, Henry Bryant, M. Johnson, J. J. Pestridge, W. C. Wallace, Allen J. Smith, J. Y. Allen, J. H. Hill, E. C. Kidd, Fred. Hamilton, J. E. Hamlett, C. Ives, and I. J. Sims.	Oct. 4, 1865.
Theodore Chachere	Ex-United States and rebel postmaster	Governor Wells, Thomas C. Anderson, Elbert Gautt, and N. Jenkins	Sept. 18, 1865.
J. W. Capron	Rebel tax collector	Governor Wells and J. E. Wallace	Oct. 28, 1865.
A. P. Cleaveland	Left a loyal district	T. J. Dix, Thomas Shoo, W. G. Wheeler, and J. Burke	July 3, 1865.
James W. Collier	Rebel receiver	Governor Wells and John A. Watkins	Aug. 14, 1865.
L. Crandall	Left a loyal district	Thomas Cottman	June 4, 1865.
John M. Cannon	Proceedings commenced for confiscation	Governor Wells and H. Kennedy	Oct. 12, 1865.
James Callihan	Worth over $20,000	Governor Wells	April 21, 1866.
Charles J. Carney	do	do	Dec. 5, 1865.
A. Cammack	Rebel agent to Europe, and worth over $20,000	Governor Wells, H. W. Taylor, J. G. Belden, B. L. Lynch, John Armstrong, J. Morgan Hall, John L. Lee, A. S. Mansfield, and A. C. Graham.	Sept. 15, 1865.
Mary W. B. Conner	Worth over $20 000	Rev. A. C. Kerr	Sept. 6, 1865.
Mrs. Eliza A. Cochran	do	Governor Wells	Sept. 5, 1865.
D. R. Carroll	do	do	Oct. 13, 1865.
William Cloman	do	do	Nov. 9, 1865.
Jos. W. Carroll	do	Governor Wells and H. Kennedy	Sept. 18, 1865.
D. S. Cage	do	Governor Wells and James S. Hamilton	Sept. 18, 1865.
A. G. Cage	do	do	Sept. 18, 1865.
Mrs. C. Carson	do	Hon. F. P. Blair	Nov. 4, 1865.
J. R. Carwell	Left a loyal district	Governor Wells	June 11, 1866.
John Davidson	Worth over $20,000	Governor Wells and G. A. Pierce	May 9, 1866.

Louisiana—Continued.

Name	Exemption under amnesty proclamation of May 29, 1865.	By whom recommended.	Date of pardon.
E. C. Davidson	Worth over $20,000	Governor Wells, Randell Hunt, and Captain F. H. Marsh	July 5, 1866.
S. H. Davis	Proceedings commenced as abandoned property.	Governor Wells	Oct. 4, 1865.
W. H. Dameron	Left a loyal district	Governor Wells, G. Burk, and J. P. Harrison	Sept. 18, 1865.
Alexander Dimitry	Rebel chief of the finance bureau of the post office department.	Hon. J. Holt	Aug. 8, 1865.
P. H. Dieffenwierth	Worth over $20,000	Governor Wells	Dec. 5, 1865.
S. P. Duncan	do	General Grant	July 11, 1865.
J. D. Dameron	do	H. Kennedy and Thomas Cottman	Oct. 9, 1865.
H. R. Doyal	do	Governor Wells and H. Kennedy	Aug. 31, 1865.
M. Emonet	Rebel postmaster	Governor Wells, B. Girard, N. O. Noblon, Albert Voorhies, John Ray, D. Marquese, and North, Guthil & Co.	Oct. 4, 1865.
William A. Elmore	Ex-United States and rebel superintendent of the mint.	Thomas Cottman	Aug. 2, 1865.
Charles N. Ealer	Rebel tax assessor	Governor Wells, Charles O. Hardy, and Thomas C. Anderson	July 6, 1866.
W. H. Edrington	Worth over $20,000	Governor Wells	Nov. 6, 1865.
E. D. Fenner	Left a loyal district, and proceedings commenced for confiscation.	do	Sept. 21, 1865.
George Foster	Proceedings commenced for confiscation	do	Feb. 23, 1866.
W. H. Foster	do	Governor Wells and Samuel Henderson	April 27, 1866.
Robert T. Ford	Left a loyal State	Attorney General Speed	April 19, 1866.
J. E. Fagot	Left a loyal district	Governor Wells, A. Philips, O. Morel, E. W. Huntington, D. Augustin, F. A. Woolfley, and J. S. Whitaker.	Sept. 18, 1865.
Emily A. Ferriday	Worth over $20,000	Governor Wells	April 4, 1866.
George Folsom	do	do	Dec. 13, 1865.
C. R. Fassitt	do	Senator Saulsbury, of Delaware	Feb. 15, 1866.
D. S. Fontenot	do	Governor Wells	Aug. 26, 1865.
Thomas P. Frith	do	do	July 3, 1865.
C. Fellows	do	Attorney General Speed	Oct. 18, 1865.
John Fox	do	do	Sept. 29, 1865.
D. R. Fox	Proceedings commenced as abandoned property	Governor Wells, A. Robinson, S. Brulard, Charles Brulard, D. B. Wilkinson, E. Debbois, Lne. Dobard, John L. Titus, S. Soulant, S. Docard.	Oct. 4, 1865.
W. A. Feret	Worth over $20,000	J. O. Harrison and W. T. Withers	Sept. 21, 1865.
Henry W. Farley	do	Governor Wells	Oct. 6, 1865.
A. Glenn	Proceedings commenced as abandoned property.	do	Sept. 21, 1865.
William H. Gayle	Clerk of rebel court	do	Jan. 26, 1866.
Maurice Grivot	Proceedings commenced for confiscation	Governor Wells and E. Roselius	Dec. 30, 1865.
Thomas M. Gatlin	Worth over $20,000	Albert Voorhies and E. Roselius	Nov. 26, 1866.
T. Gibson	do	Attorney General Stanbery	Sept. 25, 1866.
Charles R. Griswold	do	Governor Wells and James L. Wemmas	May 15, 1866.
J. Geisinburg	Rebel coroner, and worth over $20,000.	Governor Wells	Sept. 11, 1865.
Henry Ginder	Proceedings commenced for confiscation	By order of the President	Sept. 8, 1865.
James M. Gillespie	Worth over $20,000	Governor Wells	Dec. 5, 1865.
George V. Gilmer	do	do	Dec. 29, 1865.
Thomas M. Gilmer	do	do	Oct. 9, 1865.

R. Y. Graves	....do	Governor Wells, H. Kilpatrick, James I. Wemms, and Thomas N. Brown	Aug. 26, 1865.
Adam Griffin	Rebel cotton agent, and proceedings commenced for confiscation.	Governor Wells and H. Kennedy	Aug. 30, 1865.
S. L. Gibson	Worth over $20,000	Governor Wells, L. V. Reeves, and G. W. Williams	April 21, 1866.
A. J. Guivot	Assistant treasurer of the rebel government	Governor Wells, J. N. Lea, J. S. Whitaker, and J. Ad. Rosier	Aug. 2, 1865.
A. S. Huntington	Worth over $20,000	Governor Wells, S. E. Parsins, provisional Governor of Alabama, and James L. Bliss	April 17, 1866.
William R. Hynes	....do	Fussell Houston	Nov. 5, 1866.
A. H. Harris	Rebel district attorney	Governor Wells	Aug. 26, 1865.
J. P. Harrison	Proceedings commenced for confiscation	Governor Wells, Hon. J. Holt, Samuel H. Forrey, and J. Ad. Rosier	Aug. 8, 1865.
Samuel Henderson	Proceedings commenced as abandoned property.	Governor Wells	Sept. 21, 1865.
Thomas Henderson	....do	....do	Sept. 21, 1865.
J. Y. Hollingsworth	Worth over $20,000	....do	April 30, 1866.
F. H. Hatch	Ex-United States and rebel collector of customs for the port of New Orleans.	Governor Wells, R. K. Howell, J. N. Lea, and J. Q. A. Fellows	Aug. 14, 1865.
A. H. Hopkins	Left a loyal district	Governor Wells	April 4, 1866.
John L. Hodges	Worth over $20,000	....do	April 21, 1866.
Hawes Harris	....do	John W. Finnell	Sept. 8, 1865.
Henry M. Hyams	....do	....do	Sept. 30, 1865.
James Hewitt	....do	Attorney General Speed	Oct. 23, 1865.
J. D. Hill	....do	Thomas Cottman, State agent	July 31, 1865.
Louis Heyleger	....do	By order of the President	Feb. 21, 1866.
George W. Huntington	....do	Governor Wells	Nov. 3, 1865.
Southey Hays	....do	....do	Dec. 5, 1865.
C. C. Herrington	Surgeon of the privateer York	....do	July 6, 1866.
Mrs. C. D. Hodge	Worth over $20,000	....do	Dec. 13, 1865.
J. F. Harrison	....do	....do	Dec. 5, 1865.
John M. Huger	Rebel receiver	William H. Hunt and Governor Wells	April 17, 1866.
James C. Jones	....do	Governor Wells	April 21, 1866.
Joshua James	....do	....do	April 30, 1866.
A. H. Jordan	....do	....do	April 30, 1866.
R. M. Johnson	....do	Albert Voorhies, William R. Whitaker, Jacob Barker, W. F. C. King, and E. Roulins	Oct. 18, 1866.
Allen Jones	....do	Governor Wells	April 4, 1866.
Cheny Johnson	....do	By order of the President	Mar. 25, 1866.
B. Jacobs	....do	Albert Voorhies, James I. Weems, G. W. Dilliard, and Martin Talby	Nov. 26, 1866.
E. Jacobs	....do	....do	Nov. 26, 1866.
Mayfield Johnson	Rebel tax collector	Governor Wells, Ed. E. Kidd, G. Kahn, J. G. Allen, E. R. Cage, Ollen Smith, James E. Hamlett, H. W. Showard, H. C. Staten, J. C. Bridger, W. J. Allen, William F. Clark, L. R. Kavanaugh, John Gullott, J. Conger, H. Bryant, E. J. Chatham, William H. B. Smith, W. J. Hood, Jim Johnson, H. S. Collingsworth, R. Colan, E. E. Andrews, Jas. M. Allen, W. V. Britt, Fred. Hamilton, W. T. Kidd, and C. Ives	Oct. 26, 1865.
J. B. Johnson	Rebel postmaster	Governor Wells	Sept. 29, 1865.
Mrs. Anna M. Jennings	Proceedings commenced for confiscation, and worth over $20,000.	....do	Nov. 10, 1865.
Charles Jones	Worth over $20,000	Governor Wells, James G. Taliaferro, and Hon. John Ray	April 4, 1866.
George L. Kouns	Proceedings commenced for confiscation, and worth over $20,000.	William M. Daily, special agent Post Office Department	June 14, 1866.
Hollen C. Key	Worth over $20,000	Governor Wells and Major General Granger	June 28, 1866.
R. Rufus King	....do	Governor Wells	April 30, 1866.
J. P. Koffskey	Proceedings commenced as abandoned property.	....do	April 17, 1866.
Jean Kouns	Worth over $20,000	By order of the President	Mar. 25, 1866.
Ben. B. Kouns	....do	....do	Mar. 25, 1866.
D. F. Kinner	....do	Silas F. Miller	Oct. 4, 1865.

Louisiana—Continued.

Name.	Exemption under amnesty proclamation of May 29, 1865.	By whom recommended.	Date of pardon.
Richard King	Worth over $20,000	By order of the President	Sept. 1, 1866.
John E. King	Rebel commissioner	Governor Wells	Aug. 29, 1865.
Hugh S. Kennedy	Rebel assessor of war tax	do	Nov. 3, 1865.
T. H. Kennedy	Left a loyal district, and comptroller of the treasury agency of the trans-Mississippi department.	do	Sept. 5, 1865.
J. J. Kline	Rebel receiver for the court	Governor Wells, J. H. Kilpatrick, J. I. Weems, Thomas H. Morris, and R. C. Cummings	Aug. 26, 1865.
Mrs. Jane Kempe	Worth over $20,000	Governor Wells	Dec. 5, 1865.
Alex. D. Kelley	do	H. Kennedy and Thomas Cottman	Oct. 6, 1865.
B. S. Keene	do	Attorney General Speed	July 21, 1865.
W. B. Keene	do	do	July 21, 1865.
H. P. Kermochan	Aiding the rebellion	Governor Wells	Dec. 14, 1865.
Frances Lurges	Proceedings commenced for confiscation	do	Apr. 17, 1866.
M. Lattier	Worth over $20,000	Governor Wells and J. I. Weems	June 11, 1866.
A. J. Lowry	do	Governor Wells and Russell Houston	Apr. 3, 1865.
S. Levy, jr	do	By order of the President	Mar. 25, 1866.
B. F. Logan	do	Governor Wells and James I. Weems	June 11, 1866.
J. Lenabard	Left a loyal district	Governor Wells	May 9, 1866.
T. C. Littell	Rebel collector of State taxes	Governor Wells, Thomas C. Anderson, Elbert Gantt, N. Jenkins, and B. A. Martel	July 13, 1865.
Stephen D. Linton	Worth over $20,000	Governor Wells	Dec. 19, 1865.
Louis Lay	Blockade runner, and worth over $20,000	Governor Wells, A. E. Rignon, H. Kloppenburg, J. Thomkill, B. F. Sneketts, M. J. Newman, Newman Murphy, A. M. Buchanan, J. Crawford, L. N. Tanny, P. B. O'Brien, W. W. Wilson, and Henry Degruy.	Sept. 5, 1865.
T. P. Leathers	Worth over $20,000	Major General L. Thomas	July 26, 1865.
Robert W. Lusher	Rebel tax collector, commissioner of the rebel court, and marshal of the district.	Governor Wells	Sept. 2, 1865.
James H. Low	Registered enemy of the United States, and worth over $20,000.	Governor Morgan, New York	Oct. 2, 1865.
S. L. Levy	Worth over $20,000	Governor Wells	Nov. 13, 1865.
Ezra Levy	do	do	Sept. 14, 1865.
John Lords	do	Attorney General Speed and E. M. Sheild	Oct. 24, 1865.
Charles Lords	do	do	Oct. 24, 1865.
T. Landry	Proceedings commenced as abandoned property, and worth over 20,000.	Governor Wells, Robert B. Jones, John H. Hesley, and W. H. Hyman	Oct. 21, 1865.
Ambrose Lecompte	Worth over $20,000	Governor Wells	Apr. 21, 1866.
John L. Lobdell	do	do	Apr. 21, 1866.
Annie M. Marshall	do	do	Apr. 30, 1866.
Thomas H. Mortis	do	do	Apr. 30, 1866.
Philip Maher	do	do	Apr. 3, 1865.
Sarah Morris	do	do	Apr. 10, 1866.
J. W. Montgomery	do	By order of the President	Sept. 26, 1866.
John W. Montgomery	do	Governor Wells	Apr. 10, 1866.
J. T. Munroe	Left a loyal district	By order of the President	Apr. 26, 1866.
J. B. Mathews	Rebel receiver	Governor Wells	Feb. 21, 1866.

H. D. Manderville	Worth over $20,000	Governor Wells and Major General Granger	June 28, 1866.
John Mullan	do	Governor Wells	Apr. 23, 1866.
Philip A. Mullan	do	do	Apr. 23, 1866.
Dennis A. Mullan	do	do	Apr. 23, 1866.
S. McC. Montgomery	do	Governor Wells and H. Kennedy	Nov. 20, 1865.
H. W. Montgomery	Proceedings commenced for confiscation, and worth over $20,000.	Governor Wells and H. Bonney	July 11, 1865.
E. T. Merrick	Rebel judge, and proceedings commenced for confiscation.	Governor Wells, Mayor Kennedy, and Hon. C. Rozelius	July 25, 1865.
W. C. Maples	Worth over $20,000	Governor Wells, F. D. Wimbuly, J. D. Watkins, J. T. Hayes, J. J. Carter, J. W. McDonald, S. G. McKennie, W. S. Hadley, A. J. Reynolds, J. H. Murrell, C. S. Smith, William Hardy, T. B. Neal, J. D. Harper, J. P. Smith, J. W. Quarles, John F. Tompkins, John Chaffey, and D. Lacey.	Sept. 11, 1865.
John L. McCauley	Foreign agent of the rebel government, and worth over $20,000.	Governor Wells, H. W. Taylor, Albert Cammack, B. L. Lynch, Thos. C. Herndon, Hudson Grimes, J. Morgan Hull, John C. Ricks, John L. Lea, John Armstrong, A. C. Graham, A. S. Mansfield, James Syme, N. P. Noblom.	Sept. 15, 1865.
Thomas D. Marshall	Worth over $20,000	Governor Wells	Apr. 17, 1866.
J. L. Manning	do	Governor Wells and Mayor Kennedy	Oct. 28, 1865.
Robert Mott	Proceedings commenced for confiscation	Governor Wells, C. Burritt, H. Kennedy, John Chapman, William McKim, William S. Pike, Thomas Ripps, John A. Stevenson, W. M. Perkins, Samuel M. Todd, G. Sontag, A. Harris, John H. Ludwysen, M. T. N. Robinson, A. Wallace Hunter, J. G. Hirdes, G. M. Morrison, T. N. Blash, J. G. Dunlap, and Thomas Cupps.	Sept. 18, 1865.
R. C. Mott	Civil officer	Governor Wells	Nov. 15, 1865.
H. C. Miller	Rebel attorney for the district of Louisiana	Governor Wells, C. Rozelius, William H. Hunt, and M. Blair	July 25, 1865.
A. Millspaugh	Ex-United States and rebel postmaster	Governor Wells, Charles Smith, J. C. White, H. Millspaugh, George W. Ames, T. M. Wells, naval officer United States custom-house, and W. Taliaferro, postmaster, New Orleans.	July 31, 1865.
Thomas C. Manning	Rebel receiver	Governor Wells	Aug. 29, 1865.
James Marks	Worth over $20,000	do	Mar. 30, 1866.
C. H. Morrison	do	do	Mar. 29, 1866.
N. M. Marks	do	Governor Wells, J. H. Kilpatrick, T. N. Braden, Philo Alden, J. N. S. Long, and James I. Weems.	Apr. 21, 1866.
J. A. Macauley	do	Governor Wells	Dec. 13, 1865.
John Macdonald	Rebel postmaster	Governor Wells, John E. King, Thomas C. Anderson	Sept. 18, 1865.
L. B. Morris	Worth over $20,000	Governor Wells	Nov. 7, 1865.
John Moore	do	do	Feb. 23, 1866.
D. C. McCan	Proceedings commenced for confiscation	do	Oct. 23, 1865.
Paul McEnery	Rebel State depositary	Governor Wells, Robert Ray, John Ray, S. L. Slack, W. G. Q. Baker, John W. Scarborough, and Robert B. Jones.	Oct. 18, 1865.
Mrs. Jane M. McDowell	Worth over $20,000	Governor Wells	Apr. 17, 1866.
Richard McCall	do	do	Apr. 4, 1866.
John McVea	do	do	Mar. 29, 1866.
James M. McGill	do	do	Nov. 13, 1865.
Samuel McCutchon	do	do	Sept. 18, 1865.
James McCloskey	do	By order of the President	July 26, 1866.
Samuel W. McKneely	do	Governor Wells, James I. Weems, and J. H. Kilpatrick	Aug. 26, 1865.
E. Jones McCall	do	Governor Wells	Sept. 18, 1865.
James W. McCutchen	Proceedings commenced as abandoned property, and worth over $20,000.	do	Oct. 2, 1865.
R. N. McMillan	Ex United States and rebel collector of the district of Teche.	do	Oct. 2, 1865.
James A. McRady	Worth over $20,000	do	May 16, 1866.

Louisiana—Continued.

Name.	Exemption under amnesty proclamation of May 29, 1865.	By whom recommended.	Date of pardon.
R. T. Noel	Worth over $20,000	Governor Wells and James I. Weems	June 11, 1866.
E. D. Newell	do	Governor Wells	Apr. 10, 1866.
Thomas M. Newell	do	do	Apr. 10, 1866.
J. O. Nixon	Engaged in privateering	By order of the President	Apr. 26, 1866.
M. H. O. Norton	Worth over $20,000	Governor Wells and S. P. Lea	Apr. 30, 1866.
Richard Nugent	Rebel commissioner for the State of Louisiana	Governor Wells	Sept. 14, 1865.
John J. Noble	Rebel commissioner to receive subscriptions to the fifteen million loan.	do	Oct. 6, 1865.
Isaac T. Naff	Rebel tax assessor	By order of the President	June 29, 1865.
William Offutt	Worth over $20,000	Governor Wells	Apr. 10, 1866.
Sharpley Owen	do	T. J. Bell, George W. Johnson, Virgil McKnight, R. S. Woolfolk, George A. Caldwell, L. M. Sherley, W. C. Stite, J. A. Hartwell, John B. Smith.	Oct. 29, 1866.
James B. Pickett	do	Governor Wells	Apr. 21, 1866.
Harlow J. Phelps	Proceedings commenced for confiscation	William M. Dailey, special agent Post Office Department	June 14, 1866.
Arthur Picolet	Worth over $20,000	Attorney General Stanbery	Oct. 12, 1866.
William A. Pegram	do	J. J. Weems	Nov. 12, 1866.
J. F. Pargond	do	Governor Wells	Jan. 11, 1866.
Mrs. Eliza Patrick	do	do	May 31, 1866.
L. T. Pim	Left a loyal State	Hon. Montgomery Blair	June 5, 1866.
William S. Parham	Worth over $20,000	Governor Wells and H. Kennedy	Aug. 14, 1865.
E. P. Pollard	do	Major General L. Thomas	Oct. 19, 1865.
J. J. Pringle	do	Lieutenant General Grant	July 11, 1865.
A. J. Powell	Left a loyal district	Governor Wells and H. Kennedy	Sept. 23, 1865.
W. M. Perkins	Rebel commercial agent	Governor Wells and Mayor Kennedy	Sept. 23, 1865.
J. Payne	Worth over $20,000	Hon. J. Holt	July 11, 1865.
Mrs. C. M. Pritchard	Proceedings commenced as abandoned property, and worth over $20,000.	J. A. Lea	Sept. 26, 1865.
David Pipes	Left a loyal district, and worth over $20,000	Governor Wells, S. J. Norwood, A. F. Currie, and W. H. Green	Nov. 9, 1865.
Armand Pitot	Left a loyal district, and property held by supervising agent of Treasury Department.	C. Roselieus	Sept. 21, 1865.
Elijah Peale	Worth over $20,000	Governor Wells, Hon. John Covode, and J. G. Belden	Oct. 18, 1865.
Ellen H. Percy	do	Governor Wells	Dec. 5, 1865.
William T. Palfrey	do	Hon. Richard W. Dana, jr., and Rev. James F. Clark	Jan. 15, 1866.
C. W. Philips	do	Governor Wells	Jan. 9, 1866.
James M. Porter	Rebel inspector of the revenue, and assistant marshal.	do	Apr. 21, 1866.
A. J. Powell	Left a loyal district	do	Oct. 18, 1865.
H. A. Patin	Rebel postmaster	Governor Wells, L. B. Binant, P. Garn, R. T. Eastin, and G. A. Fournet	Oct. 4, 1865.
J. G. Parham	Rebel clerk in the department of Louisiana	Governor Wells, G. Beube, and J. P. Harrison	Sept. 18, 1865.
Zenas Preston	Rebel provost marshal, and worth over $20,000.	Governor Wells	Oct. 13, 1865.
John G. Peck	Worth over $20,000	do	April 3, 1866.
J. J. Poindexter	do	do	April 17, 1866.
F. H. Quitman	do	do	Sept. 2, 1865.
T. W. Roberts	do	By order of the President	Mar. 25, 1866.

Andrew S. Routh	....do	Governor Wells	April 10, 1866.
Augustus Richard	....do	By order of the President	June 11, 1866.
Mrs. Ann E. Routh	....do	Governor Wells	Mar. 13, 1866.
John K. Routh	....do	Governor Wells, Hon. Reverdy Johnson	May 5, 1866.
Miss Celestine Reynes	Left a loyal district and property seized by military authorities.	Governor Wells	July 26, 1865.
G. W. Race	Proceedings commenced for confiscation	Governor Wells and Mayor Kennedy	Aug. 2, 1865.
John Ruth	Worth over $20,000	Attorney General Speed	Sept. 28, 1865.
Mrs. E. C. Rugely	....do	Governor Wells and Hon. N. Farwell	Oct. 24, 1865.
J. B. Robinson	....do	Governor Wells, G. Burke, W. Harlington, and J. P. Harrison	Sept. 18, 1865.
P. A. Rost	Rebel commissioner to Paris, London, and Madrid and proceedings commenced for confiscation.	Jacob Barker, John E. King, Louis F. Martin, John Ray, and R. C. McKliffe	Sept. 18, 1865.
Asa Russ	Worth over $20,000	Governor Wells	Sept. 29, 1865.
Joseph D. Richards	Clerk of rebel district court	Governor Wells, L. V. Chachere, J. J. Beauchamp, and W. A. Moriarty	Aug. 29, 1865.
G. W. Race	Proceedings commenced for confiscation	Governor Wells, Samuel M. Todd, William S. Pike, William M. Perkins, B. R. Swasey, John A. Stevenson, G. Soutag, A. Harris, A. Wallace Hunter, J. G. Hirdes, G. W. Morrison, John Frankford, Luther Hontes, John Turpin, Thomas Cupps, L. F. Foner, H. G. Stitson, H. Millspaugh, G. Repe, E. M. Rusha, J. G. Dunlap, J. M. Mead, Thomas F. Nelson, A. Hoffman, and M. L. Williams.	Sept. 18, 1865.
J. L. Riddell	Ex-United States and rebel postmaster	Governor Wells and Hon. Montgomery Blair	Aug. 14, 1865.
John Smoker	Worth over $20,000	Governor Wells	Sept. 21, 1865.
E. W. Smith	....do	....do	April 30, 1866.
George O. Sweet	Proceedings commenced for confiscation	....do	Feb. 1, 1866.
L. J. Smith	Worth over $20,000	By order of the President	Nov. 1, 1866.
Francis P. Stubbs	Rebel marshal	Governor Wells	Oct. 18, 1865.
William Silliman	Worth over $20,000	Governor Wells and H. B. Chase, mayor of Clinton	Nov. 9, 1865.
R. H. Snyder	Ex-United States and rebel postmaster	Governor Wells	Nov. 7, 1865.
Mrs. Jane N. Sims	Proceedings commenced as abandoned property	Governor Wells, D. A. Maytin, Thomas Sloo, Robert Gribble, and J. Burke	Aug. 15, 1865.
Henry St. Paul	Proceedings commenced for confiscation	Governor Wells	Sept. 8, 1865.
Thomas Simms	Proceedings commenced as abandoned property	Governor Wells and H. Kennedy	Oct. 6, 1865.
D. E. Scruggs	Worth over $20,000	By order of the President	June 25, 1866.
William T. Scovell	....do	....do	Mar. 25, 1866.
Charles W. Stinde	....do	....do	Mar. 25, 1866.
J. B. Slawson	....do	Hough Kennedy and Thomas Cottman	Oct. 9, 1865.
Mrs. C. A. Slocomb	....do	Major General B. F. Butler	Aug. 3, 1865.
Ida Slocomb	....do	....do	Aug. 3, 1865.
Mrs. Caroline A. Slocomb	....do	....do	Aug. 3, 1865.
C. H. Slocomb	....do	Thomas Cottman, State agent	July 31, 1865.
Eustace Surget	....do	Lieutenant General Grant	July 11, 1865.
E. S. Story	....do	Governor Wells and E. D. Hobbs	July 11, 1865.
E. Solomons	....do	Attorney General Speed	July 22, 1865.
G. W. Scovell	....do	Governor Wells	Aug. 26, 1865.
Theo. O. Stark	Aiding the rebellion	Governors Wells and Sharkey	Aug. 23, 1866.
S. F. Slatter	Worth over $20,000	Governor Wells	Nov. 13, 1865.
H. H. Slatter	....do	....do	Nov. 13, 1865.
Michael Schlatre	....do	....do	Nov. 6, 1865.
Mrs. E. Savage	Proceedings commenced as abandoned property	Attorney General Speed	Nov. 4, 1865.
R. H. Short	Worth over $20,000	Thomas Cottman, State agent	July 31, 1865.
Norman Story	....do	Governor Wells and L. Thomas, Adjutant General	Sept. 2, 1865.
R. B. Sumner	Worth over $20,000, and proceedings commenced for confiscation.	Governor Wells and Hough Kennedy	Dec. 30, 1865.

Louisiana—Continued.

Name.	Exemption under amnesty proclamation of May 29, 1865.	By whom recommended.	Date of pardon.
John A. Stevenson	Proceedings commenced for confiscation	C. Roselius, Michael Hahn, and Randell Hunt	April 16, 1866.
Abel Skannal	Worth over $20,000	Governor Wells	April 21, 1866.
John M. Sandidge	do	do	April 17, 1866.
Mrs. Mary E. Sandidge	do	do	Apr. 17, 1866.
W. C. Sickles	Ex-United States and rebel postmaster	Governor Wells and S. Allen	July 6, 1866.
Alfred Townsend	Rebel postmaster	Governor Wells, Henry Ballard, and Charles Webb	Aug. 15, 1865.
Lewis Taxada	Violated oath	Governor Wells and W. B. Hyman	July 11, 1865.
J. W. Taybor	Ex-United States and rebel postmaster	Lieutenant Colonel Van Anda, commanding post	July 6, 1865.
Martin Tally	Worth over $20,000	James I. Weems	Sept. 12, 1866.
John Thornhill	do	Governor Wells	Apr. 27, 1866.
Paul J. Theriot	Violated oath, and proceedings commenced as abandoned property.	Governor Wells, F. Schexwailder, Thomas E. Cantey, H. Landum, and J. S. Whitaker	June 5, 1866.
Eli Tullis	Worth over $20,000	Governor Wells	Dec. 5, 1865.
Mary E. Taylor	do	do	Oct. 18, 1865.
T. C. Twichell and wife	Proceedings commenced as abandoned property, and worth over $20,000.	Julian Neville, Thomas Sloo, A. Brother, and J. M. Luprye	Sept. 18, 1865.
W. A. Violett	Worth over $20,000, and proceedings commenced for confiscation.	Governor Wells, Hough Kennedy, George Jonas, Charles Briggs, Thomas Sloo, John S. Pike, J. P. Roux, Benjamin F. Flanders, C. Roselius, Jacob Barker, A. Brother, and Samuel Bell.	Sept. 21, 1865.
John L. Vickers	Worth over $20,000	John Chaffe, W. A. Lacy, J. N. Munell, J. D. Watkins, C. H. Murphey, J. R. Head, and John G. Roles.	Oct. 11, 1866.
S. W. Vance	do	Governor Wells, H. Kilpatrick, M. P. Long, and James I. Weems	Aug. 26, 1865.
J. W. Vance	do	do	Aug. 26, 1865.
Thomas E. Vick	do	Governor Wells	Nov. 3, 1865.
E. L. Wailes	do	do	May 5, 1866.
M. N. Wood	Proceedings commenced for confiscation	William M. Daily, special agent Post Office Department	June 14, 1866.
John L. Williams	Rebel financial agent	By order of the President	Aug. 27, 1866.
R. S. Wilkins	Rebel war tax assessor	Governor Wells	Sept. 18, 1865.
George W. Ward	Rebel custodian of funds, and property sequestrated.	J. O. Fallen, Silas F. Miller, James Taylor, W. C. Stile, and L. M. Sherley	July 21, 1865.
J. B. Walton	Worth over $20,000	By order of the President	Aug. 4, 1866.
A. C. Watson	do	Governor Wells	Dec. 5, 1865.
N. O. Ware	do	John B. Sale, W. L. Walton, Robert S. Adams, William L. Cox, B. R. Howard, J. R. Sanders, and B. H. Shepard.	Dec. 5, 1865.
L. D. C. Wood	do	Governor Wells	Jan. 20, 1866.
John S. Wallis	do	do	Sept. 8, 1865.
Felix Walker	do	do	July 31, 1865.
D. D. Withers	do	do	Oct. 7, 1865.
Avery S. Winston	do	do	Nov. 3, 1865.
R. White	do	do	Mar. 29, 1866.
Valentine Werner	do	Governor Wells and Michael Hahn	April 4, 1866.
John Young	Rebel commissioner	Governor Wells, W. Jaspin Blackburn, J. W. McDonald, and J. D. Watkins	Sept. 18, 1865.
Joseph N. Young	Worth over $20,000	Governor Wells	Nov. 7, 1865.

MISSOURI.

R. M. Anderson	Indicted for treason	Hon. Austin A. King	Apr. 11, 1865.
John W. Atkinson	do	do	Apr. 11, 1865.
D. S. Atkinson	do	do	Aug. 18, 1866.
William E. Boswell	do	Hon. Austin A. King and T. E. Noel	Aug. 9, 1866.
J. F. Brookhart	do	do	Aug. 9, 1866.
H. C. Bedinger	Left a loyal district		July 18, 1866.
John Q. Barbridge	do	Governor of Missouri	Oct. 4, 1865.
William H. Brand	do	do	Sept. 2, 1865.
A. T. Bankhead	do	Hon. J. B. Henderson	June 5, 1865
H. J. Brother	do	Governor of Missouri	Sept. 11, 1865.
M. D. Ballis	do	do	Oct. 18, 1865.
George W. Bates	do	do	Oct. 18, 1865.
Robert Becket	do		Feb. 14, 1866.
J. W. Bartley	do	do	Mar. 14, 1866.
A. Don Brown	do	Hon. F. P. Blair	July 2[illegible], 1866.
R. O. Bogges	Indicted for treason	Hon. A. A. King	Aug. [illegible], 1866.
H. A. Bragg	Left a loyal district	Governor of Missouri and Hon. J. B. Henderson	May 21, [illegible].
A. G. Baird	Indicted for treason	Hon. A. A. King	Apr. 11, 1866.
Joseph Busenbark	do	do	Apr. 11, 1866.
Caleb Crews	do	Hon. John Hogan	Aug. 20, 1866.
F. T. Chew	do	Hon. A. A. King	Aug. 18, 1866.
T. J. Caldwell	Left a loyal district	Hon. John Hogan	Apr. 11, 1866.
H. E. Clark	Worth over $20,000	Governor of Missouri	Sept. 5, 1866.
David Craig	Indicted for treason	Governor of Missouri and United States attorney	Aug. 20, 1865.
Greenville Crisp	Left a loyal district		Oct. 30, 1865.
James A. Carson	do		Oct. 5, 1865.
John Casey	do		Oct. 5, 1865.
Stephen Cooper	do	Governor of Missouri	Mar. 8, 1866.
H. R. C. Cowden	Indicted for treason	Hon. A. A. King	Apr. 11, 1866.
B. P. Caldwell	do	do	Apr. 11, 1866.
Thomas J. Caldwell	do	do	Apr. 11, 1866.
Benjamin Crump	do	do	Apr. 11, 1866.
W. A. Campbell	do	do	Apr. 11, 1866.
Joseph Davis	do		Oct. 4, 1866.
S. J. Drysart	Worth over $20,000, and indicted for treason	Governor of Missouri, Hon. J. W. Hurris, and Hon. James S. Rollins	Apr. 3, 1866.
L. B. Dougherty	Indicted for treason	Hon. A. A. King	Jan. 10, 1866.
N. B. Davidson	do	do	Apr. 11, 1866.
A. P. Doak	do	do	Apr. 11, 1866.
L. M. Drace	do	do	Apr. 11, 1866.
John Ecton	Worth over $20,000	do	Jan. 9, 1866.
Morris Edwards	Indicted for treason	do	Aug. 9, 1866.
A. W. Ewing	do	Governor of Missouri and United States attorney	Aug. 26, 1866.
B. Fisher	Left a loyal district	Governor of Missouri	June 20, 1865.
J. H. Fulkerson	do	The Attorney General and Hon. John Hogan	Dec. 22, 1865.
J. M. Fulkerson	do		Mar. 8, 1866.
R. B. Fulkerson	do	Hon. A. A. King	Apr. 11, 1866.
A. K. Glover	Indicted for treason	Governor of Missouri and United States attorney	Mar. 14, 1866.
S. S. Graham	do	Hon. A. A. King	Aug. 9, 1866.

Missouri—Continued.

Name.	Exemption under amnesty proclamation of May 29, 1865.	By whom recommended.	Date of pardon.
Robert Gilleland	Indicted for treason	Hon. A. A. King	Aug. 15, 1866.
Thomas Gladden	do	Hon. John Hogan	Aug. 15, 1866.
William T. Grahum	do		Apr. 11, 1866.
John S. Graves	do		Apr. 11, 1866.
William Gaut	do		Apr. 11, 1866.
S. D. Givens	do		Apr. 11, 1866.
Charles Hodges	do	Hon. A. A. King	Aug. 18, 1866.
William Helm	Left a loyal district	do	Jan. 9, 1866.
Morris Hodges	do	Hon. John Hogan	Aug. 15, 1866.
William T. Herndon	Indicted for treason	Hon. T. E. Noel	Aug. 9, 1866.
R. W. Houx	do	Hon. F. P. Blair	July 18, 1866.
Wetcom Hodges	do	Hon. A. A. King	Aug. 18, 1866.
A. Head	Left a loyal district	Governor of Missouri and Hon. T. E. Noel	July 2, 1866.
Thomas A. Harris	do		Sept. 4, 1866.
E. B. Hull	do	Hon. J. B. Henderson	Oct. 4, 1865.
John M. Hickey	do	Governor of Tennessee	July 25, 1865.
Warwick Hough	do	Hon. John Hogan	Nov. 16, 1865.
Benjamin F. Hays	do		July 26, 1866.
E. W. Herndon	Worth over $20,000	Governor of Missouri	May 3, 1865.
William Hodges	Left a loyal district		Apr. 11, 1866.
George R. Hunk	do	Hon. A. A. King	Apr. 11, 1866.
Benjamin S. Hiatt	do	do	Apr. 11, 1866.
John Hughes	do	do	Apr. 11, 1866.
Mathias Houx	do	do	Apr. 11, 1866.
Lemuel Jones	Indicted for treason		Jan. 29, 1866.
William L. Jeffers	Prisoner of war		Apr. 12, 1866.
Jackson Kinsey	Indicted for treason	Hon. A. A. King	Aug. 18, 1866.
Isaac Kinsey	do	do	Aug. 18, 1866.
A. Kirkpatrick	do	do	Aug. 18, 1866.
James Kelly	Worth over $20,000	Hon. F. P. Blair	Nov. 1, 1866.
Joseph Kelly	do	do	Nov. 1, 1866.
S. G. Kitchen	Left a loyal district		July 16, 1866.
William H. Kennan	do	Governor of Missouri	July 6, 1866.
W. T. Lambkin	do		July 26, 1865.
S. P. Letton	do	Hon. A. A. King	Jan. 9, 1866.
R. T. Lindsay	do	do	Apr. 11, 1866.
William Lusk	Indicted for treason	The governor of Missouri and United States attorney	Mar. 14, 1866.
A. M. Lay	Left a loyal district	do	Dec. 22, 1865.
Robert Lewis	Indicted for treason	Hon. A. A. King	Aug. 9, 1866.
John C. Lee	do	do	Apr. 11, 1866.
Samuel Lunday	do	do	Apr. 11, 1865.
M. W. Lowry	do	do	Apr. 11, 1866.
Robert McCulloch	do	The Attorney General	Jan. 18, 1866.
James N. McDowell	do		Oct. 20, 1865

J. C. McKinney	do	Governor of Missouri	Mar. 8, 1866.
N. P. Minor	Left a loyal district	Governor of Missouri and Hon. J. B. Henderson	July 6, 1866.
A. J. Magenis	do		June 5, 1865.
U. F. Murray	Indicted for treason	Hon. A. A. King	Apr. 11, 1866.
H. T. McClure	Worth over $20,000	The Attorney General	Feb. 6, 1866.
James McQuilty	Left a loyal district	Hon. A. A. King	Apr. 11, 1866.
Andrew McQuilty	do	do	Apr. 11, 1866.
John P. Murray	do	do	Apr. 11, 1866.
Hiram Marsh	Indicted for treason	Hon. A. A. King and Hon. T. E. Noel	Aug. 9, 1866.
T. B. Murray	Left a loyal district	Hon. A. A. King	Mar. 8, 1866.
W. E. P. Moore	do	Hon. R. T. Van Horn	May 30, 1866.
Jacob P. Marr	Indicted for treason	Governor of Missouri and United States attorney	Mar. 14, 1866.
N. L. Norton	Left a loyal district	Governor of Missouri	June 23, 1866.
W. L. Neely	do	Hon. R. T. Van Horn	May 30, 1866.
M. A. Pullen	do	Governor of Missouri, General Grant, Hugh Campbell, Hon. M. Blair, Hon. H. T. Blow, and Hon. R. Walker.	June 19, 1865.
C. H. Prather	do	Governor of Missouri	July 6, 1866.
Lewis W. Pemberton	do	Hon. A. A. King	Apr. 11, 1866.
L. G. Pettis	do	do	Apr. 11, 1865.
Charles G. Phillips	do	do	Apr. 11, 1866.
W. M. Pitts	do	do	Apr. 11, 1866.
Isaac Ruffner	Worth over $20,000	Governor of Missouri and Attorney General	Feb. 7, 1866.
P. S. Ryles	Indicted for treason	Hon. T. E. Noel	Aug. 9, 1866.
Michael Rentich	Left a loyal district	Hon. John Hogan	Aug. 15, 1866.
Thomas C. Rowland	Indicted for treason	Governor of Missouri	July 6, 1866.
Hedgeman Reynolds	do	Hon. A. A. King	Apr. 11, 1866.
James E. Rankin	do	do	
John M. Shonse	Left a loyal district	R. T. Van Horn	May 30, 1866.
J. D. Scaggs	do	Hon. A. A. King	Aug. 18, 1866.
A. W. Slayback	do	Hon. G. Clay Smith, B. M. Hughes, and J. N. Rhodes	Mar. 21, 1866.
Benjamin J. Sandridge	Indicted for treason	Colonel John F. Philips, Brigadier General Gage, and E. B. Brown	Aug. 9, 1866.
Epaphroditus Sydnor	Left a loyal district	Governor of Missouri and J. B. Henderson	Oct. 4, 1866.
Caleb S. Stone	Rebel cotton agent	Major General Dodge and General Barnes	June 14, 1865.
James J. Searcy	Indicted for treason	Governor of Missouri	Aug. 8, 1866.
Dewitt C. Stone	Left a loyal district	do	Oct. 4, 1865.
John Tamplon	do	do	July 2, 1866.
W. W. Salmon	Indicted for conspiracy	Austin A. King, John M. Richardson, and Henry Stanbery, Attorney General	Aug. 20, 1866.
J. C. Strange	Left a loyal district	Governor of Missouri	Apr. 11, 1866.
Samuel Simpson	do	do	July 2, 1866.
L. A. Scott	do	Hon. John Hogan	Aug. 20, 1866.
James Stewart	do	Governor of Missouri	Aug. 9, 1866.
G. W. Thompson	do	do	Apr. 11, 1866.
J. T. V. Thompson	Indicted for treason	Governor of Missouri and John Hogan	Mar. 23, 1866.
Clay Taylor	Left a loyal district	Major General Herron, B. Gratz Brown, Samuel B. Churchill, Henry T. Blow, J. B. Henderson, and Governor Fletcher.	Sept. 18, 1865.
William Tives	do	Governor of Missouri	Apr. 11, 1866.
S. T. Tives	do	do	Apr. 11, 1866.
J. C. C. Thornton	do	A. A. King	Apr. 11, 1866.
R. F. Taylor	do	Hon. John Hogan	Aug. 15, 1866.
Thomas Thomas	Proceedings for confiscation commenced	Governor of Missouri	Aug. 9, 1866.
Benjamin F. Thomas	Indicted for treason	do	Mar. 14, 1866.
John Umstadt	Left a loyal district	Hon. John Hogan	Aug. 20, 1866.

Missouri—Continued.

Name.	Exemption under amnesty proclamation of May 29, 1865.	By whom recommended.	Date of pardon.
William G. Virgin	Proceedings for confiscation commenced	Governor of Missouri	Aug. 9, 1866.
Joel W. Warren	do	do	Aug. 9, 1866.
D. W. Williams	do	Hon. John Hogan	Aug. 20, 1866.
John P. Warwick	do	Governor of Missouri	Aug. 9, 1866.
John F. West	Left a loyal district	do	Aug. 15, 1866.
William C. Webb	Proceedings for confiscation commenced	do	Jan. 9, 1866.
John V. Webb	do	do	Jan. 9, 1866.
Kemp M. Woods	do	do	Jan. 9, 1866.
John E. Wright	Left a loyal district	J. B. Henderson	Oct. 27, 1865.
Charles N. Wright	do	do	Oct. 27, 1865.
Richard O. Woolfolk	do	J. B. Henderson and Governor of Missouri	Oct. 4, 1865.
Wyatt Webb	do	A. A. King	Apr. 11, 1866.

TENNESSEE.

R. A. Armstrong	Indicted for treason	Governor Brownlow	Oct. 26, 1865.
F. Alexander	Indicted for furnishing supplies to rebels	A. J. Tipton, J. B. Douthat, and H. C. Bensley	Nov. 13, 1865.
J. D. Akan	Indicted for treason	Governor Brownlow	Aug. 15, 1865.
Joseph R. Anderson	Rebel tax assessor	By order of the President	May 30, 1865.
Robert A. Armstrong	Indicted for treason	John Williams, John Baxter, and T. M. Hazen	Nov. 13, 1865.
T. H. Allen	Left a loyal State	Governor Brownlow	Oct. 6, 1866.
Audley Anderson	Rebel enrolling officer	do	Oct. 2, 1865.
John Alexander	Indicted for treason	do	Oct. 2, 1865.
W. T. Avery	Rebel officer in post office department	Henry G. Smith, J. E. Merriman, J. M. Hill, Wm. M. Farmingham, and D. M. Leatherman	July 10, 1865.
John Allison	Indicted for treason	Henry Hoss, John A. Wilds, James A. Dilworth, and Governor Brownlow	Nov. 6, 1865.
John D. Alexander	Rebel postmaster	Governor Brownlow, John S. McGoughey, Joseph H. Thompson, Joseph Ramsay, and W. Thompson.	Aug. 15, 1865.
W. W. Blackmore	Partisan ranger	Joseph Thompson, Joseph Ramsay, and W. Thompson	Oct. 22, 1866.
J. A. Buckner	Rebel enrolling officer	Robert Netherlands	June 12, 1865.
A. A. Broyles	Ex-United States and rebel postmaster	Henry Hoss, S. J. W. Lucky, Samuel B. Cunningham, J. M. Hoss, J. A. Dilworth, and A. R. Nelson.	Nov. 6, 1865.
James W. Bowman	Indicted for treason	A. W. Armstrong, L. D. Dearmond, John Williams, J. M. Julian, James King, Charles Morrow, and Thomas A. Smith.	Sept. 18, 1865.
William L. Brown	Worth over $20,000	Governor Brownlow	Aug. 18, 1865.
J. L. Bullock	Indicted for conspiracy	Samuel M. Arnell, J. B. Frierson, A. J. Fletcher, and Governor Brownlow	July 26, 1865.
Robert M. Barton	Indicted for treason	John E. Kidwell, William A. Kidwell, G. W. Lynch, J. Netherland, O. P. Semple, and James P. Swann.	Aug. 27, 1865.
John E. Blackwell	do	Governor Brownlow	Nov. 13, 1865.
Samuel J. Bryan	Proceedings commenced for confiscation	James T. Sheely, William Foster, Thomas Cofer, A. J. Chrisman, Jas. M. Clark, D. L. Hurtsell, and Governor Brownlow.	Oct. 21, 1865.

A. A. Bruner	Ex-United States and rebel postmaster	Governor Brownlow	Oct. 12, 1865.
Hiram Bogle	Rebel postmaster	Thomas Clark, Governor Brownlow, James C. Sheddan, Henry Brakehill, J. A. Porter, John Jones, J. S. Doyle, R. M. Brown, and John Flenniken.	Oct. 12, 1865.
H. T. Bradford	Proceedings commenced for confiscation	Governor Brownlow	Oct. 5, 1865.
Z. L. Burson	Indicted for treason	E. R. McLain, J. Netherland, Jos. M. Logan, S. H. Smith, and John R. Bronner	Sept. 20, 1865.
E. K. Buchman	Indicted for giving aid and comfort to rebels	Stephen D. Stewart, Richard Deakins, James Bowman, Joshua S. Hamilton, E. Ford, William H. Britt, A. M. Stewart, and Governor Brownlow.	July 26, 1865.
A. M. Brown	Ex-United States and rebel postmaster	Henry Stoss, G. W. Telford, Samuel Snapp, Andrew Shell, S. S. Logan, and Governor Brownlow.	July 26, 1865.
S. W. Baines	Indicted for treason, and rebel sheriff	Nathan Shipley, Thomas E. Jones, John Jones, Elias Arterburn, Elbert A. Shipley, and Governor Brownlow.	Nov. 6, 1865.
William M. Bayless	Indicted for treason and rebel enrolling officer	D. P. Hensley, L. W. Holdwell, Isaac Emmert, B. Bashor, B. F. Smith James B. Strain, Isaac Sayborn, and Governor Brownlow.	Aug. 8, 1865.
John W. Barker	Worth over $20,000	Hon. C. Johnston	Aug. 18, 1866.
William K. Blair	Proceedings commenced for confiscation	By order of the President	Aug. 20, 1866.
Washington Barrow	Worth over $20,000	Major General Dix and Governor Brownlow?	Oct. 6, 1865.
W. Brazelton	Indicted for treason	Governor Brownlow	Nov. 6, 1865.
A. L. Burene	Rebel postmaster	S. H. Henderson, A. P. Caldwell, Richard M. Delb, W. M. Piper, Chas. J. McKinney, Thomas J. Amis, and Governor Brownlow.	Oct. 23, 1865.
Neill S. Brown	Indicted for treason	James Whitworth and Governor Brownlow	Oct. 26, 1865.
F. A. Butler	Rebel postmaster	John Williams, A. G. Jackson, Gaines McMillan, E. Longley, and Governor Brownlow.	July 15, 1865.
W. P. Brewer	Indicted for treason	E. A. Millard, M. Lipps, Henry Johnson, and Governor Brownlow	Oct. 23, 1865.
William C. Baley	Rebel postmaster	Thomas Smith, John M. Strong, William M. Sawyers, C. Rutherford, J. H. Rudd, A. A. Meek, P. H. Skaggs, W. H. Carter, Jos. C. Strong, and O. P. Temple.	Nov. 13, 1865.
A. J. Bankston	Left a loyal district	G. W. Gaines, Robert Carter, Daniel Heiskell, and R. F. Sorrggs	Nov. 13, 1865.
James Biggs	Indicted for treason	Governor Brownlow	Nov. 20, 1865.
H. B. Bowling	Ex-United States and rebel postmaster	D. K. Young and Samuel D. Leinhart	Oct. 30, 1865.
Jacob F. Broyles	Indicted for treason	J. L. Simpson, J. M. Hoss, Samuel B. Cunningham, W. M. Reese, J. Boyd, E. Armstrong, and Samuel Miller.	Oct. 24, 1865.
E. Birdwell	do	J. N. Baker, Samuel Snapp, F. Hunt, John H. Fain, and J. Gott	Nov. 13, 1865.
William D. Browder	do	James M. Autt, B. G. Glage, Lee Vaghn, Richard McAndrew, Daniel Heiskell, Thomas Yearwood, G. Smythe, and Governor Brownlow.	Oct. 21, 1865.
Edward Brown	do	A. C. Robeson, George W. Bridges, R. M. Fisher, James H. Hornsby, Horace Phillips, John G. Helm, M. Gaston, C. P. Alexander, B. Gilbert, A. L. Henderson, William Burns, B. Willis, W. C. Owen, G. W. Standefer, Geo. W. Ross, G. W. Kinder, and Governor Brownlow.	Oct. 21, 1865.
John Berry	Rebel postmaster	Governor Brownlow	Oct. 2, 1865.
R. P. Birdwell	Indicted for treason	do	Oct. 2, 1865.
H. T. Berry	do	Alfred C. Williams, A. Jobe, A. J. Sifon, James M. Cameron, and C. C. Wilcox	Sept. 27, 1865.
Joseph Birdwell	do	J. N. Barker, Samuel Srapp, Franklin Hunt, and John C. Lain	Nov. 13, 1865.
A. Boggess	do	Governor Brownlow	Oct. 9, 1865.
J. W. Bowman	do	William Heiskill, G. W. Adney, John W. Parmester, R. Snead, and E. C. Srigg	Nov. 13, 1865.
John W. Barkers	Worth over $20,000	John W. Gorham	Nov. 20, 1865.
Philemon Bird	do	W. Crutchfield, W. C. King, G. W. Rider, J. H. Gant, Geo. W. Bridges, John H. Hardie, Thomas Crutchfield, G. W. James, and Governor Brownlow.	Nov. 4, 1865.
William E. Butler	do	John M. Carmack and Governor Brownlow	Nov. 1, 1865.
Jesse Butcher	Indicted for treason	R. H. Savage, William Bayless, Amos Evans, Alfred Wilson, A. Haynes, J. C. Baker, Daniel Smith, Alfred S. Miller, R. A. Hardy, and Governor Brownlow.	Apr. 30, 1866.
William Browder	do	By order of President Johnson	July 6, 1866.
James Biggs	do	Samuel Henry, James Davis, Isaac Brannan, R. A. Crawford, William Brannon, and Governor Brownlow.	Nov. 20, 1866.
J. J. Browder	do	By order of the President	Dec. 20, 1865.

Tennessee—Continued.

Name.	Exemption under amnesty proclamation of May 29, 1865.	By whom recommended.	Date of pardon.
John L. Brown	Indicted for treason	R. M. Brown	Oct. 25, 1865.
Lewis Bowers	do	James Jones, George Kinney, D. R. Gass, Colonel David Fry, John A. Mason, A. W. Walker, J. C. Hawkins, and Governor Brownlow.	May 16, 1866.
John W. Bryan	Worth over $20,000	Samuel J. Carter, T. A. Atchison, and Governor Brownlow	Nov. 23, 1865.
William P. Bryan	do	Governor Brownlow	Oct. 9, 1865.
Thomas J. Brown	do	do	Sept. 3, 1865.
John M. Bass	do	Attorney General Speed	Sept. 6, 1865.
B. M. Browder	do	B. B. Glenn and Governor Brownlow	Oct. 2, 1865.
W. G. Bryan	do	Judge Patterson and Edward Cooper	Oct. 3, 1865.
Thomas J. Brown	do	By order of the President	Aug. 18, 1865.
Samuel J. Boyce	do	C. W. Vinson, M. R. Thurman, A. James, and William W. Boyce	Mar. 6, 1866.
John M. Boyd	do	By order of the President	May 28, 1866.
H. B. Bowling	Ex-United States and rebel postmaster	Governor Brownlow	May 16, 1866.
R. C. Brinkley	Worth over $20,000	J. M. Toomey	Sept. 14, 1865.
J. K. Christian	do	Governor Brownlow	Oct. 2, 1866.
G. W. Cunningham	do	Governor Brownlow, John P. White, Samuel J. Carter, M. Burns, and James R. Sillin	Aug. 12, 1865.
James F. Cummings	do	Attorney General Speed, Hon. E. Cooper, and Isaac Scott	July 6, 1865.
John W. Campbell	do	Governor Brownlow, Judge Smith, and Alvin Hawkins	Aug. 19, 1865.
Jeremiah Cleveland	do	Governor Brownlow and Hon. E. Cooper	Aug. 26, 1865.
John T. Carmichael	do	Hon. H. Maynard	July 7, 1865.
E. Cates	Worth over $20,000, and proceedings commenced for confiscation.	Governor Brownlow, A. M. Cate, and J. W. Henderson	Aug. 29, 1865.
M. R. Cockrill	Worth over $20,000	Attorney General Speed, Governor Brownlow, Horace H. Harrison, and Russel Houston	Nov. 14, 1865.
S. R. Cockrill	do	Governor Brownlow and Russel Houston	Oct. 18, 1865.
Philip Critz	Indicted for treason	George Bradshaw, G. W. Wells, and Daniel Rogan	Feb. 8, 1866.
James K. Cox	do	James Henry, David Chandler, A. L. Sparks, John Williams, Andrew Krett, and John F. Henry.	May 16, 1866.
D. R. Cook	Worth over $20,000	Governor Brownlow, W. H. Fitch, J. E. Merrimand, William Wallace, P. M. Winters, R. Saunders, and Thomas Leonard.	Aug. 11, 1865.
James E. Carter	Indicted for treason	By order of the President	May 28, 1866.
David J. Carr	Ex-United States and rebel postmaster	D. J. Gibson, Alfred Carr, Henry Hoss, William H. Maxwell, J. F. Grisham, Shelby T. Shipey, H. H. Carr, Peter M. Reeves, Samuel Cunningham, S. M. Hoss, and Tipton Jobed.	June 12, 1865.
William R. Cunningham	Worth over $20,000	Governor Brownlow	Mar. 28, 1866.
John Cameron	Indicted for treason	do	Apr. 17, 1866.
W. A. Crawford	do	Governor Brownlow, John Keys, Joseph C. Cox, J. B. Hurt, Henry Hoss, L. W. Keen, and J. D. Cox.	Aug. 15, 1865.
J. B. Clements	Rebel marshal of Tennessee	Mary A. White, John P. White, M. Burns, and Edwin H. East	Aug. 8, 1865.
B. N. Clements	Rebel officer in post office department	do	Aug. 8, 1865.
William H. Crawford	Indicted for treason	Colonel Johnson	Sept. 18, 1865.
R. G. Clark	do	P. Dickinson, John Williams, John M. Fleming, John Baxter, James H. Cowan, and Alvin Barton.	Oct. 26, 1865.
Charles Coffin	do	Governor Brownlow	Sept. 25, 1865.
John W. Childress	Left a loyal district, and proceedings commenced on abandoned property.	Mrs. James K. Polk	July 11, 1865.

W. H. Cannon	Rebel postmaster	Governor Brownlow	Sept. 30, 1865.
John B. Cottrell	Indicted for treason	do	July 11, 1865.
Joseph H. Crouch	do	do	July 11, 1865.
Jesse H. Crouch	do	do	July 11, 1865.
R. G. Clark	do	John Williams, G. M. Hazen, W. C. Kyle, and R. A. Crawford	Oct. 5, 1865.
James Cox	do	William C. Snapp and Samuel Evans	Nov. 16, 1865.
Samuel B. Campbell	Proceedings commenced for confiscation	William White, J. R. Pace, A. A. Kyle, W. C. Kyle, John Biernes, Samuel Wells, James W. Sheffy, F. McMillin, James H. Gilmore, and Governor Brownlow.	Nov. 7, 1865.
William B. Childress	Indicted for treason	By order of the President	Nov. 13, 1865.
James P. Coffin	Indicted for treason, and proceedings commenced for confiscation.	Governor Brownlow, S. L. Henderson, Archibald Martin, Joseph Thompson, William White, and R. Mitchell	Nov. 4, 1865.
G. S. Cecil	Indicted for treason	S. E. Lyon, John Devault, William P. Miller, W. B. Crookshank, A. W. Brabson, and A. B. Brabson.	Nov. 6, 1865.
Joseph A. Conley	do	Governor Brownlow, Samuel Garst, Isaac Bacon, Henry M. Jones, John Beall, William Pursell, John K. Carr, N. Campbell, Jesse Bacon, Samuel Miller, and D. G. Gibson.	Sept. 27, 1865.
James A. Cate	Ex-United States and rebel postmaster	Governor Brownlow	Sept. 27 1865.
J. A. Crumley	Indicted for treason	Governor Brownlow, Jacob Hendrickson, Thomas C. Johnson, A. Jobe, Thomas M. Hilton, James T. Scott, and A. Carr.	Sept. 27, 1865.
H. T. Carr	Member of rebel legislature	Governor Brownlow	Oct. 14, 1865.
Samuel C. Crozer	Indicted for treason	do	Sept. 27, 1865.
James W. Cox	do	Governor Brownlow, James Haws, John Beals, A. M. Workman, Jas. A. Wells, Calvin Cox, David F. Hall, and John B. Hale.	Sept. 27, 1865.
John H. Crawford	do	By order of the President	Nov. 7, 1865.
Joseph D. Clarke	do	Governor Brownlow	Oct. 19, 1865.
J. R. Crumley	do	E. A. Millard, Robert White, and E. W. Ellis	Oct. 21, 1865.
R. F. Crumley	do	do	Oct. 21, 1865.
Alfred Caldwell	Proceedings commenced for confiscation	Governor Brownlow	Sept. 25, 1865.
J. O. Craighead	Indicted for treason	do	Oct. 2, 1865.
R. P. Chase	Rebel postmaster	Samuel Evans	Nov. 13, 1865.
W. W. Cox	Indicted for treason	Joseph M. Logan, H. C. Smith, William B. Proffit, E. L. C. Wilson, Jacob Douglass, John B. Douglas, G. W. Wells, James Flinn, George Finck, E. More, Isaac Chase, and Governor Brownlow.	Oct. 2, 1865.
David Caldwell	Proceedings commenced on abandoned property	Governor Brownlow	Aug. 12, 1865.
Charles Cook	Indicted for treason	do	Aug. 12, 1865.
Rev. W. H. Crawford	do	Robert Taylor	Nov. 13, 1865.
J. P. Carruthers	Left a loyal district	By order of the President	July 26, 1866.
Thomas Claiborne	Ex-captain United States army and rebel lieutenant colonel.	Governor Brownlow	Aug. 12, 1865.
J. B. Cook	Left a loyal district, and indicted for treason	A. Marshman, George W. Bridges, James T. Shelly, Oliver M. Dodson, Enoch Collins, James Howe, George W. Ross, James B. Taylor, James R. Gettys, James H. Hornsby, Thomas P. Duggon, J. D. Moore, George W. Bridges, William H. C. Thompson, Thomas B. McClure, James M. Henderson, M. S. Phillips, R. M. Fisher, William Burns, John F. Sliver, David Cleage, N. J. Peters, and William Burk.	Nov. 13, 1865.
W. W. Carnes	Educated at United States naval school, and captain in rebel army.	Samuel Yate	Nov. 27, 1866.
D. F. Cocke	Worth over $30,000	Governor Brownlow	Aug. 14, 1865.
Henderson Carters	Indicted for treason	Governor Brownlow, J. S. Hurst, H. C. Hurst, A. G. Small, A. D. Briant, J. H. McGill, James Hickey, R. M. Fisher, John L. AtLee, James Seemer, J. Grubb, B. Wells, G. W. Kinder, and George W. Ross.	Oct. 21, 1865.
Frank C. Dunnington	do	By order of the President	Aug. 18, 1865.
N. S. Dulaney	do	Governor Brownlow, S. D. Stewart, George G. Stewart, A. M. Stewart, J. N. Baker, George Faust, and Samuel Evans.	July 25, 1865.

Tennessee—Continued.

Name.	Exemption under amnesty proclamation of May 29, 1865.	By whom recommended.	Date of pardon.
David D. Duff	Indicted for treason	By order of the President	Mar. 8, 1866.
B. G. Dysart	Left a loyal district	Governor Brownlow	Aug. 15, 1865.
Philip Davis	Indicted for treason	Governor Brownlow, Captain Hendrickson, Edmon Glover, Owen Sams, Moses P. Robinson, Rindy Glover, Eliza Jane Sames, Susan Miller, George Miller, Joseph Lyon, Mary A. Lacy, Ann Lacy, Catharine Penex, and Nancy Ann Lacy.	Sept. 27, 1865.
James M. Dobbs	Worth over $20,000	R. Henderson, R. N. Croft, W. Crutchfield, John King, Samuel Crutchfield, A. James, and G. W. Rider.	Jan. 13, 1866.
B. F. Dill	do	W. Wallace and Henry P. Hulbert	July 28, 1865.
L. V. Dixon	do	Governor Brownlow	Oct. 12, 1865.
J. Alexander Davis	Indicted for treason	Joseph H. Davis, A. J. White, Joseph W. Hicks, J. C. Siplan, John G. Brown, and W. H. Craigmiles.	July 6, 1866.
E. L. Dugger	do	Governor Brownlow	May 16, 1866.
W. H. DeWitt	Rebel member of Congress	Hon. William B. Stokes, Andrew McClain, Charles C. Shryer, J. Shackelford, and Governor Brownlow.	Dec. 8, 1865.
J. E. Dulaney	Indicted for treason	Governor Brownlow, W. C. Snapp, F. Steerm, T. B. Rhu, Samuel Evans, E. Ayers, and Samuel Snapp.	July 25, 1865.
R. D. Duncan	Rebel postmaster	Governor Brownlow	Aug. 10, 1865.
Houston P. Dickey	Indicted for treason	By order of the President	Dec. 29, 1865.
William L. Dewitt	do	Governor Brownlow	Oct. 24, 1865.
William W. Dickey	Proceedings commenced for confiscation	R. R. Cleaveland, W. N. B. Jones, Thomas J. Moore, A. W. Cozart, and Thomas Laughlin.	July 6, 1866.
William P. Deadrick	Worth over $20,000	John W. Leftwich	July 18, 1866.
M. D. Deadrick	do	do	July 18, 1866.
Thomas Donelson	Indicted for treason	Governor Brownlow	Oct. 2, 1865.
W. R. Delaney	do	do	Aug. 12, 1865.
John R. Delaney	Ex-United States and rebel postmaster	Governor Brownlow, E. W. Ellis, Samuel McGaughey, and E. D. Reeder	Aug. 12, 1865.
John F. Donk	Left a loyal district	Horace H. Harrison	June 6, 1865.
George Dixon	do	J. E. Merriman, I. M. Hill, A. P. Bardell, P. Miller, William M. Farington	July 5, 1865.
A. J. Dodson	Ex-United States and rebel postmaster	Governor Brownlow, James D. Porter, John W. Mattock, Samuel W. Burk, Hamilton Dearee, C. C. Guffey, Joel Perkinson, W. A. Brelson, G. W. Etter, R. A. Lowry, B. J. Stone, J. W. Brown, B. F. White, Thomas Epperson, John Orton, F. A. Petit, John Rogers, R. B. Thompson, F. M. Millard, and J. W. Melton.	Nov. 13, 1865.
A. V. Deaderick	Indicted for treason	Governor Brownlow	Sept. 27, 1865.
J. G. Deaderick	do	do	Sept. 27, 1865.
W. V. Deaderick	do	do	Sept. 27, 1865.
John R. Davis	Left a loyal district	J. G. Frazer and M. Frazer	June 21, 1865.
A. R. Edmonds	Rebel postmaster	A. A. Kyle, R. Mitchell, W. C. Kyle, and Joseph M. Logan	Sept. 30, 1865.
Paul F. Eve	Left a loyal district	A. S. Lindsly, M. Burns, Samuel J. Carter, and Governor Brownlow	Aug. 18, 1865.
Thomas Evans	Worth over $20,000	Governor Brownlow, David Cleage, John King, J. L. Hopist, George W. Bridges, James Howe, R. M. Fisher, Thomas B. McClure, J. C. McGaughey, Thomas Caldwell, John F. Sliver, J. Grubb, M. R. May, A. M. Dodson, and W. H. Briant.	Oct. 24, 1865.
T. W. Evans	do	John P. White, H. Douglass, and E. M. Bruce	Aug. 26, 1865.
William S. Emmons	Indicted for treason	Governor Brownlow and Samuel Milligan	May 16, 1866.
Henry Etter	do	Governor Brownlow, Seth J. Lucky, J. M. Hoss, Henry Hoss, and William H. Maxwell.	Oct. 2, 1865.

J. G. Eanes	ditto	Governor Brownlow, J. N. Barker, Samuel Evans, J. O. B. Cloud, G. W. Sells, and S. D. Stewart.	July 25, 1865.
W. W. Epps	Ex-United States and rebel postmaster	James A. Wells, Joseph Keebler, L. C. Hale, S. R. Haws, James Hawes, David S. Hall, S. H. Baxter, and M. English.	June 9, 1865.
Thomas Evans	Left a loyal district, and worth over $20,000	James T. Shelly, General Joseph Cooper, George W. Bridges, James Howe, William H. Bryant, J. M. Grubb, R. M. Fisher, O. M. Dodson, A. Blizard, and James R. Gettys.	Oct. 26, 1865.
Samuel B. Ellis	Rebel postmaster and enrolling officer. Indicted for treason.	Lawrence Bowers, H. Hall, Isaac Wine, Samuel Wine, Thomas Dyer, John Raggia, Henry Fall, J. F. Grisham, and D. J. Carr.	Nov. 6, 1865.
William R. Ellison	Indicted for treason	Governor Brownlow	Apr. 17, 1866.
Joseph Etter	Ex-United States and rebel postmaster	George Jones, Jacob Keicher, Isaac Bible, Adam Knipp, and D. R. Gass	Apr. 9, 1866.
Henry Farmer	Left a loyal district	Governor Brownlow, William Cross, John Black, John A. McKarney, Alfred Cross, and Samuel Worthington.	July 6, 1866.
John L. M. French	Worth over $20,000	Governor Brownlow	May 3, 1866.
William D. Fain	Ex-United States and rebel postmaster	Charles J. Jenkins, governor of Georgia	Feb. 14, 1866.
C. O. Faxon	ditto	William Faxon, of the Navy Department	Sept. 5, 1865.
Thomas A. Faw	Rebel postmaster	Henry Johnson, Peter M. Reeves, Tipton Jobe, John H. Bowman, James S. Hunt, Samuel H. Miller, J. M. Carr, E. S. Miller, N. S. Williams, and J. F. Grisham.	May 31, 1865.
John L. M. French	Worth over $20,000	John B. Brownlow and Hon. William B. Stokes	May 3, 1866.
Isaac W. R. Franklin	Indicted for treason	By order of the President	June 13, 1866.
M. S. Frierson	ditto	Governor Brownlow, James H. Thomess, W. C. Whithone, A. O. P. Nicholson, and Russell Houston.	Oct. 12, 1865.
H. L. W. French	ditto	Governor Brownlow	Oct. 2, 1865.
John H. Finley	ditto	ditto	Oct. 2, 1865.
W. S. Findlay	Rebel postmaster	ditto	Aug. 12, 1865.
W. G. Foiste	Indicted for treason	Governor Brownlow, Samuel Edgeman, E. D. Pence, George Faust, James G. Hicks, John S. Gaines, Lott Pence, Joseph Lynn, John H. Fain, and William H. Fain.	Aug. 15, 1865.
L. B. Fite	Proceedings commenced for confiscation	Governor Brownlow, M. Burns, and Joseph S. Fowler	Aug. 19, 1865.
R. P. Fickle	Indicted for treason	F. L. Baumgardner, J. F. Anderson, and John S. Snapp	Nov. 16, 1865.
Thomas W. Farley	ditto	William Buckles, William L. Smithson, James Mills, Lewis Whitaker, J. D. S. Phipps, G. W. Sells, and M. Tipps.	Nov. 13, 1865.
R. C. Foster	ditto	Horace N. Harrison and David T. Patterson	Oct. 30, 1865.
Robert C. Foster	ditto	Governor Brownlow and H. H. Harrison	Sept. 5, 1865.
A. Fine	ditto	G. W. Nelson, G. W. Lefford, D. Nead, J. Y. Hartsell, and D. J. Carr	Apr. 11, 1866.
H. M. Folsom	ditto	John K. Miller, C. C. Wilcox, John W. Ellis, J. B. Miller, John F. Bowan, A. Jobe, G. B. Daniel, John M. Smith, Henderson Roberts, and James Anefel.	Aug. 15, 1865.
George W. Folsom	ditto	John K. Miller, J. B. Miller, John M. Smith, A. Jobe, C. C. Wilcox, Landin Carter, H. Roberts, and R. J. Nolby.	Aug. 15, 1865.
George P. Faw	ditto	Governor Brownlow, R. K. Butler, H. C. Smith, James White, D. T. Wilds, Henry Hoss, and Lawrence Bowers.	May 31, 1865.
R. G. Fain	Educated at West Point, and rebel colonel	A. P. Caldwell, H. Davis, A. R. Nelson, F. S. Heiskell, A. A. Kyle, and C. A. Mitchell	Oct. 2, 1865.
H. A. Farnsworth	Indicted for treason	By order of the President	Oct. 12, 1865.
George W. Gardenhire	Left a loyal district	James R. Hood, A. P. Hunter, H. H. Kroft, R. Henderson, and A. James	May 5, 1866.
William H. Grider	Worth over $20,000	Governor Brownlow, H. Grider, B. C. Ritter, L. S. Trimble, A. Harding, and C. S. Shanklin.	Mar. 9, 1866.
A. L. P. Green	ditto	Governor Brownlow, Russell Houston, John McClelland, M. Burns, John P. White, John H. Smith, H. G. Scovel, J. B. Knowles, and A. B. Shankland.	Sept. 25, 1865.
W. W. Gibbens	Indicted for treason	William Heiskell, A. G. Jackson, James C. Luttrell, E. C. Srigg, E. W. Armstrong, and James M. Meek.	May 9, 1866.
M. C. Galloway	Ex-United States and rebel postmaster	By order of the President	Oct. 3, 1865.
David Good	Rebel enrolling officer	G. D. Mitchell, J. M. Brobeck, M. C. Hunter, Samuel Meek, John H. Fain, and William Henry Maxwell.	Nov. 6, 1865.
A. L. Gammon	Indicted for treason	Stephen D. Stewart, James B. Stewart, A. M. Stewart, H. L. Gammon, and D. J. Ford	Oct. 21, 1865.

Tennessee—Continued.

Name.	Exemption under amnesty proclamation of May 29, 1865.	By whom recommended.	Date of pardon.
Isaac W. George	Indicted for treason	Governor Brownlow, John F. Henry, James Henry, J. C. Gillespie, A. A. Kennedy, Peter Rule, and A. McBath.	Sept. 22, 1865.
William Gammon	Rebel postmaster	By order of the President	June 12, 1865.
William Gofourth	Indicted for treason	Governor Brownlow, A. A. Kyle, W. C. Kyle, John Blevins, John Caldwell, Andrew Shell, James W. Meek, N. W. Earnest, E. A. Sawyer, G. W. Telford, John Talbot, Peter M. Reeves, G. W. Nelson, W. Galbraith, John C. Fain, and E. Davis.	Aug. 15, 1865.
John F. Goodner	....do	Governor Brownlow, Hon. William B. Stokes, J. G. Frazer, Z. W. Frazer, and W. B. Campbell.	Oct. 27, 1865.
James W. Gillespie	....do	Governor Brownlow, David Cleage, James M. Henderson, C. M. Keith, A. Blizard, T. W. Burge, John F. Stover, R. M. Fisher, and M. L. Phillips.	Oct. 9, 1865.
Albert Graham	Worth over $20,000	By order of the President	July 2, 1866.
George L. Gillespie	Indicted for treason	....do	July 6, 1866.
H. Goucheneur	....do	M. A. Roadman and Jos. Rutherford	Apr. 17, 1866.
Thomas M. Gregg	....do	Governor Brownlow	Apr. 17, 1866.
Francis Gibson	Rebel enrolling officer	Governor Brownlow, John B. Clark, H. Hunt, Jacob Barron, and M. S. Mchoney	Oct. 19, 1865.
Thomas P. Graham	Rebel postmaster	Governor Brownlow, W. C. Kyle, R. C. Woodson, William Eppes, M. B. Overton, J. Netherland, and James P. Swann.	Nov. 1, 1865.
Nathan Gammon	Indicted for treason	By order of the President	Sept. 5, 1865.
W. D. Gale	Worth over $20,000	William T. Berry and M. Burns	Aug. 12, 1865.
George L. Gillespie	Left a loyal State	Governor Brownlow	July 6, 1866.
John C. Grace	Indicted for treason	....do	Dec. 28, 1865.
A. S. Grant	....do	....do	Dec. 28, 1866.
Austin Hall	....do	B. F. Tipton, J. J. Jenkins, Henry Hall, Eli Floyd, Amos Gobble, J. K. Grills, M. L. Carter, Richard Floyd, L. S. Roberts, Joseph Howell, W. T. Pennear, and E. Baker.	May 16, 1866.
J. M. Harbison	Rebel postmaster	J. Netherland	Feb. 19, 1866.
B. D. Harman	Worth over $20,000	Hon. E. Cooper and L. Owen	Oct. 5, 1865.
William R. Hunt	....do	Hon. E. Cooper, F. S. Richards, and P. B. Glenn	July 15, 1865.
Robert B. Hurt	....do	R. J. Meigs	July 25, 1865.
Benjamin Horn	Indicted for treason	Governor Brownlow, F. L. Baumgardner, Peter Youkley, and William Snapp	Dec. 30, 1865.
A. N. Harris	....do	By order of the President	Nov. 13, 1865.
Richard M. Hopper	Rebel postmaster	....do	Nov. 13, 1865.
E. Hord	Worth over $20,000	Governor Brownlow, R. J. Netherland, A. Hoffman, D. Rogan, and S. L. Henderson	Sept. 27, 1865.
C. A. Harrison	Indicted for treason	A. J. Fletcher, Secretary of State; William Cureton, M. A. Rodman, S. Morgan, and Governor Brownlow.	Oct. 31, 1865.
Hiram Heartsill	Rebel postmaster	L. Gifford and D. G. Vance	Nov. 13, 1865.
Isaac Hicks	Indicted for treason	F. L. Baumgardner, John S. Snapp, J. F. Anderson, and John H. Fain	Nov. 16, 1865.
J. C. M. Hankal	Rebel enrolling officer	Governor Brownlow, E. S. Cox George C. Bowman, J. Thompson, and Isaac White	Sept. 27, 1866.
John Hoyal	Worth over $20,000	Governor Brownlow, Hon. William B. Stokes, Asa Faulkner, John Morgan, J. J. Collins, Joseph J. Hoge, A. Cox, Franklin Locke, James A. Darwin, Wood Wilson, James G. Spears, N. Reith, A. A. Pearson, R. Henderson, J. S. Gillespie, and James R. Wood.	Oct. 9, 1865.
S. B. Henderson	Indicted for treason	William Heiskell, G. M. Hazen, S. A. Rogers, and P. H. Cardwell	Nov. 13, 1865.
John P. Hammer	Rebel enrolling officer and indicted for treason	J. Whitaker, J. D. S. Phipps, G. W. Sells, H. Lipps, William L. Smithson, William Buckler, James Mills, and Louis Whitaker.	Nov. 13, 1865.

P. S. Hale	Rebel postmaster	C. H. Mitchell, John Laughan, W. C. Kyle, A. B. Reede, and Joseph H. Logan	Oct. 23, 1865.
Thomas W. Humes	Proceedings commenced for confiscation	Governor Brownlow	Sept. 22, 1865.
Joseph Henderson	Indicted for treason	By order of the President	Aug. 18, 1865.
W. H. S. Hill	Left a loyal district	Governor Brownlow, Hon. E. Cooper, John C. Gant, John W. Bowen, R. R. Butler, James H. Randolph, W. Spencer, Z. W. Frazer, and A. W. Moss.	Aug. 28, 1865.
J. W. Horton	Indicted for treason	Governor Brownlow	Aug. 19, 1865.
H. L. W. Hill	Ex-member 36th Congress United States	Horace H. Harrison and G. J. Stubblefield	Sept. 22, 1865.
Philip Harmon	Indicted for treason	Samuel Mark, George Copp, Samuel D. Mitchell, John H. Fain, and William H. Maxwell.	Nov. 6, 1865.
William H. Hidell	Left a loyal district	Alexander H. Stephens	Sept. 20, 1865.
R. M. Hopper	Ex-United States and rebel postmaster	Governor Brownlow	Oct. 13, 1865.
W. A. Henderson	Indicted for treason	By order of the President	Nov. 13, 1866.
J. C. Holland	....do	J. E. Merriman, I. M. Hill, J. P. Ware, and John W. Leftwich	Mar. 2, 1866.
John B. Hamilton	Left a loyal district	John W. Leftwich	July 14, 1866.
John F. House	Member of rebel provisional congress	Edward H. East	Dec. 27, 1866.
A. B. Harbison	Indicted for treason	Abraham Lillard, W. B. Reynolds, J. L. McCleary, Samuel Parks, James Parks, George M. Coleman, and George W. Bridges.	Sept. 29, 1866.
William N. Hays	....do	Governor Brownlow	Apr. 17, 1866.
J. W. Hambleton	Worth over $20,000	By order of the President	Mar. 27, 1866.
R. R. Harris	Indicted for treason	Governor Brownlow	Oct. 12, 1865.
William P. Harbison	....do	By order of the President	July 6, 1866.
R. P. Henderson	....do	....do	July 6, 1866.
J. H. Hughes	Ex-United States and rebel mail contractor	Governor Brownlow	Aug. 12, 1865.
John G. Henderson	Indicted for treason	Governor Brownlow, William Heiskell, Samuel Lemart, S. D. Mitchell, S. A. Rodgers, D. R. Young, and A. A. Kyle.	Dec. 20, 1865.
Charles W. Inman	....do	George W. Dice, James H. Walker, and William Hammond	Nov. 13, 1865.
Howell E. Jackson	Rebel receiver	R. B. Glenn and Governor Brownlow	Jan. 26, 1866.
C. A. Jordan	Rebel postmaster	Governor Brownlow, A. H. Crowe, J. Grubb, R. M. Fisher, A. Blizard, J. F. Slover, J. H Hornesby, G. W. Ross, William H. Briant, and H. H. Rider.	Oct. 21, 1865.
C. Jones, sr.	Worth over $20,000	E. W. M. King, J. E. Merriman, William M. Farmingham, and I. M. Hill	June 16, 1865.
P. A. V. Johnson	....do	Governor Brownlow	Aug. 19, 1865.
William Jack	Indicted for treason and worth over $20,000	D. H. Gorman, Joseph O'Neil, Robert Henry, Thomas J. Gorman, G. W. Gorman, M. A. Rodman, and H. H. Baer.	Oct. 31, 1865.
W. B. Jones	Worth over $20,000	Governor Brownlow and Samuel Sate	Oct. 2, 1865.
Caleb B. Jones	....do	Governor Brownlow and Samuel Sate	Oct. 2, 1865.
John W. Jones	....do	Governor Brownlow	Oct. 2, 1865.
Alvy. Jack	Indicted for treason	A. J. Fletcher, secretary of state, Governor Brownlow, James Clark, J. A. Hill, G. W. Gorman, and M. A. Rodman.	Oct. 31, 1865.
J. B. Johnson	Proceedings commenced for confiscation	Governor Brownlow	Aug. 19, 1865.
L. F. Johnson	Indicted for treason	....do	Nov. 16, 1865.
Andrew Jackson	Graduate of West Point	By order of the President	Oct. 3, 1865.
George W. Jones	Member of rebel congress	....do	June 16, 1865.
Ira P. Jones	Indicted for treason	John Kimble, William H. Smith, James Whitworth, and M. Burns	Oct. 20, 1865.
W. W. James	....do	Governor Brownlow, Samuel Evans, Andrew Shell, Samuel Snapp, John R. Spurgin, Peter Yookley, A. Gibson, Joshua Hamilton, G. W. Seils, Samuel Thomas, William Thomas, E. Ayres, Gideon Cate, J. N. Brown, George Anderson, J. N. Barker, and John Spurgin.	Sept. 27, 1865.
William Jones	....do	By order of the President	Nov. 13, 1866.
E. F. Johnston	Left a loyal district	R. M. Edwards, James Batt, E. Burgess, W. H. Craigmiles, John Osment, and John F. Hayes.	Aug. 20, 1866.
Samuel D. Jackson	Indicted for treason	Governor Brownlow	Dec. 14, 1865.
Cave Johnson	....do	By order of the President	Aug. 19, 1865.
James Kinchloe	....do	Governor Brownlow, Mat. S. Mahoney, Landon E. Hale, and James Y. Deakins	Oct. 2, 1865.

Tennessee—Continued.

Name.	Exemption under amnesty proclamation of May 29, 1865.	By whom recommended.	Date of pardon.
James Kennedy	Indicted for treason	Governor Brownlow, William Heiskell, James C. Luttrell, A. G. Jackson, and E. C. Srigg	Sept. 27, 1865.
William H. King	Rebel justice of peace	Governor Brownlow, J. Waxler, J. Gott, John Gott, and F. L. Baumgardner	Oct. 2, 1865.
John G. King	Indicted for treason	Governor Brownlow, M. G. Galliher, William F. Smithson, M. Lipps, E. W. Ellis, A. A. Kyle, R. R. Butler, A. Gibson, and R. J. Netherlands.	Sept. 27, 1865.
L. M. King	do	William E. Snapp, E. D. Reeder, and Samuel McGaughey	Oct. 21, 1865.
John Kennedy	Left a loyal district	Governor Brownlow, William Heiskell, John Williams, J. Rodgers, John M. Strong, and Robert N. McEwen	Sept. 13, 1865.
D. N. Kennedy	Rebel collector of war tax	Attorney General Speed	June 29, 1865.
Alfred King	Left a loyal district	By order of the President	Sept. 18, 1865.
John Kitzmiller	Indicted for treason	Governor Brownlow, J. M. Hoss, Samuel B. Cunningham, W. R. Seviers, and Henry Hoss.	Jan. 6, 1866.
D. M. Kay	do	By order of the President	June 15, 1865.
E. A. Keeble	do	do	Sept. 18, 1865.
L. M. King	Ex-United States and rebel postmaster	Governor Brownlow, Samuel McGaughey, Wm. C. Snapp, and E. D. Reeder	Aug. 12, 1865.
James King	Worth over $20,000	By order of the President	Nov. 13, 1865.
R. A. King	do	do	Nov. 13, 1865.
James M. King	do	David T. Patterson, N. Y. Elliot, and B. D. Thomas	Aug. 26, 1865.
William G. Keys	Rebel postmaster	Governor Brownlow	Apr. 13, 1866.
J. C. Luttrell	Indicted for treason	Governor Brownlow, William Heiskell, James H. Armstrong, James Rodgers, John Baxter, O. P. Temple, Jos. M. Logan, and A. G. Jackson.	Sept. 11, 1865.
J. C. Lea	Left a loyal district	By order of the President	Sept. 6, 1865.
C. E. Lucky	Indicted for treason	Samuel Milligan, Henry Hoss, S. F. Shipley, J. F. Grisham, James Lyon, and John H. Fain.	Aug. 28, 1865.
Thomas Lathim	Rebel clerk of court	Governor Brownlow	Aug. 15, 1865.
E. Link	Left a loyal district	do	May 15, 1866.
Elijah Lee	do	J. D. Abbott, Jacob F. Peck, T. A. Henderson, sen., John D. Hamelton, Thomas A. Henderson, and Moulton Jones.	Nov. 13, 1865.
James M. Lee	Left a loyal State	J. D. Abbott, Jacob F. Peck, T. A. Henderson, John D. Hamelton, Thomas A. Henderson, and G. W. Gaines.	Nov. 13, 1865.
William H. Long	Worth over $20,000	Governor Brownlow	Oct. 2, 1865.
Frank H. Lytle	do	Governor Brownlow, E. L. Jordon, James M. Tompkins, E. H. East, W. Spencer, W. Bosson, and N. Y. Elliot.	Nov. 13, 1865.
William Lenoir	Ex-United States and rebel postmaster and worth over $20,000.	Governor Brownlow, John Caldwell, Thomas H. Callaway, and O. P. Temple	Aug. 12, 1865.
W. A. Lenoir	Worth over $20,000	Governor Brownlow, John Caldwell, O. P. Temple, and William Heiskell	Aug. 12, 1865.
Caswell D. Luttrell	Worth over $20,000 and indicted for treason	D. M. Key	Dec. 9, 1865.
John Leiper	Worth over $20,000	By order of the President	Aug. 10, 1865.
B. B. Leake	do	do	July 27, 1865.
Thomas J. Lee	Indicted for treason	Governor Brownlow, William Simpson, W. C. Kyle, J. Netherland, A. A. Kyle, and C. A. Mitchell.	Mar. 26, 1866.
S. D. J. Lewis	do	By order of the President	May 5, 1866.
John D. Lotspeich	Proceedings commenced for confiscation	Governor Brownlow	Dec. 29, 1865.
Charles Lotspeich	do	do	Dec. 29, 1865.
John Lyle	Indicted for treason	Governor Brownlow, John W. Cameron, Tipton Jobs, J. M. Johnson, and Henry Johnson	Dec. 4, 1865.

J. B. Long	Left a loyal State	General John A. Logan	Nov. 13, 1865.
N. J. Lillard	Indicted for treason	Governor Brownlow	Jan. 6, 1865.
Charles W. Meek	Rebel tax collector, and worth over $20,000	Governor Brownlow, A. A. Kyle, G. W. Telford, G. W. Nelson, D. T. Wilds, Daniel Regan, A. C. Fain, C. A. Evans, N. W. Earnest, S. D. Mitchell, John H. Fain, Samuel Snapp, and J. M. Hoss.	July 21, 1865.
Robert Mathews	Proceedings commenced for confiscation	By order of the President	Sept. 13, 1865.
James Miller	Indicted for treason	Governor Brownlow, E. Smerley, Peter M. Reeves, Henry Johnson, and M. D. L. Boren	Nov. 13, 1865.
James S. McEatt	Worth over $20,000	Governor Brownlow	Oct. 14, 1865.
D. Morris	Indicted for treason	Samuel Milligan, John B. Brownlow, David S. Patterson, William McFarland, James Fulton, S. M. Sawyers, Milton Shield, S. C. Perryman, F. S. Leeper, William Harris, William Galbraith, John C. Fate, and John Talbott.	Nov. 10, 1865.
C. C. Miller	Rebel postmaster	T. J. W. Lucky, J. Netherland, A. A. Kyle, and W. C. Kyle	Nov. 13, 1865.
Frank A. Moses	Indicted for treason	James C. Luttrell, John Williams, John Baxter, E. C. Trigg, William Hunt, William Heiskell, Thomas W. Humes, G. W. Adney, and James M. Meek.	Nov. 13, 1865.
G. Moore	do	By order of the President	Mar. 8, 1866.
Charles W. Malone	Worth over $20,000	W. L. Sharkey	July 21, 1866.
G. T. Magee	Indicted for treason	Governor Brownlow, C. C. Wilcox, John K. Miller, Landan Carter, A. Jobe, M. Williams, James N. Cameron, and Samuel W. Scott.	Oct. 2, 1865.
Aaron L. Mims	do	Governor Brownlow, James Clark, A. Ramsey, G. W. Clark, M. A. Rodman, and James Fulton.	Apr. 1, 1866.
William Miller	do	By order of the President	July 6, 1866.
John A. Murphy	do	Governor Brownlow, E. A. Millard, F. L. Baumgardner, and E. W. Ellis	July 31, 1865.
W. S. Munday	Proceedings commenced for confiscation	Governor Brownlow, Joseph S. Fowler, R. F. Warner, S. C. Mercer, J. G. Frazer, R. L. Stanford, James Mullins, and S. Y. Carter.	Aug. 12, 1866.
E. W. Munford	Worth over $20,000	Governor Brownlow	Apr. 30, 1866.
John M. Morrow	Indicted for treason	Governor Brownlow, Samuel Kubler, D. B. Barkley, and Joseph Sherfy	Oct. 21, 1865.
A. G. Mason	do	By order of the President	Sept. 22, 1865.
A. J. Montgomery	Worth over $20,000	Governor Brownlow	Apr. 15, 1866.
Joseph H. Martin	Indicted for treason	By order of the President	Nov. 13, 1865.
William M. Miller	Rebel postmaster	Governor Brownlow, William J. Donaldson, Thomas C. Miller, J. L. Cain, E. L. Andrus, Thomas J. McBroon, Thomas White, Joseph E. Kel, John R. Long, J. P. Hann, G. G. Read, and George S. Ellis.	Sept. 15, 1865.
Thomas L. Marshall	Indicted for treason	Charles A. Fuller, John McClelland, E. R. Glasscock, and John P. White	Sept. 19, 1865.
William P. Martin	do	Russell Houston	Oct. 2, 1865.
Samuel D. Morgan	Indicted for treason, and worth over $20,000	M. Burns	Sept. 20, 1865.
Irby Morgan	Worth over $20,000	Edward H. East	Sept. 20, 1865.
J. J. Murphy	do	General John G. Grierson, William H. Fitch, T. Dean, J. E. Merriman, Robert C. Gist, William Wallace, and H. T. Hurlburt.	Aug. 2, 1865.
A. Mullendore	Indicted for treason	S. C. McCrosky, James M. Sharp, S. B. Henderson, John Mitchell, Jackson Hout, and W. W. Montgomery.	May 16, 1866.
John Mullendore	do	John Mitchell, James M. Sharp, W. C. Pickery, and W. W. Montgomery	May 16, 1866.
William Morrow	do	Governor Brownlow	May 20, 1866.
A. J. Marchbanks	do	By order of the President	Aug. 30, 1865.
James M. Mark	do	Governor Brownlow, M. C. Hunter, George Copp, Samuel D. Mitchell, John H. Fain, and William H. Maxwell.	Sept. 11, 1865.
L. D. Myers	do	Governor Brownlow	Dec. 14, 1865.
A. M. Millard	do	do	July 25, 1865.
William McClellan	Rebel postmaster	By order of the President	June 12, 1866.
John B. McLin	Indicted for treason	do	June 18, 1866.
John A. McAffry	do	Governor Brownlow	Oct. 5, 1865.
Alexander McLin	do	Governor Brownlow, Henderson Presnell, John Miller, M. M. Stover, Joseph Broyles, E. E. Mank, and M. C. Hunter.	Oct. 2, 1865.

Tennessee—Continued.

Name.	Exemption under amnesty proclamation of May 29, 1865.	By whom recommended.	Date.
H. L. McClung	Indicted for treason, and worth over $20,000	Governor Brownlow and E. Longley	Nov. 1, 1865.
M. B. McMahon	Indicted for treason	By order of the President	June 6, 1866.
Houston McBee	do	do	July 6, 1866.
Joseph McCorkle	do	do	July 6, 1866.
J. B. McFerrin	Worth over $20,000	J. Cooper, Powhatan W. Maxey, Rees W. Porter, R. J. Morris, S. E. Hare, Jordan Stokes, John P. White, Hough Douglas, and M. Burns.	June 28, 1865.
W. D. McNish	Ex-United States and rebel postmaster	Governor Brownlow	Aug. 19, 1865.
John F. McClure	Indicted for treason	do	Nov. 21, 1865.
F. H. McClung	do	P. Dickinson	Sept. 6, 1865.
George R. McClellan	do	Governor Brownlow	July 25, 1865.
T. M. McClanahan	Proceedings commenced for confiscation	John W. Leftwitch, William M. Smith, and Alvin Hawkins	Aug. 19, 1865.
William McPherson	Indicted for treason	Governor Brownlow, Henry Thomas, Marion Tipton, William Garner, Samuel Gibson, and J. K. Grills.	May 16, 1866.
J. C. McManus	Worth over $20,000	Governor Brownlow	Jan. 26, 1866.
Robert P. McCulloch	Left a loyal State, and proceedings commenced for confiscation.	do	Jan. 5, 1865.
R. J. McKinney	Rebel judge	Thomas A. R. Nelson, Jos. M. Logan, J. Netherland, John Williams, R. N. Armstrong, John Baxter, John M. Fleming, C. W. Jones, James P. Swann, and Thomas W. Humes.	Nov. 11, 1865.
W. H. Vance	Worth over $20,000	A. A. Steel and J. D. Johnson	Feb. 1, 1866.
Henry V. Nave	Indicted for treason	Governor Brownlow	Oct. 5, 1865.
J. C. A. Newton	Rebel enrolling officer	J. B. Cloud, L. D. Crysel, S. L. Logan, Samuel N. Cloud, James Lynn, J. E. Patton, and Finley Cox.	June 12, 1865.
John C. Neil	Ex-United States and rebel postmaster	Governor Brownlow, Thomas B. McClure, and J. M. Henderson	Sept. 6, 1865.
William C. Newell	do	Henry Hull, A. G. Hamilton, T. H. Crouch, J. M. Hoss, E. S. Cox, J. F. Grisham, and S. J. W. Lucky.	June 6, 1865.
H. T. Osborne	Indicted for treason	Governor Brownlow	Oct. 6, 1865.
Thomas E. Oldham	Ex-United States and rebel postmaster	do	Sept. 15, 1865.
John Overton	Worth over $20,000	do	Aug. 10, 1865.
E. P. Payne	do	W. P. Sones, A. S. Lindsley, D. F. Wilkins, and D. B. Thomas	June 30, 1865.
George B. Parker	Indicted for treason	By order of the President	May 5, 1866.
James Preston	Worth over $20,000	Governor Brownlow, J. Netherland, Jos. M. Logan, Charles R. Vance, A. Gibson, R. R. Butler, E. A. Millard, James J. Hatcher, Nat. B. Owens, and Samuel S. Logan.	Aug. 15, 1865.
Alexander J. Porter	Left a loyal district, and worth over $20,000	Jordan Stokes, M. Burns, and S. J. Carter	July 19, 1865.
John Powell	Ex-United States and rebel postmaster	A. A. Kyle, John Blevins, W. C. Kyle, J. R. Pace, R. J. Netherlands, and Milton Shields	May 31, 1865.
Samuel Powell	Indicted for treason	Governor Brownlow	Oct. 23, 1865.
J. B. Palmer	Rebel major general	By order of the President	May 21, 1866.
George Pattison	Indicted for treason	J. E. Merriman, J. H. Way, Henry G. Smith, F. S. Richards, J. M. Hill, George R. Rutter, and L. S. Knowlton.	Aug. 31, 1865.
M. T. Peoples	do	Christopher Price, Robert L. Rowe, C. P. Bowman, D. P. Britt, A. A. McNabb, S. M. Anderson, J. H. Martin, D. W. Smalling, N. J. Johnson, and William Baker.	Sept. 19, 1865.
R. J. Person	Worth over $20,000	John B. Bibb and R. C. Wintersmith	Nov. 1, 1865.
G. M. D. Perry	Indicted for treason	By order of the President	Nov. 7, 1865.
William Peoples	do	Henry Johnson, S. M. Anderson, A. R. McNabb, and Thomas A. Faw	Nov. 6, 1865.

J. N. Patton	Worth over $20,000	By order of the President	Aug. 26, 1865.
G. M. D. Parry	Indicted for treason	Governor Brownlow	Oct. 2, 1865.
John H. Parker	....do	By order of the President	Aug. 2, 1866.
Corry Pettigrew	Worth over $20,000	D. H. Davis and L. S. Thurstin	June 27, 1866.
John Pogue	Rebel mail contractor	Governor Brownlow	July 31 1865.
John Parham	Worth over $20,000	By order of the President	Sept. 25, 1865.
J. W. Quenichet	....do	Governor Brownlow, A. P. Burditt, William M. Forrington, and H. B. Howell	Oct. 27, 1865.
George Roller	Indicted for treason, and worth over $20,000	John Williams, W. C. Kyle, A. P. Caldwell, Jos. M. Logan, and A. A. Kyle	Oct. 2, 1865.
Orville Rice	Proceedings commenced for confiscation	W. C. Kyle, C. A. Mitchell, J. N. Netherlands, and A. A. Kyle	Jan. 19, 1866.
Jos. S. Rhea	Indicted for treason	Governor Brownlow, C. J. Whicks, J. M. Hoss, D. J. Gibson, and James A. Dilworth	April 30, 1866.
L. F. Ragsdale	....do	Governor Brownlow	Nov. 28, 1865.
R. V. Richardson	Worth over $20,000	By order of the President	Nov. 10, 1865.
J. C. Ramsey	Rebel district attorney	....do	Nov. 10, 1865.
B. Ridley	Left a loyal State, and indicted for treason	Attorney General Speed	July 24, 1865.
John Russell	Indicted for treason	Governor Brownlow, A. W. Walker, Samuel Henry, Andrew Reeder, James Davis, and William Brannan.	May 16, 1866.
J. L. Rhea	Rebel register	S. G. W. Lucky	May 30, 1865.
J. D. Robertson	Rebel route agent	Governor Brownlow, B. McDonnell, M. Lipps, E. D. Reeder, and G. W. St. John	Aug. 19, 1865.
John Russell	Indicted for treason	Governor Brownlow, S. D. Love, William Rodgers, Thomas Boyd, and O. P. Temple	Aug. 19, 1865.
William P. Reeves	....do	Governor Brownlow, S. J. W. Lucky, Elbert S. Cox, Henry Hoss, Samuel B. Cunningham, and J. M. Hoss.	Aug. 19, 1865.
F. A. Ramsey	....do	By order of the President	Oct. 13, 1865.
James A. Rhea	....do	Governor Brownlow, Hon. Horace Maynard, S. J. W. Lucky, and James Lynn	Aug. 15, 1865.
Robert B. Rhea	....do	Governor Brownlow, F. L. Baumgardner, William C. Snapp, Samuel Thomas, William Thomas, Adam Thomas, and J. M. Yost.	July 25, 1865.
R. F. Reynolds	....do	By order of the President	Nov. 13, 1865.
James Rankin	....do	Governor Brownlow, A. J. Fletcher, Charles Brockway, M. A. Rodman, James Laven, G. W. Gorman, James Clark, and J. A. Hill.	Oct. 31, 1865.
V. S. Rader	....do	Governor Brownlow	Nov. 20, 1865.
Andrew Rader	....do	....do	Nov. 20, 1865.
John T. Reynolds	....do	James W. Harold, Sam. Milligan, and R. A. Crawford	Nov. 13, 1865.
Joseph Russell	Worth over $20,000	J. Netherland, Samuel Neil, William M. Piper, Thomas G. Brownlow, and A. A. Kyle	Nov. 13, 1865.
F. W. A. Ramsey	Left a loyal State and indicted for treason	Governor Grownlow	July 31, 1865.
Thomas Russell	Ex-United States and rebel postmaster	Governor Brownlow, A. W. Walker, L. C. Hoss, Samuel Henry, W. S. Rush, R. A. Crawford, and James Davis.	May 16, 1866.
F. W. Rowser	Left a loyal State	Governor Brownlow	Aug. 19, 1865.
William B. Reese	Indicted for treason	By order of the President	June 12, 1865.
J. E. R. Ray	Indicted for treason, and rebel secretary of state.	Alvin Hawkins, James Worthen, John A. Rogers, T. J. Latham, John P. White, Ed. H. East, and John W. Leftwich.	July 21, 1865.
A. M. Rutledge	Graduate of West Point	Horace H. Harrison, Russell Houston, and E. H. East	Sept. 18, 1865.
Joseph Radd	Indicted for treason	Governor Brownlow	April 17, 1866.
J. C. Roberts	....do	....do	Nov. 15, 1865.
George Robertson	Worth over $20,000	....do	April 30, 1865.
John D. Riley	Left a loyal State	J. Netherland, W. C. Kyle, John R. Brunner, John Williams, James White, and William M. Piper.	Jan. 19, 1866.
James Rankin	Indicted for treason	A. J. Fletcher, secretary of state	Oct. 31, 1865.
John Rhea	Rebel tax collector	Governor Brownlow	Oct. 2, 1865.
Charles G. Rankin	Indicted for treason	Governor Brownlow, James W. Galbraith, W. B. Rush, William Stanfield, John Johnson, William Johnson, Anthony Moore, John S. Scott, Eli Marsh, J. Jones, and J. A. Galbraith.	Oct. 2, 1865.
Daniel L. Reeves	Worth over $20,000	A. J. Fletcher, secretary of state, and Hon. E. Cooper	Aug. 26, 1865.
George Shults	Rebel justice of peace	Governor Brownlow	Jan. 19, 1866.

Tennessee—Continued.

Name.	Exemption under amnesty proclamation of May 29, 1865.	By whom recommended.	Date of pardon.
James K. Simpson	Indicted for treason	Governor Brownlow	April 17, 1866.
John Shields	do	Governor Brownlow, Isaac Brannan, Samuel Henry, M. S. Patterson, and R. A. Crawford	Mar. 19, 1866.
William J. Sykes	Rebel commissioner	By order of the President	Dec. 20, 1865.
W. C. Slemons	Indicted for treason	Governor Brownlow, J. D. Cox, Samuel E. Griffith, and J. Boyd	May 2, 1866.
Charles Stokely	do	Governor Brownlow	June 13, 1866.
G. A. Shook	Ex-United States and rebel postmaster	do	Oct. 2, 1865.
James L. Sparks	Rebel postmaster	Governor Brownlow and L. W. Keen	Oct. 2, 1865.
B. P. Spicer	Rebel sheriff	D. B. Thomas and W. B. Campbell	Dec. 19, 1866.
Nelson Seal	Indicted for treason	Governor Brownlow, A. A. Kyle, M. B. Overton, J. Netherland, Noel Colson, and W. C. Kyle.	Mar. 28, 1866.
William Shewn	do	Governor Brownlow	Dec. 24, 1865.
W. S. Scott	Rebel sheriff	do	Nov. 20, 1865.
W. W. Stringfield	Indicted for treason	S. T. Logan, John Williams, A. G. Jackson, Joseph Jackson, William Heiskell, and James H. Armstrong.	Nov. 13, 1865.
Alexander Stuart	do	Governor Brownlow, A. J. Fletcher, J. W. Clark, M. A. Roadman, J. A. Hill, and H. H. Baer.	Oct. 31, 1865.
William M. Stokely	Ex-United States and rebel postmaster	Governor Brownlow, S. R. Rodgers, and William Heiskell	Sept. 27, 1865.
Morris C. Sullins	Indicted for treason and proceedings commenced for confiscation.	Governor Brownlow, John Lathlee, William W. Alexander, G. W. Kinder, Samuel Armstrong, George W. Ross, M. L. Phillips, Lon. Blizard, John G. Helm, A. Caretwell, A. C. Robeson, S. W. Hyden, G. W. Gilbert, Joseph Matthews, M. R. May, James Turner, James H. Hornsby, R. M. Fisher, Benjamin Walls, and L. Dodson.	Oct. 21, 1865.
M. Stratton	Indicted for treason	Governor Brownlow	Oct. 26, 1865.
Thomas Sharp	Rebel agent to Europe	do	Sept. 27, 1865.
G. C. Sandusky	Indicted for treason	Governor Brownlow, P. M. Mullen, James E. Collins, W. B. Adams, W. G. West, and Thomas J. Locke.	Oct. 24, 1865.
James Swagerty	do	Governor Brownlow, A. J. Fletcher, William Cureton, H. H. Baer, A. McNabb, and M. A. Rodman.	Oct. 24, 1865.
G. P. Smith	do	By order of the President	Oct. 25, 1865.
John Smith	do	Governor Brownlow, A. J. Fletcher, Thomas Noe, J. A Clark, jr., and H. H. Baer	Oct. 31, 1865.
James Shields	Rebel postmaster	Governor Brownlow, William P. Long, George G. Taylor, J. L. Cain, W. M. Miller, and E. L. Andruss.	Nov. 5, 1865.
Samuel C. Swann	Indicted for treason	Governor Brownlow	Nov. 5, 1865.
S. P. Smith	Worth over $20,000	Governor Brownlow, H. S. French, D. D. Dickey, and John H. Smith	Aug. 15, 1865.
Alexander E. Smith	Indicted for treason and worth over $20,000	John Baxter, J. M. Fleming, O. P. Temple, and G. Jones	Nov. 8, 1865.
Frank Smith	Worth over $20,000	By order of the President	Oct. 28, 1865.
John H. Speed	do	do	Oct. 5, 1865.
Hannah W. Swan	do	Governor Brownlow	Oct. 27, 1865.
Junette Sp tswood	do	Attorney General Speed	Oct. 5, 1865.
Mary H. Speed	do	do	Oct. 5, 1865.
John S. Sanborn	do	Governor Brownlow	Nov. 6, 1865.
E. W. Sehon	do	By order of the President	Aug. 14, 1865.
John L. Sehon	Rebel district attorney, and worth over $20,000	Governor Brownlow	Aug. 14, 1865.
J. E. Saunders	Worth over $20,000	do	Oct. 2, 1865.
Thomas Smith	do	do	Dec. 30, 1865.

James P. Snapp	Indicted for treason	A. J. Cox, F. L. Baumgardner, William C. Snapp, and Samuel Snapp	Oct. 19, 1865.
John Shaver	Ex-United States and rebel postmaster	By order of the President	May 30, 1865.
C. J. St. John	Indicted for treason	Governor Brownlow, H. C. Fain, F. L. Baumgardner, W. C. Snapp, F. Sturn, T. B. Rhea, Samuel Evans, J. Hamilton, and G. W. Sells.	July 26, 1865.
Henry Sliger	do	Governor Brownlow	Aug. 8, 1865.
J. L. Saffarans	Proceedings commenced for confiscation	do	Aug. 18, 1865.
B. A. Sinclair	Rebel postmaster	J. A. Lackey, Isaac M. Steele, J. C. Marley, J. N. Waralan, H. J. Turner, George Johnston, and Isaac Sampson.	Aug. 2, 1865.
James M. Sharp	do	Governor Brownlow, William Heiskell, H. D. Houck, Charles Inman, C. W. Jones, Robert Pickens, and W. C. Pickens.	Aug. 18, 1865.
Adam Sliger	Indicted for treason	Governor Brownlow	Aug. 8, 1865.
D. W. Stewart	do	H. H. Baer, M. McNabb, T. E. Flinn, C. Brockway, and M. A. Roadman	Oct. 18, 1865.
V. K. Stevenson	Proceedings commenced for confiscation	Attorney General Speed	Aug. 14, 1865.
G. C. Torbitt	Worth over $20,000	Judge Patterson and Russell Houston	Oct. 28, 1865.
Frazer Titus	do	John W. Leftwich, J. M. Hill, and J. E. Merriman	Aug. 14, 1865.
T. W. Turley	Proceedings commenced for confiscation, and worth over $20,000.	Governor Brownlow and David S. Patterson	Oct. 9, 1865.
James T. Thornton	Worth over $20,000	By order of the President	July 21, 1865.
John C. Tate	Ex-United States and rebel postmaster	James Fulton, Milton Shields, John Talbott, and A. A. Kyle	Nov. 13, 1865.
John S. Thomas	Indicted for treason	Governor Brownlow, James M. Crockett, J. B. Miller, and L. H. Ellis	Sept. 27, 1865.
George D. Taylor	do	Governor Brownlow	Sept. 27, 1865.
A. W. O. Totten	Worth over $20,000	do	Jan. 18, 1866.
Dr. N. Thomas	do	Cave Johnson	Oct. 12, 1865.
P. H. Taylor	Left a loyal State	Governor Brownlow	Oct. 2, 1865.
T. H. Trice	Rebel collector of customs	Governor Brownlow, A. P. Burdett, J. E. Merriman, William M. Farmingham, and Henry T. Shulbert.	Aug. 19, 1865.
R. A. Thompson	Rebel postmaster	Governor Brownlow	Oct. 2, 1865.
George Taliaferro	Indicted for treason	By order of the President	July 6, 1866.
James L. Talbot	Rebel clerk of court	Governor Brownlow	Oct. 2, 1865.
J. P. Tipton	Indicted for treason	Governor Brownlow, J. B. Dunhat, E. Simerley, John K. Miller, John M. Smith, A. C. Williams Henderson Roberts, and A. Jobe.	Oct. 2, 1865.
Samuel Tate	Left a loyal State	By order of the President	May 31, 1865.
John S. Thomas	Indicted for treason	Governor Brownlow, Daniel Campbell, James Dugger, James P. Scott, James D. Smith, J. B. Miller, A. Jobe, John M. Smith, and A. C. Williams.	Aug. 25, 1865.
J. S. Thomason	Rebel enrolling officer	J. Netherland	June 16, 1865.
N. M. Taylor	Indicted for treason	David T. Patterson	Aug. 31, 1865.
William H. Tallferro	do	Governor Brownlow	Dec. 20, 1865.
William A. Upton	Proceedings commenced for confiscation	By order of the President	Dec. 29, 1865.
William A. Upton, jr	Indicted for treason	do	Dec. 29, 1865.
R. Vestal	do	Governor Brownlow	Nov. 13, 1865.
William P. Vestal	do	Anderson Hill, William Heiskell, William J. Bise, A. G. Jackson, E. C. Trigg, F. W. Coleman, and John Williams.	Nov. 13, 1865.
Charles R. Vance	Rebel commissioner	Samuel Milligan, James M. Devault, Samuel Bachman, David Pence, John G. Gott, William Pile, James F. Marion, James G. Hicks, Thomas Fain, Harry Prior, John Palmer, and Joel Litz.	Nov. 7, 1865.
Jacob Wagner	Indicted for treason	Governor Brownlow	Feb. 26, 1866.
P. B. Whitlock	do	do	Oct. 2, 1865.
P. B. Whitlock, jr	do	do	Oct. 2, 1865.
John Wood	do	By order of the President	Apr. 17, 1866.
Alexander Wheless	Left a loyal State	Governor Brownlow, H. S. French, John Trimble, and John McClelland	Aug. 8, 1865.
O. M. White	Rebel enrolling officer, and indicted for treason.	Governor Brownlow, John R. Spurgin, Wm. Thomas, Samuel Thomas, A. Thomas, T. B. Rhea, Henry Garst, G. W. Spurgin, and Joseph Wise.	Aug. 8, 1865.

Tennessee—Continued.

Name.	Exemption under amnesty proclamation of May 29, 1865.	By whom recommended.	Date of pardon.
T. J. Wilkinson	Ex-United States and rebel postmaster	William B. Campbell	Dec. 7, 1866.
J. G. Wallace	Rebel district attorney	Governor Brownlow and A. J. Fletcher	Nov. 13, 1865.
John E. Williams	Rebel postmaster	Governor Brownlow, Henry Hoss, James G. R. Boyd, and James A. Dilworth	Apr. 30, 1866.
James Williams	Proceedings commenced for confiscation	By order of the President	June 27, 1866.
M. J. Wright	Rebel brigadier general	William H. Fitch, J. E. Merriman, J. M. Hill, R. Hough, William Wallace, John Bullock, Henry T. Hurlburt, Samuel T. Morgan, and Robert C. Gist.	Aug. 3, 1866.
Isaac E. Wilson	Rebel sheriff, and indicted for treason	Governor Brownlow, Thomas S. Smyth, R. A. Donnely, Fred. Shimp, Robert E. Berry, G. H. Shown, James D. Donnelly, D. W. Wills, J. W. Roberts, and A. G. Shour.	Oct. 2, 1865.
B. L. Warren	Indicted for treason	James Henry, Spencer Henry, John F. Henry, Wm. Heiskell, and James H. Armstrong	Aug. 16, 1865.
A. G. Watkins	——do——	Governor Brownlow, J. F. Sleeper, James M. Nicholson, W. Galbraith, E. E. Watkins, John Talbott, M. R. Murrell, and John C. Tate.	Oct. 17, 1865.
John Walker	——do——	By order of the President	Nov. 13, 1865.
B. C. Wells	Rebel enrolling officer	J. C. Hattery, A. Lollor, John Dilboore, William B Wilson, William M. Sullivan, and J. Gilmer.	Nov. 13, 1865.
A. Wright	Worth over $20,000, and proceedings commenced for confiscation.	D. M. Leatherman, Henry G. Smith, and P. Miller	July 26, 1865.
Isaac A. White	Indicted for treason	Governor Brownlow, Thos. Russell, Wm. S. Headrick, Leventon Bird, and T. P. Headrick	Nov. 13, 1865.
H. J. Welcker and B. F. Welcker	Proceedings commenced for confiscation	Governor Brownlow, W. S. Patton, James M. Sturgis, Joseph D. Turner, J. M. Littleton, George Littleton, Mitchell Rose, Thomas J. Mason, F. Young, H. Crumbliss, William B. Dalton, Wiley M. Christian, Albert T. Lea, and Alexander D. Rhea.	Sept. 15, 1865.
M. C. Whitthone	Indicted for treason	A. M. Hughes	July 25, 1865.
Thomas Webster	Left a loyal State, and worth over $20,000	Governor Brownlow, D. D. Holman, and John McClelland	Nov. 17, 1865.
John Wright	Indicted for treason	Henry Johnson, E. Johnson, T. H. Miller, Elbert E. Miller, James M. Carr, William Lyle, Tipton Jobe, W. H. Taylor, William H. Young, William Baker, William I. Topping, James Miller, and E. Simerly.	Oct. 27, 1865.
Richard J. White	Worth over $20,000	By order of the President	Sept. 14, 1865.
R. T. Wilson	Left a loyal State	Governor Brownlow	Aug. 15, 1865.
H. L. Walling	Rebel postmaster	By order of the President	July 6, 1866.
George R. West	Worth over $20,000	Hon. A. M. West	June 8, 1866.
James P. White	——do——	Governor Brownlow	Sept. 13, 1865.
W. Williams	——do——	By order of the President	Aug. 8, 1865.
R. J. Wilson	——do——	John Caldwell and William Heiskell	Nov. 13, 1865.
W. S. Whitman	——do——	M. Burns, A. V. S. Lindsley, and E. R. Glascock	Aug. 19, 1865.
M. J. Wicks	——do——	Governor Brownlow	Mar. 2, 1866.
George W. Winchester	——do——	——do——	Nov. 17, 1865.
John M. Watson	Left a loyal State	Governor Brownlow and E. H. East	Oct. 2, 1865.
Coleman M. Witt	Rebel postmaster	George T. Taylor, C. J. Bennett, Milton Shields, John F. Noe, and John M. Bewley	Nov. 21, 1866.
J. J. Williams	Indicted for treason	By order of the President	May 3, 1866.
H. C. Yeatman	Worth over $20,000	Governor Brownlow	Aug. 19, 1865.
B. F. Yoe	Indicted for treason	Governor Brownlow, William Henry Maxwell, John A. Rader, Joseph M. Logan, J. Netherland, and Alex. Cawood.	Aug. 30, 1865.
James H. Yett	——do——	J. Netherland, Thomas A. R. Nelson, and R. A. Crawford	Mar. 28, 1865.
Hamilton Yett	——do——	Governor Brownlow	Apr. 17, 1866.

TEXAS.

William T. Austin	Rebel marshal	Governor Hamilton	Feb. 23, 1866.
S. B. Allen	Rebel depositary	do	Dec. 8, 1865.
W. F. Alexander	Worth over $20,000	do	Apr. 11, 1866.
H. B. Andrews	Member of rebel legislature, and worth over $20,000.	do	Mar. 24, 1866.
J. D. Andrews	Worth over $20,000	Governor Hamilton, J. S. Roberts, and Sterling Fisher	Dec. 8, 1865.
William B. Aiken	do	Governor Hamilton	Dec. 8, 1865.
S. W. Allen	do	do	Sept. 19, 1865.
J. Atkinson	do	do	Nov. 13, 1865.
William Ahrenbeck	do	Governor Hamilton and L. Sherwood, Texas, Durfee & Jacques, Tufts, Butis & Co., Hanford Brenning, Hopkins, Dwight & Turnbridge, Joseph A. Spurgin, and M. Burtis, New York.	Apr. 7, 1865.
Philip H. Adams	Rebel postmaster	Governor Hamilton, Smith Brown, O. Benedict, John Love, W. R. Bratton, A. L. Smith, and D. F. Knight.	Apr. 11, 1866.
William Anderson	Rebel tax assessor	Governor Hamilton	Apr. 20, 1866.
T. C. Armstrong	Worth over $20,000	Edward Austin and George W. Grover	Sept. 26, 1866.
William B. Armstrong	Ex-United States and rebel postmaster	Governor Hamilton, W. W. Bishop, John T. Flint, H. Christian, E. D. Stubblefield, J. N. Damon, and Joseph Carter.	Apr. 30, 1866.
S. L. Allen	Worth over $20,000	By order of the President	Dec. 1, 1865.
John Adriance	Rebel cotton agent, and worth over $20,000	Governor Hamilton	Dec. 8, 1865.
M. H. Barnett	Rebel postmaster	Governor Hamilton, M. L. Armstrong, G. W. Wright, and William Bramlette	Dec. 8, 1865.
John A. Bagby	Collector of rebel war tax	Governor Hamilton	Dec. 8, 1865.
John Barnett	Rebel postmaster	Governor Hamilton, C. Cowan, G. M. Shoaf, and O. O. Surcy	Jan. 12, 1866.
James K. Blair	do	Governor Hamilton	Dec. 8, 1865.
Joseph Bates	Worth over $20,000	do	Apr. 11, 1866.
O. L. Battle	do	do	Apr. 11, 1866.
John M. Brown	do	do	Nov. 13, 1865.
C. S. Betts	Rebel postmaster, and collector of war tax	do	Nov. 18, 1865.
George Ball	Engaged in blockade running, and worth over $20,000.	Governor Hamilton, F. Flake, Albert Ball, George W. Grover, and H. Stewart	Aug. 19, 1865.
J. W. Brown	Worth over $20,000	Governor Hamilton and James H. Bell	Nov. 18, 1865.
G. M. Bryan	do	Governor Hamilton, General R. B. Hays, Hon. Samuel F. Miller, and Hon. John Hancock	Sept. 14, 1865.
S. A. Belden	do	General Banks, Ami Wood, United States commercial agent, Mexico, Israel Bigelow, and Hon. Lyman Turnbull.	Oct. 12, 1865.
J. T. Brady	do	Governor Hamilton	Dec. 8, 1865.
William Brady	do	John H. Semmes, William J. Murtagh, Mayor Wallach, and Thomas E. Lloyd, (citizens of Washington.)	Aug. 8, 1865.
Charles E. Bolles	Rebel tax assessor	Governor Hamilton and David B. Bonfrey	Oct. 31, 1865.
John Bremond	Worth over $20,000	Governor Hamilton	Nov. 13, 1865.
A. J. Burke	do	Governor Hamilton, Lorenzo Sherwood, M. Taylor, Amaron L. Reid, Charles Dunn, Gibson, Durfee & Jaques, Hall, Southwick & Co., and John Burtes.	Nov. 13, 1865.
W. P. Ballinger	Rebel receiver	Governor Hamilton, Judge Miller, and Hon. John Hancock	Aug. 19, 1865.
J. M. Brown	Worth over $20,000	Governor Hamilton and Major General Granger	Aug. 19, 1866.
Thomas E. Blackshear	do	Governor Hamilton	Sept. 22, 1865.
W. J. Bryan	do	do	Oct. 2, 1865.
Moses A. Bryan	do	do	Oct. 2, 1865.
C. Ballard	do	do	Nov. 14, 1865.
James E. Boulden	do	By order of the President	Jan. 20, 1866.

Texas—Continued.

Name.	Exemption under amnesty proclamation of May 29, 1865.	By whom recommended.	Date of pardon.
Eliza A. Boyd	Worth over $20,000	Governor Hamilton	Mar. 6, 1866.
Jacob L. Briggs	do	Governor Hamilton, Hon. E. D. Morgan, and George Opdyke	Jan. 11, 1866.
Jack Baker	do	Governor Hamilton	Jan. 12, 1866.
Henry W. Bendy	Agent of rebel treasury department	By order of the President	Mar. 29, 1866.
J. P. Bingham	Worth over $20,000	Governor Hamilton	Nov. 18, 1865.
H. Bass	do	do	Nov. 18, 1865.
George W. G. Browne	Clerk of rebel district court	Hon. L. D. Evans, E. M. Pease, B. Graham, S. W. Baker, and James H. Raymond	Aug. 8, 1866.
Felix A. Blucher	Worth over $20,000	By order of the President	Sept. 1, 1865.
Solomon Bowers	Marshal of the rebel district court	Governor Hamilton, William H. Ledbetter, Z. M. P. French, W. B. Price, L. F. Price, John W. Farley, T. M. Grasmeyer, C. Hermann, C. Walter, H. Huttel, William B. McClellan, T. E. Lewis, and G. A. Eckels.	Apr. 30, 1866.
H. S. Bennett	Worth over $20,000	Hon. L. E. Evans	Dec. 5, 1866.
James Bourland	do	Hon. John Hancock	Nov. 30, 1866.
John B. Banks	do	Governor Hamilton, H. Duty, A. Brown, Robert H. Smith, and E. B. Turner	July 31, 1866.
R. T. Bryarly	do	Governor Hamilton	Dec. 26, 1866.
C. W. Buckley	do	do	Nov. 18, 1866.
G. A. Batte	Rebel assessor of tax	do	Apr. 30, 1866.
Eli Bailey	Rebel postmaster	do	Apr. 30, 1866.
George W. Breeding	Rebel tax collector	Governor Hamilton and Hon. George W. Smith	Apr. 30, 1866.
John Blair	Rebel postmaster	Governor Hamilton, Hon. L. N. Cooper, John H. Potts, and O. C. Aldrich	Apr. 30, 1866.
James M. Burris	Rebel mail contractor	Governor Hamilton	July 6, 1866.
C. C. Binkley	Rebel State commissioner	do	Dec. 8, 1865.
Mrs. Mary S. Boyce	Worth over $20,000	V. B. Bell, United States Treasury agent, and J. B. Jones, captain commanding post Jefferson.	Mar. 6, 1866.
William A. Baker	Rebel States tax assessor, and worth over $20,000.	Governor Hamilton, Brevet Major General C. C. Andrews, Brevet Brigadier General Clark, Ingham S. Roberts, Sterling Fisher, J. E. Lille, Irvin C. Lord, H. H. Dooley, H. R. Allen, E. Simmler, and C. Dart.	Oct. 27, 1865.
C. E. Bolls	Rebel tax assessor	S. D. Wood	June 28, 1866.
Charles L. Bolton	Worth over $20,000	Governor Hamilton, H. Stewart, and Samuel Harris	May 15, 1866.
W. H. H. Baldridge	Ex United States and rebel postmaster	Governor Hamilton	Dec. 8, 1865.
William B. Botts	Deputy clerk of rebel district court	do	Dec. 8, 1865.
Dunbar Bragg	Rebel postmaster and tax collector	do	Dec. 8, 1865.
John Brown	Worth over $20,000	Governor Hamilton, J. S. Roberts, J. R. Morris, George Hancock, and A. Gowan	Aug. 24, 1865.
Dewitt C. Booth	Rebel tax collector	Governor Hamilton	Nov. 2, 1865.
Joseph Bird	Rebel postmaster	do	Dec. 1, 1865.
J. M. Brooks	Rebel tax collector, and worth over $20,000	do	Nov. 18, 1865.
D. W. Bouldin	Worth over $20,000	do	Nov. 10, 1865.
J. De Cordova	Collector of rebel war tax	do	Dec. 8, 1865.
Thomas F. Critchfield	Rebel postmaster	do	Dec. 8, 1865.
R. E. Campbell	do	do	Apr. 11, 1866.
T. A. Caldwell	do	do	Apr. 11, 1866.
O. L. Cochran	do	do	Oct. 18, 1865.
W. W. Cockrun	Ex-United States and rebel postmaster	do	Oct. 2, 1865.
T. Clay	Worth over $20,000	do	Jan. 25, 1866.

John A. Clark	Ex-United States and rebel postmaster	do	Oct. 20, 1865.
J. T. Cassiano	Worth over $20,000	Governor Hamilton, Thos. H. Stubbling, Jas. Fisk, Hon. J. A. Paschal, and Nat. Lewis	Dec. 8, 1865.
R. C. Campbell	do	Governor Hamilton, A. M. Branch, C. J. Keenan, J. H. Bantow, Thos. Carothers, John S. Bessor, J. A. Baker, and Samuel D. Way.	Dec. 8, 1865.
E. W. Cawthon	do	Governor Hamilton	Feb. 5, 1866.
John W. Chadwick	do	do	Dec. 18, 1865.
Philip D. Crume	do	do	Dec. 8, 1865.
C. H. Cooper	do	do	Dec. 8, 1865.
Rufus Cates	Rebel postmaster	do	Dec. 8 1865.
L. Cannon	Worth over $20,000	do	Oct. 24, 1865.
Philip Cheek	do	do	Sept. 22, 1865.
R. M. Collins	do	do	Nov. 18, 1865.
Aaron Coffee	do	do	Nov. 18, 1865.
F. W. Chandler	do	do	Nov. 13, 1865.
John Caldwell	do	do	Sept. 20, 1865.
Walter Caruth	do	do	Dec. 8, 1865.
William Caruth	do	do	Dec. 8, 1865.
Jacob Carroll	do	do	Dec. 8, 1865.
S. E. Clement	do	do	Dec. 8, 1865.
Ira M. Camp	do	do	Sept. 22, 1865.
William Chappell	do	do	Sept. 13, 1865.
Ramsey M. Cox	do	Governor Hamilton, H. Christian, Warner Wallace, James W. Moore, Joseph Cater, E. D. Stubblefield, A. W. Richard, and J. N. Dennon.	Mar. 13, 1866.
J. H. Cutler	Rebel assessor	Governor Hamilton, John Rugley, Samuel W. Hardeman, J. Plunkett, Alexander J. Rugeley, William F. Davis, S. G. Powell, P. S. McNeal, Henry Thorp, W. G. Warren, and James R. Thompson.	Mar. 8, 1866.
A. C. Crawford	Worth over $20,000	Governor Hamilton	Apr. 11, 1866.
E. H. Cushing	do	do	Apr. 26, 1866.
Daniel Cole	Rebel postmaster	do	Apr. 30, 1866.
Nelson Clements	Blockade runner, and worth over $20,000	By order of the President	July 6, 1866.
T. P. Collins	Rebel postmaster	Governor Hamilton	Apr. 30, 1866.
Hiram Close	Worth over $20,000	do	Aug. 8, 1866.
William R. Cowan	Collector of rebel war tax	do	Aug. 8, 1866.
O. H. P. Cavender	Rebel postmaster	do	July 6, 1866.
M. Cartwright	Worth over $20,000	Governor Hamilton and L. D. Evans	Dec. 4, 1866.
William H. Clement	Rebel postmaster	Samuel D. Gibley, F. A. Goodley, George M. Johnson, D. W. Crow, S. S. Johnson, H. V. Hamilton, J. W. Davenport, S. S. Gibbs, E. F. Swann, Samuel L. Earll, W. Bell, B. Walker, F. M. Hays, J. M. Secton, J. F. Rasbury, Burk Yarbrough, John C. Robertson, and F. N. Gray.	Oct. 11, 1866.
John A. Clarke	Ex-United States and rebel postmaster	Governor Hamilton, Thomas F. Webb, Nat. Mitchell, and R. W. Davis	July 6, 1866.
James P. Cole	Worth over $20,000	Governor Hamilton	June 25, 1866.
W. W. Chandler	Ex-United States and rebel postmaster	do	Oct. 20, 1865.
A. W. Carneal	Assessor of rebel tax	do	Apr. 30, 1866.
John R. Clate	Collector of rebel tax	do	Dec. 8, 1865.
William E. Crump	Worth over $20,000	do	Apr. 28, 1866.
B. J. Chambers	do	Governor Hamilton, Samuel Wright, and L. W. Spence	Apr. 28, 1866.
James Y. Collier	do	Governor Hamilton, J. B. Williamson, D. B. Bonfry, S. D. Wood, and L. D. Evans	Apr. 28, 1866.
Patterson Clark	Collector of rebel tax	Governor Hamilton, James G. Cleary, D. C. Grover, Martin O. Tool, T. J. Smith, W. B. Burdine, Charley Bradley, Martin Everhart, Patrick Quinn, H. T. Clare, James Wilson, C. B. Palmer, N. C. Webster, Luke Hart, John Hynes, R. C. Wright, R. R. David, D. W. Sullivan, J. B. Madrey, P. R. Mitchell, W. R. Hayes, and Charles Kibbe.	Nov. 3, 1865.
L. D. Carrington	Worth over $20,000	John Hancock and Georgo Hancock	May 14, 1866.

Texas—Continued.

Name.	Exemption under amnesty proclamation of May 29, 1865.	By whom recommended.	Date of pardon.
W. H. D. Carrington	Worth over $20,000	Governor Hamilton	May 14, 1866.
John Dean	do	do	Apr. 11, 1866.
John P. Davie	do	do	Oct. 21, 1865.
William Davis	do	do	Nov. 17, 1865.
R. M. Dickson	Rebel postmaster	do	Nov. 3, 1865.
W. W. Downs	Worth over $20,000	do	Feb. 28, 1866.
J. W. Downs	Collector and assessor of rebel tax	do	Feb. 28, 1866.
J. L. Darragh	Worth over $20,000	do	Oct. 12, 1865.
Isaac N. Dennis	do	do	Nov. 18, 1865.
John Duncan	do	Governor Hamilton and James H. Bell	Nov. 18, 1865.
Samuel Damon	do	Governor Hamilton	Nov. 18, 1865.
John Dickinson	do	do	Oct. 2, 1865.
Francis T. Duffan	do	do	Dec. 8, 1865.
Daniel Devine	do	do	Jan. 25, 1866.
George W. Davis	Rebel postmaster	do	Apr. 11, 1866.
John W. Duncy	Worth over $20,000	do	Mar. 19, 1866.
R. C. Doom	Rebel collector of revenue	do	Apr. 30, 1866.
W. W. Dunlap	Collector of rebel war tax	do	Apr. 30, 1866.
George J. Durham	do	do	Apr. 30, 1866.
E. C. Dewey	Rebel postmaster	Hon. L. D. Evans	Aug. 27, 1866.
J. D. Dumas	Rebel collector and assessor	Governor Hamilton	Apr. 25, 1866.
James P. Dumas	Worth over $20,000	do	Apr. 25, 1866.
David H. Davis	Ex-United States and rebel postmaster	do	Dec. 8, 1865.
Thomas H. Duggan	Commissioner of rebel States	do	Nov. 18, 1865.
C. F. Duer	Ex-United States and rebel postmaster, and worth over $20,000.	do	Oct. 27, 1865.
S. H. Dardens	Member of rebel congress	do	Nov. 14, 1865.
William M. Ewing	Collector of rebel tax	do	Dec. 8, 1865.
L. E. Edmondson	Worth over $20,000	do	Apr. 11, 1866.
John Ewing	Rebel deputy marshal and worth over $20,000	do	Feb. 23, 1866.
J. C. Eccles	Worth over $20,000	do	Nov. 18, 1865.
John Echols	do	do	Nov. 17, 1865.
John P. Evans	do	do	Sept. 22, 1865.
W. C. Edwards	Collector of rebel tax	do	July 6, 1866.
Cornelius Ennis	Worth over $20,000	do	Sept. 28, 1866.
Thomas H. Espy	Collector of rebel war tax	do	July 6, 1866.
William Freeman	Worth over $20,000	do	Apr. 11, 1866.
John H. Fowshee	Rebel mail contractor	do	Jan. 11, 1866.
O. A. Fisher	Rebel postmaster	do	Nov. 18, 1865.
J. M. Fort	Worth over $20,000	do	Dec. 8, 1865.
William Forrester	do	do	Feb. 5, 1866.
John V. Ford	do	do	Apr. 18, 1866.
Gabriel Felder	do	do	Dec. 16, 1865.
James M. Foster	do	do	Dec. 8, 1865.

J. S. Franklin	Proceedings commenced for confiscation	Henry Conelly, governor of New Mexico	Jan. 6, 1865.
Abraham Freeman	Worth over $20,000	Governor Hamilton, A. Bledrol, William S. White, William M. George, T. B. McCardy, H. J. Moffett, James J. Lavender, William R. Moffett, John Mackay, and W. S. George.	Mar. 21, 1866.
John D. Ford	....do	Governor Hamilton	Apr. 18, 1866.
David Ferguson	Collector of rebel war tax	Governor Hamilton, W. Andrus, Ben. F. Atkins, and A. E. Ford	Apr. 30, 1866.
W. G. L. Foley	Worth over $20,000	Governor Hamilton	June 22, 1866.
Henry Fanthorp	....do	....do	Sept. 19, 1865.
William Forraus	Rebel tax collector	....do	Dec. 8, 1865.
Samuel W. Fisher	Rebel surveyor of customs	....do	Apr. 30, 1866
J. L. Green	Worth over $20,000	....do	Oct. 24, 1865.
R. J. Goode	Rebel assessor of tax	....do	Jan. 12, 1866.
Thomas Gibbs	Worth over $20,000	....do	Mar. 6, 1866.
Sanford Gibbs	....do	....do	Jan. 15, 1866.
E. A. Glover	....do	Governor Hamilton, Thomas B. White, A. T. Oliver, and Phil. M. Curry	Feb. 5, 1866.
J. D. Giddings	Rebel receiver, and worth over $20,000	Governor Hamilton, O. H. P. Garrett, J. A. Randle, James J. Armblister, W. F. Garrett, and John A. Buckholes.	Dec. 8, 1865.
A. Groesbeck	Worth over $20,000	Governor Hamilton	Jan. 11, 1866.
B. M. Grace	....do	....do	Mar. 21, 1866.
George Gordon	....do	....do	Dec. 8, 1865.
William H. Hill	....do	....do	Dec. 8, 1865.
William C. Greer	....do	....do	Sept. 22, 1865.
Leonard W. Groce	....do	....do	Dec. 8, 1865.
George W. Glasscock	....do	....do	Oct. 28, 1865.
William S. Glass	Rebel States receiver	....do	Jan. 4, 1865.
E. D. Galbraith	Worth over $20,000	....do	Nov. 18, 1865.
W. B. P. Gaines	....do	Governor Hamilton, D. J. Baldwin, A. M. Cochran, Captain and Provost Marshal James H. Bell.	Nov. 18, 1865.
William B. Grimes	....do	Governor Hamilton	Oct. 27, 1865.
Edward H. Green	Rebel assessor of tax	....do	July 6, 1866.
W. A. Green	Collector of rebel tax	....do	July 6, 1866.
James W. Gwinn	Rebel postmaster	Governor Hamilton, J. W. Heathard, R. E. Bordan, and W. R. McMullen	Apr. 30, 1866.
Thomas B. Greenwood	Rebel deputy marshal	Governor Throckmorton and Hon. R. A. Reeves	Dec. 5, 1866.
L. V. Greer	Worth over $20,000	Governor Hamilton and Hon. L. D. Evans	Dec. 4, 1866.
John H. Gibson	....do	Governor Hamilton	May 15, 1866.
G. H. Giddings	Rebel mail contractor	Hon. John Hancock	May 12, 1866.
John A. Green	Rebel receiver	....do	May 12, 1866.
T. C. Gregory	Rebel postmaster	Governor Hamilton	Dec. 8, 1865.
Thomas B. Grayson	Collector of rebel war tax	....do	May 5, 1866.
James Galbraith	Assessor of rebel war tax	....do	Dec. 8, 1865.
George Goldthwaite	Commissioner of rebel States district court	Brevet Brigadier General Clark and George W. Paschal	Oct. 12, 1865.
H. T. Garnett	Worth over $20,000	By order of the President	Dec. 2, 1865.
C. B. Garwood	Rebel tax collector	Governor Hamilton	Apr. 30, 1866.
J. L. Gay	Worth over $20,000	Governor Hamilton, L. Lindsay, W. B. Price, and Z. M. P. French	Apr. 28, 1866.
L. G. Harman	Rebel Indian agent	Governor Hamilton	Dec. 8, 1865.
Joel W. Hagee	Rebel postmaster	....do	Dec. 8, 1865.
W. H. Hord	Rebel brigadier general	Governor Hamilton, J. K. Record, Ed. C. Browder, and Nat. M. Banford	Dec. 8, 1865.
L. M. Hitchcock	Worth over $20,000	Governor Hamilton, Governor Marvin, (Florida,) and Lorenzo Sherwood	Oct. 18, 1865.
J. J. Hendley	....do	Governor Hamilton	Sept. 13, 1865.
Thomas W. House	....do	Governor Hamilton, Brevet Brigadier General Clark, Ingham S. Robbins, C. J. Manis, Sterling Fisher, J. C. Lord, and H. R. Allen.	Sept. 20, 1865.

Texas—Continued.

Name.	Exemption under amnesty proclamation of May 29, 1865.	By whom recommended.	Date of pardon.
William J. Hutchins	Worth over $20,000	Governor Hamilton, Brevet Brigadier General Clark, Brevet Major General C. C. Andrews, Major General Granger, Major Mower, Ingbram S. Roberts, Sterling Fisher, J. C. Lord, H. R. Allen, and J. E. Lillie.	Sept. 20, 1865.
Thomas R. J. Hill	do	Governor Hamilton	Nov. 14, 1865.
A. W. Hill	do	do	Nov. 14, 1865.
J. C. Higgins	do	do	Nov. 14, 1865.
Leonard C. Hupp	do	do	Nov. 13, 1865.
William M. Harrison	Member of rebel legislature, and worth over $20,000.	do	Nov. 9, 1865.
G. T. Howard	Worth over $20,000	Governor Hamilton, L. J. Farwell, ex-governor of Wisconsin, and R. J. Meigs, sr.	Dec. 1, 1865.
E. P. Hunt	do	Governor Hamilton	Dec. 8, 1865.
William Hendley	do	do	Dec. 8, 1865.
John W. Harris	do	do	Dec. 8, 1865.
J. W. Henderson	do	Governor Hamilton, A. S. Roberts, A. P. Wiley, D. J. Baldwin, W. A. Daly, C. B. Sabine, Sterling Fisher, H. H. Dooley, and J. E. Lillie.	Dec. 8, 1865.
Galen Hodges	do	Governor Hamilton, William H. Burkhart, D. E. E. P. Warman, W. Hillard, and P. E. Nicholson.	Mar. 13, 1866.
Richard A. Howard	do	Governor Hamilton	Jan. 29, 1866.
Warren Hooks	do	do	Dec. 8, 1865.
James E. Hopkins	do	do	Dec. 8, 1865.
E. M. Hopkins	do	do	Dec. 8, 1865.
Reece Hughes	do	do	Dec. 8, 1865.
John Hill	do	do	Dec. 8, 1865.
Whitfield Harral	do	do	Oct. 24, 1865.
J. R. Hawkins	do	Governor Hamilton and James H. Bell	Nov. 18, 1865.
William P. Hill	District judge of the rebel States	Governor Hamilton, J. S. Roberts, Sterling Fisher, James Burke, J. Bailey, and J. R. Morris.	Nov. 14, 1865.
L. P. Harris	Rebel postmaster	Governor Hamilton, J. L. Camp, and W. P. Beall	Apr. 11, 1866.
John H. Herndon	Worth over $20,000	Governor Hamilton	Nov. 18, 1865.
W. J. E. Heard	do	Governor Hamilton and Francis M. White	Nov. 18, 1865.
C. K. Hall	do	Governor Hamilton	Sept. 22, 1865.
B. A. Harrison	do	do	Nov. 18, 1865.
Eliza Herton	do	Governor Hamilton and Hon. James H. Bell	Nov. 18, 1865.
R. J. Horton	do	do	Nov. 18, 1865.
John Horan	do	Governor Hamilton	Nov. 20, 1865.
William V. Hughes	do	do	Apr. 30, 1866.
J. B. Hamell	Rebel assessor of war tax	do	Apr. 30, 1866.
W. K. Hamblen	Rebel postmaster	do	Dec. 1, 1865.
John H. Hutchins	Commissioner of rebel district court	Governor Hamilton, Albert Ball, George W. Grover, and H. Stewart	Aug. 19, 1865.
W. R. Hinckley	Rebel postmaster	Governor Hamilton, D. Shamsins, Josiah Dowling, T. A. Hester, and A. K. Fraster	Nov. 7, 1865.
William R. Hobbs	do	Governor Hamilton	Nov. 7, 1865.
James G. Holloway	Rebel assessor of tax	do	Mar. 8, 1866.
William P. Hughes	Rebel postmaster	do	July 6, 1866.
Alexander Henderson	Rebel deputy marshal	John W. Leftwich	Aug. 8, 1866.

George W. Hoffey	Rebel postmaster	Governor Hamilton	Apr. 30, 1866.
William W. Holman	Worth over $20,000	Governor Hamilton and Hon. L. D. Evans	Dec. 4, 1866.
E. R. Hord	Rebel collector of customs, and worth over $20,000.	By order of the President	Oct. 1, 1866.
B. F. Harris	Rebel postmaster	Governor Hamilton	Nov. 18, 1865.
M. J. Hall	Depositary of rebel treasury	Governor Hamilton and Hon. Thomas H. Duvall	Oct. 24, 1865.
Edward Hickey	Worth over $20,000	Governor Hamilton and George W. Paschal	July 18, 1866.
John F. Heinitz	Ex-United States and rebel postmaster	Governor Hamilton	July 6, 1866.
E. G. Houston	Rebel commissioner	Governor Hamilton, Thomas H. Stribling, W. E. Jones, and J. A. Paschal	Apr. 30, 1866.
T. A. Harris	Ex-United States and rebel postmaster	Governor Hamilton, Z. M. P. French, L. Lindsey, W. B. Price, G. W. Shiks, William B. McClellan, and John W. Fahey.	May 28, 1866.
John C. Hill	Collector of rebel war tax		Dec. 6, 1865.
John R. Henry	Worth over $20,000, and collector of rebel tax	Governor Hamilton	Dec. 6, 1865.
R. K. Hartley	Member of rebel legislature, and worth over $20,000.	do	Dec. 8, 1865.
John T. Holt	Rebel assessor of war tax	Governor Hamilton and James Raymond	Apr. 28, 1866.
W. A. Highsmith	do	Governor Hamilton, H. W. Brown, H. M. Lister, James B. Cope J. Shutz, and Wm. T. Allen.	Apr. 30, 1866.
William B. Heard	Ex-United States and rebel postmaster	Governor Hamilton	Apr. 18, 1866.
S. B. Hendricks	Rebel postmaster	Governor Hamilton, M. C. Rogers, T. Gibbs, S. Gibbs, A. M. Branch, and Samuel D. Hay.	Nov. 14, 1865.
Simeon Hart	Worth over $20,000	Hon. John Hancock, Hon. L. D. Evans, F. P. Sister, John D. Elliott, Hon. George W. Glascock, and Colonel C. B. Forshey.	Nov. 3, 1865.
William Ingram	do	Governor Hamilton	Dec. 4, 1866.
David Irvin	do	Attorney General Stanbery	Sept. 27, 1866.
Charles H. Jordan	do	Lorenzo Sherwood	Jan. 25, 1866.
A. Jeffries	Rebel postmaster and assessor	Governor Hamilton and James H. Raymond	Feb. 23, 1866.
Churchill Jones	Worth over $20,000	Governor Hamilton	Apr. 11, 1866.
John Jones	do	do	Dec. 6, 1865.
Lewd Jordan	do	do	Dec. 6, 1865.
Henry N. Jones	do	do	Sept. 22, 1865.
J. C. Jones	do	do	Nov. 20, 1865.
M. T. Johnson	do	do	Sept. 20, 1865.
J. W. Jordan	do	do	Oct. 13, 1865.
William S. Jones	do	Hon. James H. Bell, Emmitt Jones, A. E. Ford, W. Andrews, Thomas Vogel, and E. G. Lowell.	Nov. 18, 1865.
F. M. Jackson	do	Governor Hamilton	Nov. 18, 1865.
John H. Jones	do	Governor Hamilton, Captain A. M. Cochran, D. E. E. Brennan, and William H. Burkhart	Jan. 25, 1866.
Thomas H. Jones	do	Governor Hamilton	Jan. 25, 1866.
J. T. Jeffries	Rebel States tax collector	do	Apr. 30, 1866.
W. H. Jackson	Rebel States tax assessor	do	Dec. 1, 1865.
C. R. Johns	Rebel commissioner of court, and worth over $20,000.	do	Nov. 18, 1865.
William E. Jones	Ex-U. S. and rebel postmaster	Governor Hamilton, Hon. T. H. Duval, George W. Paschal, J. H. McFarland, Hon. John Hancock, L. E. Turner, and T. M. Litton.	Sept. 20, 1865.
Tom G. Jones	Rebel postmaster	Governor Hamilton	Nov. 18, 1865.
E. B. Jarman	Worth over $20,000	Governor Hamilton, W. B. Price, William Lewis, A. L. D. Moore, Z. M. P. French, John W. Fahey, and Livingston Lindsay.	July 14, 1866.
William C. Jones	do	Governor Hamilton	May 15, 1866.
J. R. Jefferson	Rebel States marshal, and agent for the purchase of arms.	Hon. John Hancock William M. Taylor, N. G. Shilley, and George W. Jenie	May 5, 1866.
S. S. Jackson	Rebel postmaster	Governor Hamilton	Apr. 30, 1866.

Texas—Continued.

Name.	Exemption under amnesty proclamation of May 29, 1865.	By whom recommended.	Date of pardon.
John Ireland	Rebel receiver	Governor Hamilton	Jan. 25, 1866.
Henry K. Judd	Rebel tax collector	....do	May 14, 1866.
Alexander M. Jackson	Rebel chief justice of the Territory of Arizona	....do	May 14, 1866.
John A. King	Assessor of rebel tax	....do	Nov. 13, 1865.
W. M. Klyce	Rebel postmaster	....do	Dec. 8, 1865.
John H. Kampmann	Worth over $20,000	....do	Feb. 14, 1866.
William Kennedy	....do	....do	Nov. 18, 1865.
M. Kopperl	....do	....do	Oct. 13, 1865.
Mifflin Kenedy	....do	Governor Hamilton, Brevet Major General G. A. Smith, Charles Worthington, Major General Steele, (Robinson, Rea & Co., James A. Hutchison, David E. Park, Caldwell & Bro., M. N. Beltzhoover, In, McD. Crossan, James B. Lynn, Spang, Chalfant & Co., McKnight & Co., James N. Bennett, W. Bagley, R. C. Gray, Robert Finney, Jones & Laughlin, Thomas M. Howe, James M. Cooper, William R. Dimmick, Moorhead & Co., A. D. Smith & Bros., James Dalzell & Son, citizens of Pittsburg, Pa.,) Hon. J. Moorhead, and Hon. Thomas Williams.	Nov. 25, 1865.
Richard King	....do	Governor Hamilton, Major General Steele, Brevet Major General Giles A. Smith, and Charles Worthington, collector of customs.	Nov. 25, 1865.
John E. King	Rebel postmaster	Governor Hamilton	Nov. 17, 1865.
John Karner	Worth over $20,000	....do	Dec. 8, 1865.
Robert B. Kingsbury	Ex-U. S. and rebel collector of customs	....do	June 17, 1865.
Hough Kirkpatrick	Worth over $20,000	....do	Apr. 25, 1865.
Ezra Keyser	Rebel provost marshal and tax collector	Governor Hamilton, N. G. Shelley, Sam. T. Scott, John R. McCall, J. D. Buchanan, B. A. Risher, and G. H. Giddings.	Dec. 8, 1865.
John Kennedy	Worth over $20,000	Governor Hamilton, Ingraham S. Roberts, and Sterling Fisher	Apr. 4, 1866.
Joseph Kleiber	Rebel postmaster	Governor Hamilton, Major General Steele, and Major General Weitzel	Apr. 4, 1866.
Robert Klebury	Rebel tax collector	Governor Hamilton	Nov. 14, 1865.
W. A. Lockhart	Rebel assessor and collector of taxes	....do	Apr. 4, 1866.
John M. Lewis	Rebel assessor of tax	....do	Dec. 8, 1865.
A. H. Latimer	Rebel postmaster	....do	Dec. 8, 1865.
Mathew Leeper	Ex-U. S. and rebel Indian agent	....do	Dec. 8, 1865.
A. P. Lufkin	Worth over $20,000	Governor Hamilton, J. H. McFarlan, Albert Ball, and George W. Grover	Dec. 8, 1865.
W. B. Leigh	Rebel commissioner	Governor Hamilton	Jan. 11, 1866.
William M. Lubbock	Worth over $20,000	....do	Dec. 8, 1865.
Frank J. Lewis	....do	....do	Oct. 21, 1865.
H. Ledbetter	Rebel postmaster, and worth over $20,000	....do	Nov. 18, 1865.
Samuel K Lewis	Worth over $20,000	....do	Nov. 18, 1865.
N. D. Labadie	....do	....do	Dec. 8, 1865.
Thomas M. League	Rebel civil agent	....do	Oct. 17, 1865.
Charles Lovenskiold	Commissioner of rebel district court and collector of tax.	Hon. George W. Paschal	June 7, 1866.
John V. Law	Rebel postmaster	Governor Hamilton	Nov. 20, 1865.
A. S. Lathrop	Collector of rebel tax	....do	Nov. 18, 1865.
A. E. G. Lee	Civil agent of rebel government	By order of the President	July 26, 1866.
F. W. Latham	Worth over $20,000	J. George Harris	Nov. 19, 1866.

Allen Lewis	ditto	Governor Hamilton	Aug. 19, 1864.
M. A. Long	Rebel receiver	ditto	Jan. 25, 1866.
Albert M. Lea	Graduated at West Point	Major General H. G. Wright, Brevet Brigadier General F. T. Dent, Victor W. Grahn, Charles H. Lemard, and L. Kent, collector of customs.	Sept. 20, 1866.
J. K. Metcalfe	Worth over $20,000	Major General Augur, C. H. Crane, surgeon U. S. A.	Feb. 14, 1866.
Shubael Marsh	ditto	Governor Hamilton, J. A. Randal, and Jos. J. Ambrister	Apr. 11, 1866.
William Milburn	Receiver of rebel district court	Governor Hamilton	Apr. 11, 1866.
W. B. Miller	Worth over $20,000	ditto	Dec. 8, 1865.
John M. Moore	Rebel agent for purchasing military stores, and worth over $20,000.	ditto	Dec. 1, 1865.
W. H. Morris	Rebel postmaster	ditto	Nov. 14, 1865.
Nestor Maxon	Rebel receiver of district court	Governor Hamilton, Major General Steele, and Major General Weitzel	Apr. 4, 1866.
Thomas Moore	ditto	Governor Hamilton	Dec. 8, 1865.
N. J. Moore	Rebel tax assessor	Governor Hamilton and Hon. J. B. Johnson	Dec. 8, 1865.
James Masterson	Rebel deputy marshal	Governor Hamilton	Dec. 8, 1865.
James H. Moody	Assessor of rebel tax	Governor Hamilton, Hon. E. A. McClerncken, and J. A. Womack	May 5, 1866.
J. B. Murphy	Rebel receiver	Governor Hamilton	July 2, 1866.
Edward Manton	Worth over $20,000	Governor Hamilton and Hon. John Hancock	July 6, 1866.
Thomas F. Marchison	Ex-U. S. and rebel postmaster	Governor Throckmorton, P. T. Faunehill, Jeff. E. Thompson, John M. McDonald, B. C. Holland, L. E. Brown, Thomas Braceshaw, Thomas B. Greenwood, and William Clanton.	Dec. 5, 1866.
George F. Marchbanks	Rebel tax assessor and mail contractor	Governor Hamilton, Hon. Arvin Wright, and Benjamin F. Hawkins	Apr. 30, 1866.
Jos. B. Merideth	Rebel tax collector	ditto ditto ditto	Apr. 30, 1866.
T. D. Moseley	ditto	Governor Hamilton, J. M. Long, James P. Neal, W. A. Morris, M. H. Bowers, S. G. Haynee, and John R. McCall.	Nov. 13, 1865.
Marcus F. Mott	Clerk of rebel court	Governor Hamilton	Aug. 19, 1865.
Nelson Merrill	Ex-U. S. and rebel postmaster	ditto	Nov. 17, 1865.
Samuel F. Moseley	Rebel depositary of treasury, and worth over $20,000.	Governor Hamilton and Hon. T. H. Duval	Oct. 24, 1865.
L. M. Mays	Rebel States commissioner	Governor Hamilton	Nov. 18, 1865.
W. T. Murray	Ex-U. S. and rebel postmaster	ditto	Apr. 30, 1866.
Doctor J. C. Massie	Worth over $20,000	ditto	Dec. 8, 1865.
David V. Myers	ditto	ditto	Dec. 20, 1865.
R. H. Medley	ditto	Governor Hamilton, Hon. J. B. Williamson, and Hon. Daniel B. Bonfry	Mar. 6, 1866.
James M. Murphy	ditto	Governor Hamilton	Dec. 8, 1865.
John C. Murphy	ditto	Governor Hamilton and J. B. Jones, captain and provost marshal	Dec. 8, 1865.
C. C. Millican	ditto	Governor Hamilton	Nov. 18, 1865.
A. Mims	ditto	ditto	Nov. 18, 1865.
James M. Maxey	Rebel receiver	ditto	Oct. 21, 1865.
A. W. Moore	Worth over $20,000	ditto	Nov. 14, 1865.
William A. Menger	ditto	ditto	Sept. 20, 1865.
T. A. Maverick	ditto	ditto	Nov. 18, 1865.
A. T. Morris	ditto	ditto	Nov. 18, 1865.
John T. Miller	ditto	Governor Hamilton and Hon. James H. Bell	Nov. 18, 1865.
David G. Mills	ditto	Governor Hamilton	Oct. 6, 1865.
Robert Mills	ditto	A. A. Low, William A. Stewart, Moses Taylor, Samuel Houre, and Charles A. Heckscher, New York; George Ball, B. R. Dan, and L. H. Wood, Texas.	Oct. 6, 1865.
J. C. Moore	Ex-U. S. and rebel postmaster	Governor Hamilton	Dec. 8, 1865.
John S. McCampbell	Rebel receiver	Governor Hamilton, Hon. E. P. Upton, A. M. Wigginton, and R. W. Davis	Apr. 30, 1866.
H. W. McMorris	Rebel postmaster	Governor Hamilton, A. McClure, and James M. Perry	Apr. 27, 1866.
James McLeod	Worth over $20,000	Governor Hamilton	May 2, 1866.
Thomas F. McKinney	ditto	Major General Wright	Dec. 1, 1866.

Texas—Continued.

Name.	Exemption under amnesty proclamation of May 29, 1865.	By whom recommended.	Date of pardon.
William McIntosh	Rebel postmaster	Governor Hamilton, S. Cooper, G. B. Reed, H. Mitchell, and H. Hardy	July 6, 1866.
J. M. McLannahan	do	Governor Hamilton	Nov. 13, 1865.
B. F. McDonough	Rebel collector of customs	By order of the President	Aug. 11, 1865.
Alex. McDow	Worth over $20,000	Governor Hamilton	Mar. 13, 1866.
William McCraven	do	Governor Hamilton and D. J. Baldwin	Oct. 18, 1865.
Alex. McGowen	do	Governor Hamilton, D. J. Baldwin, J. S. Roberts, Sterling Fisher, J. E. Lillie, J. R. Morris, James Burk, J. C. Yeaton, F. S. Rottenstein, C. B. Sabin, Oscar Deitzel, F. A. Lawyer, William H. Flint, and W. A. Daly.	Oct. 27, 1865.
H. C. McIntyre	do	Governor Hamilton	Sept. 19, 1865.
Dugald McAlpine	do	do	Sept. 22, 1865.
John G. McNeel	do	do	Oct. 9, 1865.
W. W. McMahan	do	Governor Hamilton and Hon. George H. Schley	Apr. 11, 1866.
T. H. McMahan	do	Governor Hamilton	Aug. 19, 1865.
S. R. McKee	do	do	Sept. 20, 1865.
J. D. McGary	do	do	Sept. 20, 1865.
L. E. Newhans	Rebel postmaster	do	Nov. 9, 1865.
E. Nance	Worth over $20,000	do	Dec. 8, 1865.
Washington L. Nunneley	do	do	Dec. 8, 1865.
E. B. Nichols	Foreign agent of rebel government, and worth over $20,000.	Major General Granger and Hon. John Hancock	Sept. 2, 1865.
J. R. North	Worth over $20,000	Governor Hamilton	Nov. 13, 1865.
Thomas C. Nelson	do	Governor Hamilton, W. A. Daly, James Burk, J. R. Morris, G. Dumble, E. M. Pease, H. H. Dooley, Sterling Fisher, and J. E. Lethe.	Dec. 8, 1865.
Joseph Ney	Rebel postmaster	Governor Hamilton	May 10, 1866.
John D. Newell	Worth over $20,000	Hon. John Hancock	May 5, 1866.
Josiah Nichols	Rebel collector of war tax	Governor Hamilton	Dec. 8, 1865.
William Oldham	Worth over $20,000	do	June 15, 1866.
Mrs. Rosanna Osterman	do	do	Nov. 18, 1865.
J. D. Overton	Rebel deputy marshal	do	Apr. 30, 1866.
Sidney C. Olive	Under bonds to the United States	do	Apr. 30, 1866.
John Oatman, jr.	Rebel postmaster	do	Dec. 8, 1865.
Robert J. Patton	do	do	Dec. 8, 1865.
William M. Payne	do	Governor Hamilton and Hon. A. P. McCormick	Apr. 11, 1866.
John H. Pope	Worth over $20,000	Governor Hamilton	Dec. 21, 1865.
Thomas B. Powers	Rebel privateer and blockade runner	Governor Hamilton and Mrs. Sam. Houston	Jan. 4, 1866.
J. H. Pankersley	Worth over $20,000	Governor Hamilton	Nov. 18, 1865.
Howard P. Perry	do	By order of the President	Dec. 12, 1865.
T. A. Patillo	Rebel receiver	Hon. L. D. Evans, Davis B. Bonfrey, Hon. S. D. Ward, and Horace Boughton	Apr. 30, 1866
Robert P. Price	Left a loyal State; worth over $20,000	George W. Dent, General Frank P. Blair, and Hon. James S. Rollins	May 28, 1866.
Charles Power	Worth over $20,000	Governor Hamilton	Sept. 20, 1865.
George Pfeuffer	Violated his oath	do	Sept. 20, 1865.
S. S. Perry	Worth over $20,000	do	Oct. 2, 1865.
H. L. Paxton	do	Victor B. Bell, agent Treasury Department, Captain J. B. Jones, commanding post, S. H. Ellis, B. T. Estes, and Lewis Alexander.	Mar. 6, 1865.

Adin Powell	do	Governor Humilton	Dec. 8, 1865.
Henry Pinney	Ex-United States and rebel postmaster	do	Apr. 11, 1866.
G. W. Patton	Rebel postmaster	Governor Hamilton and Thomas Ford	Apr. 11, 1866.
William Perry	Worth over $20,000	Governor Hamilton	Dec. 8, 1865.
Robert Peebles	do	do	Dec. 8, 1865.
Ira Prewitt	Rebel postmaster	Governor Hamilton, T. S. Parker, William Alexander, and F. J. Wates	Apr. 30, 1866.
James H. Polley	Worth over $20,000	Governor Hamilton	July 6, 1866.
Elbert Pinney	Ex-United States and rebel postmaster	L. Robinson and Ed. B. Warner, Illinois, A. C. Jackson and William Lane, Texas	Dec. 8, 1865.
Moses L. Parton	Assessor of rebel tax	Governor Hamilton and Hon. J. B. Johnson	Dec. 8, 1865.
Valentine B. Pool	Worth over $20,000	Governor Hamilton	Mar. 8, 1866.
George H. Pegnus	Rebel postmaster	do	Dec. 8, 1865.
John Pinchback	Worth over $20,000	do	Mar. 13, 1866.
J. A. Quintero	Rebel confidential agent to Mexico	Major General Weitzel and Charles Worthington	Dec. 20, 1865.
C. Rhodius	Rebel postmaster	Governor Hamilton, A. Sumering, C. Rossy, Peyton Smith, Conrad Seabaugh, J. A. Paschal, William E. Jones, and D. Cleaveland.	Jan. 5, 1866.
George H. Roberts	Worth over $20,000	Governor Hamilton, D. J. Baldwin, I. S. Roberts, A. McGovern, and W. A. Daly	Oct. 27, 1865.
John B. Root	Ex-United States and rebel postmaster	Governor Hamilton	Dec. 8, 1865.
H. C. Robertson	Worth over $20,000	do	Dec. 1, 1865.
J. W. Russell	do	do	Dec. 8, 1865.
Nathan Ross	do	Governor Hamilton, G. W. Wright, and M. S. Armstrong	Dec. 8, 1865.
W. Richardson	do	By order of the President	Mar. 29, 1866.
Erastus Reed	Rebel transportation agent	Governor Hamilton	Apr. 11, 1866.
J. L. Rountree	Ex-United States and rebel postmaster	Governor Hamilton, D. C. Barmore, R. R. Kelley, J. F. Proctor, R. Howard, J. P. Thomas, and John Barton.	Apr. 30, 1866.
W. H. Randolph	Rebel postmaster	Governor Hamilton, Hon. Benton Randolph, M. S. Gibbs, and W. B. Rome	Apr. 30, 1866.
N. S. Rector	Rebel tax collector	Governor Hamilton	Oct. 12, 1865.
R. A. Rutherford	do	do	Oct. 12, 1865.
Stephen Reaves	Commissioner of rebel States' court	Governor Hamilton and Hon. Samuel L. Earle	Apr. 30, 1866.
William Rust	Ex-United States and rebel postmaster	Governor Hamilton and Hon. James Bell	Nov. 18, 1865.
A. S. Richardson	Commissioner of rebel court and dep'y marshal	Governor Hamilton	Sept. 19, 1865.
Edwin Rust	Rebel tax collector	Governor Hamilton, R. M. Johnson, and F. W. Moore	
James H. Raymond	Worth over $20,000	Governor Hamilton	May 5, 1866.
B. H. Risher	do	do	Nov. 13, 1865.
H. H. Runge	do	do	Sept. 20, 1865.
A. H. Rippetoe	Rebel tax collector, and worth over $20,000	do	Sept. 20, 1865.
Henry Runge	Worth over $20,000	do	Nov. 13, 1865.
H. R. Runnels	do	do	Sept. 20, 1865.
H. W. Runnels	do	Victor B. Bell, assistant supervising agent Treasury Department, J. P. Jones, captain, commanding post, and Samuel F. Moreley.	Mar. 6, 1866.
			Mar. 6, 1866.
H. R. T. Rose	Rebel postmaster	Governor Hamilton	
Henry Rosenberg	Rebel clerk	John Hitz, consul general of Switzerland	Apr. 25, 1866.
W. M. Rice	Worth over $20,000	Governor Hamilton	Sept. 16, 1865.
M. C. Rodgers	Rebel postmaster	Governor Hamilton, Hon. Benton Randolph, M. S. Gibb, W. B. Rome, Peter Royal, J. H. Banton, Robert C. Campbell, L. A. Abercombie, A. M. Branch, L. B. Hightower, Fletcher Hume, James A. Baker, S. D. Hay, A. C. Woodall, A. T. McKinney, A. P. Wiley, and C. C. Caldwell.	Oct. 18, 1865. Dec. 8, 1865.
Ober Roberts	do	Goveror Hamilton and Hon. Samuel L. Earle	Apr. 30, 1866.
J. C. Rushing	Rebel receiver	Governor Hamilton	Apr. 30, 1866.
D. C. Russel	Worth over $20,000	do	Dec. 8, 1865.
Henry Rhine	do	Hon. L. D. Evans, F. P. Sawyer, and E. B. Turner	Dec. 8, 1865.
E. S. Runnells	do	Governor Hamilton	Dec. 8, 1865.
John Reid	do	do	Dec. 8, 1865.

Texas—Continued.

Name.	Exemption under amnesty proclamation of May 29, 1865.	By whom recommended.	Date of pardon.
H. Randolph	Worth over $20,000	Governor Hamilton	Dec. 8, 1865.
Shadrach Rowe	do	do	Nov. 18, 1865.
Mrs. Mary Ryan	do	Hon. James Bell, Emmett Jones, George W. Feris, and Benjamin F. Atkins	Nov. 18, 1865.
William Ryan	do	Hon James Bell, A. P. Thompson, John Dickinson, and John C. Cutter	Nov. 18, 1865.
E. S. C. Robertson	do	Governor Hamilton	Nov. 18, 1865.
D. Rawdon	do	do	Nov. 18, 1865.
Mrs. Ellen H. Reily	do	A. F. Hawkins, Benjamin Gruiz, Richard A. Buckner, and H. T. Duncan	Sept. 23, 1865.
J. C. P. Rennymore	Assessor of rebel tax	Governor Hamilton, Hon. Benton Randolph, W. B. Rome, M. S. Gibbs, John A. Baker, and John Branch.	Nov. 13, 1865.
James Sorley	Rebel collector of customs	Governor Hamilton, Edward T. Austin, and Albert Ball	Feb. 10, 1866.
D. M. Stapp	do	Governor Hamilton	Jan. 12, 1866.
Sidney Seymour	Ex-United States and rebel deputy postmaster	do	Dec. 8, 1865.
John J. Stubblefield	Rebel collector of tax and deputy marshal	do	Dec. 8, 1865.
Wm. M. Saunders	Rebel mail contractor	do	Dec. 8, 1865.
J. W. Smith	Rebel depositary	Governor Hamilton, Hon. W. H. Hord, Hon. A. Bledsoe, and W. K. Master	Dec. 8, 1865.
Sinclair Stapp	Rebel postmaster	Governor Hamilton	Apr. 11, 1866.
J. M. Steiner	Worth over $20,000	Governor Hamilton, Richard Coke, and A. P. Blocker	Dec. 9, 1865.
James B. Shaw	do	P. W. Gray, John H. Reegan, D. G. Burnet, and W. P. Ballenger	Oct. 27, 1865.
Wm. R. Smith	do	Governor Hamilton	Oct. 27, 1865.
John A. Santers	do	Lorenzo Sherwood	Sept. 13, 1865.
John S. Sydnor	do	Governor Hamilton, F. Flake, Albert Ball, H. Stewart, and George W. Grover	Oct. 12, 1865.
Charles Stillman	do	Attorney General Speed	Oct. 23, 1865.
A. G. Stevens	Assessor of rebel tax, and worth over $20,000	Governor Hamilton, Thomas C. Smith, W. A. Blair, J. R. North, J. F. Shannon, B. E. Larver, and J. M. Baker.	Dec. 1, 1865.
Gordon W. Shanklin	Worth over $20,000	Governor Hamilton, Hon. H. Christian, Warner Wallace, Joseph Carter, Cary White, E. D. Stubblefield, A. W. Richard, and J. N. Damon.	Mar. 13, 1866.
George Stoneum	do	Governor Hamilton and Hon. J. M. Patrick	Feb. 5, 1866.
Mrs. Sarah Scott	do	Governor Hamilton	Apr. 18, 1866.
John Speak	do	do	Dec. 8, 1865.
J. W. Smith	Rebel States receiver	do	Dec. 8, 1865.
James H. Starr	Rebel receiver, agent of post office department, and worth over $20,000.	Governor Hamilton and Hon. J. B. Johnson	Dec. 8, 1865.
Alex. Sessums	Worth over $20,000	Governor Hamilton, Brevet Maj. Gen. C. C. Andrews, Brevet Brig. Gen. G. W. Clark, Ingham S. Roberts, C. J. Harris & Co., Sterling Fisher, J. C. Lord, and H. R. Allen.	Sept. 20, 1865.
William D. Smith	do	Governor Hamilton	Nov. 13, 1865.
W. C. Swanson	do	do	Nov. 13, 1865.
Asa E. Stratton	do	do	Nov. 18, 1865.
W. M. Sergeant	do	Governor Hamilton, F. H. Merriman, and E. M. Pease	Oct. 28, 1865.
George A. Smith	do	Governor Hamilton	Nov. 18, 1865.
Orange Swan	do	do	Nov. 18, 1865.
David T. Stevens	do	Governor Hamilton, Hon. James Bell, and William J. Phillips	Nov. 18, 1865.
B. A. Shepherd	do	Governor Hamilton	Sept. 5, 1865.
George W. Sampson	do	Benj. B. Sherman, H. B. Claflin & Co., B. D. Silliman, N. Y., Geo. W. Paschal, Texas	Oct. 2, 1865.
Wm. M. Sledge	do	Governor Hamilton	Nov. 13, 1865.

J. R. Shipman	ditto	Hon. James Bell, E. J. Lovell, and E. H. Carlisle	Nov. 18, 1865.
John Sweeny	ditto	Governor Hamilton	Nov. 18, 1865.
John W. Swisher	Rebel agent to Mexico to purchase arms, and worth over $20,000.	ditto	Nov. 18, 1865.
Charles Saul	Worth over $20,000	ditto	Nov. 13, 1865.
William T. Scott	ditto	Governor Hamilton, E. A. Blanch, B. Smalley, S. D. Wood, Henry Ware, N. W. Board, P. W. V. Board, J. W. Johnson, D. S. Jennings, and William Evans.	Oct. 24, 1865.
J. S. Sullivan	ditto	Governor Hamilton, Hon. Geo. W. Paschal, W. Andrews, Geo. H. Schley, and G. Cook	Apr. 16, 1866.
M. W. Sims	ditto	By order of the President	Apr. 23, 1866.
Thomas M. Smith	Rebel postmaster	Hon. Geo. W. Paschal	Apr. 19, 1866.
William M. Sergeant	Worth over $20,000	Governor Hamilton	Mar. 19, 1866.
Peter V. Shaw	Rebel tax collector	Governor Hamilton, Hon. W. B. Price, W. B. McClellan, Z. M. P. French, L. Lindsay	Apr. 30, 1866.
Sam. T. Scott	Rebel deputy marshal	Governor Hamilton	Sept. 20, 1865.
John Scaley	Worth over $20,000	Governor Hamilton, T. Flake, Albert Ball, G. W. Grover, and H. Stewart	Aug. 19, 1865.
Harvey Smith	Rebel tax assessor	Governor Hamilton, Hon. H. Christian, W. W. Bishop, D. F. Chamberlain, C. F. Lee, Sames P. Reed, M. W. Damron, R. A. Myers, and A. W. Richard.	Apr. 30, 1866.
Andrew F. Smith	ditto	Governor Hamilton	Apr. 30, 1866.
W. F. Swain	Rebel postmaster and deputy marshal	ditto	Nov. 18, 1865.
Henry Sampson	Rebel agent of the produce loan	Hon. L. D. Evans, Geo. W. Carter, W. P. Ballenger, and P. W. Gray	Nov. 19, 1865.
C. B. Stewart	Rebel collector of revenue, and worth over $20,000.	Governor Throckmorton, D. G. Burnet, Geo. W. White, J. W. Carter, G. H. Giddings, and L. D. Evans.	Sept. 4, 1866.
John J. Smith	Worth over $20, 000	Governor Throckmorton	Dec. 12, 1866.
William Sutherland	Rebel postmaster	Governor Hamilton	July 6, 1866.
J. Carroll Smith	Worth over $20,000	ditto	June 25, 1866.
Walter S. Sutherland	Rebel postmaster	ditto	July 6, 1866.
James Simerton	Worth over $20,000	ditto	May 2, 1866.
N. G. Shelley	Rebel receiver	By order of the President	May 5, 1866.
Moses C. Steele	Rebel postmaster	Governor Hamilton, A. W. Morrow, Theodore Ketchum, J. A. Hampton, A. S. Walker, and William H. Sweeney.	Apr. 20, 1866.
Thomas M. Smith	ditto	Governor Hamilton, J. S. Odiorne, S. F. Bell, W. S. Calohan, and J. W. Herrman	Apr. 30, 1866.
James R. Sweet	Worth over $20,000	Governor Wells, Louisiana	Apr. 28, 1866.
Morgan L. Smith	ditto	Lorenzo Sherwood, Joseph A. Sprague, Peter Cooper, New York, A. L. Reid, New York, Charles Dana Gibson, New York, N. W. Burtes, New York, Durfee & Jacques, New York, John J. Cisco, New York, and John A. Dix, New York.	Sept. 13, 1865.
Wesley Smith	Assessor and collector of rebel taxes	Captain J. M. Walker, assistant provost marshal	July 31, 1865.
W. S. Smith	Rebel postmaster	Governor Hamilton	Dec. 8, 1865.
E. Sampson	Commissioner of rebel court, and depositary at San Antonio.	ditto	Jan. 26, 1866.
W. J. Sorrelle	Rebel postmaster	ditto	Dec. 8, 1865.
William Thaxton	Rebel tax collector	ditto	Dec. 8, 1865.
J. D. Todd	ditto	ditto	Dec. 8, 1865.
John Twohig	Worth over $20,000	Governor Hamilton, Major General Canby, Colonel Reeve, Brevet Brigadier General Vinton, and Bevet Lieutenant Colonel Bliss.	Dec. 16, 1865.
A. Toutant	ditto	Governor Hamilton	Dec. 1, 1865.
John A. Talbot	ditto	ditto	Mar. 6, 1866.
J. A. Thomason	ditto	ditto	Dec. 8, 1865.
M. W. Tiigg	Rebel tax collector, and worth over $20,000	ditto	Nov. 14, 1865.
Ph lip C. Tucker	Commissioner of rebel court, and worth over $20,000	Governor Hamilton and E. M. Pease	Dec. 8, 1865.
J. A. S. Turner	Worth over $20,000	Governor Hamilton	Dec. 8, 1865.
John L. Thorpe	ditto	ditto	Nov. 8, 1865.
C. H. Taylor	ditto	ditto	Oct. 12, 1865.

Texas—Continued.

Name.	Exemption under amnesty proclamation of May 29, 1865.	By whom recommended.	Date of pardon.
Thomas U. Toler	Rebel collector of taxes	Governor Hamilton, W. Frank Carter, chief justice, R. W. Duke, and John A. Fain	Apr. 11, 1866.
M. W. Townsend	Rebel tax assessor	Governor Hamilton	Mar. 19, 1866.
Ward Taylor, jr	do	do	Apr. 30, 1866.
F. M. Taylor	do	do	Dec. 1, 1865.
R. S. Thomas	Worth over $20,000	Governor Hamilton, George W. Carter, and C. Caldwell	Oct. 24, 1865.
P. F. Taney'ahill	Rebel tax collector	Governor Hamilton	May 21, 1866.
A. J. Terry	Worth over $20,000	Governor Hamilton and Hon. A. P. McCormick	July 2, 1866.
John Thatcher	do	Governor Hamilton, T. H. Merriman, Edward T. Clustin, and J. R. Morris	May 26, 1866.
E. J. C. Thompson	Rebel revenue collector	Governor Hamilton	Apr. 25, 1866.
Thomas M. Turner	Rebel tax assessor	do	Dec. 8, 1866.
John W. Tabor	Rebel tax collector	Governor Hamilton, C. Cowan, chief justice, William Lester, and J. A. Glenn	Apr. 30, 1866.
A. W. Terrell	Rebel brigadier general	Hon. James H. Bell, Hon. L. D. Evans, and Thomas Savage, (V. C. G., Havana)	Nov. 30, 1865.
H. D. Taylor	Worth over $20,000	Governor Hamilton, Ingham S. Roberts, C. J. Harris, J. R. Morris, Texas, and Samuel Drake Smith, New York.	May 14, 1866.
A. Underwood	do	Governor Hamilton	Dec. 8, 1865.
C. Upson	Rebel justice of Arizona	do	Nov. 14, 1865.
James Vance	Worth over $20,000	do	Jan. 25, 1866.
William H. Vance	do	do	Jan. 25, 1866.
W. A. Van Alstyne	do	Attorney General Speed and L. M. Sherley	Oct. 6, 1865.
William Vance	do	Hon. W. T. Otto	Sept. 13, 1865.
Frederick Voigt	Rebel postmaster	Governor Throckmorton	Sept. 4, 1866.
Charles A. Warfield	Rebel tax collector	George W. Dobbin, Baltimore	Feb. 21, 1866.
A. E. Westal	Worth over $20,000	Governor Hamilton	Apr. 11, 1866.
James T. D. Wilson	do	Governor Hamilton, D. J. Baldwin, C. C. Caldwell, W. A. Daly, J. S. Roberts, James H. Yeaton, J. R. Morris, James Burke, and C. B. Sabin.	Dec. 8, 1865.
T. R. Williams	do	Governor Hamilton and Robert H. Taylor	Dec. 8, 1865.
Willis Whitaker	do	Governor Hamilton	Apr. 18, 1866.
P. M. Walton	do	do	Jan. 12, 1866.
A. H. Wood	do	do	Jan. 12, 1866.
T. W. Winston	do	Governor Hamilton, Hon. J. Z. Williamson, David B. Bonfry, and S. D. Wood	Mar. 6, 1866.
J. D. Waters	do	Governor Hamilton, Albert Ball, and George W. Grover	Dec. 8, 1865.
W. G. Warren	do	Governor Hamilton and A. P. McCormick	Mar. 13, 1866.
George W. White	do	Governor Hamilton	Mar. 13, 1866.
John A. Williams	do	Governor Hamilton, J. S. Roberts, and Sterling Fisher	Mar. 13, 1866.
Otis M. Wheeler	do	Governor Hamilton	Oct. 21, 1865.
George Williams	Rebel tax collector, and worth over $20,000	do	Nov. 18, 1865.
William G. Webb	Rebel receiver, and worth over $20,000	do	Nov. 18, 1865.
James A. Wimbish	Worth over $20,000	do	Nov. 14, 1865.
R. S. Willis	do	Lorenzo Sherwood, Texas, Thomas Collier, John B. Boseet, and Edward Cambell	Aug. 26, 1865.
P. J. Willis	do		Aug. 26, 1865.
R. B. Wofford	do	Governor Hamilton	Nov. 14, 1865.
George W. White	Rebel purchasing agent of the commissary department, and worth over $20,000.	By order of the President	Sept. 14, 1865.
L. L. Williams	Rebel tax assessor	Governor Hamilton	Nov. 13, 1865.

Robert H. Williams	Worth over $20,000	do	Sept. 20, 1865.
G. W. Wright	do	do	Dec. 8, 1866.
T. G. Wright	do	do	Dec. 8, 1865.
W. R. D. Ward	do	do	Oct. 24, 1865.
Jesse Womack	do	do	Oct. 24, 1865.
James C. Watkins	Rebel tax collector	do	Nov. 20, 1865.
Andrew J. Ward	Worth over $20,000	Hon. L. D. Evans, W. S. Hodge, W. P. Ballinger, Geo. W. White, and F. Flake	Oct. 18, 1865.
William Wortham	Rebel postmaster	Gov. Hamilton, A. T. Monroe, John H. Potts, A. H. Casteil, O. C. Aldrich, and A. A. Aldrich	Apr. 30, 1866.
John A. Winn	Rebel tax collector	Governor Hamilton	Nov. 13, 1865.
Moses G. Wilson	Rebel postmaster	Governor Hamilton, O. H. P. Garrett, J. A. Randee, and W. P. Garrett	Nov. 14, 1865.
Theodore Wiedenfeld	Rebel tax assessor	Governor Hamilton, Wm. E. Jones, James E. Ranck, and J. A. Paschal	Apr. 11, 1866.
George White	Rebel tax collector	Governor Hamilton, H. Christian, James W. Moore, E. D. Stubblefield, Joseph Carter, and W. W. Bishop.	Dec. 8, 1865.
E. S. Wood	Worth over $20,000	Governor Hamilton, Albert Ball, Geo. W. Grover, Texas; James C. Hand & Co., Savery & Co., Wood V. Perot, Henry Simons, C. A. Walborn, Philadelphia; Walsh, Coulter & Co., W. Gothout & Bro., John D. Locke, Fairbanks & Co., and Stokes and Brother.	Aug. 29, 1865.
W. D. Wood	Rebel tax collector	Governor Hamilton, L. W. Cooper, and John H. Polls, chief justice	Apr. 30, 1866.
H. Wilkes	Ex-United States and rebel postmaster	Governor Hamilton	Nov. 18, 1865.
John Walston	Rebel deputy marshal	do	Aug. 19, 1865.
W. C. Wilson	Rebel depositary	do	Nov. 20, 1865.
Thomas D. Wilson	Worth over $20,000	do	Sept. 22, 1865.
W. R. Wilson	do	do	Oct. 21, 1865.
Henry Ware	do	J. B. Williamson, W. T. Scott, N. V. Board, P. W. V. Board, J. W. Johnson, D. S. Jennings, B. Smalley, P. G. Nebhist, John W. Slater, S. D. Wood, and Governor Hamilton.	Oct. 23, 1865.
John F. W. Wedikind	Rebel postmaster	Governor Hamilton	Dec. 1, 1865.
H. E. Woodhouse	Worth over $20,000	Hon. James Dixon, United States Senate	Dec. 21, 1865.
W. H. Witt	Rebel postmaster, and worth over $20,000	Governor Hamilton	Dec. 8, 1865.
Joseph Werner	Rebel postmaster	Governor Hamilton and Benton Randolph	May 5, 1866.
John C. West	Rebel district attorney	Governor Hamilton	Jan. 25, 1866.
Richard Waterhouse	Rebel brigadier general	Attorney General Stanbery	Oct. 15, 1866.
N. B. Yard	Worth over $20,000	Governor Hamilton, Gen. W. Carter, L. K. Preston, N. R. Wilson, Edwin B. Settle, W. B. Smith, D. Bradbury, E. C. Singer, Geo. Butler, J. Atkinson, Texas; Hon. E. D. Morgan, and Hon. George Opdyke, New York.	Jan. 11, 1866.
Francisco Yturria	do	By order of the President	May 10, 1866.
James A. York	Rebel postmaster	Governor Hamilton	Oct. 24, 1865.
J. W. Young	Rebel tax collector	Governor Hamilton, W. C. Wiseman, S. Wright, and James Wilcox	July 6, 1866.
George Yarbrough	Rebel postmaster	Governor Hamilton and Hon. Samuel L. Earle	Apr. 30, 1866.

FLORIDA.

Paul Arnau	Ex-United States and rebel collector of the district and port of St. Augustine.	William Marvin, provisional governor of Florida	Oct. 24, 1865.
Moses E. Barber	Worth over $20,000	do	Aug. 29, 1865.
John Beard	Rebel receiver of the district of Tallahassee	do	Aug. 29, 1865.
James Banks	Rebel district attorney	do	Oct. 2, 1865.
John Broward	None	do	Aug. 29, 1865.
John Bellamy	Worth over $20,000	do	Oct. 23, 1865.
James Burt	do	do	Aug. 29, 1865.
John G. Bradley	do	do	Aug. 29, 1865.
W. J. Baily	do	do	Oct. 2, 1865.

Florida—Continued.

Name.	Exemption under amnesty proclamation of May 29, 1865.	By whom recommended.	Date of pardon.
G. F. Baltzell	Ex-United States and rebel postmaster	William Marvin, provisional governor of Florida	Sept. 13, 1865.
Bolling Baker	First auditor of the rebel treasury department	do	Oct. 10, 1865.
A. T. Banks	Commissioner to take testimony	do	Oct. 10, 1865.
James Banks	Rebel State's attorney	do	Oct. 18, 1865.
W. C. Brown	Rebel postmaster	do	Nov. 9, 1865.
William Baily	Worth over $20,000	do	Oct. 2, 1865.
N. Baker	Ex-United States and rebel collector of customs	do	July 6, 1866.
John L. Branch	Rebel war tax assessor	do	Oct. 10, 1865.
Green A. Chaires	Worth over $20,000	do	Oct. 10, 1866.
John Collier	None	do	Oct. 10, 1865.
William L. Campbell	Rebel war tax assessor	do	Nov. 9, 1865.
William L. Crigler	Furnishing supplies to rebels	do	Oct. 10, 1865.
E. A. Clark	Rebel deputy marshal	do	Oct. 10, 1865.
W. Chapman	Rebel tax collector	do	Oct. 10, 1865.
Joshua Carraway	Rebel tax assessor	do	Sept. 13, 1865.
William Archer Cocke	Rebel clerk in post office	do	Oct. 10, 1865.
E. A. Clarke	Rebel deputy marshal	do	Oct. 12, 1865.
W. K. Coulter	Rebel postmaster	do	Oct. 10, 1865.
A. H. Cole	Worth over $20,000	do	Oct. 10, 1865.
F. R. Cotten	do	do	Oct. 10, 1865.
Jos. Chaires	do	do	Oct. 10, 1865.
G. Chaires	do	do	Oct. 10, 1865.
C. Powell Chaires	do	do	Oct. 10, 1865.
T. B. Chaires	do	do	Oct. 10, 1865.
Isaac L. Coon	Rebel postmaster	do	Oct. 10, 1865.
Joseph M. Crewes	Rebel tax assessor	do	Oct. 10, 1865.
Douglass Dunmott	Ex-United States and rebel collector	do	July 6, 1866.
James H. Dyke	None	do	July 6, 1866.
George Dawson	Rebel civil agent to British North America	do	July 6, 1866.
James O. Devall	Rebel tax collector	do	Oct. 10, 1865.
David R. Dunham	Rebel clerk of court	do	Sept. 13, 1865.
Columbus Drew	Rebel commissioner district court	General Scammeroff and Richard Wallach	July 11, 1865.
J. M. Daniels	Rebel clerk of district court	John S. Sammis, S. S. Williams, Calvin Oak, H. H. Hory, and Governor Marvin	Oct. 10, 1865.
Andrew Denham	Commissioner to rebel loan	Governor Marvin	Sept. 2, 1865.
John Darling	Rebel receiver of the land office	do	Nov. 9, 1865.
C. E. Dyke	None	do	Oct. 2, 1865.
Benjamin Ellison	Worth over $20,000	do	Sept. 13, 1865.
George R. Fairbanks	do	Governor Marvin	Apr. 6, 1865.
G. R. Foster	Rebel receiver of district court	do	Aug. 29, 1865.
Samuel Z. Gonzales	Ex-United States and rebel naval storekeeper	do	Oct. 23, 1865. Oct. 10, 1865.
William M. Garrison	Ex-United States and rebel postmaster	do	Nov. 9, 1865.
Robert H. Gamble	Worth over $20,000	General Newton, commanding the district	July 18, 1865.
Robert Gamble	do	William Marvin, provisional governor of Florida	Nov. 9, 1865.

William Grothe	Rebel postmaster	William Marvin, provisional governor of Florida	Oct. 10, 1865.
C. Houston	Worth over $20,000	do	Oct. 10, 1865.
H. L. Hart	do	do	Oct. 10, 1865.
William Hope	do	do	July 6, 1866.
Fred. C. Humphreys	United States and rebel military storkeeper	do	Oct. 18, 1865.
William B. Hardee	Rebel postmaster	do	Oct. 18, 1865.
J. R. Harris	Rebel States depositary	do	Oct. 18, 1865.
John A. Henderson	Rebel tax collector	do	Nov. 9, 1865.
L. I. Hogans	Rebel postmaster	do	Nov. 9, 1865.
Henry Hyer	Worth over $20,000	do	Mar. 20, 1865.
R. W. B. Hodgson	Rebel receiver of sequestrated property	M. A. Williams, L. Wilson, and William Marvin, provisional governor	Oct. 10, 1865.
Dunnam Hancock	Rebel postmaster	William Marvin, provisional governor of Florida	Oct. 10, 1865.
Alexander B. Hawkins	Worth over $20,000	do	Oct. 10, 1865.
Theo. Hartridge	Indicted	do	Aug. 26, 1866.
G. W. Holland	Worth over $20,000	do	Oct. 18, 1865.
J. M. Hill	do	do	Nov. 3, 1865.
Thomas O. Holmes	do	do	Mar. 8, 1866.
William B. Hooker	do	do	Nov. 9, 1865.
E. R. Ives	Rebel postmaster	do	Oct. 10, 1865.
William L. Jones	do	do	Oct. 18, 1865.
Peter Knowles	Worth over $20,000	do	July 6, 1866.
William A. Lovell	Rebel postmaster	do	Oct. 23, 1865.
David G. Leigh	Rebel tax collector	do	July 6, 1866.
C. P. Luther	Rebel mail contractor	do	Oct. 10, 1865.
Felix Livingston	Ex-United States and collector of the port of Fernandina, Florida.	do	Oct. 10, 1865.
Daniel G. Livingston	Rebel depositary	do	Oct. 18, 1865.
William F. Loyd	Rebel postmaster	do	Oct. 18, 1865.
Benjamin C. Lewis	Rebel clerk of depositury	do	Sept. 13, 1866.
M. Lively	Worth over $20,000	do	Oct. 10, 1865.
T. B. Law	Rebel tax collector	do	Oct. 10, 1865.
Daniel Ladd	orth over $20,000	do	Sept. 13, 1865.
W. R. Moore	Ex-United States and rebel postmaster	do	July 6, 1866.
J. G. McGehee	Worth over $20,000	do	Nov. 3, 1865.
George H. McGinnis	None	do	Oct. 10, 1865.
J. F. McClellan	Rebel district attorney	do	Oct. 10, 1865.
Ferdinand McLeod	do	do	Aug. 11, 1865.
D. B. McGinnis	Rebel tax collector	do	Oct. 10, 1865.
William P. Marvin	Worth over $20,000	do	Oct. 10, 1865.
Thomas Munroe	do	do	Sept. 13, 1865.
J. D. Macleod	do	do	Oct. 10, 1865.
T. N. Myrick	do	do	Oct. 10, 1865.
J. M. Marvin	do	do	Sept. 13, 1865.
James A. Newmans	Rebel tax collector	do	Oct. 10, 1865.
A. B. Noyes	Ex-United States and rebel collector of customs	do	Oct. 10, 1865.
Miles Nash	Ex-United States and rebel postmaster	do	Oct. 10, 1865.
William W. O'Cain	Rebel postmaster	do	Oct. 10, 1865.
Thomas Orman	Worth over $20,000	do	Oct. 10, 1865.
M. D. Papy	Rebel tax assessor	do	Oct. 10, 1865.
N. H. Payne	Left a loyal district	Major General Dyer	Aug. 19, 1865.
Charles H. Parsons	Rebel postmaster	William Marvin, provisional governor of Florida	Oct. 18, 1865.
Madison Post	Rebel tax assessor	do	July 6, 1866.

Florida—Continued.

Name.	Exemption under amnesty proclamation of May 29, 1865.	By whom recommended.	Date of par. don.
B. A. Putnam	Ex-United States and rebel judge	William Marvin, provisional governor of Florida	
George E. Pace	Rebel postmaster	do	
W. R. Pettes	Depositary of rebel treasury	do	Sept. 5, 1865.
Thomas J. Perkins	Rebel loan agent	General Newton, commanding district	July 18, 1866.
Thomas Randall	None	William Marvin, provisional governor of Florida	Oct. 10, 1865.
John H. Rhodes	Rebel mail agent	do	Oct. 10, 1865.
A. H. Reed	None	do	Sept. 18, 1866.
R. G. Sheppard	do	do	Sept. 18, 1866.
John G. Smith	Rebel deputy marshal and tax collector	do	Oct. 10, 1865.
Smith Simkins	Worth over $20,000	do	Oct. 10, 1865.
Joseph Sierra	Ex-United States and rebel collector of customs	do	Oct. 23, 1865.
John G. Smith	Rebel collector of taxes	do	Oct. 10, 1865.
William S. Spencer	Rebel assessor of war tax	do	Aug. 29, 1865.
George Stone	Judicial proceedings commenced as abandoned property.	D. C. Ambler, H. H. Hory, John S. Sammis, Calvin Oak, and Governor Marvin	Oct. 10, 1865.
N. O. J. Staley	Rebel tax assessor	A. H. Bush, C. F. Britton, Thomas H. White, F. R. Pitman, Alexander Merritt, William J. Skinney, W. Wilson, M. D., and Governor Marvin.	Aug. 29, 1865.
Joseph Sierra	Ex-United States and rebel collector of customs	William Marvin, provisional governor of Florida	Oct. 23, 1865.
Pliny Sheffield	Rebel postmaster	do	Oct. 10, 1865.
Daniel Sloan	Worth over $20,000	do	Nov. 9, 1865.
W. R. Swain	do	do	Nov. 9, 1865.
E. E. Simpson	do	do	Oct. 10, 1865.
Jacob Summerline	do	do	Aug. 29, 1865.
E. M. Thompson	Rebel receiver	do	Sept. 13, 1865.
Richard Turnbull	Worth over $20,000	do	Nov. 9, 1865.
John L. Tatum	Ex-United States and rebel district attorney	do	Oct. 24, 1865. Oct. 10, 1865.
Samuel B. Thomas	Rebel agent of commissary department	do	Oct. 18, 1865.
E. J. Vann	Rebel receiver under the sequestration act	do	Sept. 13, 1865.
A. J. Weeks	Rebel postmaster	do	Oct. 10, 1865.
Allen Williams	do	E. R. Ives, Thomas A. Carruth, and Governor Marvin	Aug. 29, 1865.
A. J. F. Wright	Ex-United States and rebel postmaster	William Marvin, provisional governor of Florida	Aug. 29, 1865.
D. R. Williams	Worth over $20,000	do	July 6, 1866.
J. J. Williams	do	W. W. Holden, General Newton, and Governor Marvin	Sept. 13, 1865.
G. R. Walker	do	William R. Pettes, M. D. Papy, James B. Gamble, D. S. Walker, D. P. Hoges, and Governor Marvin.	Mar. 8, 1866.
William T. Wood	do	Governor Marvin	Aug. 29, 1865.
J. F. White	Rebel tax assessor	do	Oct. 10, 1865.
Dr. Weedon	Left a loyal district	do	Oct. 18, 1865.
Isaac Widgeon	Rebel district commissary	do	Sept. 13, 1865.
Richard M. Germond	Ex-United States and rebel postmaster	do	Oct. 10, 1865.
Robert H. Gamble	Rebel tax collector	do	Oct. 10, 1865.
C. C. Yonge	Rebel quartermaster	do	Aug. 29, 1865.
W. A. Young	Rebel special messenger	do	Oct. 10, 1865.

J. C. Greely	Member of rebel legislature	Nathaniel Fraser, United States district judge, Nathaniel Usher, United States district attorney, and Franklin Fraser, clerk United States district court.	June 27, 1865.
Joseph Finnegan	Rebel brigadier general	Provisional Governor Marvin, Governor D. S. Walker, Hon. Henry Wilson, United States Senate, Hon. Luke P. Poland, United States Senate, and Hon. Alexander Ramsey, United States Senate.	April 5, 1866.

ARKANSAS.

R. B. Archer	Rebel postmaster	Governor Murphy	Sept. 5, 1865.
Thomas P. Arnold	Rebel tax collector	Colonel D. May and Governor Murphy	Nov. 9, 1865.
John D. Adams	Worth over $20,000	Governor Murphy and United States Attorney Orville Jennings	Oct. 24, 1865.
W. E. Ashley	do	Governor Murphy, C. P. Bertrand, and S. H. Tucker	July 7, 1865.
Henry C. Ashley	do	do	July 7, 1865.
B. B. Allis	do	By order of the President	Oct. 24, 1865.
A. D. Allen	do	John T. London, R. J. Hill, and George S. Statham	Mar. 9, 1866.
Amos Brown	do	Governor Murphy, Judge D. Woods, D. H. Williams, and Harry Marley	Mar. 19, 1866.
John W. Brown	do	do	Mar. 19, 1866.
Asaph Brown	do	do	Mar. 19, 1866.
J. M. Brown	do	do	Mar. 19, 1866.
W. H. Brooks	Indicted for treason	Governor Murphy and United States Attorney O. Jennings	Mar. 19, 1866.
J. T. A. Bates	Left a loyal district	Governor Murphy	Mar. 19, 1866.
A. W. Barclus	Rebel postmaster	do	Oct. 30, 1866.
S. H. Bayless	Rebel tax assessor	Governor Murphy and Colonel D. May	Oct. 30, 1866.
John W. Barton	Rebel postmaster	United States Attorney O. Jennings	Oct. 9, 1865.
James M. Brooks	Worth over $20,000	do	Oct. 9, 1865.
Morgan Bitck	Left a loyal district. Violated his oath	Governor Murphy and Colonel J. W. Johnson	Sept. 5, 1865.
C. R. Barham	Rebel postmaster	Governor Murphy	Mar. 19, 1866.
W. E. Bryant	do	Governor Murphy and Colonel D. May	Oct. 9, 1865.
John Brown	Rebel depositary	United States Attorney O. Jennings, W. H. Harper, and William Bross	Oct. 9, 1865.
Michael Bozeman	Worth over $20,000	United States Attorney O. Jennings and governor	Oct. 30, 1865.
W. A. Bocks	do	do	Oct. 30, 1865.
David Block	Worth over $20,000, and rebel cotton agent	United States attorney O. Jennings	June 27, 1865.
Dennis Barlow	Rebel tax assessor	Governor Murphy, W. A. Britton, George Ashby, J. W. Calloway, J. M. Carmichael, J. P., R. G. Parillo, B. L. Watkins, Joe H. Thomas, B. E. Barinds, George W. Tarleton, Judge J. H. Haugh, J. Eder, D. J. McDonald, and W. D. Neeley.	Mar. 19, 1866.
Solomon Basham	Violated his oath	Governor Murphy, H. T. Thomson, Harry Steward, G. W. Newland, J. C. McCord, L. C. White, and James F. Cooper.	Mar. 19, 1866.
James M. Brown	Worth over $20,000	Governor Murphy, D. Dickson, A. J. Ward, John Austin, D. C. Williams, Luther C. White, and Samuel F. Cooper.	Mar. 19, 1866.
James H. Crow	Rebel tax collector	United States District Attorney Orville Jennings	Oct. 6, 1865.
W. A. Calloway	Rebel postmaster	United States District Attorney O. Jennings, W. S. Stroop, and G. Ashby	Oct. 9, 1865.
W. H. Calloway	Rebel assessor of taxes	United States Attorney O. Jennings, W. A. Britton, J. M. Carmichael, B. L. Watkins, W. S. Stroop, George Ashby, J. H. Haugh, T. F. Moreland, and W. T. Morehead.	Oct. 9, 1865.
H. H. Coleman	Ex-United States and rebel postmaster	Governor Murphy and H. C. Caldwell, United States district judge	Mar. 9, 1866.
J. M. Craig	Worth over $20,000	Governor Murphy and United States District Attorney Jennings	Oct. 26, 1865.
Pleasant M. Cox, sr	do	Ordered by the President	Dec. 23, 1866.
R. M. Campbell	do	do	Jan. 17, 1867.
C. W. Campbell	do	do	Jan. 17, 1867.
Johnson Chapman	do	United States District Attorney O. Jennings	Oct. 9, 1865.

Arkansas—Continued.

Name.	Exception under amnesty proclamation of May 29, 1865.	By whom recommended.	Date of pardon.
J. T. Chidester	Ex-United mail contractor and rebel clothing contractor.	Governor Murphy and Judge Caldwell	Oct. 19, 1865.
D. H. Cooper	Rebel brigadier general, rebel superintendent of Indian affairs, and ex-United States and rebel Indian agent.	Hon. D. N. Cooley, General James G. Blunt, Winchester Colbert, governor of Chickasaws; P. P. Pitchlynn, principal chief; Governor Murphy and Governor Sharkey.	Apr. 27, 1865.
John J. Clendenin	Worth over $20,000	United States District Attorney O. Jennings and Hon. Simon Cameron	July 7, 1865.
Edward Cross, sr	Rebel depositary	Governor Murphy and United States district attorney	Nov. 9, 1866.
James M. Coulter	Worth over $20,000	....do	Oct. 24, 1865.
Morgen Cryer	....do	....do	July 6, 1866.
Mrs. M. P. Davies	....do	....do	Nov. 9, 1865.
James Dickerson	Violated his oath	Governor Murphy and United States District Attorney E. D. Ham	Nov. 13, 1865.
David B. Dickson	Worth over $20,000	United States District Attorney O. Jennings	Sept. 21, 1865.
D. C. Edmiston	Violated his oath	Governor Murphy, M. L. R. Harrison, S. F. Cooper, Hiram Brodie, and D. C. Edmundston.	Apr. 11, 1866.
J. Epperson	....do	Governor Murphy	Mar. 19, 1866.
E. H. English	Indicted for treason. Violated his oath	Governor Murphy, United States District Judge Henry Caldwell, S. H. Tucker, L. E. Barber, John Kirkbury, Hon. E. Baxter, W. V. Meader, Brigadier General P. Clayton, L. Gibson, J. R. Berry, and Charles T. Jordan.	Nov. 13, 1865.
Catlett Fish	Violated his oath	Governor Murphy	Mar. 19, 1866.
Berryman Ford	....do	....do	Mar. 19, 1866.
N. H. Fish	Worth over $20,000	....do	Mar. 19, 1866.
Silas F. Fields	Indicted for treason. Proceedings commenced for confiscation.	Hon. Attorney General Speed and United States Attorney Jennings	Jan. 13, 1866.
William C. Fisher	Proceedings commenced for confiscation	United States District Attorney Orville Jennings	Nov. 20, 1865.
S. C. Faulkner	....do	Governor Murphy	Oct. 18, 1865.
A. B. Greenwood	Rebel tax collector	....do	Nov. 9, 1865.
J. B. Gray	Rebel postmaster	....do	Nov. 9, 1865.
L. W. Gates	Violated his oath	....do	Sept. 5, 1865.
W. H. Gaines	Worth over $20,000	United States District Attorney Jennings, United States District Judge Henry Caldwell, and John Wilson, Third Auditor.	Nov. 9, 1865.
J. Garland	....do	United States District Attorney Jennings	Sept. 21, 1865.
Green Gibson	Violated his oath	Governor Murphy	Oct. 2, 1865.
O. A. Greening	Rebel tax collector	....do	Nov. 9, 1865.
R. M. Gaines	Worth over $20,000	....do	Nov. 9, 1865.
N. W. Holland	Violated his oath	....do	Mar. 19, 1866.
John P. Humphreys	....do	....do	Mar. 19, 1866.
William H. Hawkins	Worth over $20,000	Governor Murphy and United States Attorney Jennings	Apr. 16, 1866.
Thomas Harrell	Violated his oath	Governor Murphy	Mar. 19, 1866.
Isham Harrel	....do	....do	Mar. 19, 1866.
Thaddeus Haney	....do	....do	Mar. 19, 1866.
William A. Hill	Worth over $20,000	Governor Murphy, J. M. Johnson, and United States District Attorney Ham	Nov. 10, 1865.
J. C. Hawkins	Aiding the rebellion	Governor Murphy	Nov. 4, 1865.
C. M. Henry	Worth over $20,000	Governor Murphy, Hon. E. W. Gantt, and W. D. Gwin	Nov. 9, 1865.
J. H. Hilliard	....do	Hon. Attorney General Speed, A. D. Hunt, A. O. Brumm, and A. J. Ballard	Sept. 19, 1865.

David Hamiter	do	Hon. Attorney General Speed, Governor Murphy, United States Attorney Jennings, and A. D. Hawkins.	Nov. 8, 1865.
Henry Hays	Violated his oath	Governor Murphy	Nov. 4, 1865.
C. F. Harvey	Rebel postmaster	Governor Murphy and Hon. R. J. Z. White, secretary of state	Sept. 11, 1865.
F. M. Henry	Assessor of taxes	United States District Attorney O. Jennings	Sept. 21, 1865.
W. B. Halliburton	Collector of rebel war tax. Proceedings commenced for confiscation.	do	Sept. 21, 1865.
W. C. Hatley	Postmaster	Governor Murphy, W. F. Bracy, George H. Stinson, J. G. Browning, J. T. Bearden, J. S. H. Barry, John J. Silliman, and G. F. McGinnis, brigadier general volunteers.	Nov. 9, 1865.
T. B. Hanley	Member rebel congress	Governor Murphy and United States attorney	Dec. 12, 1866.
C. R. Johnson	Worth over $20,000	Governor Murphy and United States Attorney O. Jennings	Mar. 19, 1866.
Mrs. Matilda Johnson	do	Ordered by the President	Aug. 17, 1866.
James F. Johnson	Rebel agent of the produce loan	Governor Murphy, United States District Attorney Jennings, and Judge Liberty Bartlett, of the United States district court	July 6, 1866.
Ben. Johnson	Worth over $20,000	Governor Murphy and United States District Attorney Jennings	Nov. 9, 1865.
B. P. Jett	Rebel appraiser	United States District Attorney O. Jennings, esq	Nov. 7, 1865.
James B. Keatts	Violated his oath	Governor Murphy	Apr. 6, 1865.
H. F. Kirby	do	do	Sept. 5, 1865.
E. Kinsworthy	Proceedings instituted for confiscation	Hon. W. Byers	Oct. 24, 1866.
Ferdinand Lee	Worth over $20,000	Governor Murphy and United States District Attorney Jennings	Mar. 19, 1866.
George Looney	Violated his oath	Governor Murphy	Mar. 19, 1866.
B. H. Layne	Worth over $20,000	Governor Murphy and United States district attorney	Apr. 6, 1866.
John B. Luce	Rebel receiver of property sequestered belonging to northern States.	Ordered by the President	June 13, 1866.
David R. McCalib	Left a loyal State	Governor Murphy, M. S. R. Harrison, and J. A. L. McColloch	Apr. 11, 1866.
E. McNair	Rebel brigadier general	United States Attorney O. Jennings and W. D. Snow	Dec. 12, 1865.
Charles McDermott	Worth over $20,000	Governor Murphy, John Wassell, R. L. Dodess, and John Kirkwood	Nov. 9, 1865.
E. W. McClare	Postmaster	Governor Murphy	July 6, 1866.
S. McColloch	Violated his oath	do	July 18, 1866.
James M. McDaniel	Worth over $20,000. Property libelled for confiscation.	Governor Murphy, United States District Attorney O. Jennings, and Hon. Liberty Bartlett, judge 5th judicial district.	Feb. 17, 1866.
J. M. McClure	Rebel postmaster	Governor Murphy	Mar. 19, 1866.
J. A. L. McColloch	Violated his oath	do	Sept. 13, 1865.
D. M. Moore	do	do	May 22, 1866.
George Morrow	do	Governor Murphy and United States marshal	Apr. 7, 1865.
Samuel Mitchell	Worth over $20,000	Governor Murphy, United States district attorney, Hons. W. Byers and G. H. Kyle	Mar. 19, 1865.
E. C. Morton	Worth over $20,000, and rebel postmaster	Hons. H. C. Caldwell, United States district judge, Liberty Bartlett, judge 5th judicial circuit, S. H. Tucker, R. L. Dodless, John Kirkwood, and Brigadier General P. Clinton.	Sept. 21, 1865.
John Matlock	Worth over $20,000	Governor Murphy	Nov. 9, 1865.
James A. Martin	Clerk in rebel treasury of Arkansas. Property libelled for confiscation.	Governor Murphy, United States District Attorney O. Jennings, John Kirkwood, John Wassell, S. H. Tucker, and Peter Hanger.	Nov. 9, 1865.
H. M. Maguire	Violated his oath	Hon. Elias Harrell, judge of 8th judicial circuit	Oct. 2, 1865.
B. W. Martin	Rebel State tax collector	United States Attorney O. Jennings	Sept. 21, 1865.
Henry Morrill	Rebel agent abroad, and worth over $20,000	Hons. Roscoe Conkling, Thurlow Weed, of New York, and United States District Attorney O. Jennings, esq.	Nov. 3, 1865.
Columbus Nail	Worth over $20,000. Violated his oath	Governor Murphy	Mar. 19, 1866.
John B. Ogden	Ex-United States and rebel district court clerk	United States District Attorney E. D. Hunn, esq., United States Marshal L. C. White, Captain John T. Loudon, H. C. Caldwell, Jesse Turner, D. C. Williams, D. Dickson, and A. M. Callahan.	Sept. 22, 1865.
L. K. Person	Worth over $20,000	Governor Murphy and United States District Attorney O. Jennings, esq.	Mar. 19, 1866.
J. T. Porter	do	Governor Murphy	Mar. 19, 1866.

Texas—Continued.

Name.	Exemption under amnesty proclamation of May 29, 1865.	By whom recommended.	Date of pardon.
Thomas J. Pollard	Violated his oath	Governor Murphy, J. M. Johnson, and United States District Attorney E. D. Ham	Apr. 30, 1865.
G. N. Peary	Property libelled for confiscation	Governor Murphy and United States District Attorney O. Jennings	Nov. 1, 1865.
Benj. R. Polk	Violated his oath	Governor Murphy	May 5, 1865.
R. L. Phillips	Rebel postmaster	do	Nov. 9, 1865.
Wm. F. Pope	Ex-United States and rebel postmaster	do	July 7, 1865.
Lucius E. Polk	Brigadier general in rebel army	Hon. Attorney General Speed and Russell Houston	June 10, 1865.
James F Quaile	Violated his oath	Governor Murphy and John J. Walker	Apr. 11, 1866.
A. H. Rutherford	Rebel receiver of property sequestered belonging to northern States.	Governor Murphy	Nov. 9, 1865.
J. M. Russell	Violated his oath	Governor Murphy, United States Marshal L. C. White, Samuel F. Cooper, clerk United States district court, western district.	Apr. 30, 1865.
Elias Rector	Proceedings instituted for confiscation. Indicted for treason. Worth over $20,000.	Governor Murphy, George W. Paschal, E. C. Boudinot, W. P. Adair, Cherokee delegate; John F. Brown, Seminole delegate; Holmes Colbert, Colbert Carter, R. H. Love, and John Page, Chickasaw delegates; R. M. Jones, James Riley, Alfred Riley, and Alfred Wade, Choctaw delegates; Winchester Colbert and Edmund Pickens, Chickasaws.	Jan. 29, 1866.
J. B. Russell	Violated his oath	Governor Murphy and J. A. L. McCulloch	Apr. 7, 1866.
D. H. Reynolds	Rebel brigadier general	Governor Murphy, United States district attorney, Hons. W. D. Snow and George W. Morgan.	Nov. 13, 1866.
William W. Ross	Worth over $20,000	United States District Attorney O. Jennings, esq.	Oct. 6, 1865.
Mrs. Susan Read	do	Governor Murphy and United States District Attorney Jennings, esq.	Nov. 9, 1865.
N. K. Shofner	Violated his oath	Colonel J. M. Johnson, Elias Harrell, judge 8th judicial circuit; E. D. Ham, United States district attorney; J. M. Johnson, and Lieutenant Johnson.	Oct. 2, 1865.
Robert Simpson	do	Governor Murphy	Nov. 9, 1865.
W. H. Steel	Rebel deputy marshal. Rebel assessor	do	Nov. 9, 1865.
C. B. Saunders	Violated his oath	Governor Murphy, C. D. Johnson, A. K. Berry, J. S. Polk, W. H. Harper, S. M. Addison, and William H. Forrest.	Oct. 9, 1865.
Joseph Simpson	do	Governor Murphy and Hon. Elias Harrell, judge 8th judicial circuit	Nov. 9, 1865.
Rev. W. C. Stout	Violated his oath. Worth over $20,000	Governor Murphy and United States District Attorney O. Jennings, esq.	Nov. 9, 1865.
J. J. Samuel	Rebel postmaster	Governor Murphy	Nov. 9, 1865.
D. P. Satterwhite	do	do	Mar. 19, 1866.
James M. Saunders	Violated his oath	do	Mar. 19, 1866.
R. M. Stevenson	Worth over $20,000, and occupied several rebel petty civil offices.	Governor Murphy, Brigadier General P. Clayton, and John Kirkwood	Oct. 26, 1865.
John H. Saunders	Worth over $20,000	Governor Murphy and district attorney United States	Mar. 19, 1866.
Benjamin Strickler	Violated his oath	Governor Murphy, J. K. Pycatt, J. T. Carter, and James S. White	Apr. 11, 1866.
W. J. Strain	do	Governor Murphy	May 26, 1866.
Robert Strain	do	do	May 26, 1866.
Bernart Smaate	do	do	May 26, 1866.
George Strain	do	do	May 26, 1866.
William Shumate	do	Governor Murphy and D. Walker	Apr. 30, 1866.
S. H. Shipley	do	Governor Murphy	Mar. 19, 1866.
H. J. Stamps	Ex-United States and rebel postmaster	do	Mar. 19, 1866.
C. W. Saunders	Worth over $20,000	Governor Murphy and United States District Attorney Jennings, esq.	Oct. 12, 1865.

J. H. Stephens	Rebel postmaster	United States District Attorney Jennings, esq., H. B. Stuart, P. M. Carmichael, J. H. Wiggins, W. L. Cronch, W. A. Britton, and W. A. Cantamery.	Oct. 9, 1865.
C. C. Stewart	Worth over $20,000	United States District Attorney O. Jennings, esq.	Oct. 6, 1865.
D. F. Shall	Property confiscated. State depositary and several petty offices.	Governor Murphy, United States District Attorney O. Jennings, esq., C. P. Bertrand, S. H. Tucker, J. Kirkwood, and R. S. Dodge.	Oct. 21, 1865.
Larkin Scott	Violated his oath	Governor Murphy	July 6, 1866.
D. H. Sessions	Worth over $20,000, and rebel cotton agent	do	Dec. 1, 1866.
J. S. Trimble	Under arrest for treason, and required to pay heavy costs.	Ordered by the President	July 1, 1866.
T. S. Toland	Rebel postmaster	Governor Murphy, E. W. Gantt, and W. D. Snow	Nov. 9, 1865.
W. B. Trout	do	United States District Attorney Jennings, W. L. Morehead, B. Lee Watkins, P. M. Carmichael, D. Spencer, W. A. Britton, A. S. B. Grune, W. S. Cronich, W. T. Crawley, and H. B. Sears.	Nov. 9, 1865.
Robert Tickell	Worth over $20,000	Governor Murphy	Apr. 11, 1866.
A. C. Wells	Violated his oath	do	Nov. 9, 1875.
Jonathan Wells	do	do	Nov. 9, 1865.
J. A. Wells	do	do	Nov. 9, 1865.
E. Worthington	Worth over $20,000	Hons. Attorney General Speed, L. H. Rousseau, A. H. Randall, G. Clay Smith, and Samuel McKee, members for Kentucky; R. K. Williams, and Governor Murphy.	Jan. 31, 1865.
David Walker	do	Governor Murphy and United States District Attorney O. Jennings, esq	Oct. 9, 1865.
William Wilson	Violated his oath	Governor Murphy	May 26, 1866.
W. H. Wilson	do	do	July 6, 1866.
R. H. Wynn	Worth over $20,000	Governor Murphy, E. W. Gantt, and Hon. W. D. Snow	Nov. 9, 1865.
S. W. Williams	Attorney general of State. Member of State military board.	Governor Murphy and Hon. W. C. Caldwell, United States district judge	July 7, 1865.
J. D. Willett	Indicted for treason	Governor Murphy	July 7, 1865.
G. Wilcox	Ex-United States and rebel district attorney	Governor Murphy, Colonel J. M. Johnson, Hon. R. T. White, secretary of State of Arkansas, Hon. J. R. Berry, auditor public accounts, Hon. William Fishback, and J. E. Baxter.	Sept. 7, 1865.
W. E. Woodruff, jr	Indicted for treason, and rebel clerk	Governor Murphy, C. P. Bertrand, John Wassel, John Kirkwood, and D. L. Dodge	Nov. 6, 1865.
William E. Woodruff	Violated his oath. Property seized	Hon. James Speed, George D. Prentice, sr., Governor Murphy, C. P. Bertrand, R. L. Dodge, S. H. Tucker, and Hon. H. C. Caldwell.	Nov. 6, 1865.
Drewry Wall	Violated his oath	Governor Murphy and Hon. Elias Harrell, judge of the 8th judicial circuit	Nov. 6, 1865.
H. A. Welles	Rebel postmaster	United States District Attorney O. Jennings	Nov. 9, 1865.
George C. Watkins	Member military court-martial. Indicted for treason.	Governor Weller, United States district judge, and United States district attorney	July 12, 1865.
William J. Young	Violated his oath	Governor Murphy	May 26, 1865.
John T. Young	do	do	May 26, 1865.
James Yell	Indicted for treason. Member rebel secession convention. Rebel major general.	Attorney General Speed, Governor Murphy, Hon. W. D. Snow, Hon. O. P. Snyder, Hon. R. J. G. White, Josiah Snow, and Major General J. J. Reynolds.	Nov. 9, 1865.

[No. 7.]

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES, IN ANSWER TO A RESOLUTION OF THE HOUSE OF THE 12TH ULTIMO, TRANSMITTING ALL PAPERS RELATIVE TO THE NEW ORLEANS RIOTS.

To the House of Representatives:

In compliance with the resolution of the House of Representatives of the 12th ultimo, and its request of the 28th instant, for all correspondence, reports, and information in my possession in relation to the riot which occurred in the city of New Orleans on the 30th day of July last, I transmit herewith copies of telegraphic despatches upon the subject, and reports from the Secretary of War, with the papers accompanying the same.

ANDREW JOHNSON.

WASHINGTON, *January* 29, 1867.

WAR DEPARTMENT,
Washington City, January 16, 1867.

Mr. PRESIDENT: I have the honor to transmit herewith a letter from the Adjutant General, of January 14, with all the correspondence, reports, and information in the War Department relative to the riot which occurred in the city of New Orleans on the 30th of July last, called for by a resolution of the House of Representatives, dated December 12, 1866, hereunto annexed and referred by you to this department.

Very respectfully, your obedient servant,

EDWIN M. STANTON,
Secretary of War.

The PRESIDENT.

IN THE HOUSE OF REPRESENTATIVES,
December 12, 1866.

On motion of Mr. Niblack,

Resolved, That the President be requested to communicate to this house, if not incompatible with the public interest, all correspondence, reports, and information in his possession in relation to the riot which is alleged to have occurred in the city of New Orleans on the 30th day of July last.

Attest:

EDWARD McPHERSON, *Clerk.*

WAR DEPARTMENT, ADJUTANT GENERAL'S OFFICE,
Washington, January 14, 1867.

SIR: In compliance with your instructions I have the honor to submit herewith copies of all reports and testimony of military commissions and other papers relating to the riot which occurred at New Orleans the 30th July last, called for by resolutions of the House of Representatives of 12th and 13th December, 1866, as follows:

Telegram dated July 28, 1866, from Brevet Major General Baird to the Secretary of War.

Report dated July 30, 1866, and accompanying papers, from General Baird to the Secretary of War.

Copies of telegrams, dated August 1, to Albert Voorhies, esq., and General Baird, at New Orleans.

Copy of telegram from General Baird, dated August 2.

Copy of instructions, dated August 3, from the Secretary of War to General Grant.

Communication dated August 3, 1866, and accompanying papers, from Albert Voorhies, lieutenant governor of Louisiana; Andrew J. Herron, attorney general of Louisiana; and John T. Monroe, mayor of New Orleans, to the President.

Report of Major General Baird, dated August 15, 1866, concerning the riot of July 30, 1866.

Letter of Major General Baird, dated August 17, 1866, transmitting detailed report of Surgeon Hartsuff in relation to the casualties resulting from the riot.

Letter of Major General Sheridan, dated September 5, 1866, transmitting proceedings and report of a board convened by Major General Baird to investigate the occurrences in New Orleans July 30, 1866, with brief of proceedings; also an affidavit charging Mayor Monroe with conception and perpetration of certain crimes.

Letter of General F. J. Herron, dated September 8, 1866, transmitting copy of the testimony given before the board to investigate the riot in New Orleans, which he desires to have substituted for the testimony in the report of the board.

I have the honor to be, sir, very respectfully, your obedient servant,

E. D. TOWNSEND,
Assistant Adjutant General.

Hon. E. M. STANTON,
Secretary of War.

A.

HEADQUARTERS ARMIES OF THE UNITED STATES,
Washington, D. C., August 10, 1866.

SIR: I have the honor to enclose to you mail copies of General Sheridan's despatches on the New Orleans riots, and to ask their publication in full. Already a garbled version of one of these despatches, and an incomplete copy of another, have appeared in the public prints. These publications put General Sheridan in the position of taking a partisan view of the whole question, and, what is still worse, of being one day on one side of the question, and again on the other. His despatches, given in full, show that he takes no partisan view, but that he reports what he conceives to be the facts without regard to who is hit.

I am just in receipt of a despatch from General Sheridan showing displeasure at his despatches getting into print in a mutilated and incomplete form.

I have the honor to be, very respectfully, your obedient servant,

U. S. GRANT, *General.*

Hon. E. M. STANTON,
Secretary of War.

WAR DEPARTMENT, OFFICE UNITED STATES MILITARY TELEGRAPH.

Received 5 p. m., in cipher, Washington, D. C., August 9, 1866:

NEW ORLEANS, LA., 1 *p. m., August* 9, 1866.

Brevet Major General J. A. RAWLINS, *Chief of Staff:*

I see that my despatch to General Grant, of August 1, is published with one paragraph suppressed. Can you tell who was guilty of this breach of military honor?

P. H. SHERIDAN,
Major General.

Official copy:

GEORGE K. LEET,
Assistant Adjutant General.

WAR DEPARTMENT,
Washington City, August 11, 1866.

Mr. PRESIDENT: I have the honor to submit herewith a letter from General Grant asking for the publication of General Sheridan's despatches relating to the New Orleans riots. I do not feel authorized to act in the matter without your direction, and therefore submit General Grant's application and the accompanying papers for such instructions as you may be pleased to give.

I am, sir, very respectfully, your obedient servant,

EDWIN M. STANTON.

The PRESIDENT.

[Endorsements.]

WAR DEPARTMENT, *August* 11, 1866.

Secretary of War submits a letter from General Grant asking the publication of General Sheridan's despatches on the subject of the New Orleans riots.

Returned to the honorable Secretary of War.

The President would suggest a careful examination of *all* the despatches sent from this office, the War Department, and the headquarters of the army, to General Sheridan, General Baird, and the civil authorities of Louisiana, and all despatches received in reply, or on the subject of the riot or the assembling of the convention of 1864, with a view of determining the propriety of at once publishing them in full, in order of their dates.

ANDREW JOHNSON.

AUGUST 11, 1866.

The within-mentioned despatches, &c., were collected and transmitted to the President between August 11 and August 25.

EDWIN M. STANTON,
Secretary of War.

WAR DEPARTMENT, OFFICE UNITED STATES MILITARY TELEGRAPH.

The following telegram received 9.25 p. m. July 27, 1866, from New Orleans, Louisiana, July 27, 1866:

His Excellency President JOHNSON:

SIR: Governor Wells has, in compliance with the proclamation of R. K. Howell, president *pro tem.*, signed writ of election to fill vacancy in convention of 1864, and forwarded the same to the office of the Secretary of State.

ALBERT VOORHIES,
Lieutenant Governor of Louisiana.
ANDREW J. HERRON,
Attorney General of Louisiana.

WAR DEPARTMENT, OFFICE UNITED STATES MILITARY TELEGRAPH.

The following telegram received 2 p. m. July 28, 1866, from New Orleans, July 28, 1866:

President JOHNSON:

Radical mass meeting, composed mainly of large number of negroes, last night, ending in a riot. The committee of arrangements of said meeting assembling to-night. Violent and incendiary speeches made; negroes called to arm themselves; you bitterly denounced. Speakers: Field, Dostie, Hawkins, Henderson, Heirward, and others. Governor Wells arrived last night, but sides with the convention move. The whole matter before grand jury, but impossible to execute civil process without certainty of riot. Contemplated to have the members of the convention arrested under process from the criminal court of this district. Is the military to interfere to prevent process of court?

ALBERT VOORHIES,
Lieutenant Governor of Louisiana.
ANDREW J. HERRON,
Attorney General of Louisiana.

[Telegram.]

EXECUTIVE MANSION,
Washington, D. C., July 28, 1866—5.40 p. m.

ALBERT VOORHIES,
Lieutenant Governor of Louisiana, New Orleans, La.:

The military will be expected to sustain, and not to obstruct or interfere with the proceedings of the courts. A despatch on the subject of the convention was sent to Governor Wells this morning.

ANDREW JOHNSON.

[Telegram.]

EXECUTIVE OFFICE,
Washington, D. C., July 28, 1866.

His Excellency Governor WELLS, *New Orleans, La.:*

I have been advised that you have issued a proclamation convening the convention elected in 1864. Please inform me under and by what authority this has been done, and by what authority this convention can assume to represent the whole people of the State of Louisiana.

ANDREW JOHNSON.

WAR DEPARTMENT, OFFICE UNITED STATES MILITARY TELEGRAPH.

The following telegram received 8.30 p. m., July 28, 1866, from New Orleans, July 28 1866:

President JOHNSON:

Your telegram received. I have not issued a proclamation convening the convention of 1864. This was done by the president of that body, by virtue of a resolution adjourning the convention subject to his order; and in that case also authorizing him to call on the proper officers to issue writs of election in unrepresented parishes. My proclamation is in response to that call, ordering an election on the 3d of September. As soon as vacancies can be ascertained, an election will be held to fill them, when the entire State will be represented.

Your obedient servant,

J. MADISON WELLS,
Governor Louisiana.

WAR DEPARTMENT, OFFICE UNITED STATES MILITARY TELEGRAPH.

The following telegram received 10.20 p. m., July 28, 1866, from New Orleans, Louisiana, July 28, 1866:

Hon. EDWIN M. STANTON, *Secretary of War:*

A convention has been called, with the sanction of Governor Wells, to meet here on Monday. The lieutenant governor and city authorities think it unlawful, and propose to break it up by arresting the delegates. I have given no orders on the subject, but have warned the parties that I could not countenance or permit such action without instructions to that effect from the President.

Please instruct me at once by telegraph.

A. BAIRD,
Brevet Major General.

WAR DEPARTMENT, OFFICE UNITED STATES MILITARY TELEGRAPH.

The following telegram received 4.40 p. m. July 30, 1866, from New Orleans, July 30, 1866:

The PRESIDENT *of the United States:*

We are in the midst of a terrible riot, caused by the assembling of the convention. Owing to the mixed condition of affairs among the State officers, I see no hope of quiet without you give us a military governor. Cannot General Granger be sent here?

F. J. HERRON,
Late Major General United States Army.

[Telegram.]

EXECUTIVE MANSION,
Washington, D. C., July 30, 1866.

ANDREW J. HERRON, *Attorney General of Louisiana, New Orleans:*

You will call on General Sheridan, or whoever may be in command, for sufficient force to sustain the civil authority in suppressing all illegal or unlawful assemblies which usurp or assume to exercise any power or authority without first having obtained the consent of the people of the State. If there is to be a convention, let it be composed of delegates chosen fresh from the people of the whole State. The people must be first consulted in reference to changing the organic law of a State. Usurpation will not be tolerated. The law and the Constitution must be sustained, and thereby peace and order.

ANDREW JOHNSON.

WAR DEPARTMENT, OFFICE UNITED STATES MILITARY TELEGRAPH.

The following telegram received 4.45 p. m. July 30, 1866, from New Orleans, July 30, 1866:

His Excellency President JOHNSON:

Convention met; a riot broke out in the city; so far, the police has the upper hand. Several white and colored persons killed. Called on General Baird for assistance, which is cheerfully tendered. Intense excitement. Convention broken up.

ALBERT VOORHIES,
Lieutenant Governor, Louisiana.

OFFICE UNITED STATES MILITARY TELEGRAPH,
Headquarters, War Department.

The following telegram received 12.45 p. m. July 31, 1866, from New Orleans, Louisiana, July 30, 9 p. m., 1866:

The SECRETARY OF WAR:

A serious riot has occurred here to-day. I have been in full consultation with the city authorities, and have kept my troops well in hand for such an emergency. The riot commenced unexpectedly, and before the troops could reach the scene of action a number of persons were killed and wounded. I have felt compelled to declare martial law, and have appointed a military governor of the city. All is quiet now. Several prominent gentlemen connected with the convention are killed or wounded.

A. BAIRD,
Brevet Major General.

HEADQUARTERS DEPARTMENT OF LOUISIANA,
New Orleans, Louisiana, July 30, 1866.

SIR: I have the honor to inform you that a very serious riot has occurred here to-day. I had not been applied to by the convention for protection; but the lieutenant governor and the mayor had freely consulted with me, and I was so fully convinced that it was so strongly the intent of the city authorities to preserve the peace, in order to prevent military interference, that I did not regard an outbreak as a thing to be apprehended. The lieutenant governor had assured me that even if a writ of arrest was issued by the court, the sheriff would not attempt to serve it without my permission, and for to-day they designed to suspend it.

I ordered a steamer to be at Jackson barracks (three miles below the city) at an early hour in the morning, and a tug to be ready to bear orders to the commanding officer of the 1st infantry, stationed at that point. At 11½ o'clock a. m. Lieutenant Governor Voorhies came to see me, and, after conversation, (he feeling confident at the time of the ability of the police to preserve order,) I proposed to bring to the city four companies one hour in advance of the proposed meeting of the convention—at six o'clock p. m.—to be kept near by, in case they should be required to keep clear the streets in the vicinity of the hall in which the convention was to meet. He agreed with me that it would be very desirable, but left me, not apprehending difficulty.

At 12 o'clock m. I drove to see Judge Howell, president of the convention, to request that arrangements might be made to keep any crowd that might assemble to protect the convention out of the streets, so as to avoid an accidental collision. When I reached his house, I learned that the convention was to meet at 12 o'clock m., and that he had gone to it. Returning to my headquarters I soon received a letter from the lieutenant governor informing me that large parties of negroes were collecting from all quarters, and coming into the centre of the city, yet he was not sure of his information. However, I at once sent for the troops. Very soon afterwards I learned that a riot had taken place near the convention hall, and I sent a staff officer to investigate the facts. On his return, he reported having met Judge Howell, who said the convention had adjourned for want of a quorum, but would meet again at 1½ o'clock p. m. This reassured me. But I again sent to hasten the arrival of the troops. Immediately after this the riot assumed a serious character. The police, aided by citizens, became the assailants, and, from the evidence, I am forced to believe exercised great brutality in making their arrests. Finally they attacked the convention hall, and a protracted struggle ensued. The people inside the hall gave up. Some who surrendered were attacked afterwards, and brutally treated. Quite a large number were injured—I cannot now say how many—Governor Hahn, Dr. Dostie, Mr. Fish, and perhaps other members of the convention among the number.

On the arrival of the troops, I soon cleared the streets, and quiet was restored.

From the evidence of bad feeling on the part of the citizens, and of sympathy with them on the part of the police, I felt compelled to declare martial law in the city, and to appoint a military governor, from which I hope good results will ensue.

I enclose herewith copies of my correspondence with the mayor, and of a despatch, which the lieutenant governor claims to have received from the President.

I regret that no reply to my despatch to you of Saturday has yet reached me. General Sheridan is still absent in Texas.

I remain, sir, very respectfully, your obedient servant,

A. BAIRD,
Brevet Major General, Commanding Department.

Hon. EDWIN M. STANTON,
Secretary of War, Washington, D. C.

STATE OF LOUISIANA, MAYORALTY OF NEW ORLEANS,
City Hall, July 25, 1866.

GENERAL: A body of men claiming to belong to the convention of 1864, and whose avowed object is to subvert the present municipal and State government, will, I learn, assemble in this city Monday next.

The laws and ordinances of the city, which my oath of office make obligatory upon me to see faithfully executed, declare all assemblies calculated to disturb the public peace and tranquillity as unlawful, and as such to be dispersed by the mayor, and the participants held responsible for violating them.

It is my intention to disperse this unlawful assembly, if found within the corporate limits of the city, by arresting the members thereof and holding them accountable to existing municipal laws, *provided* they meet without the sanction of the military authorities.

I will esteem it a favor, general, if, at your earliest convenience, you will inform me whether this projected meeting has your approbation, so that I may act accordingly.

I am, general, respectfully,

JOHN T. MONROE, *Mayor.*

Brevet Major General BAIRD,
Commanding Department of Louisiana.

A true copy:

NATHANIEL BURBANK,
First Lieutenant and Acting Assistant Adjutant General.

HEADQUARTERS DEPARTMENT OF LOUISIANA,
New Orleans, Louisiana, July 26, 1866.

SIR: I have received your communication of the 25th instant, informing me that a body of men claiming to be members of the convention of 1864, whose avowed object is to subvert the present municipal and State governments, is about to assemble in this city; and regarding this assemblage as one of those described in the law as calculated to disturb the public peace and tranquillity, and therefore unlawful, you believe it to be your duty, and that it is your intention, to disperse this unlawful assembly if found within the coporate limits of the city, by arresting the members thereof and holding them accountable to the existing municipal laws, provided they meet without the approbation of the military authorities. You also inquire whether this projected meeting has my approbation, so that you may act accordingly.

In reply, I have the honor to state that the assemblage to which you refer has not, so far as I am aware, the sanction or approbation of any military authority for its meetings. I presume the gentlemen composing it have never asked for such authority to meet, as the military commanders, since I have been in the State, have held themselves strictly aloof from all interference with the political movements of the citizens of Louisiana. For my own part I have carefully refrained from any expression of opinion upon either side of the many questions relating to the reconstruction of the State government. When asked if I intended to furnish the convention a military guard, I have replied: "No; the mayor of the city and his police will amply protect its sittings." If these persons assemble, as you say is intended, it will be, I presume, in virtue of the universally conceded right of all loyal citizens of the United States to meet peaceably and discuss freely questions concerning their civil government; a right which is not restricted by the fact that the movement proposed might terminate in a change of existing institutions.

If the assemblage in question has the legal right to remodel the State government, it should be protected in so doing; if it has not, then its labors must be looked upon as a piece of harmless pleasantry, to which no one ought to object. As to your conception of the duty imposed by your oath of office, I regret to differ with you entirely. I cannot understand how the mayor of a city can undertake to decide so important and delicate a question as the legal authority upon which a convention claiming to represent the people of an entire State bases its action. This doubtless will be decided upon in due time by the legal branch of the United States government. At all events, the Governor of the State would seem to be more directly called upon to take the initiative in a step of this kind, if it was proper and necessary.

What we most want at the present time is the maintenance of perfect order and the suppression of violence. If, when you speak of the projected meeting as one calculated to disturb the public peace and tranquillity, I am to understand that you regard the number of persons who differ in opinion from those that will constitute it so large, and the lawlessness of their character so well established, that you doubt the ability of your small force of police to control them, you have in that case only to call upon me, and I will bring to your assistance not only the troops now present in the city, but, if necessary, the entire force which it may be in my power to assemble, either upon land or water.

Lawless violence must be suppressed; and in this connection the recent order of the Lieutenant General, designed for the protection of citizens of the United States, deserves careful consideration. It imposes high obligations for military interference to protect those who, having violated no ordinance of the State, are engaged in peaceful avocations.

I am, sir, very respectfully, your obedient servant,

A. BAIRD,
Brevet Major General, Commanding Department of Louisiana.

Hon. JOHN T. MONROE,
Mayor of New Orleans.

A true copy:

NATHANIEL BURBANK,
First Lieutenant and Acting Assistant Adjutant General.

[From a New Orleans newspaper of Monday morning, July 30, 1866.]

PRESIDENT JOHNSON AND THE CONVENTION—THE MILITARY EXPECTED TO SUSTAIN, NOT TO OBSTRUCT, THE PROCEEDINGS OF THE COURTS.

The following despatch from President Johnson to Lieutenant Governor Voorhies is one from which, in the circumstances that called it forth, satisfactory deductions may be drawn. We cannot doubt that the President gives no countenance to the pretensions of those members of the defunct convention of 1864 who are endeavoring to reinstate it; and we can only believe, as commander-in-chief, he will see that, on proper occasion, the judicial and other authorities of the State, as now constituted, will be protected by the military against violence from within or from without:

WASHINGTON, D. C., *July* 28, 1866.

To ALBERT VOORHIES, *Lieutenant Governor of Louisiana:*

The military will be expected to sustain and not obstruct or interfere with the proceedings of the courts.

A despatch on the subject of the convention was sent to Governor Wells this morning.

ANDREW JOHNSON.

WAR DEPARTMENT, OFFICE UNITED STATES MILITARY TELEGRAPH.

The following telegram received in cipher, 4.30 p. m. July 31, 1866, from New Orleans, Louisiana, July 31, 1866:

Hon. EDWIN M. STANTON, *Secretary of War:*

All now is quiet in the city, but I still have the troops under arms and shall keep them so for some days. Nearly all unite in attributing the chief blame to the police for the troubles yesterday. Thirty-seven persons are reported as killed, all belonging to the convention or friendly to it.

A. BAIRD, *Major General.*

WAR DEPARTMENT, OFFICE UNITED STATES MILITARY TELEGRAPH.

The following telegram received in cipher, 8.50 p. m. July 31, 1866, from New Orleans, Louisiana, July 31, 1866:

The ADJUTANT GENERAL *United States Army, Washington:*

Comparative quiet has been restored in this city by the military, who still occupy the streets. There is, however, apprehension of slight disturbances in the lower faubourg of the city.

In consequence of the limited force at my command I am compelled to make use of the city police, whose conduct in the riot of yesterday is most reprehensible. There is every reason to fear the imminent peril to which the lives and property of Union men of this city will be subjected by restoration of the reins of power to the present civil authorities of this city.

A. BAIRD, *Major General.*

WAR DEPARTMENT, OFFICE UNITED STATES MILITARY TELEGRAPH.

The following telegram received 11.15 p. m. July 31, 1866, from New Orleans, Louisiana, July 31, 1866:

Major General O. O. HOWARD:

The riot has been suppressed. I have declared martial law in the city. About forty persons have been killed and a large number wounded, nearly all being friendly to the convention.

A. BAIRD, *Brevet Major General.*

WAR DEPARTMENT, OFFICE UNITED STATES MILITARY TELEGRAPH.

The following telegram received 11.15 p. m. July 31, 1866, from New Orleans, July 31, 1866:

His Excellency President JOHNSON:

Your despatch received. General Baird has declared martial law in this city. The grand jury has indicted the members of the convention, who met yesterday, as an unlawful assembly. Process for their arrest in hands of sheriff suspended by General Baird until he receives direct instructions from Washington. I showed him your despatch to me.

ANDREW J. HERRON,
Attorney General.

WAR DEPARTMENT, OFFICE UNITED STATES MILITARY TELEGRAPH.

The following telegram received in cipher, 6.15 p. m. August 1, 1866, from New Orleans, Louisiana, August 1, 1866:

U. S. GRANT, *General:*

You are doubtless aware of the serious riot which occurred in this city on the 30th. A political body, styling themselves the convention of 1864, met on the 30th for, as it is alleged, the purpose of remodelling the present constitution of the State. The leaders were political agitators and revolutionary men, and the action of the convention was liable to produce breaches of the public peace. I had made up my mind to arrest the head men, if the proceedings of the convention were calculated to disturb the tranquillity of the department, but I had no cause for action until they committed the overt act. In the mean time official duty called me to Texas, and the mayor of the city, during my absence, suppressed the convention by the use of the police force, and in so doing attacked the members of the convention and a party of two hundred negroes with fire-arms, clubs, and knives, in a manner so unnecessary and atrocious as to compel me to say that it was murder. About forty whites and blacks were thus killed, and about one hundred and sixty wounded. Everything is now quiet, but I deem it best to maintain a military supremacy in the city for a few days until the affair is fully investigated. I believe the sentiment of the general community is great regret at this unnecessary cruelty, and that the police could have made any arrest they saw fit without sacrificing lives.

P. H. SHERIDAN,
Major General Commanding.

[Endorsement.]

Respectfully submitted to his Excellency the President of the United States, for his information.

U. S. GRANT, *General.*

HEADQUARTERS UNITED STATES ARMY, *August* 2, 1866.

WAR DEPARTMENT, OFFICE UNITED STATES MILITARY TELEGRAPH.

The following telegram received in cipher, 6.40 p. m. August 1, 1866, from New Orleans, Louisiana, August 1, 1866:

U. S. GRANT, *General:*

You need feel no uneasiness about the condition of affairs here: I think I can arrange matters without difficulty.

P. H. SHERIDAN,
Major General Commanding.

[Endorsement.]

Respectfully submitted to his Excellency the President of the United States, for his information.

U. S. GRANT, *General.*

HEADQUARTERS UNITED STATES ARMY, *August* 2, 1866.

[Cipher.]

WAR DEPARTMENT,
Washington City, August 1, 1866.

Major General BAIRD, *New Orleans:*

Please report immediately the condition of things at New Orleans in cipher.

EDWIN M. STANTON,
Secretary of War.

Sent 2.30 p. m.

WAR DEPARTMENT, OFFICE UNITED STATES MILITARY TELEGRAPH.

The following telegram received in cipher, 9 a. m. August 3, 1866, from New Orleans, Louisiana, August 2, 1866:

Hon. EDWIN M. STANTON, *Secretary of War:*

All is quiet upon the surface, but there are still slight disturbances in some localities. The police are still afraid to go upon their beats singly, and some radical citizens are afraid to sleep in their houses. The proclamation of martial law was necessary, because the police are regarded by a large portion of the community as the rioters, and were feared. I am confident it saved many lives and great excess. Its administration extends only to holding the city authorities and the police under the supervision of the military governor. It should be kept until military investigation can determine whether any of the city officers are guilty: I would then advise its withdrawal. The governor felt compelled to ask for a military guard for his protection.

A. BAIRD,
Brevet Major General.

[Telegram.]

EXECUTIVE OFFICE,
Washington, D. C., August 1, 1866.

Major General ABSALOM BAIRD, *Commanding, &c., New Orleans, Louisiana:*

You will not interpose any obstacle in the way of the civil authorities, but render whatever aid may be required by them for the preservation of the public peace.

The foregoing telegram is transmitted to you by order of the President. You will acknowledge its receipt.

E. D. TOWNSEND,
Assistant Adjutant General.

WAR DEPARTMENT, ADJUTANT GENERAL'S OFFICE,
Washington, August 1, 1866.

Received 6.10 p. m. Sent 7 p. m.

WAR DEPARTMENT, OFFICE UNITED STATES MILITARY TELEGRAPH.

The following telegram received in cipher, 9.20 a. m. August 3, 1866, from New Orleans, Louisiana, August 2, 1866:

Brevet Major General E. D. TOWNSEND, *Assistant Adjutant General:*

Your despatch received. No obstacle will be interposed in the way of the civil authorities.

A. BAIRD,
Brevet Major General.

[Telegram.]

EXECUTIVE OFFICE,
Washington, August 1, 1866.

ALBERT VOORHIES, *Lieutenant Governor*, or
ANDREW J. HERRON, *Attorney General, New Orleans:*

Were the civil authorities, State or federal, conferred with by General Baird before he declared martial law? Could not the civil authorities, State and federal, enforce the law and preserve order with the aid of the military and without the aid of martial law? I hope that order has been restored and the riot not as disastrous as represented. Please show this despatch to General Baird.

The foregoing telegram is transmitted to you by order of the President. You will please acknowledge its receipt.

E. D. TOWNSEND,
Assistant Adjutant General.

WAR DEPARTMENT, ADJUTANT GENERAL'S OFFICE,
Washington, August 1, 1866.

Received 6.10 p. m. Sent 6.50 p. m.

WAR DEPARTMENT, OFFICE UNITED STATES MILITARY TELEGRAPH.

The following telegram received 3.40 p. m. August 2, 1866, from New Orleans, Louisiana, August 2, 1866:

Brevet Major General E. D. TOWNSEND,
Assistant Adjutant General, Washington, D. C.:

Despatch received. Civil authorities were not, to our knowledge, conferred with by General Baird as to propriety of declaring martial law. Civil authorities could easily enforce the law and preserve order with the aid of the military. Martial law wholly unnecessary. Order fully restored before the arrival of the troops.

The rioting was almost entirely confined to immediate vicinity of Mechanics' Institute, and suppressed by police in less than two hours, and before arrival of troops.

Left copy of your despatch at General Baird's headquarters.

ALBERT VOORHIES,
Lieutenant Governor.
ANDREW J. HERRON,
Attorney General.

WAR DEPARTMENT, OFFICE UNITED STATES MILITARY TELEGRAPH.

The following telegram received, in cipher, 6 p. m. August 2, 1866, from New Orleans Louisiana, August 2, 1866:

General U. S. GRANT, *Washington, D. C.:*

The more information I obtain of the affair of the 30th in this city the more revolting it becomes. It was no riot: it was an absolute massacre by the police, which was not excelled in murderous cruelty by that of Fort Pillow. It was a murder which the mayor and police of this city perpetrated without the shadow of a necessity; furthermore, I believe it was premeditated, and every indication points to this. I recommend the removing of this bad man. I believe it would be hailed with the sincerest gratification by two-thirds of the population of the city. There has been a feeling of insecurity on the part of the people here on account of this man, which is now so much increased that the safety of life and property does not rest with the civil authorities, but with the military.

P. H. SHERIDAN,
Major General Commanding.

WAR DEPARTMENT, OFFICE UNITED STATES MILITARY TELEGRAPH.

The following telegram received, in cipher, 10 p. m. August 3, 1866, from New Orleans, Louisiana, August 3, 1866:

General U. S. GRANT, *Washington, D. C.:*

I have the honor to report quiet in the city, but considerable excitement in the public mind. There is no interference on the part of the military with the civil government, which performs all its duties without hindrance.

I have permitted the retention of the military governor appointed during my absence, as it gives confidence and enables the military to know what is occurring in the city. He does not interfere with civil matters.

Unless good judgment is exercised, there will be an exodus of northern capital and Union men, which will be injurious to the city and to the whole country. I will remove the military governor in a day or two. I again strongly advise that some disposition be made to change the present mayor, as I believe it would do more to restore confidence than anything that could be done. If the present governor could be changed also it would not be amiss.

P. H. SHERIDAN,
Major General Commanding.

HEADQUARTERS ARMIES OF THE UNITED STATES,
Washington, D. C., August 3, 1866.

Major General SHERIDAN, *New Orleans, La.:*

Continue to enforce martial law so far as may be necessary to preserve the peace; and do not allow any of the civil authorities to act if you deem such action dangerous to the public safety. Lose no time in investigating and reporting the causes that led to the riot, and the facts which occurred.

U. S. GRANT, *General.*

WAR DEPARTMENT, OFFICE UNITED STATES MILITARY TELEGRAPH.

The following telegram received 5.5 p. m. August 4, 1866, from New Orleans, Louisiana, August 4, 1866:

General U. S. GRANT, *Washington, D. C.:*

I have the honor to acknowledge the receipt of your despatch of the date of August 3, 5 p. m.

P. H. SHERIDAN,
Major General Commanding.

[By U. S. Military Telegraph.]

EXECUTIVE MANSION,
Washington, D. C., August 4, 1866.

Major General SHERIDAN,
Commanding, &c., New Orleans, La.:

We have been advised here that, prior to the assembling of the illegal and extinct convention, elected in 1864, inflammatory and insurrectionary speeches were made to a mob, composed of white and colored persons, urging upon them to arm and equip themselves for the purpose of protecting and sustaining the convention in its illegal and unauthorized proceedings, intended and calculated to upturn and supersede the existing State government of Louisiana, which had been recognized by the government of the United States. Further, did the mob assemble and was it armed for the purpose of sustaining the convention in its usurpation and revolutionary proceedings? Have any arms been taken from persons since the 30th ultimo, who were supposed or known to be connected with this mob? Have not various individuals been assaulted and shot by persons connected with this mob without good cause, and in violation of the public peace and good order? Was not the assembling of this convention and the gathering of the mob for its defence and protection the main cause of the riotous and unlawful proceedings of the civil authorities of New Orleans? Have steps been taken by the civil authorities to arrest and try any and all those who were engaged in this riot, and those who have committed offences in violation of law? Can ample justice be meted by the civil authorities to all offenders against the law? Will General Sheridan please furnish me a brief reply to the above inquiries, with such other information as he may be in possession of. Please answer by telegraph at your earliest convenience.

ANDREW JOHNSON,
President of the United States.

WAR DEPARTMENT, OFFICE OF THE UNITED STATES MILITARY TELEGRAPH.

The following telegram received in cipher, 8.50 a. m. August 6, 1866, from New Orleans, Louisiana, August 5, 1866:

His Excellency ANDREW JOHNSON,
President of the United States:

I have the honor to acknowledge the receipt of your despatch of August 4, and will reply speedily.

P. H. SHERIDAN,
Major General Commanding.

WAR DEPARTMENT, OFFICE OF THE UNITED STATES MILITARY TELEGRAPH.

The following telegram received in cipher, 8.50 a. m. August 6, 1866, from New Orleans, Louisiana, August 5, 1866:

General U. S. GRANT, *Washington, D. C.:*

I have the honor to report quiet in the city yesterday and to-day; but many unfounded rumors afloat which excite the timid. The exciting reports will be in circulation for a day or two yet.

P. H. SHERIDAN,
Major General Commanding

WAR DEPARTMENT, OFFICE UNITED STATES MILITARY TELEGRAPH.

The following cipher telegram received 4.30 p. m. August 6, 1866, from New Orleans, Louisiana, August 6, 12 m., 1866:

His Excellency ANDREW JOHNSON, *President United States:*

I have the honor to make the following reply to your despatch of August 4. A very large number of the colored people marched in procession on Friday night, July twenty-seventh, (27,) and were addressed from the steps of the City Hall by Dr. Dostie, Ex-Governor Hahn, and others. The speech of Dostie was intemperate in language and sentiment. The speeches of the others, so far as I can learn, were characterized by moderation. I have not given you the words of Dostie's speech, as the version published was denied; but from what I have learned of the man I believe they were intemperate.

The convention assembled at twelve (12) m., on the thirtieth, (30th,) the timid members absenting themselves because the tone of the general public was ominous of trouble. I think there were but about twenty-six (26) members present. In front of the Mechanics' Institute, where the meeting was held, there were assembled some colored men, women, and children, perhaps eighteen (18) or twenty (20,) and in the Institute a number of colored men, probably one hundred and fifty (150.) Among those outside and inside there might have been a pistol in the possession of every tenth (10th) man.

About one (1) p. m. a procession of, say, from sixty (60) to one hundred and thirty (130) colored men marched up Burgundy street and across Canal street towards the convention, carrying an American flag. These men had about one pistol to every ten men, and canes and clubs in addition. While crossing Canal street a row occurred. There were many spectators on the street, and their manner and tone towards the procession unfriendly. A shot was fired, by whom I am not able to state, but believe it to have been by a policeman, or some colored man in the procession. This led to other shots, and a rush after the procession. On arrival at the front of the Institute there was some throwing of brickbats by both sides. The police, who had been held well in hand, were vigorously marched to the scene of disorder. The procession entered the Institute with the flag, about six (6) or eight (8) remaining outside. A row occurred between a policeman and one of these colored men, and a shot was again fired by one of the parties, which led to an indiscriminate fire on the building through the windows by the policemen. This had been going on for a short time, when a white flag was displayed from the windows of the Institute, whereupon the firing ceased and the police rushed into the building.

From the testimony of wounded men, and others who were inside the building, the policemen opened an indiscriminate fire upon the audience until they had emptied their revolvers, when they retired, and those inside barricaded the doors. The door was broken in and the firing again commenced, when many of the colored and white people either escaped through out the door, or were passed out by the policemen inside; but as they came out the policemen who formed the circle nearest the building fired upon them, and they were again fired upon by the citizens that formed the outer circle. Many of those wounded and taken prisoners, and others who were prisoners and not wounded, were fired upon by their captors, and by citizens. The wounded were stabbed while lying on the ground, and their heads beaten with brickbats in the yard of the building, whither some of the colored men had escaped and partially secreted themselves. They were fired upon and killed or wounded by policemen. Some were killed and wounded several squares from the scene. Members of the convention were wounded by the policemen while in their hands as prisoners—some of them mortally.

The immediate cause of this terrible affair was the assemblage of this convention: the remote cause was the bitter and antagonistic feeling which has been growing in this community since the advent of the present mayor, who, in the organization of his police force, selected many desperate men, and some of them known murderers. People of clear views were overawed by want of confidence in the mayor and fear of the thugs, many of which he had selected for his police force. I have frequently been spoken to by prominent citizens on this subject, and have heard them express fear and want of confidence in Mayor Monroe. Ever since the intimation of this last convention movement, I most condemn the course of several of the city papers for supporting, by their articles, the bitter feeling of bad men. As to the merciless manner in which the convention was broken up, I feel obliged to confess strong repugnance.

It is useless to attempt to disguise the hostility that exists on the part of a great many here towards northern men, and this unfortunate affair has so precipitated matters that there is now a test of what shall be the *status* of northern men. Whether they can live here without being in constant dread or not; whether they can be protected in life and property, and have justice in the courts. If this matter is permitted to pass over without a thorough and determined prosecution of those engaged in it, we may look out for frequent scenes of the same kind, not only here, but in other places. No steps have as yet been taken by the civil authorities to arrest citizens who were engaged in this massacre, or policemen who perpetrated such cruelties. The members of the convention have been indicted by the grand jury, and many of them arrested and held to bail. As to whether the civil authorities can mete out ample justice to the guilty parties on both sides, I must say it is my opinion unc-

quivocally that they cannot. Judge Abell, whose course I have closely watched for nearly a year, I now consider one of the most dangerous men that we have here to the peace and quiet of the city. The leading men of the convention—King, Cutler, Hahn, and others—have been political agitators, and are bad men. I regret to say that the course of Governor Wells has been vacillating, and that during the late trouble he has shown very little of the man.

P. H. SHERIDAN,
Major General Commanding.

WAR DEPARTMENT, OFFICE OF THE UNITED STATES MILITARY TELEGRAPH.

The following telegram received in cipher, 4.10 p. m. August 7, 1866, from New Orleans, Louisiana, August 7, 1866:

U. S. GRANT, *General:*

I have the honor to report a rapid change for the better throughout the city. There was much excitement on Sunday and Monday, in consequence of an unfounded rumor that there would be a collision between the whites and blacks yesterday. There was no good reason to expect such an event, however.

P. H. SHERIDAN,
Major General Commanding.

[Telegram.]

WAR DEPARTMENT,
Washington City, August 7, 1866.

Major General P. H. SHERIDAN.
Commanding, &c., New Orleans, La.:

The President directs me to acknowledge your telegram of the sixth, (6th,) in answer to his inquiries of the fouth (4th) instant. On the third (3d) instant instructions were sent you by General Grant, in conformity with the President's directions, authorizing you to "continue to enforce martial law so far as might be necessary to preserve the public peace, and ordering you not to allow any of the civil authorities to act if you deem such action dangerous to the public safety; and also that no time be lost in investigating the causes that led to the riot, and the facts which occurred." By these instructions the President designed to vest in you, as the chief military commander, full authority for the maintenance of the public peace and safety, and he does not see that anything more is needed pending the investigation with which you are intrusted. But if in your judgment your powers are inadequate to preserve the peace until the facts connected with the riot are ascertained, you will please report to this department for the information of the President.

EDWIN M. STANTON, *Secretary of War.*

NEW ORLEANS, *August* 3, 1866.

SIR: Your excellency is in possession of the main facts as regards the conspiracy which, by reviving the convention of 1864, purposed to subvert the civil government of the State of Louisiana.

An informal meeting of twenty-nine members—one hundred and fifty being the whole number, and seventy-six a quorum—proceeded to depose the president of the convention, (who considered the convention as extinct and himself *functus officio*,) and to elect R. K. Howell as president *pro tem.* They adjourned to meet again, and a proclamation was issued by R. K. Howell, president *pro tem.*, convening the convention to meet on the 30th of July last, and directing his excellency the Governor of the State to issue writs of election to fill vacancies.

So far the whole matter was looked upon as a harmless experiment, although mischievously intended; the people were confident that the Governor would not condescend to notice this proclamation, and in case the convention would commit any illegal act of interference, that he would have it dispersed at once.

Unfortunately, however, after a lapse of nearly a month, the Governor issued writs of election to fill up fifty-one vacancies in that body. This document, to which the secretary of state refused to give his attestation under the seal of State, was issued under the attestation of the private secretary of the Governor.

The people of the State became alarmed when no doubt could be entertained as to the fact that their chief magistrate had given willing aid and assistance to subvert the government, the preservation of which was especially entrusted to his keeping.

On Friday, the 27th of July, a large meeting was held in the hall of the house of representatives, professedly for the advocacy of universal suffrage, but in reality to organize for the meeting of the convention on the Monday following. The object of this meeting was to arouse the passions and prejudices of the colored population, so as to make them the victims of a riot by urging them headlong into a conflict with the State and municipal authorities.

On the other hand, we were determined to prevent all riots and bloodshed by pursuing such a course as would baffle the nefarious calculations of these agitators. Our remedy, and the only remedy, must be by pursuing the usual process of law, and even then, to proceed in such a way as to fasten upon them the responsibility of any collision whatever.

The case was submitted to the grand jury by the attorney general, and in the mean time the Lieutenant Governor and the mayor called upon Major General Baird to ascertain whether, if a warrant issued upon a regular indictment were placed in the hands of the sheriff for the arrest of the members of the convention, the military would interfere. The answer was that the sheriff would himself be arrested, and that the convention, meeting peaceably, could not be interfered with by the officers of the law.

It is proper to state that the mayor had previously addressed a note to Major General Baird, enquiring whether he would be interfered with by the military in case he would proceed to disperse the convention as an unlawful assemblage. The answer to this communication was, that the meeting of the convention being peaceable, could not be suppressed by the mayor, and that the military authorities would prevent the interference of the city authorities.

It was suggested by the Lieutenant Governor that the civil officers, under these circumstances, would not interfere to prevent the meeting of the convention, but he proposed that in case a warrant of arrest were placed in the hands of the sheriff, the latter, before attempting to execute it, would call upon the general, who, thereupon, would endorse his objections, and the matter would at once be submitted to his excellency the President. This arrangement was satisfactory to both parties.

On the same day the attorney general and the Lieutenant Governor telegraphed to the President to ascertain whether the process of court for the arrest of the members of the convention could be thwarted by the military. The answer was, that, instead of obstructing, the military was expected to sustain the courts.

On Sunday, 29th, the municipal and State authorities called upon the press to advise the people as to the proper conduct to be held the next day, so as to avoid all collision and riot, and the mayor issued a proclamation to the same effect. The press of the city, with the exception of the radical organ, gave wise and salutary counsels to the public, inviting all citizens to avoid congregating about the capitol, and to demean themselves with prudence and discretion.

On the morning of the 30th the Lieutenant Governor called upon General Baird to communicate to him the President's despatch, and also enquired from the general if he would not have some troops in the vicinity of the hall to preserve peace and good order. General Baird answered that application had been made by members of the convention for that purpose, and that his reason for not complying was that he did not wish to appear to side with either party, or to uphold the convention. The suggestion was then made that to have too large a police force on that spot might be construed as meant to overawe the members, and that, inasmuch as the civil authorities did not intend interfering with the convention until instructions received from the President as above agreed on, it was not improper to have troops to co-operate with a small police force to preserve peace and prevent all possible attempt to bring about a collision. This suggestion met the approbation of the general, who then stated that he would give immediate orders to have the troops in readiness.

Before the end of this interview it was again agreed upon between General Baird and the Lieutenant Governor that whatever warrant of arrest might be placed in the hands of the sheriff would be submitted to him before any attempt to have it executed, and that, upon endorsement of the general's objections, the matter would be referred to the President.

The mayor, being informed of this arrangement, sent but a small police force to the vicinity of the hall; and the troops that were to act in conjunction with them were eagerly expected.

At noon, information having reached the Lieutenant Governor that in the third district there was a commencement of effervescence, and that large numbers of negroes were coming toward Canal street from above and below, he immediately sent a despatch to the general, conveying this intelligence, and urging that the troops be sent without delay. About one hour afterwards the riot broke out, ending in the dispersion of the convention and the capture of the rioters, including several members of said body.

It is not our purpose to argue the question of fact as to the actual commencement of the collision, and to fix precisely the mode and manner in which it originated. We will, however, remark that the collision was, in every instance, brought about by the armed mob sustaining the convention. Suffice it to say that the civil authorities took all the precautions possible to prevent the outbreak; that they appealed during three days previous to have the aid of the military to preserve order at the place where was to meet the convention; that the authorities, State and municipal, had come to an understanding to act in concert with the military for that purpose; that the citizens, no more than the police, contemplated to prevent the convention to hold their meeting peaceably, and to adjourn and disperse un-

molested; and that the warrant for their arrest would have been submitted to the military, as agreed upon, although the President's despatch to the Lieutenant Governor, and the subsequent one to the attorney general, were imperative that the military must sustain and not thwart the courts.

The military authorities have been, for the three days previous to the riot, in constant communication with the attorney general, the Lieutenant Governor, and the mayor, with the view of preventing the impending riot. These efforts were unsuccessful, and could not counteract the effects of the incendiary counsels and appeals of those who, for sinister purposes, had had in view this very result in order to reap a political harvest.

That the civil authorities have done their duty in this respect is patent; that more could have been done by them was impossible, as they were not allowed to remove the cause of the riot by taking the proper measures to prevent the meeting of the convention; and we doubt not a moment that the military commander himself will be the first to corroborate these facts, and to arrest all calumnious imputation against the conduct of our people under these trying circumstances.

As regards the proclamation of martial law, the least that can be said of it is, that it was inopportune, for the rioting had ceased completely, the police being master of the situation. The colored population as a body did not participate in these disgraceful scenes, and freedmen in the vicinity of the riot were standing as backers an without being molested. The colored mob, in unison with a few white rioters who were leading them in this affair, were no doubt well organized. That they were well armed is undoubted, since forty-two policemen and several citizens were either killed or wounded by them, although the conflict was over in less than two hours. Twenty-seven rioters were killed, and a considerable number wounded. At dark, when all was over, when those of the mob were either dispersed or in prison, and tranquillity and order were restored, martial law was proclaimed, and the prisons where the rioters were confined were emptied by orders from headquarters. These measures, undoubtedly, were not intended for reviving the hopes of the outlaws, but were they not calculated to inspire them with false hopes? The very next morning the organ of the agitators was issued, containing as usual most inflammatory articles, and so the succeeding issues.

Had the military authorities on Monday afternoon (30th) taken a stand solely to co-operate with the civil authorities, the most beneficial effects would have been the result.

We remain, respectfully, your obedient servants,

JOHN T. MONROE, *Mayor.*
ALBERT VOORHIES,
Lieutenant Governor of Louisiana.
ANDREW J. HERRON,
Attorney General of Louisiana.

His Excellency President ANDREW JOHNSON.

WAR DEPARTMENT,
Washington City, January 19, 1867.

SIR: I have the honor to transmit herewith a report by the Adjutant General, of this date, enclosing copies of telegrams received and sent by this department and the headquarters of the army, relative to the riot in the city of New Orleans on the 30th of July last.

Very respectfully, your obedient servant,

EDWIN M. STANTON,
Secretary of War.

The PRESIDENT.

WAR DEPARTMENT, ADJUTANT GENERAL'S OFFICE,
Washington City, January 19, 1867.

SIR: I have the honor to submit herewith copies of telegrams received and sent by this department and the headquarters of the army, in relation to the riot at New Orleans on the 30th of July last, as follows:

Copy of telegram, dated New Orleans, July 28, 1866, from Brevet Major General A. Baird to the Secretary of War.

Copy of telegram, dated New Orleans, July 30, 1866, from Brevet Major General A. Baird to the Secretary of War.

Copy of telegram, dated New Orleans, July 31, 1866, from Brevet Major General A. Baird to the Secretary of War.

Copy of telegram, dated New Orleans, July 31, 1866, from Brevet Major General A. Baird to the Adjutant General United States army.

Copy of telegram, dated August 1, 1866, from the Secretary of War to Major General Baird.

Copy of telegram, dated Washington, August 1, 1866, from E. D. Townsend, assistant adjutant general United States army, to Albert Voorhies, lieutenant governor, and Andrew J. Herron, attorney general of Louisiana.

Copy of telegram, dated Washington, August 1, 1866, from General E. D. Townsend, assistant adjutant general, to General Baird.

Copy of telegram, dated New Orleans, August 1, 1866, from Major General P. H. Sheridan to General U. S. Grant.

Copy of telegram, dated New Orleans, August 2, 1866, from Brevet Major General A. Baird to the Secretary of War.

Copy of telegram, dated New Orleans, August 2, 1866, from Brevet Major General A. Baird to General E. D. Townsend, assistant adjutant general.

Copy of telegram, dated New Orleans, August 2, 1866, from General P. H. Sheridan to General U. S. Grant.

Copy of telegram, dated New Orleans, August 2, 1866, from Lieutenant Governor Voorhies and Attorney General Herron to General E. D. Townsend.

Copy of telegram, dated New Orleans, August 1, 1866, from General P. H. Sheridan to General U. S. Grant.

Copy of telegram, dated New Orleans, August 3, 1866, from General P. H. Sheridan to General U. S. Grant.

Copy of telegram, dated Washington, August 3, 1866, from General U. S. Grant to General P. H. Sheridan.

Copy of telegram, dated New Orleans, August 4, 1866, from General P. H. Sheridan to General U. S. Grant.

Copy of telegram, dated New Orleans, August, 1866, from General P. H. Sheridan to General U. S. Grant.

Copy of telegram, dated New Orleans, August 7, 1866, from General P. H. Sheridan to General U. S. Grant.

Copy of telegram, dated Washington, August 7, 1866, from the Secretary of War to General P. H. Sheridan.

Copy of telegram, dated Washington, August 9, 1866, from General P. H Sheridan to Brevet Major General J. A. Rawlins.

Copy of telegram, dated Washington, August 9, 1866, from General U. S. Grant to General P. H. Sheridan.

Copy of telegram, dated New Orleans, August 11, 1866, from General P. H. Sheridan to General U. S. Grant.

Copy of telegram, dated New Orleans, August 13, 1866, from General P. H. Sheridan to General U. S. Grant.

Copy of telegram, dated Washington, August 16, 1866, from General U. S. Grant to General P. H. Sheridan.

Copy of telegram, dated New Orleans, August 17, 1866, from General P. H. Sheridan to General U. S. Grant.

I have the honor to be, sir, very respectfully, your obedient servant,

E. D. TOWNSEND,
Assistant Adjutant General.

Hon. EDWIN M. STANTON, *Secretary of War.*

HEADQUARTERS ARMIES OF THE UNITED STATES,
Washington, D. C., August 9, 1866.

Major General SHERIDAN, *New Orleans, La.:*

Your despatches did not get into print from these headquarters. If you do not object, I will ask to have your despatches published in full. Answer.

U. S. GRANT, *General.*

Official copy:

GEO. K. LEET
Assistant Adjutant General

WAR DEPARTMENT, OFFICE UNITED STATES MILITARY TELEGRAPH.

Received, Washington, D. C., August 11, 1866, from New Orleans, Louisiana, August 11, 1866:

General U. S. GRANT, *Commanding Armies of United States, Washington, D. C.*

I did not for one moment suppose that my despatch of August 1 was published by authority from your headquarters. I think I have a right to feel justly indignant at the person who gave the authority. As to the publication of my other despatches, it is not for me to say. They were not written for publication unless my lawful superiors chose to make them public.

P. H. SHERIDAN,
Major General United States Army.

Official

GEO. K. LEET,
Assistant Assistant General.

WAR DEPARTMENT, OFFICE UNITED STATES MILITARY TELEGRAPH.

Telegram received 3:30 p. m. at Washington, D. C., August 13, 1866, from New Orleans, Louisiana, 12 m., August 13, 1866:

U. S. GRANT, *General:*

The military board called by General Baird to investigate the occurrences in this city of July 30, is progressing as rapidly as possible. I see in the papers, by reports of officials here, an attempt made to cast blame on the military for not being present on the 30th. There could have been no object in its being present except to keep the police from perpetrating a revolting massacre. Its absence for this reason I regret. From the accounts of my own scouts who saw the affair from first to last, from my own officers, and from disinterested and truthful persons, I believe that at least nine-tenths of the casualties were perpetrated by the police and citizens stabbing and smashing in the heads of many who had been already wounded or killed by policemen.

P. H. SHERIDAN,
Major General.

Official copy:

GEO. K. LEET,
Assistant Adjutant General.

HEADQUARTERS ARMIES OF THE UNITED STATES,
Washington, D. C., August 16, 1866.

Major General SHERIDAN, *New Orleans, Louisiana:*

In view of the threat contained in an anonymous letter you send to me, I advise increasing your force about the city from other parts of your command. As soon as they can be organized two more companies will be sent to each of your infantry battalions; besides, the companies that have never yet joined will be sent as soon as the cholera disappears.

U. S. GRANT, *General.*

Official copy:

GEO. K. LEET,
Assistant Adjutant General.

WAR DEPARTMENT, OFFICE UNITED STATES MILITARY TELEGRAPH.

Received 4:45 p. m. in cipher at Washington, D. C., ——— —, 1866, from New Orleans, 11 p. m., August 17, 1866:

U. S. GRANT, *General United States Army:*

I am in receipt of your telegram of the 16th. Everything is very quiet and in fine condition here. As soon as it was found that the military would be allowed to maintain the supremacy in the city, there was a general backing down. I have no fear of my ability to take charge of the city, and consider the force here adequate, unless there was some very great disturbing cause. As to the anonymous threats I am not afraid of them, and as to idle threats of driving the troops out of the city, there would not be much of the city left when it was done. I am all right, and will take care of myself.

P. H. SHERIDAN,
Major General.

Official:

GEO. K. LEET,
Assistant Adjutant General.

PROCLAMATION.

MAYORALTY OF NEW ORLEANS,
City Hall, 30th day of July, 1866.

Whereas the extinct convention of 1864 proposes meeting this day; and whereas intelligence has reached me that the peace and good order of the city might be disturbed:

Now, therefore, I, John T. Monroe, mayor of the city of New Orleans, do issue this my proclamation calling upon the good people of the city to avoid with care all disturbance and collision; and I do particularly call upon the younger members of the community to act with such calmness and propriety as that the good name of the city may not be tarnished, and the enemies of the reconstruction policy of President Johnson be not afforded an opportunity, so much courted by them, of creating a breach of the peace, and of falsifying facts to the

great injury of the city and State; and I do further enjoin upon all good citizens to refrain from gathering in or about the place of meeting of said extinct convention, satisfied from recent despatches from Washington that the deliberations of the members thereof will receive no countenance from the President, and that he will sustain the agents of the present civil government, and vindicate its laws and acts to the satisfaction of the good people of the city and State.

[SEAL.] JOHN T. MONROE, *Mayor.*

WAR DEPARTMENT, OFFICE UNITED STATES MILITARY TELEGRAPH.

Received 9.20 a. m., 3d, in cipher:

NEW ORLEANS, LOUISIANA,
August 2, 1866—1 p. m.

General E. D. TOWNSEND, *Assistant Adjutant General:*

Your despatch received. No obstacles will be interposed in the way of the civil authorities.

A. BAIRD,
Major General Commanding.

Official copy:

E. D. TOWNSEND,
Assistant Adjutant General.

WAR DEPARTMENT,
Washington City, August 3, 1866.

GENERAL: You will please transmit to General Sheridan the following instructions:

"Continue to enforce martial law, so far as may be necessary to preserve the peace, and do not allow any of the civil authorities to act if you deem such action dangerous to the public safety. Lose no time in investigating and reporting the causes that led to the riot, and the facts which occurred."

Your obedient servant,

EDWIN M. STANTON,
Secretary of War.

General GRANT, *Commanding, &c.*

Official copy:

E. D. TOWNSEND,
Assistant Adjutant General.

NEW ORLEANS, LOUISIANA, *August* 17, 1866.

COLONEL: I have the honor to forward herewith the detailed report of Surgeon Harrsel in relation to the casualties resulting from the riot of the 30th ultimo.

Most respectfully, your obedient servant,

A. BAIRD,
Brevet Major General, Commanding.

Lieutenant Colonel GEORGE LEE,
Assistant Adjutant General, Headquarters Department Gulf.

[Endorsements on the above.]

HEADQUARTERS DEPARTMENT OF THE GULF,
New Orleans, Louisiana, August 17, 1866.

Respectfully forwarded to Brevet Major General Rawlins, chief of staff, United States army, for information of the General commanding, in connection with papers on same subject forwarded on the 16th instant.

P. H. SHERIDAN,
Major General United States Army, Commanding.

HEADQUARTERS ARMIES UNITED STATES,
September 21, 1866.

Respectfully forwarded to the Secretary of War:

U. S. GRANT, *General.*

HEADQUARTERS DEPARTMENT OF LOUISIANA,
New Orleans, Louisiana, August 14, 1866.

SIR: The commanding general desires a little explanation of the difference existing in the report of the number of police wounded on the 30th ultimo, as given in your report (10) and as stated by the chief of police (about 22.)

He desires to be informed what circumstances have come to your knowledge tending so greatly to diminish the number given by the city authorities.

Very respectfully, your obedient servant,

L. V. CAZIARC,
Brevet Captain and Aide-de-camp.

Assistant Surgeon A. HARTSUFF,
United States Army, Sedgwick Hospital.

A true copy:

LOUIS V. CAZIARC,
Brevet Captain and Aide-de-camp.

[Endorsement on the above.]

HEADQUARTERS GENERAL HOSPITAL,
Greenville, Louisiana, August 14, 1866.

Respectfully returned. I called on the chief of police and obtained a list of names of wounded policemen, which, I believe, was twenty-two (22.) I have visited the several policemen wounded at their residences, and some of the twenty-two I found were not injured, and others were on duty the day following the riot. I found only ten (10) injured.

A. HARTSUFF,
Assistant Surgeon United States Army.

A true copy:

LOUIS V. CAZIARC,
Brevet Captain and Aide-de-camp.

NEW ORLEANS, LOUISIANA, *August* 13, 1866.

GENERAL: I have the honor to furnish the following summary of killed and wounded in the riot of July 30, 1866.

	Killed.	Wounded severely.	Wounded slightly.	Total wounded.	Pistol wounds.	Incised wounds.	Contusions.
Members of convention	1	4	4	8	4	1	3
White citizens, loyal	2	4	5	9	3	2	4
Colored citizens	34	40	79	119	44	30	45
Policemen	.....	.....	10	10	7	1	2
White citizens, disloyal	1	.....	.....	.....	.....	.....	.....

Believed by me killed and wounded, of whom I could not get absolute facts:

Killed, colored	10
Wounded, colored	20

Very respectfully, your obedient servant,

A. HARTSUFF,
Assistant Surgeon United States Army.

A true copy:

LOUIS V. CAZIARC,
Brevet Captain, Aide-de-camp.

[Special Orders No. 99.]

HEADQUARTERS DEPARTMENT OF LOUISIANA,
Medical Director's Office, New Orleans, Louisiana, August 2, 1866.

I. Assistant Surgeon A. Hartsuff, United States army, will visit the headquarters of chief of police, the different hospitals, and other localities in which information can be procured with reference to the number of persons killed and wounded in the recent riot, and report upon the character of their wounds, reporting, also, the names and localities.

II. All persons are directed to furnish every facility to Doctor Hartsuff for this purpose.

By order of Brevet Major General A. Baird:

THOMAS A. McPARLIN,
Brevet Colonel and Surgeon United States Army, Medical Director.

In compliance with the above order I have the honor to report that I have visited the several hospitals of this city, called on the chief of police, coroner and others, and taken all necessary measures to acquaint myself with facts, as required by the above order.

The difficulties of obtaining a complete list of the wounded have been insurmountable; some of those slightly wounded have fled from the city, and some probably remaining in the city cannot be found. The list of killed, too, is believed to be incomplete, but as I have been unable to obtain absolute facts in many of the cases reported to me, I have refused to incorporate them in my list, which is enclosed.

I have the honor to be, very respectfully, your obedient servant,

A. HARTSUFF,
Assistant Surgeon United States Army.

A true copy:

LOUIS V. CAZIARC,
Brevet Captain, Aide-de-camp.

1. John Muss, Marine Hospital, New Orleans, Louisiana, contusions of head.
2. Fuller Loulong, Marine Hospital, New Orleans, Louisiana, contusions.
3. George Cooper, Marine Hospital, New Orleans, Louisiana, contusion of body.
4. Ann Jackson, Marine Hospital, New Orleans, Louisiana, contusions.
5. James Somerville, Marine Hospital, New Orleans, Louisiana, incised wound of face.
6. Alexander Taylor, Marine Hospital, New Orleans, Louisiana, incised wound of head.
7. Adam White, Marine Hospital, New Orleans, Louisiana, fracture of leg, severe.
8. Achille Smith, Marine Hospital, New Orleans, Louisiana, contusion of head.
9. William Griffin, Marine Hospital, New Orleans, Louisiana, pistol shot of neck and groin. Died July 31, 1866.
10. Stephen Johnson, Marine Hospital, New Orleans, Louisiana, incised wound of scalp, gunshot wound of head, severe.
11. Reuben Hobbs, Marine Hospital, New Orleans, Louisiana, fracture of the right thigh, severe.
12. Warren Washington, Marine Hospital, New Orleans, Louisiana, contusion of head.
13. Henry Nicholas, Marine Hospital, New Orleans, Louisiana, pistol-shot of neck.
14. John Chester, Marine Hospital, New Orleans, Louisiana, pistol-shot in abdomen, severe.
15. Stephen Jackson, Marine Hospital, New Orleans, Louisiana, incised wound of scalp.
16. William Bloom, Marine Hospital, New Orleans, Louisiana, fracture of occipital bone, severe.
17. William Harris, Marine Hospital, New Orleans, Louisiana, gunshot wound of left lung. Died August 2, 1866.
18. Jim Moss, Marine Hospital, New Orleans, Louisiana, fracture of leg, severe.
19. Elijah Smith, Marine Hospital, New Orleans, Louisiana, pistol wound of leg.
20. John Domingo, Marine Hospital, New Orleans, Louisiana, incised wound of scalp, severe.
21. Bill Williams, Marine Hospital, New Orleans, Louisiana, pistol-shot of left thigh.
22. John Rollards, Marine Hospital, New Orleans, Louisiana, incised wound of scalp.
23. Peter Crocker, Marine Hospital, New Orleans, Louisiana, incised wound of head.
24. Alfred Mayo, Marine Hospital, New Orleans, Louisiana, gunshot wound of neck and head, severe.
25. Dick Hobert, Marine Hospital, New Orleans, Louisiana, pistol wound of leg.
26. Gill Peeks, Marine Hospital, New Orleans, Louisiana, contusion of head.
27. Frank Edwards, Marine Hospital, New Orleans, Louisiana, contusion of right fore-arm, back, and head.
28. Unknown, Marine Hospital, New Orleans, Louisiana, contusion of head.
29. Unknown, Marine Hospital, New Orleans, Louisiana, gunshot wound of head.
30. Unknown, Marine Hospital, New Orleans, Louisiana, pistol-shot of left lung.
31. Thomas Base, Marine Hospital, New Orleans, Louisiana, contusions.
32. Nat. Brown, Marine Hospital, New Orleans, Louisiana, pistol wound of neck.
33. Osborn Johnson, Marine Hospital, New Orleans, Louisiana, incised wound of back.

34. George Lisle, Marine Hospital, New Orleans, Louisiana, contusion of fore-arm.
35. Henry Robinson, Marine Hospital, New Orleans, Louisiana, pistol wound of fore-arm and frontal bone.
36. Unknown, Marine Hospital, New Orleans, Louisiana, contusions of knee, head, and side.
37. Unknown, Marine Hospital, New Orleans, Louisiana, contusions of left knee.
38 Charles Johnson, Marine Hospital, New Orleans, Louisiana, contusion of head and fracture of condyles of left knee.
39. Gilbert Reynolds, Marine Hospital, New Orleans, Louisiana, incised wound of scalp.
40. Henry Murray, Marine Hospital, New Orleans, Louisiana, fracture of leg.
41. General Scott, Marine Hospital, New Orleans, Louisiana, gunshot wound of left lung.
42. Leon Johnson, Marine Hospital, New Orleans, Louisiana, sprain of left knee.
43. Charles Wallace, Marine Hospital, New Orleans, Louisiana, contusion of right fore-arm.
44. John Sparrin, Marine Hospital, New Orleans, Louisiana, incised wounds of fore-arm and head.
45. Elias Young, Marine Hospital, New Orleans, Louisiana, incised wound of scalp.
46. George Fitzhugh, Marine Hospital, New Orleans, Louisiana, incised wound of head, severe.
47. George Burke, Marine Hospital, New Orleans, Louisiana, gunshot wound of right thigh, severe.
48. Aaron Brown, Marine Hospital, New Orleans, Louisiana, fracture of leg, severe.
49. John Gibson, Marine Hospital, New Orleans, Louisiana, fracture of left thigh, severe.
50. Frank Smith, Marine Hospital, New Orleans, Louisiana, contusion of right knee.
51. James Roffin, Marine Hospital, New Orleans, Louisiana, incised wound of face, severe.
52. Lewis Campbell, Marine Hospital, New Orleans, Louisiana, pistol wound of leg.
53. Edward Francis, Marine Hospital, New Orleans, Louisiana, pistol-shot of right thigh.
54. Saul Coleman, Marine Hospital, New Orleans, Louisiana, contusion of left knee.
55. William Daugerfield, Marine Hospital, New Orleans, Louisiana, contusion of head.
56. Peter Green, Marine Hospital, New Orleans, Louisiana, pistol shot of right lung.
57. Nat Frazier, Marine Hospital, New Orleans, Louisiana, stab of left lung.
58. Mark Thompson, Marine Hospital, New Orleans, Louisiana, contusion of head.
59. Battice Johnson, Marine Hospital, New Orleans, Louisiana, incised wound of scalp.
60. James H. Taylor, Marine Hospital, New Orleans, Louisiana, gunshot wound.
61. Hypolie Varriett, Marine Hospital, New Orleans, Louisiana, contusion of head.
62. Isaac Crop, Marine Hospital, New Orleans, Louisiana, pistol-shot of right thigh.
63. James Lewis, Marine Hospital, New Orleans, Louisiana, incised wound of back.
64. Peter Brown, Marine Hospital, New Orleans, Louisiana, pistol-shot of leg.
65. James Washington, Marine Hospital, New Orleans, Louisiana, pistol-shot of abdomen. Died August 6, 1866.
66. Robert Ballard, Marine Hospital, New Orleans, Louisiana, pistol wound of spinal column, severe.
67. Charles Farrar, Marine Hospital, New Orleans, Louisiana, pistol-shot of left lung, severe.
68. Sylvester Jackson, Marine Hospital, New Orleans, Louisiana, pistol wound of right fore-arm.
69. William Woden, Marine Hospital, New Orleans, Louisiana, pistol wound of left thigh, severe.
70. Marshall Simon, Marine Hospital, New Orleans, Louisiana, incised wound of face.
71. Ludain Nora, Marine Hospital, New Orleans, Louisiana, pistol wound of left thigh.
72. Anthony Nash, Marine Hospital, New Orleans, Louisiana, pistol wound of left fore-arm.
73. Jeremiah Blackstone, Marine Hospital, New Orleans, Louisiana, injury of legs.
74. Oscar Bellevere, Marine Hospital, New Orleans, Louisiana, incised wound of face.
75. Eugene Foster, Marine Hospital, New Orleans, Louisiana, contusion.
76. John Harrison, Marine Hospital, New Orleans, Louisiana, pistol-shot of abdomen, severe.
77. Emanuel Thompson, Marine Hospital, New Orleans, Louisiana, contusion of head and face.
78. Samuel Butler, Marine Hospital, New Orleans, Louisiana, incised wound of scalp, severe.
79. Eugene Gorden, Marine Hospital, New Orleans, Louisiana, pistol wound of right arm.
80. Charles Hughs, Marine Hospital, New Orleans, Louisiana, contusion of head.
81. Gabriel Toroby, Marine Hospital, New Orleans, Louisiana, gunshot wound of leg, severe.
82. Jacob Milton, Marine Hospital, New Orleans, Louisiana, pistol wound of neck.
83. Charles Jordan, Marine Hospital, New Orleans, Louisiana, stab over region of left clavicle, severe.
84. William G. Guerellittle, Marine Hospital, New Orleans, Louisiana, pistol wound of thigh.
85. Joseph Claiborne, Marine Hospital, New Orleans, Louisiana, contusion of thigh.
86. Thomas Valsin, Marine Hospital, New Orleans, Louisiana, sword-cane wound of left lung.

87. Jule Peters, Marine Hospital, New Orleans, Louisiana, contusion of head.
88. Robert Easby, Marine Hospital, New Orleans, Louisiana, incised wound of scalp and injury to feet.
89. Albert Green, Marine Hospital, New Orleans, Louisiana, contusion of head and face.
90. Benjamin Pulbot, Marine Hospital, New Orleans, Louisiana, incision of feet and contusion of head.
91. John Sidney, Marine Hospital, New Orleans, Louisiana, injury of head.
92. John Bush, Marine Hospital, New Orleans, Louisiana, injury of feet and head.
93. Bill Sparks, Marine Hospital, New Orleans, Louisiana, contusion of head.
94. George Wells, Marine Hospital, New Orleans, Louisiana, incised wound of face.
95. Adolph Albarin, Marine Hospital, New Orleans, Louisiana, incised wound of scalp.
96. John Jackson, Marine Hospital, New Orleans, Louisiana, fracture of leg.
97. Samuel Jones, Marine Hospital, New Orleans, Louisiana, contusion of face and legs.
98. Philip Brown, Marine Hospital, New Orleans, Louisiana, sword-cane wound.
99. Hayden Stewart, Marine Hospital, New Orleans, Louisiana, gunshot wound of left thigh.
100. John Baptist, Marine Hospital, New Orleans, Louisiana, contusion of head.
101. Peter Sanville, Marine Hospital, New Orleans, Louisiana, cut of scalp.
102. James Aaron, Marine Hospital, New Orleans, Louisiana, pistol wound of face.
103. Charles Fisher, Marine Hospital, New Orleans, Louisiana, pistol wound of left thigh.
104. Antoine Raymond, Marine Hospital, New Orleans, Louisiana, incised wound of cheek.
105. Antural Johnson, Marine Hospital, New Orleans, Louisiana, incised wound of scalp.
106. Victor Laboraux, Marine Hospital, New Orleans, Louisiana, contusions of head and abdomen.
107. Daniel Bidwell, Marine Hospital, New Orleans, Louisiana, complicated dislocation of left arm joint, with protrusion of bones, severe.
108. John Patrick, Marine Hospital, New Orleans, Louisiana, fracture of right femur, upper third, severe.
109. Stephen Johnson, Marine Hospital, New Orleans, Louisiana, gunshot wound of head. Died July 30, 1866.
110. Alfred Mayo, Marine Hospital, New Orleans, Louisiana, gunshot wound of head and neck, severe.
111. Victor Laboraux, Marine Hospital, New Orleans, Louisiana, contusion of head.
112. Brazille Kemp, Marine Hospital, New Orleans, Louisiana, gunshot wound of head, severe.
113. Benjamin Hyat, Marine Hospital, New Orleans, Louisiana, pistol-shot of arm.
114. Sam Jones, Marine Hospital, New Orleans, Louisiana, contusion of forearm.
115. Frank Haskins, Marine Hospital, New Orleans, Louisiana, pistol-shot of neck.
116. Thornton James, Marine Hospital, New Orleans, Louisiana, bruises of head.
117. Thomas Corner, Marine Hospital, New Orleans, Louisiana, bruise of head and arm.
118. John Henderson, Marine Hospital, New Orleans, Louisiana, incised wound of throat, severe.
119. Rev. Mr. Horton, Marine Hospital, New Orleans, Louisiana, gunshot wound right arm and hand, contusion left side, and fracture of head by club. Died August 5, 1866.
120. Owen Rennes, Charity Hospital, New Orleans, Louisiana, fracture, severe.
121. Michael Hickey, Charity Hospital, New Orleans, Louisiana, gunshot wound of ankle, severe.
122. Lyman Mooney, Charity Hospital, New Orleans, Louisiana, gunshot wound of thigh, severe.
123. M. Sokoloski, No. 120 Basin street, New Orleans, Louisiana, pistol-shot of groin; policeman.
124. J. W. Henessy, 268 Common street, New Orleans, Louisiana, contusion of head; policeman.
125. Owen Keenan, 390 Lafayette street, New Orleans, Louisiana, pistol-shot wound of head; policeman.
126. Hiram Henry, Hotel Dieu, New Orleans, Louisiana, shot in the foot; policeman.
127. M. Smith, 329 New Levee, New Orleans, Louisiana, shot in the right thigh; policeman.
128. Dan Harrigan, 81 Front Levee street, New Orleans, Louisiana, struck on the leg; policeman.
129. Michael Hahn, Sedgwick Hospital, New Orleans, Louisiana, incised wound of head.
130. Alfred Shaw, Sedgwick Hospital, New Orleans, Louisiana, pistol wound of back and bruise.
131. A. P. Dostie, Hotel Dieu, New Orleans, Louisiana, gunshot wound of spine, and sword-thrust of stomach. Dead.
132. S. S. Fish, Hotel Dieu, New Orleans, Louisiana, gunshot wound of head and back, severe.
133. Rev. Mr. Jackson, Calliope street, New Orleans, Louisiana, gunshot penetrating wounds, both lungs, severe.
134. George Howes, ——— ———, New Orleans, Louisiana, contusions of body.

135. C. W. Stauffer, No. 97 Magazine street, New Orleans, Louisiana, contusion.
136. M. Waples, with Judge Waples, New Orleans, Louisiana, contusions.
137. M. Duffey, Hotel Dieu, New Orleans, Louisiana, contusions.
138. C. B. H. Duplessis, No. 252 Johnson street, between barracks and hospital, New Orleans, Louisiana, gunshot wound of face and neck.
139. Eugene Sties, 326 St. Philip street, New Orleans, Louisiana, ankle broken, severe.
140. George Ross, 46 Montegut street, New Orleans, Louisiana, pistol-shot of right arm; policeman.
141. William Lambias, 133 Magazine street, New Orleans, Louisiana, pistol-shot of left leg; policeman.
142. James Brooks, 99 Spain street, New Orleans, Louisiana, stabbed in the right hand.
143. William Theard, ——— ———, New Orleans, Louisiana, pistol-shot of left hand.
144. H. Hurst, Old Magazine street, New Orleans, Louisiana, gunshot wound of left shoulder, left fore-arm and right side.
145. Dr. Hire, corner Poyfarre and Mayo streets, New Orleans, Louisiana, pistol wound of hand and contused wound of side, severe.
146. Lieutenant Smith, ——— ———, New Orleans, Louisiana, pistol wound of right arm.
147. J. M. Leclere, 147 Dauphin street, New Orleans, Louisiana, deep cut over left eye: general contusions of body.
148. Charles Azerette, corner of Ursuline and Old Levee streets, New Orleans, Louisiana, incised wound of scalp, severe.
149. L. J. P. Capla, corner Barracks and St. Cloud streets, New Orleans, Louisiana, incised wound over left eye.
150. Alfred Capla, corner Barracks and St. Cloud streets, New Orleans, Louisiana, pistol-shot destroying left eye; extensive contusions of head.
151. Manuel Camps, 245 Dumaine street, New Orleans, Louisiana, incised wound of head: punctured wound of back; extensive contusions of head and face.
152. Jules Lanaber, corner Claiborne and St. Ann streets, New Orleans, Louisiana, extensive contusions of head; pistol wound of right thigh; pistol-shot of left knee; incised wound of left shoulder.
153. Martin Self, 250 St. Philip street, New Orleans, Louisiana, pistol-shot in breast, ball remaining; pistol-shot in right hip, ball remaining, and pistol-shot of back.
154. S. Rock, 189 St. Cloud street, New Orleans, Louisiana, pistol-shot of head; extensive contusions.
155. Captain C. Loup, No. 189 St. Cloud street, New Orleans, Louisiana, stabbed in the abdomen. Killed.

CORONER'S REPORT.

July 31, 1866.—Charles Johnson, (colored,) 30 years, a pistol ball penetrating the peritoneum of the small intestine; James Nelson, (colored,) 28 years, a pistol ball penetrating the right lung, at the basis thereof; Collins Page, (colored,) 28 years, a pistol ball in the brain and two in the body; Constant Loup, (white,) 36 years, stabbed with a dirk or knife, causing a wound three inches in length, cutting the intestine of the liver; E. H. Cenas, (white,) 22 years, a pistol ball which cut the carotid artery on the right side.

August 1, 1866.—Wilson Johnson, (colored,) 40 years, a pistol ball in the right lung, and several wounds inflicted on the head with a blunt instrument.

The foregoing is a list of the bodies on which I have made a separate inquest, while engaged at that duty. Notice was left at about 10 o'clock a. m. at my office, requiring me to proceed at once to the workhouse to make inquest on the bodies of twenty-two (22) negroes who were killed in the riot of July 30 last. My deputy, Mr. L. Barthe, without delay, complied, and found 22 bodies enclosed in coffins, around which a hot fire had been lit for protection against the arising stench and for purification of the air. Not a solitary person was found on the spot to identify the bodies; and, as it was of the utmost urgency to have the bodies removed, (as the workhouse contained a population of 450 persons,) my deputy was constrained to make a general inquest in the presence of a jury, who found that the 22 persons in question had come to death by pistol-shots and stabbings, done during the riot of July 30, 1866.

Your most obedient servant,

C. C. DELIRY, *Coroner.*

A true copy of original report of Surgeon Hartsuff:

LOUIS V. CAZIARC,
Brevet Captain and Aide-de-camp.

Official copy:

E. D. TOWNSEND,
Assistant Adjutant General.

HEADQUARTERS MILITARY DIVISION OF THE GULF,
New Orleans, Louisiana, September 6, 1866.

GENERAL: I have the honor to transmit herewith the proceedings of a board convened by Major General Baird to investigate the occurrences in this city of July 30, last, with a brief of the proceedings thereof; also an affidavit of certain parties charging Mayor Monroe and other city officials with the conception and perpetration of crimes which they allege as having been perpetrated on that day.

I am, general, yours respectfully,

P. H. SHERIDAN,
Major General United States Army.

Major General J. A. RAWLINS, U. S. A.,
Chief of Staff Armies of the United States, Washington, D. C.

Endorsed on the above:

Respectfully forwarded to the Secretary of War.

U. S. GRANT, *General.*

HEADQUARTERS ARMIES UNITED STATES,
September 21, 1866.

REPORT OF THE BOARD OF INVESTIGATION UPON THE NEW ORLEANS RIOTS.

The board, having maturely considered the foregoing evidence, would respectfully report as follows:

The immediate causes of this riot, which the board are directed to investigate, are, in their opinion to be found in the violent feelings of hostility towards the so-called convention of 1864, which had for some time prevailed in the community, and which were finally, by the course of events, fanned into the flame of an actual outbreak of riot, bloodshed, and massacre.

The board do not consider themselves called upon to decide or discuss in any manner the question of the legal existence and powers of the convention as such. Whether any attempted official action on their part would have been recognized by the courts as of any legal validity is a point admitting of grave doubt. This, however, was not the question under discussion between the civil and military authorities, the decision of which was, as it appears, pregnant with the gravest of consequences to the State and the nation. That question was, whether the persons claiming to constitute such convention should be allowed to assemble.

The board will endeavor to state, briefly and comprehensively, the action of the civil and military authorities upon this point, and will make a short comparison of testimony thereon, with a view of deciding the cause and fixing the responsibility for the non-arrival of the United States troops in time to prevent the bloodshed which took place. The events of the day will then be considered in chronological order, the board making the best summary in their power of the voluminous evidence which they have taken, and which, in their opinion, points with irresistible force to the quarter in which the accountability for crime will be found to rest.

In the excited state of public feeling before described Mayor Monroe applied by letter to General Baird to know if he can be allowed to disperse this alleged unlawful assembly by the arrest of its members by his police. General Baird replies in effect, that it is not for the mayor to decide that these citizens are criminals, and that he will not permit the arrest; but that if a riotous attack on the assembly be anticipated, which the police may be unable to quell or prevent, in that case the whole military power will be furnished, if required, to assist in keeping the peace. (See copies marked D and E.) But Mayor Monroe makes no application for military aid. General Baird also states his objections to allowing the arrest by the sheriff, but promises to telegraph to Washington for instructions. He does so telegraph, but receives no answer. The other party telegraphs, and are answered that the military will be expected to sustain the courts. This does not remove General Baird's objections to the arrest. It is agreed that the sheriff shall not make the arrest, but that General Baird shall endorse his objections on the warrant, and forward the whole case to Washington.

So far, nothing is said of a riot except General Baird's offer of troops should one be anticipated.

General Baird is unwilling to assume the attitude of protecting the assembly unless called on by civil authorities to aid in preventing or suppressing a riot.

Let us now compare the evidence as to when and by whom he was so called on.

Lieutenant Governor Voorhies says: "I then mentioned to the general whether he would not have troops in the vicinity of Mechanics' Institute that day to prevent any disturbance. This was the day of the riot—it must have been towards ten o'clock. (Page 421.) * * When I made the request General Baird seemed pleased with it, because coming from our side. He said he would do so with pleasure, and gave immediate orders, (page 422.) When I left I stepped up to the mayor's office to see if troops had been sent; I did not say what

troops; I only asked for troops. When I made that statement to the mayor he seemed pleased with the arrangement. This was about eleven o'clock, (page 423.)

See also Lieutenant Governor Voorhies's letter of July 30, (copy marked C:) "After leaving you I called upon the mayor, who was pleased to hear what co-operation he could have from the military department."

Major General Baird says: "Soon after eleven o'clock the lieutenant governor called upon me. * * I told the governor the disposition I had made of the troops. * * * I stated, also, that if I was not afraid that my motives would be misinterpreted, and that it would be said that I was guarding the convention, I would have been glad to have posted a few soldiers in the street. * * Governor Voorhies expressed pleasure, and agreed to this with pleasure, and stated that he would be glad to have them, and that he would see that my motives were not misinterpreted. I then said I would send for a few companies. * * * This was the first understanding between me and any one, and the first proposition made with regard to having troops present. (Page 435.) * * * Shortly after two o'clock Mayor Monroe came in hurriedly to see me. He asked when the troops I spoke of bringing up would arrive. I said I expected them; that they ought to be in Canal street by that very time. He then asked me: 'Will they be white troops? Will they act along with the police?' I replied that a part of them would be white troops, the 1st infantry, and that I would use them to put down the riot, no matter who was concerned in it. * * * At no time did he ask me for the assistance of troops, with the exception of the request implied in those three interrogatories." (Page 437.)

Mayor Monroe says, (page 160:) "On Saturday, previous to the convention, I called on General Baird, and gave him to understand I feared a difficulty, providing there were not a few United States troops sent there to preserve order, knowing full well there was a bad feeling existing between my police and the negroes and those who favored this convention. It was previously agreed before Saturday, between General Baird and myself, that a small force of troops would be sent to Mechanics' Institute. * * * I relied on my proclamation to keep at least the white people away. General Baird informed me that he would send a small detachment of troops. * * I told him that if such was the case the convention might assemble. * * * On the morning of the assembling, every ten minutes, I sent [a messenger] to report to me whether the military had yet got there or not. This was about ten o'clock. To my surprise they continued to return and report that the military had not yet arrived, as had been agreed upon between General Baird and myself. * * I informed General Baird on Friday and on Saturday that this convention was to assemble at 12 o'clock Monday, and it would be necessary to have them there previous to that hour, and he informed me that he would have a small detachment of white troops there on Monday morning before the hour of 12 o'clock. Expecting they would come, I allowed no policemen to go there," &c.

Major General Baird says: "The first communication I had was a letter from Mayor Monroe, (on file.) The next communication was on Saturday, the 28th, when Mayor Monroe called upon me and introduced Lieutenant Governor Voorhies. * * * No request whatever was made to me for troops at that interview."

This interview is minutely described by the general and lieutenant governor. (Page 419.) Its object was to induce the general to allow the arrest of the convention; the subject of troops or apprehended riot was not alluded to.

It will be observed that the only essential difference between Governor Voorhies and General Baird on this point is as to which first proposed on Monday the sending of troops. The agreement is made; Voorhies goes to the mayor and tells him of it, and the mayor is pleased to hear of it.

Mayor Monroe swears that General Baird promised and agreed to and with him on Friday and on Saturday to send troops.

General Baird swears that he never so promised or agreed with him or any one except with Governor Voorhies on the morning of the riot.

Voorhies' testimony on this point is consistent with Baird's and inconsistent with Monroe's.

Compare, also, the testimony of Monroe (page 510) and General Herron, (page 529,) in regard to the meeting in the mayor's parlor, and the employment of police and military.

See also the testimony of the chief of police, Adams, (page 14,) who details the instructions he received from the mayor and his orders to keep the police away, and reasons therefor, but in which appears no word of allusion to expected military aid. This testimony was given before that of Mayor Monroe.

Supposing Baird and Monroe to be of equal credibility under oath, the evidence of Voorhies, Herron, and Adams is sufficient to indicate on which side the false swearing lies.

Let us now consider a little further the evidence bearing upon General Baird's action in regard to the troops.

The civil authorities propose to disperse and arrest the convention—first, by the city police; next, by the sheriff's posse, and request the military *not* to interfere. General Baird telegraphs at once for instructions. He receives no answer. The civil authorities receive a despatch, which they interpret to mean that General Baird is not to prevent the arrest. General Baird's objections are not removed, and it is agreed that the convention shall meet unmolested, and that on the sheriff's warrant General Baird shall endorse his objections and forward the papers to Washington.

So far no application for troops or desire for military assistance is made or hinted at by the civil authorities. But General Baird thinks it prudent to have on that day water transportation in instant readiness to bring up the troops if required. Had he, without the slightest request by the civil authorities, or an intimation that they were not amply competent to keep the peace, brought up the troops and stationed them around the building, the riot would have been prevented. But this course would have been complained of as an uncalled for usurpation; would have been construed into taking sides with the convention; and, in General Baird's opinion, would not have received the approval of his superiors.

On the morning of the riot General Baird is under the impression, shared by members of this commission, and known by them to have been prevalent, that the hour of meeting was to be six p. m. Mayor Monroe states that, in his applications for troops, he stated the hour of meeting to be twelve; but the commission have already given their reasons for discrediting this witness, and for believing that such alleged applications were never made.

At last—at some time between ten and twelve Monday morning—Governor Voorhies asks, or General Baird proposes, the sending of troops. It is assented to; and now, for the first time, General Baird has the request or sanction of the civil power for the presence of his troops. He does not wait for a formal requisition, nor does he ask why the lieutenant governor acts in place of the governor; he sends a messenger at once for troops, and tells the lieutenant governor that he will have them in the street an hour before the convention met. He thinks that if the governor noticed this remark, he must have seen that there was an error about the time, as it was then near twelve o'clock. From that time it cannot be denied that General Baird used every effort to hasten the arrival of the troops, who did not, unfortunately, come up until the slaughter was over and the riot had ceased at that point.

On a review of this evidence, the board cannot but decide that no blame should be attached to General Baird for his action in the premises. Under the impression that the hour of meeting was six, the troops had not quitted the barracks, when, shortly before twelve, the general receives, for the first time, the request or sanction of the civil authorities for their appearance. It was then too late.

Before proceeding further in the description of the events of the day of the riot, the board would consider some of the exciting causes by which, in their opinion, the passions of a large portion of the community had become inflamed to the highest point against this so-called convention and the negro suffrage party by which it was supported.

These were, in the opinion of the board, the tone of the press for some time past, whose hardly concealed threats pointed clearly to violence; the published charge of Judge Abell to the grand jury, (copy marked A;) Mayor Monroe's declared intention to employ his police against the convention unless prevented by the military; the speeches made at the universal suffrage meeting of Friday night, and the exaggerated and incorrect reports thereof published in the papers—all these combined, in the opinion of the board, to produce a conviction among the large class always ready for violence that this meeting might be considered as in the condition or status of complete outlawry, with no right to protection and fair game for the pistol and the knife.

With regard to the meeting on Friday night, there can be no doubt that it exerted a highly exasperating influence on the minds of the opponents of the convention. Negro suffrage was openly advocated; violent speeches were made, in which rebels were denounced, and there can be no doubt that a most ill-advised appeal was made by one speaker to the negroes to come "in their might" on the next Monday to the meeting of the convention.

In one respect this meeting was certainly incendiary in its effect. It fired into absolute fury the smouldering wrath of the classes alluded to against the convention party, and by bringing a procession of negroes to the hall, gave an occasion and pretext for the contemplated and premeditated attack. As an indication of the intensity of feeling thus excited, may be mentioned the remarks of "ladies" advocating the immediate killing of the leaders, Dostie and Henderson, in their houses. (Page 51.)

In regard to the expressions used by the speakers outside the hall, the evidence is conflicting. Mr. Tilton, (page 232,) who listened to the speakers from his balcony on the corner of the block opposite to that of which the Mechanics' Institute is the centre, testifies to the most violent appeals to the negroes to "fight for their votes," "to come armed to the convention," "no cowards wanted," "the stones of the streets crying out for blood of rebels," &c., &c. These expressions transcend even the reports published in the city papers; while, on the other hand, Mr. Shelley, (page 450,) the New York reporter, who was present on the platform within a few feet of the speakers, hears nothing of the call to the negroes to come armed, and gives a very different description of the speeches.

The board are compelled to state that Mr. Tilton's manner and appearance while giving evidence indicated, almost painfully, his liability to the highest degree of nervous excitement, and without implying any intentional falsification, the board can but think that his confessed condition of alarm and indignation at the time caused him greatly to distort the sense of the expressions which he caught. That his position was not such as to enable him to judge of the speeches in any connected sense, would seem probable from his own testimony concerning the events of Monday, when, from the same balcony, he watched two speakers addressing the negroes, and inferred from their gestures that they were exhorting them to disperse.

Mr. Tilton's feelings towards the convention are stated with great frankness. He would not have done what the police did in protecting members. On the contrary, as a property-holder and tax-payer, he would have been for the killing of every man in the room. (Page 238.) The unconscious influence which such feelings cannot but exert upon testimony is well exemplified in this case.

To return to the narration of events. It seems that on the Saturday before, an informal meeting of the mayor, different members of the city council, the chief of police, and some prominent merchants, was held for the purpose of considering the situation and deciding on a course of action. To this meeting was invited ex-General F. J. Herron, who was asked for his opinion. He replies that though politically opposed to that party, he would, were he mayor, allow the convention to meet and send his whole police force there for its protection, and let the matter of arrest by the sheriff be referred to Washington, as proposed. (Page 511.) This opinion meets with favor, (except from one person, who thinks the convention should be hanged,) and General Herron leaves with the full impression that such course has been decided on—that the meeting will be protected by the police and no violence occur. But at twelve o'clock Sunday night the night watchmen are drawn off their beats and held at the various stations. In the morning the whole uniformed police are so massed and held in readiness; whether by orders or without orders, nearly every man is armed. They are not sent to the convention for its protection, as advised by General Herron. On the contrary, they are scrupulously kept from appearing on the streets, the mayor, as he states, relying on his proclamation to keep away the whites, and on the troops which, as he states, General Baird has promised to send, to keep the negroes in order. He fears that the appearance of the police might overawe the convention.

The board are reluctantly compelled to discredit Mayor Monroe, and to believe that he knew that not a soldier had been asked for, and that when he massed his armed police and held them aloof from the building no barrier remained between the convention and negroes and the infuriated citizens with whose threats the city was yet ringing, except his paper proclamation. He states, moreover, that he knew that the hatred of the mob towards the convention and negroes was shared by his police. In this state of affairs, should the negroes assemble in any number, a collision might be considered inevitable, and an attack by the mob upon the convention as sure to follow. Then the police, massed, armed, and ready, are let loose upon the scene "to quell the riot." How they did quell it will appear from the evidence.

It appears that the convention met, called the roll, and adjourned for an hour to procure the attendance of absent members. According to universal testimony, with a single exception, no member of the convention was armed, and they had not only determined to make no opposition to an arrest, but had made all arrangements for procuring their release upon *habeas corpus*. (Page 218.) It was during this adjournment that a procession of negroes, with a drum and fife and a United States flag, approached the building. As might have been expected, in marching through the excited crowd that filled the street, a collision occurred, the procession was insulted and a shot or two fired, it would seem, at the procession, though there is conflicting evidence upon this point. But this disturbance is quickly over. A negro is arrested and taken away. The procession re-forms and marches on to the building. On arriving in front the street is nearly clear, the crowd of negroes previously there having been addressed by members of the convention and advised to disperse. There is, however, a crowd of whites and some police near the corner of Canal street. While the procession was standing there it is insulted by a white boy, who in return is set upon by the blacks. He is rescued by a policeman, who takes him in the direction of Canal street. Bricks are thrown after them and a shot fired, whether from the negroes or white crowd cannot be decided, as the evidence is conflicting. This is the signal for the white crowd—consisting, according to Mr. Todd's evidence, of paroled ex-confederate soldiers (page 189)—to open a smart fire. This was returned by such negroes (about ten or a dozen) as had revolvers, and by the rest with brickbats. This continues for a few minutes, until the superiority in fire-arms of the whites causes several negroes to drop dead or wounded. This causes a panic, and the negroes run, some into the building and some into doorways, in the endeavor to escape or hide. A lull in the firing ensues, and the next thing is the simultaneous advance of the police in three directions upon the building, firing as they advance. Negroes in the doorways are shot, the building surrounded by mob and police, who open fire at the windows. Some of the police testify that the first firing was from the windows: but this evidence the board consider as utterly overborne by the mass of opposing testimony from all parties. But now some few shots—the number stated all the way from five to thirty, the last estimate made by the police—are returned from the windows of the hall. These shots were fired by those negroes of the procession who had taken refuge in the hall, some two or three of whom, it appears, had pistols. They are, however, immediately ordered away from the windows, and, as far as possible, are brought inside the railing and seated, and the siege of the building commences in earnest.

Before describing further operations the board would call attention to the evidence concerning the character of the mob, acting in support and in concert with the police, and the reason there appears to be to infer that some organizations or bands of ex-confederate soldiers came by some pre-arranged purpose to the attack. The various badges or distinguishing marks testified to as borne by citizens on that day are: I. A crescent and a star, (pages 339, 283.) II. A crossed-cannon badge, known to be that of the Washington artillery, (pages

199, 426, 328, 354.) III. A white handkerchief tied around the neck, (pages 34, 39, 71:) and IV. A blue ribbon in the button-hole, though there is some reason to suppose the latter to have been the mark of supernumerary or ununiformed police. It will be remarked that one witness was himself directed to assume the white handkerchief badge by a friendly policeman who desired to save him. Whether the organization known as "Hays's Brigade Association," which was ordered to be dissolved by General Sheridan, was present as a body, or merely by the common impulse of its members, cannot be ascertained; but of its actual presence there can be but little doubt. Many of the police were members, and such expressions as "There goes Hays's brigade," (page 78;) "D—n you, you are fighting Hays's brigade," (page 114;) "Is all Hays's brigade up? No, if it had been not one would have escaped," (page 41:) plainly show where the strength of the supporting force to the police lay. It is within the knowledge of the board that one plan of action, which was the subject of street talk some weeks previous, was for Sheriff Hays, if given a warrant against the convention, to call upon this association as his *posse comitatus*; and when General Sheridan's order was published dissolving such associations, the negro paper exulted that Hays's brigade would not, as threatened, break up the convention. The board cannot but think that any person examining the evidence must come to the conclusion that such associations were present in pursuance of a pre-arranged and preconcerted programme. Direct testimony on the subject of such preconcert can probably never be obtained, but the weight of circumstantial evidence, in the board's opinion, leads irresistibly to one conclusion. In connection with the subject of marks and badges, the board would call attention to the very significant fact, testified to by many witnesses, that the police in many instances had reversed their hat bands, and thereby concealed their numbers, (pages 196, 227, 462, 222.) On this fact the board considers it unnecessary to comment.

In regard to the scenes which now took place around the building, and the manner in which the allied forces in the street conducted the siege, the board cannot undertake to present even a summary of the evidence. They can only say that the work of massacre was pursued with a cowardly ferocity unsurpassed in the annals of crime. The escaping negroes were mercilessly pursued, shot, beaten, and stabbed to death by mob and police. Wounded men on the ground begging for mercy were savagely despatched by mob, police, firemen, and, incredible as it may appear, in two instances by women, (pages 326, 330.) But in two or three most honorable and exceptional cases white men and members of the convention were protected by members of the police, both against the mob and against other policemen. The chief of police, by great exertions, defended in this manner Governor Hahn. After the attack had commenced the police appeared to be under no control as such, but acted as and with the mob. Their cheers and waving of hats as they threw the mangled Dostie, then supposed a corpse, like a dead dog into the cart, sufficiently show their unison of feeling with their allies, (pages 340, 243, 358.) It will appear from the evidence of an assistant editor of the New Orleans Times, that it was only by announcing his character as such that he saved himself from instant death at the hands of the police, (page 21.) A reporter of the same paper saved himself in a similar manner, but narrowly escaped subsequent maltreatment on suspicion of having worn crape for Lincoln, (page 306.)

On the subject of the massacre in the streets, and the share of the police therein, the board would refer to the evidence of General F. C. Herron, General Benton, Major Moore, Major Frye, Doctor Cooper, Captain Chambers, Doctor Bentley, Doctor New, Messrs. Frazer, Cope, Miller, Poynot, Hire, Hickox, B. Rush, Plumley, Fox, Duplessis, Stuart, Haynes, Gourdrean, and many others.

At a little before one o'clock a signal of twelve strokes was struck upon the city fire bells. The chief engineer testifies that he had been warned on the day previous that such would be the signal for a concentration of police in case of riot. This signal is not a fire alarm, as there are but nine districts in the city, and for a general alarm the number of strokes is twenty. Nevertheless, two engines turned out and repaired to the scene of riot. Firemen were seen acting as and with the police, making arrests as special police, (page 320,) and lending the assistance of their iron wrenches in the congenial occupation of despatching the wounded, (page 263.) Whether this was in pursuance of any previous orders, private or otherwise, the board regard as immaterial. There can be no doubt that the signal was recognized throughout the city as indicating that the attack had commenced, and as a call to arms to all who might desire to participate therein. "Look out for hot work, now," is the cry of the streets as the first strokes of the bell resound. It is in evidence that in one instance orders were given to stop a saw-mill on hearing the signal. It is understood that during confederate occupation this number of strokes was the alarm signal to the military in case of an expected attack, and it would almost seem that the stirring appeal had not yet lost its power, since, according to the testimony of one witness, it evoked at least one confederate officer, in full uniform and side-arms, to report for active duty, (page 359.) The condition of affairs and occurrences in the besieged building are described by great numbers of those who were present. The witnesses corroborate and support each other on all essential points, the differences being such as must be expected in the accounts given by the actors in scenes of excitement and terror, and which variations in fact strengthen the general case by showing the absence of any comparison or prearrangement of testimony.

The important facts are, that after the first fighting in the streets had ceased, and the fire

of the besiegers was directed at the windows, prominent members of the convention requested and ordered all spectators, white and black, to come at once within the railing or bar of the house and sit down. This was effected; those who could not find seats seating themselves on the floor. The doors and windows were ordered to be closed. Before this was effected it is probable that the return shots, so variously estimated, were fired from the windows. This, however, was soon stopped by orders from those of the whites who retained their presence of mind. The police then made their first entrance by breaking open the doors, and, according to almost universal testimony, except their own, opened an indiscriminate fire into the room. This was instantaneous, and preceded by no demand or call for surrender. When they had emptied their revolvers they were driven out with chairs by the negroes, and an attempt made to barricade the door, but unsuccessfully, as they again and repeatedly gained an entrance, and the same occurrences took place, the police emptying their revolvers and being driven out by the negroes. Mr. Horton was shot while imploring a cessation of fire from the police. During these repeated attacks a few shots were returned by the few negroes of the procession, who, as before stated, had revolvers, and two policemen were wounded in the building, though whether by these shots, or the careless and excited fire of their own side, seems doubtful. The police testify that fire was opened upon them first in every instance, but without considering that any different testimony would have the effect of criminating themselves, and regarding their credibility as equal to that of the other witnesses, yet the mass of opposing testimony is considered as so overwhelming that the board feel compelled upon this point to reject the police evidence as invalidated and worthless. The general value of their testimony may be estimated from the fact that out of the large number examined as witnesses but three are willing to admit having actually seen fire-arms on that day carried or used by the police.

At some point of time, not definitely fixed, during these charges into the hall, a white flag was displayed from one of the windows. This does not, however, seem to have had the effect of checking the fire from the outside, and, according to the testimony of the witness O'Connell, (page 195,) and another, (page 317), the police, obtaining access to the room on a promise of protecting the inmates, deliberately opened fire upon the survivors as before. The police themselves state as above that on this occasion, as before, they were first fired on from the hall. In nearly all these irruptions into the hall the police were accompanied by the mob, and a member of the State legislature, Mr. James Phillips, is identified as prominent in the attack. Finally, the assailants obtain full possession of the building; the negroes in hiding are brought out and despatched; others, perched for safety on cross-beams and rafters, are picked off like game by well aimed shots, (pages 76, 61;) the whites taken to the station-houses with blows and abuse; and at last, just as the advancing bayonets are seen to glisten on the levee, the "*riot*" is over for lack of victims.

On the subject of the character of the negro procession, whose ill-timed and unfortunate appearance was the immediate occasion of the outbreak, the board are unable to see any evidence in support of the hypothesis that it was anything deserving the name of an armed organization. Most of its members had such canes and clubs as negroes carry on all holiday excursions, and perhaps a dozen had pistols. No doubt that many of these were carried with the idea that an attack upon themselves was by no means improbable; but that the procession itself could be regarded as a body organized to fight would seem, to persons of military experience, to have been disproved by events, over thirty negroes being shot dead during the affair, while the supposed organization cannot succeed in killing in return a single assailant, young Cenas, the only man killed on that side, being supposed to have received a stray shot from his own party. It is true that, according to one witness, armed organizations are alluded to as existing by Dr. Dostie; but if this procession may be considered a fair specimen, the board cannot consider the civil government of Louisiana as in much danger of being overturned thereby. The only evidence tending to show a previous hostile intent on the part of the negroes is that of Mr. Sauve (page 64.) the planter, who, by the way, is the only witness who hears the screams of "murder the white men," and who testifies to having been told by one of his servants that a white man had been on the plantation taking names, and telling the negroes to prepare for war; and that the negroes of the procession told him they had been ordered to come and defend the convention. Whatever the purpose with which these negroes came, it is evident that they intended no offensive action. The Rev. Mr. Henry (page 477) is told by the procession negroes that they are pledged to have no trouble on their part.

On a personal inspection of the hall by this board, there were found on and around the door the marks of six pistol shots, which had been fired by the besieged upon their assailants. That the arms were of small calibre appears from the fact that of two which struck the pine panel of the door, but one had sufficient force to penetrate it. On the opposite wall, which received such bullets of the assailants as missed their aim, twenty-two shots were counted. The fact, repeatedly testified to, that the police, on emptying their revolvers, were attacked *with chairs* and driven from the hall, the board consider as establishing, beyond the shadow of a doubt, that except the two or three pistols in the hands of the procession negroes, the besieged party were totally unarmed.

Of the further occurrences of the day of the riot, the board would respectfully call attention to the brutal treatment, and almost inhuman neglect, of the wounded and dying pris-

oners at the various station-houses, before they were, by military orders, removed to the hospitals. The evidence of Lieutenant Colonel Crosby, (page 403,) Major Sheridan, (page 407,) and Dr. Avery (page 464) on this point, shows as horrible a scene of suffering and neglect as could have been presented on a lost battle-field. They would also call attention to the evidence on the subject of the renewal of the attack on negroes, and the shooting of them in their dwellings, by both citizens and police, late on the same night, in Victory street, (pages 369, 374, 390.) The board will state it as their firm conviction, that but for the declaration of martial law and the presence of the troops, fire and bloodshed would have raged throughout the night in all negro quarters of the city, and that the lives and property of Unionists and northern men would have lain at the mercy of the mob. The conservators of the peace being, for the time, the instigators of violence, nothing would have remained but an arming for self-defence, and a scene might have ensued unparalleled in the history of the age. As in the Gordon riots in London, and more recent draft riots in New York, the affair would have passed beyond the power of its originators into the hands of that class whose only object would have been plunder and destruction, irrespective of party. In the board's opinion, the property of the southern merchant, no less than the life of the negro and the Unionist, was that night under the protection of the federal bayonet alone.

On the subject of the action of the grand jury in the indictment and arrest of the members of this convention, and their subsequent investigation into, and report upon, the causes of riot, the board do not feel themselves called upon to express an opinion, but would merely call attention to the evidence. (Pages 517, 521, 525, 527, 532, 534.) There seems, to say the least, to be a direct opposition in legal opinion as to the validity of such action, and the presence upon the panel of one who, so far from being a registered voter, was a registered and unpardoned enemy, only three months returned, would seem to cast some suspicion upon the manner in which that panel was made up. But this board do not consider themselves as authorized or called upon to revise the action of the grand jury. Whether their manner of action was according to law, and the substance of their report supported by facts, are questions which the legal profession and the community at large will decide for themselves.

Finally, the board would state that, in their opinion, the whole drift and current of the evidence tends irresistibly to the conclusion that there was among the class of violence known to exist in the city, and among the members of the ex-confederate associations before alluded to, a preconcerted plan and purpose of attack upon this convention, provided any possible pretext therefor could be found.

Threats to members to "prepare their coffins," (page 314,) warnings to friends to keep clear of the vicinity, (pages 69, 201, 491,) anonymous letters dissuading those whose purpose to be present was known, (page 94,) all these taken together, the board regard as of a significance which can hardly be misinterpreted. Though not in evidence, it is within the personal knowledge of the board that a mock obituary notice of the demise of the convention on the 30th of July was some weeks previous posted in the city.

Whether, and to what degree, Mayor Monroe can be regarded as an accomplice in, or as knowing to, this purpose and intention of attack, will probably, by direct testimony, never appear. Whether any definite instructions were given to the police the board regard as immaterial. He knew their feelings towards this party of negro suffrage to be identical with those of the mob. Three-fourths of them were ex-confederate soldiers, and at least one of their officers, appointed by himself, a notorious thug, assassin, and former leader of the very men of blood who might be expected to be foremost in the attack. Had the police been sent to the hall in advance, with orders to preserve the peace, they could have had no excuse for an attack on the convention; on the contrary, they must have acted in its defence; and this was the advice of General Herron. But if the police are kept away until an attack is made and fighting ensues, then precipitated in mass upon the scene, it is easy to foresee what will be their action in quelling the riot. The convention and its supporters have been long held up as outlaws, revolutionists, and usurpers, against whom the police would have acted by order of the mayor but for the interference of General Baird. As it is a maxim that a man must be presumed to intend the legitimate consequences of his acts, the board are reluctantly forced to the conclusion, that although the instances of Governor Voorhies and others were successful in causing the issue of the proclamation, yet that Mayor Monroe well knew that, before the excited passions of the mob, it would be as a barrier of straw to fire; that no troops had been asked for, and that without the presence of police violence was inevitable. When, therefore, he withdrew and massed his armed police, and on the breaking out of the riot precipitated them upon the scene, the board are compelled to conclude that he knew what their action would be, and that he intended the inevitable consequence of his own acts.

The board would call attention to the evidence which seems in many instances to indicate clearly the identity of parties guilty of murder. The impossibility of bringing such criminals to justice, under the civil government as it now exists, would be, in their opinion, universally acknowledged in this community.

Reliable evidence would seem to fix the identity of one of the murderers of Captain Loup, the ex-United States officer, (pages 83, 85.) The evidence against the notorious Lucien Adams, though direct, is that of negroes, (pages 300, 301.) In this connection, the board would respectfully call attention to the small proportion of negro testimony taken, and to the fact that all important points regarded as established rest upon white testimony alone.

Attention is called to the manner in which, since his advent into office, Mayor Monroe has made his appointments and changes on the police, and his disregard of the recommendations and advice of the chief, page 444. His appointment of Lucien Adams as a sergeant is considered by the chief as outraging the feelings of the community. But the board are compelled to state that, in their opinion, it is to the party of which such men as Lucien Adams were leaders that Mayor Monroe owed his re-election, and that he now fears to disobey their dictation.

In regard to the chief of police, and his share of responsibility for the riot, it will be remarked that he was but a subordinate carrying out the orders of his superior. The board are inclined to regard him as well disposed in the main, and only regret that he should not have thought it his duty to resign, rather than to aid in executing a programme of which he must have foreseen the result. There is but one point on which his testimony may be regarded as invalidated. In common with the mayor and police generally, he denies the giving of any orders to arm. If the evidence of the policeman Dorsey, page 133, and the clerk and telegraph operator Cazeau, page 546, is to be credited, such orders were sent by the mayor through the chief and subordinate on Sunday.

In conclusion, the board will state that it is by no means their opinion that hostility to northern and Union men so pervades the community at large, as of itself either to endanger their life or property, provided they refrain from claiming freedom of speech concerning subjects on which, like that of slavery before the war, no difference of opinion is tolerated. But in regard to the party which elected Mayor Monroe, and which through him now controls in a great measure the municipal government and city police, this party the board do consider as most thoroughly imbued with the spirit of hostility alluded to, and as soon as the lapse of sufficient time shall have convinced them that no punishment is to be anticipated for past offences, and that they need be no longer "on their good behavior," then, in the board's opinion, a period of insecurity for northern life and property will recommence.

The recent success of this party at the polls is, in the board's opinion, due first to the fact that its candidate was peculiarly identified with the confederate cause; and secondly, to the unfortunate apathy of the best classes of the community on the subject of municipal elections, which appears to be the curse of large cities, and results in throwing the government thereof into unworthy hands.

The commission have thus endeavored to give as concisely as possible the conclusions at which they have been compelled to arrive on the subject of the causes of, and responsibility for, the recent bloodshed. What, if any, action is called for, is for the decision of higher authority.

JAS. A. MOWER,
Brevet Major General United States Army, President.
S. M. QUINCY,
Brevet Brigadier General Volunteers,
J. IRVIN GREGG,
Brevet Brigadier General United States Army, Members.
GEO. BALDY,
Brevet Brigadier General Volunteers, Recorder.

Opinion of the Attorney General.

ATTORNEY GENERAL'S OFFICE, *May* 1, 1865.

SIR: I have the honor to acknowledge the receipt of your letter of the 21st of April, 1865.

By the Constitution of the United States, (2d art., section 2, cl. 1,) the President is vested with the "power to grant reprieves and pardons for offences against the United States, except in cases of impeachment."

By the thirteenth section of the act of Congress entitled "An act to suppress insurrection, to punish treason and rebellion, to seize and confiscate the property of rebels, and for other purposes," approved 17th July, 1862, "the President is authorized, at any time hereafter, by proclamation, to extend to persons who may have participated in the existing rebellion, in any State or part thereof, pardon and amnesty, with such exceptions, and at such time and on such conditions, as he may deem expedient to the public welfare."

The right and power of the President to pardon, and to issue any proclamation of amnesty, are derived from the clauses in the Constitution and the act of Congress as quoted above.

By the Constitution and the act of Congress, the power to pardon in individual cases, and the power of extending, by proclamation, amnesty to classes of individuals, are solely in the hands of the President. It is, therefore, needless to discuss the question whether the act of Congress was necessary, in order to enable the President lawfully to issue a proclamation of pardon and amnesty.

The power of exercising and extending mercy resides in some department of every well-ordered government. When order and peace reign, its exercise is frequent and its influence valuable. Its influence is of value inestimable at the termination of an insurrection so wide-

spread as the one which in our country is just being suppressed. Its appropriate office is to soothe and heal, not to keep alive or irritate the rebellious and malignant passions that induced, precipitated and sustained the insurrection. This power to soothe and heal is appropriately vested in the executive department of the government, whose duty it is to recognize and declare the existence of an insurrection, to suppress it by force, and to proclaim its suppression. In order, then, that this benign power of the government should accomplish the objects for which it was given, the extent and limits of the power should be clearly understood. Therefore, before proceeding to answer the questions propounded in your letter, it would seem to be eminently proper to state some of the obvious principles upon which the power to grant pardons and amnesty rests, and deduce from those principles the limitations of that power.

The words amnesty and pardon have a usual and well-understood meaning. Neither is defined in any act of Congress; the latter is not used in the Constitution.

A pardon is a remission of guilt; an amnesty is an act of oblivion or forgetfulness.

They are acts of sovereign mercy and grace, flowing from the appropriate organ of the government.

There can be no pardon where there is no actual or imputed guilt. The acceptance of a pardon is the confession of guilt, or of the existence of a state of facts from which a judgment of guilt would follow.

A pardon may be absolute and complete, or it may be conditional and partial. The whole penalty denounced by the law against an offender may be forgiven, or so much of it only as may seem expedient. The power to pardon is not exhausted by its partial use. A part of the penalty may be forgiven now, and at a future time another part, and so on till the whole is forgiven. This power may be so used as to place the offender upon trial and probation as to his good faith and purposes.

A pardon may be upon conditions, and those conditions may be precedent or subsequent.

The conditions, however, appended to a pardon cannot be immoral, illegal, or inconsistent with the pardon.

If a condition precedent annexed to a pardon be immoral, as that the person in whose favor it is issued should never speak the truth; or illegal, as that he should commit murder; or inconsistent with the pardon, as that he should never eat or sleep, the pardon would never attach or be of avail. On the other hand, if those conditions were subsequent—that is, if it were declared that the pardon should be void if the party ever spoke the truth, or if he did not commit murder, or if he should eat or sleep, the pardon would attach and be valid, and the condition void and of no effect. If a condition subsequent is broken, the offender could be tried and punished for the original offence. The breach of the condition would make the pardon void. Any conditions, precedent or subsequent, may, therefore, be appended that are not immoral, illegal, or inconsistent with the pardon. This great and sovereign power of mercy can never be used as a cover for immoral or illegal conduct.

As a pardon presupposes that an offence *has been* committed, and ever acts upon the past, the power to grant it never can be exerted as an immunity or license for future misdoing.

A pardon procured by fraud or for a fraudulent purpose, upon the suppression of the truth or the suggestion of falsehood, is void. It is a deed of mercy, given without other fee or reward than the good faith, truth, and repentance of the culprit. On the other hand, as an act of grace freely given, when obtained without falsehood, fraud, and for no fraudulent use it should be liberally construed in favor of the repentant offender.

A promise to pardon is not a pardon, and may at any time be withdrawn; but a pardon may be offered, and the offer kept open, and thus be continuing, so that the person to whom it is offered may accept it at a future day. After the pardon has been accepted it becomes a *valid* act, and the person receiving it is entitled to all its benefits.

The principles hereinbefore stated forbid, however, that an offer of pardon be construed as a license or indulgence to commit continuing or future offences, or as giving immunity from the consequences of such offences.

After the offender shall have received notice of the offer, or after a reasonable time shall have elapsed within which he must be presumed to have received notice of the offer, he cannot continue his ill-doing and then accept and rely upon the offer of pardon as an indemnity against what he did before and also what he did after notice. Such a construction of the pardoning power would virtually convert it into a power to license crime.

The high and necessary power of extending pardon and amnesty can never be rightfully exercised so as to enable the President to say to offenders against the law, "I now offer you a free pardon for the past; or at any future day when you shall, from baffled hopes, or after being foiled in dangerous and bloody enterprises, think proper to accept, I will give you a pardon for the then past."

When men have offended against the law, their appeal is for mercy, not for justice. In this country and under this government violators of the law have offended against a law of their own making; out of their own mouths they are condemned—convicted by their own judgments—and, under a law of their own making, they cannot appear before the seat of mercy and arrogantly claim the fulfilment of a promise of pardon which they have refused and defied.

The excellence of mercy and charity in a national trouble like ours ought not to be under-

valued. Such feelings should be fondly cherished and studiously cultivated. When brought into action, they should be generously but wisely indulged. Like all the great, necessary, and useful powers in nature or in government, harm may come of their improvident use, and perils which seem passed may be renewed, and other and new dangers be precipitated. By a too extended, thoughtless, or unwise kindness, the man or the government may warm into life an adder that will requite that kindness by a fatal sting from a poisonous fang.

Keeping in view these obvious and fundamental principles that fix and limit the powers of pardon and amnesty under the Constitution and the law, I will proceed to consider the questions propounded by you on the proclamations dated, respectively, the 8th day of December, 1863, and the 26th day of March, 1864, commonly called the amnesty proclamations.

You ask my opinion, first, as to the proper construction and effect of those proclamations upon the citizens and residents of rebel States who have taken the oath of amnesty prescribed therein.

These two proclamations must be read together and regarded as one instrument. That must, at least, be so from the date of the last proclamation, 26th March, 1864. No doubt, many persons did, between the 8th December, 1863, and 26th March, 1864, take the oath, who could not have done so had the original proclamation contained the exceptions set forth in the second. What the rights are of those who took the oath in that intermediate space of time, and who could not have taken it after the 26th March, 1864, is purely a judicial question. The facts in such cases are accomplished, and the rights arising out of those facts have attached and become vested. If not improper, it would be, at least, idle in me to express an opinion on those cases. The judicial department of the government must determine the law in those cases, when they are properly presented before the courts.

For all practical purposes, so far as the executive department of the government is concerned, both proclamations may therefore be regarded as of date the 26th March, 1864. From that point of view their proper operation and effect are now to be considered.

It is plainly stated on the face of the second proclamation that its objects "were to suppress the insurrection, and to restore the authority of the United States, and with reference to these objects alone." In the midst of a gigantic effort on the part of traitors to dismember our country and overthrow our government, the President, in the legitimate exercise of his great powers, invoked the healing influences of charity and forgiveness. His great heart but responded to the eager desire of the American people to win back this misguided people to their allegiance and to peace and order by gentleness, rather than to compel obedience by the dread powers of war.

It must not be supposed that, in giving expression to and making a law of this noble wish of his heart, and the heart of the people whom he represented, it was intended to give license and immunity to crime and treason for the then future. His expressed object was "to suppress the insurrection, and to restore the authority of the United States, and that alone."

His object was made still more manifest when he said that the person "shall voluntarily come forward and take the said oath, with the purpose of restoring peace and establishing the national authority."

The reluctant, unrepentant, defying persons who, in their hearts, desired the success of the rebellion and the overthrow of the government, were not invited to take the oath; and if any such should take it, they would but add perjury—a God-defying sin—to that of treason; and if that fact can be shown to a judicial tribunal, it seems to me that they should take no benefit from the pardon and amnesty. A mind and heart unpurged of treason were not invited by the amnesty proclamation to add thereto the crime of perjury.

It seems to me, then, that all the citizens and residents of the rebel States, not excepted from the amnesty, who did, after the issuing of the proclamation, or after notice thereof, or within a reasonable time within which it must be supposed they had notice, refrain from further hostilities, and take the oath of amnesty *voluntarily, with the purpose of restoring peace and establishing the national authority*, being at the time free from arrest, confinement, or duress, and not under bonds, are entitled to all the benefits and rights so freely and benignly given by a magnanimous government. When the oath has been taken without the purpose of restoring peace and establishing the national authority, though taken promptly, it seems to me that the amnesty and pardon do not attach. This, however, is a judicial question, which the courts may decide contrary to my opinion. I ought not, perhaps, to express any.

In giving this construction to the amnesty proclamation, I have been constantly impressed by a paragraph in the last annual message of the President of the United States. It reads as follows: "A year ago general pardon and amnesty, upon specified terms, were offered to all, except certain designated classes; and it was, at the same time, made known that the excepted classes were still within contemplation of special clemency. During the year many availed themselves of the general provision, and many more would, only that the signs of bad faith in some led to such precautionary measures as rendered the practical process less easy and certain. During the same time, also, special pardons have been granted to individuals of the excepted classes, and no voluntary application has been denied. Thus, practically, the door has been for a full year open to all, except such as were not in condition to make free choice; that is, such as were in custody or under constraint. It is still

open to all. But the time may come—probably will come—when public duty shall demand that it be closed, and that, in lieu, more rigorous measures than heretofore shall be adopted."

A profound respect for the opinions of that great and good man, Abraham Lincoln, late President of the United States, induces me to ponder long and well before I can venture to express an opinion differing even in a shade from his. But all who had the good fortune to know him well must feel and know that from his very nature he was not only tempted but forced to strain his power of mercy. His love for mankind was boundless, his charity all-embracing, and his benevolence so sensitive that he sometimes was as ready to pardon the unrepentant as the sincerely penitent offender. Clearly and pointedly does the above paragraph show to the world that such was his nature. He says: "During the whole year that special pardons have been granted to individuals of the excepted classes, no voluntary application has been denied." The door of mercy to his heart was, we know, ever open; and yet he closes the paragraph with this significant sentence: "But the time may come—probably will come—when public duty shall demand that it be closed, and that, in lieu, more rigorous measures than heretofore shall be adopted."

It is probably fair to infer that the late President understood his proclamation of amnesty as giving pardon to all, no matter how long they had refused, and whether they had offended after notice of the offer or not. Whether his powers extended so far is, to say the least, a doubtful question.

I am clear and decided in my conviction that the President had no power to make an open offer of pardon which could be relied upon as a protection for offences committed after notice of the offer. This opinion is deduced from principle, and independently of the language of the proclamation.

The language of the first proclamation is, however, consonant with this opinion. It is addressed to "*all persons who have participated in the existing rebellion*"—words referring to the past.

If I am right in this construction of the proclamation—and I am satisfied in my own mind that I am—another proclamation should be issued. Persons should not be invited to take an oath and to comply with terms under which they cannot obtain firm legal rights. It is especially due to those who have heretofore and would now avail themselves, in good faith, of the benefits of pardon and amnesty, that another proclamation should be substituted, covering the now past. Persons who have been constantly engaged in rebellion should know distinctly what they are to do, when and how they are to do it to free themselves from punishment, in whole or in part, or to reinstate themselves as before the rebellion. Such as have been affected merely by their treasonable associations should be absolutely forgiven. Appropriate conditions should be appended to the pardon of many. The grace and favor of the government should now be large and generous, and the operation and effect of its proffered mercy should not be left uncertain.

The second question you ask is as to the rights of the citizens and residents of the rebel States who have not taken or offered to take the oath and comply with the terms of the proclamation.

Here, again, we meet trouble and uncertainty.

The expressed objects of the proclamation are *to suppress the insurrection, and to restore the authority of the United States.* Can any one be permitted to take the oath, and comply with the terms prescribed in the proclamation, in a State or a community where the civil and military power of the insurrection has been destroyed and the rebellion suppressed, and the authority of the United States is established without let or hindrance? Or does the insurrection continue, in legal contemplation, though not in fact, until the executive department of the government shall, by proclamation, declare that it has been suppressed? And would this proclamation of pardon and amnesty continue and be open after proclamation that the rebellion had been suppressed?

It would seem from the proclamation that the amnesty was extended to those who were willing to aid in suppressing, as well as restoring; and yet it may and doubtless will be contended, and with much force and show of reason, that all who have stood by and clung to the insurrection till its organization and power, both civil and military, were gone, have nevertheless a right to take all the benefits of the amnesty, because they will lend a reluctant aid in restoring an authority which they hate. Amnesty is *proffered* for aid in suppressing and restoring; amnesty is demanded for aid in the work of restoration: full reward is required for less than half of the service that is needed.

As a measure *to aid in the suppression* of the rebellion, the late proclamation has done its full and complete office. Now, one is desired *to aid in restoring* order and reorganizing society in the rebellious States. Reconstruction is not needed; that word conveys an erroneous idea. The construction of this government is as perfect as human wisdom can make it. The trial to which its powers and capacities have been subjected in this effort at revolution and dismemberment proves with what wisdom its foundations have been laid. Ours is a task to preserve principles and powers clearly and well defined, and that have carried us safely through our past troubles. Ours is not a duty to reconstruct or to change. Society in the rebel States has not been and is not now in a normal condition, nor in harmony with the principles of our government. That society has rebelled against them, and made war upon the principles and powers of our government. In so doing it has offended, and stands

a convicted culprit. Mercy must be largely extended. Some of the great leaders and offenders only must be made to feel the extreme rigor of the law—not in a spirit of revenge, but to put the seal of infamy upon their conduct. But the mercy extended to the great mass of misguided people can and should be so used as to reorganize society upon a loyal and freedom-loving basis. It is manifestly for their good and the good of mankind that this should be done. The power of pardon and mercy is adequate to this end. Such conditions, precedent and subsequent, can legally and properly be appended as will root out the spirit of rebellion, and bring society in those States into perfect accord with the wise and thoroughly tried principles of our government.

If this power of pardon is wisely used, peace will be established upon a sure and permanent basis.

On these grounds, in addition to what has been before said, I am of the opinion that another and a new offer of amnesty, adapted to the existing condition of things, should be proclaimed.

I do not conceive that it is in place just now, even if I were prepared to do so—which I am not, because not sufficiently advised of the temper of those so lately in rebellion—for me to say what should be the terms of the suggested proclamation.

I have the honor to be, sir, very respectfully, your obedient servant,

JAMES SPEED,
Attorney General.

The PRESIDENT.

[Circular.]

ATTORNEY GENERAL'S OFFICE,
Washington, June 7, 1865.

By direction of the President, all persons belonging to the excepted classes enumerated in the President's amnesty proclamation of May 29, 1865, who may make special applications to the President for pardon, are hereby notified that, before their respective applications will be considered, it must be shown that they have respectively taken and subscribed the oath (or affirmation) in said proclamation prescribed. Every such person desiring a special pardon should make personal application in writing therefor, and should transmit with such application the original oath (or affirmation) as taken and subscribed before an officer authorized under the rules and regulations promulgated by the Secretary of State to administer the amnesty oath prescribed in the said proclamation of the President.

JAMES SPEED,
Attorney General.

WAR DEPARTMENT, BUREAU OF REFUGEES, FREEDMEN, &C.,
Washington, April 23, 1866.

SIR: I have the honor to furnish the following report in answer to the resolution of the House of Representatives of March 5, 1866, inquiring concerning the restoration to former owners of property in the States lately in rebellion, seized by the United States, under the act of July 17, 1862, or as abandoned property.

A list of property seized under the act of July 17, 1862, and subsequently restored to former owners by the bureau, is appended. The greater portion of property of this character is situated in Virginia, and was formally set apart for the use of refugees and freedmen by circular from the bureau, approved by the President.

It became apparent, however, that much of it had been improperly seized, and, to avoid injustice, action under the circular was temporarily suspended. Part of this property had been merely libelled. Against part the proceedings had gone to a decree of condemnation and sale. Very little, however, was actually sold.

On the 12th September, 1865, circular No. 15, series 1865, was issued from this bureau to govern its action respecting property. This circular, originally drafted by the Commissioner, was submitted to the President, who materially amended the original provisions. It was promulgated as received from him.

With respect to property seized under the act of July 17, 1862, this circular declares that it shall be regarded as confiscated only after an actual sale has taken place, and directs assistant commissioners of the bureau to restore it when it appears satisfactorily that it has not been confiscated. Such property has, therefore, been restored upon proof that proceedings against it had been dismissed in the United States courts.

The records of this office do not show whether parties to whom such property has been restored were connected with the army of the so-called Confederate States, or whether they gave aid or comfort to the rebellion.

A list of abandoned property upon which allotments have been made to freedmen, and which has been subsequently restored to former owners, is also appended. Of this the estate of William Aiken, in South Carolina, was restored by order of Major General D. E. Sickles, commanding the department. Three estates were surrendered for the reason that they were not actually abandoned. Of the remainder some were given up because very few freedmen were resident upon them, and those could be more advantageously located elsewhere. The others were restored after mutually satisfactory agreements had been entered into between the freedmen and the former owners.

All of these pieces of property were embraced in General Sherman's Field Order No. 15, and the authority for the action taken by the bureau in respect to them was derived from the instructions of the President, contained in General Orders No. 145 from the War Department, bearing date October 9, 1865.

The appended list shows, as far as is known, the names of such parties to whom property of this character was restored, who were connected with the army of the so-called Confederate States.

The property held under the act of July, 1862, and the abandoned property actually allotted to resident freedmen, comprise but a small proportion of the entire amount which the bureau has held in its possession.

The order of the President of June 2, 1865, directing all persons in the service, civil or military, of the United States to turn over to this bureau all property of the character referred to in the act establishing it, resulted in the transfer to the bureau of a large amount of property, the greater portion of which came under the designation of "abandoned." It was supposed that the bureau could retain possession of this property until the purposes for which it was granted were accomplished.

Measures were taken to divide and allot it to freedmen, and owners applying for its restoration on the ground that they had received the pardon of the President were refused.

In August, 1865, an application was received from B. B. Leake, of Tennessee, a former soldier of the rebel army, who had received a special pardon. His property was clearly abandoned, and his application was not granted. An appeal was made to the President, and on the 16th of August was received at this bureau with the following endorsement:

"EXECUTIVE OFFICE, *August* 16, 1865.

"Respectfully returned to the Commissioner of Bureau Refugees, Freedmen, &c. The records of this office show that B. B. Leake was specially pardoned by the President on the 27th ultimo, and was thereby restored to all his rights of property, except as to slaves. Notwithstanding this, it is understood that the possession of his property is withheld from him. I have, therefore, to direct that General Fisk, assistant commissioner at Nashville, Tennessee, be instructed by the chief Commissioner of Bureau of Freedmen, &c., to relinquish possession of the property of Mr. Leake, held by him as assistant commissioner, &c., and that the same be immediately restored to the said Leake. The same action will be had in all similar cases.

"ANDREW JOHNSON,
"*President United States.*"

In complying with these definite instructions, the bureau has been compelled to part with the greater portion of the property once under its control. Except in the very few cases where property has been actually sold under the act of July 17, 1862, and in that portion of South Carolina and Georgia embraced in the provisions of General Sherman's Field Order No. 15, its tenure of property has been too uncertain to justify allotments to freedmen.

Very respectfully, your obedient servant,

O. O. HOWARD,
Major General, Commissioner, &c.

Hon. E. M. STANTON,
Secretary of War.

List of property seized under act of July 17, 1862, and restored to former owners.

Name.	No. acres.	Location.
Booker, George	850	Back river, Elizabeth City county, Virginia. Restored by order of assistant commissioner of Virginia.
West, Parker	200	James river, Elizabeth City county, Virginia. Restored by order of assistant commissioner of Virginia.
Young, W. G	3,900	Elizabeth City county, Virginia. Restored by order of assistant commissioner of Virginia.
Smith, Francis L	500	Prince William county, Virginia. Restored by order of assistant commissioner of Virginia.
Thornton, William W	140	Do. do. do.
Weedon, F. A	218	Do. do. do.
Goodwin, David G	450	Norfolk, Va. Restored by order of assistant commissioner of Va.
Armistead, John	75	Elizabeth City county, Virginia. Restored by order of assistant commissioner of Virginia.
Sinclair, Jeff. B	600	Do. do. do.
Wray, George	300	Do. do. do.
Vaughn, Robert H	500	Do. do. do.
Winder, Levin	600	Do. do. do.
Anderson, William	100	Do. do. do.
Lee, Parker P	1,000	Do. do. do.
Phillips, Thomas	30	Do. do. do.
Phillips, John	*	Do. do. do.
Jones, William	200	Do. do. do.
Johnson, Benjamin	75	Prince William county, Virginia. Restored by order of assistant commissioner of Virginia.
Kearns, Edward	†	City of Portsmouth, Virginia. Restored by order of assistant commissioner of Virginia.
Murdaugh, James	†	Do. do. do.
Baker, Richard H	†	City of Norfolk, Virginia. Restored by order of assistant commissioner of Virginia.
DeBree, John	†	Do. do. do.
Taylor, William E	†	Do. do. do.
Johnston, James H	†	Do. do. do.
Ward, Matthias	†	Do. do. do.
Bean, William	100	Loudon county, Virginia. Restored by order of assistant commissioner of the District of Columbia.
Gregg, Nathan	*	Do. do. do.
Lynch, William B	†	Do. do. do.
Harrison, Matthew	*	Do. do. do.
Rust, George T	625	Do. do. do.
White, E. V	*	Do. do. do.
Claggett, Henry O	†	Do. do. do.
Payson, F. M. C	150	Do. do. do.
Bowie, Robert G	150	Do. do. do.
Clark, A. A. C	325	Do. do. do.
White, Josiah F	300	Do. do. do.
Shreve, Daniel F	250	Do. do. do.
Braden, Oscar S	300	Do. do. do.
Aldridge, John	400	Do. do. do.
Beverly, Robert, trustee for Mary Chichester.	*	Do. do. do.
Tebbs, Charles B	80	Do. do. do.
Ball, George W	1,000	Do. do. do.
Thrift, Sanderson	307	Do. do. do.
Edwards, Thomas W	500	Do. do. do.
Mott, A. R	§	Fairfax county, Virginia. Restored by order of assistant commissioner of the District of Columbia.
Corse, H. D	87	Do. do. do.
Means, Lewis D	50	Do. do. do.
Muse, Mrs. Priscilla J	80	Do. do. do.
Dulaney, W. H., administrator of the "Ball estate."	992	Do. do. do.
Landstreet, John	98	Do. do. do.
Rost, P. A	†	New Orleans, Louisiana. By order of assistant commissioner of Louisiana.
Soulé, Pierre	†	Do. do. do.
Story, Benjamin S	†	Do. do. do.
Grivot, M	†	Do. do. do.
McKnight, Thomas	†	Do. do. do.
Story, Norman	†	Do. do. do.
Goodrich & Co	†	Do. do. do.
Murrell, G. M	†	Do. do. do.
Murrell, E. H	†	Do. do. do.
Murrell, O. G	†	Do. do. do.
Clayton, R. E	†	Do. do. do.
Finnangan, Harris	§	Little Rock, Arkansas. By order of assistant commissioner of Missouri and Arkansas.
Total number of acres	15,452	

* Not reported. † House and lot. ‡ Buildings. § Houses and lots.

Statement of abandoned property restored to former owners, upon which allotments had been made to freedmen.

Name.	No. acres.	Location of property.
Beckett, Theodore	500	Edisto, Johns, and Wardmalaw Islands, S. C.
Seabrook, jr., William	400	Edisto island, S. C. (Confederate army.)
Mikell, Jenkins	700	Do. do.
Lastree, Edward	500	Do.
Hunnahan, William	214	Do.
Bailey, Ephraim	489	Do.
Whaley, William	350	Do.
Aiken, William	1,020	Jehossee Island, S. C.
Rivers, Constans	188	James island, S. C.
Dill, Joseph	160	Do.
Roper, Thomas	670	Johns island, S. C.
Hopkinson, J	680	Johns and Wardmalaw Islands, S. C.
Hart, J	400	Do.
Hart, Thomas	200	Do.
Whaley, Ben	300	Do.
James, Rose	400	St. Paul's parish, S. C.
Dunn, Mrs. Mary	200	Dunfuskie Island, S. C.
Stoddard, John, executor estate of Mungin.	1,226	Do.
Waring, Colonel	200	Skidaway Island, Ga.
Nichols, J. R	495	Do.
Prichard, Colonel J. R	200	Skidaway Island, Ga. (Confederate army.)
Cheves, Dr. John R	500	Ogeechee river, Chatham county, Ga. (Confederate army.)
Scriven, John R	300	Do. do. do.
Potter estate	1,000	Chatham county, Ga.
Scriven, George P	400	Chatham county, Ga. (Confederate army.)
Huger, Judge	600	Ogeechee river, opposite Savannah, Ga.
Heywood, Daniel	700	Do. do.
Izard, Smith	700	Do. do.
McMillan, K	500	Do. do.
Rose, Hugh	400	Do. do.
Total acres restored*	14,652	

* Restored by order of assistant commissioner of South Carolina and Georgia.

In addition to the properly seized under the act of July, 1862, and abandoned property allotted to freedmen 400,000 acres of abandoned land not allotted to freedmen have been restored to former owners.

Recapitulation.

Property seized under act of July, 1862, and restored by this bureau	acres..	15,452
Abandoned property allotted to freedmen and restored by this bureau	do....	14,652
Abandoned property not allotted to freedmen restored by this bureau	do....	400,000
Total		430,104

[No. 9.]

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES, TRANSMITTING COMMUNICATIONS FROM THE SECRETARY OF THE TREASURY AND POSTMASTER GENERAL, SUGGESTING A MODIFICATION OF THE OATH OF OFFICE PRESCRIBED BY CONGRESS, APPROVED JULY 2, 1862.

To the Senate and House of Representatives:

I herewith transmit communications from the Secretary of the Treasury and the Postmaster General, suggesting a modification of the oath of office prescribed by the act of Congress approved July 2, 1862. I fully concur in their recommendation, and, as the subject pertains to the efficient administration of the revenue and postal laws in the southern States, I earnestly commend it to the early consideration of Congress.

ANDREW JOHNSON.

WASHINGTON, D. C., *April* 5, 1866.

TREASURY DEPARTMENT, *March* 19, 1863.

SIR: Herewith I hand you the names of collectors of internal revenue, assessors, assistant assessors, collectors and surveyors of customs, &c., &c., appointed since the overthrow of the rebellion in the southern States, who have not been able to take, literally, the oath of office prescribed by the act approved July 2, 1862. Besides these officers, a considerable number, perhaps the larger proportion, of those holding subordinate positions in the revenue departments, have been also unable to comply with the requirements of the statute. As a consequence, they have served without compensation, as their accounts could not be audited by the accounting officers of the government.

Many of these officers have performed very important duties with more fidelity; and not a few must be in great distress by reason of their inability to draw their salaries and commissions.

When these appointments were made, it was feared that it would be difficult to find competent officers in many of the southern revenue districts who could take the oath referred to, but so important did it seem to you and to your Cabinet for the purpose of equalizing the public burdens, that the revenue system should be established throughout the recently rebellious States with as little delay as practicable, and that the unpleasant duty of collecting taxes from an exhausted and recently rebellious people should be performed by their own citizens, that I did not hesitate to recommend for appointment, and you did not hesitate to appoint, men of whose present loyalty there was no question, but who might have been, either willingly or unwillingly, during the progress of the rebellion, so connected with the insurgent State and confederate government as to be unable to take the oath of office. This was not done from any disposition to disregard the law, but with an honest and sincere purpose of collecting the revenues with as little odium to the tax-payers as possible.

The country was in a peculiar condition. The rebellion had come to a sudden close All resistance to the authority of the United States had ceased, and some seven millions of people, in a state of utter disorganization, were left without any civil government whatever, and without even an adequate military protection against anarchy and violence. Under these circumstances, as it seemed clearly to be the duty of the Executive to proceed at once to establish the federal authority and civil government in these States, so it seemed to be necessary to carry into effect the revenue laws of the general government. As the country was passing from a state of war to a state of peace, and the emergency seemed to be too pressing to admit of delay until the meeting of Congress, it was thought that the test oath might, in view of the great objects to be attained, in some cases be dispensed with; or rather, that persons might be permitted to hold revenue offices who could take it only in a qualified form. No one could have regretted more than yourself and the members of your Cabinet the necessity which existed for this course; but there seemed to be no alternative, and it was confidently hoped that, under the circumstances of the case, it would be approved by Congress.

Among all those whose names are presented to you, I have no reason to suppose that there is one who can be justly charged with being instrumental in instigating the rebellion, although a few may have contributed to its support and continuance.

Some, with strong attachments for the Union, had followed the States in which they lived into the war against the United States under the baleful influence of the doctrine of State sovereignty. Some had held office under the insurgent authorities as the only means of supporting their families; others, to escape conscription, or to be in a better condition to resist, at the proper time, confederate rule. Not one is known to have been a disunionist, or unfriendly to the government, at the commencement of the war. A very slight change in the oath, a change that would not cover a particle of present disloyalty, would enable the most of them to hold the offices they are now so acceptably filling. Great loss to the government and great inconvenience to this department must result from the discontinuance of their services; but it is due to them, unless relief should be given to them at an early day, that they should be notified of the fact that as their services cannot be legally paid for, they will be no longer required. At the same time I would respectfully suggest, if it should be necessary to give them this notice, that Congress be asked that authority be granted for the payment of the salaries and commissions to which they would be entitled had they taken the oath. It is true they were advised that their accounts could not be audited until Congress had modified the oath; but as they expected, as did yourself and your Cabinet, a modification of it early in the session, and as they have been living and working in this hope, it would seem to be unjust, as well as unwise, for the government to decline paying them for the valuable services which they have rendered.

In regard to future appointments I have to say that I am well satisfied that it will be difficult, if not impossible, to find competent men at the South to fill the revenue offices, who can qualify under the statute. Especially will this be so in regard to the subordinate positions. In the progress of the rebellion very few persons of character and intelligence in most of the e States failed, in some way or other, to participate in the hostilities, or to connect themselves with the insurgent government. This is almost universally true of the young men, who are expected to fill clerkships and other inferior places in the revenue service. Men of the necessary qualifications who were able to take the oath, and were inclined to accept appointments, have, as far as they could be found, already been employed by the government. For those offices that must soon become vacant if Congress should not deem it to

be safe or proper to modify the oath, I am at a loss to know where the right men are to be obtained, or how the revenues in many of the southern districts are to be collected.

It is urged, I know, that there are plenty of men at the South who can comply with the statute, and that, if this should not prove to be the fact, men at the North can be found who will accept prominent offices at the present salaries, and also the subordinate positions, if the proper inducements in the way of increased salaries are held out to them.

It is true there are still some applicants for office in the southern States who present what they call "a clean record for loyalty," but, with rare exceptions, they are persons who would have been able to present an equally fair record for place under the confederate government if the rebellion had been a success, or persons lacking the qualifications which are needed in revenue positions.

In regard to the matter of compensation, I have only to remark that the law fixes definitely the salaries and commissions of most officers, and that the pay of subordinate officers is altogether inadequate to tempt northern men to assume the risk and incur the odium of collecting taxes in the southern States, except, perhaps, in the commercial cities of the seaboard.

I deem it my duty further to remark that I do not consider it advisable for the government to attempt to collect taxes in the southern States by the hands of strangers. After having given the subject careful consideration, anxious as I am to increase the revenue and to lighten by distributing and equalizing the burdens of the people, with no party interest to promote, and with nothing but the good of the government at heart, I have come to the deliberate conclusion that it would be better for the country, politically and financially, to suspend the collection of internal revenue taxes in the southern States, except in commercial cities, for months, if not for years to come, rather than to undertake to collect them by men not identified with the tax-payers in sympathy or in interest.

The rebellion grew out of an antagonism of opinion between the people of the free and slave States, the legitimate result of a difference of institutions. With the abolition of slavery, all real differences of opinion and all serious causes of estrangement ought rapidly to disappear. It will be a calamity, the extent of which cannot now be estimated, both to this nation and to the cause of civil liberty throughout the world, if, instead of looking towards reconciliation and harmony, the action of the government shall tend to harden and intensify a sectionalism between the northern and southern States. It is difficult to conceive of a more unfortunate course for the government of the United States to pursue than to make tax-gatherers at the South of men who are strangers to the people. It needs no reference to history (although it is full of lessons upon this subject) to illustrate the fatal consequences of such a policy.

The importance of this subject must be my apology for thus calling your attention to it. I am greatly embarrassed, on the one hand, by the consideration that, by sanctioning the longer continuance in office of persons who have not taken the oath, I am not acting with entire fairness to them, and am subjected to the charge of disregarding the law; and, on the other hand, by the consideration that, if they should be dismissed, or requested to resign, the public revenues would be very considerably diminished, and reconciliation and harmony between the government and a large portion of its citizens greatly retarded. I would, therefore, respectfully suggest that the whole matter be referred to Congress for such action as, in their judgment, the interest of the service and the interest of the Union may seem to require.

I am, with great respect, very truly yours,

HUGH McCULLOCH, *Secretary.*

The PRESIDENT.

List of assessors and collectors in the southern States who have not taken the oath of office without qualification.

James H. Norwood, assessor first district South Carolina.
Charles J. Elford, assessor third district South Carolina.
Alexander M. McDowell, assessor first district, Alabama.
William H. Vasser, assessor third district Mississippi.
Benjamin F. McDonough, assessor first district Texas.
Montgomery Moses, collector first district South Carolina.
James G. Gibbes, collector third district South Carolina.
Robert B. Kingsbury, collector second district Texas.
John B. Black, Andrew G. Boskin, Bolivar J. Hayes, Godfrey Leaphart, Richard C. Griffin, William W. Adams, George Allen, John H. Marshall, (no oath,) John S. Hair, Richard W. Gaillard, Robert Hawthorne, Thomas M. Graham, William Butler, James H. Shumate, Homer L. McGowan, Thomas S. Crayton, William E. Walters, W. E. Holcomb, B. F. Morgan, James E. Haygood, William Goldsmith, Henry M. Smith, Joseph M. Elford, John C. P. Jeter, H. F. Adicks, Walter B. Mitts, assistant assessors third district South Carolina.

Ishmael S. Harwell, Sampson S. Lanier, Lemuel A. Collier, Elias M. Kiels, Charles W. Braswell, John W. Leslie, Thomas E. Randolph, Charles R. Warren, Joseph Silver, Lewis J. Laird, Edward Ward, assistant assessors first district of Alabama

Thomas W. King, George N. Forbes, assistant assessors second district Georgia.

There are undoubtedly others (assistant asssessors) whose oaths have not yet been received.

E. A. ROLLINS.

TREASURY DEPARTMENT,
Office of Commissioner of Customs, March 19, 1866.

SIR: In compliance with your request to furnish you with the names of such customs officers as have taken the oath prescribed by act of July 2, 1862, in a modified form, I have the honor to state that the following are the only persons falling within that category, to wit:

James M. Matthews, collector, Rappahannock, Virginia.
William S. Croft, collector, Georgetown, South Carolina.
Gordon Forbes, surveyor, Yeocomico, Virginia.
William Leitch, surveyor, Charleston, South Carolina.
F. M. Robertson, special examiner of drugs, Charleston, South Carolina.
Edgar M. Lazarus, appraiser. Charleston, South Carolina.
J. F. Walker, appraiser, Charleston, South Carolina.

I have the honor to be your obedient servant,

N. SARGENT, *Commissioner.*

Hon. H. MCCULLOCH, *Secretary of the Treasury.*

POST OFFICE DEPARTMENT,
Washington, March 17, 1866.

SIR: As a means of restoring the business interests in the southern States, and of aiding in the re-establishment of their constitutional relations with the general government, it was deemed important by yourself and Cabinet that the mails should be introduced and post offices reopened in those States as rapidly as practicable; to which end the energies of this department were promptly and have been continuously directed. I regret to have to inform you that my expectations have not been fully realized. Various causes have doubtless contributed to the failure in accomplishing all that was hoped for, but that resulting from the oath prescribed by acts of July 2, 1862, and March 3, 1863, has not been the least, while it has been the one to which my attention has been most frequently called. This, as I am inclined to believe, has not been owing exclusively to there not being loyal persons who could take the oath, but to the limited compensation in most of the offices, offering insufficient inducements to persons to act as postmasters, and also to the unwillingness of many who might otherwise act to do so in consequence of the compromise of their social position, which they fear would result from taking the oath, where the great majority of their neighbors consist of those who had in some form aided the rebellion. To obviate these difficulties, in part, resort has been had to the appointment of women as postmistresses, which has proved to be of doubtful utility to the service, and necessity has also compelled the appointment of very many ignorant persons, incompetent to discharge the duties of their offices.

As a remedy for the future, I would venture to suggest a modification of the oath by inserting the word "voluntarily" immediately preceding the word "sought," so that the clause would read, "That I have neither *voluntarily* sought, nor accepted, nor attempted to exercise the functions of any office whatever, under any authority, or pretended authority, in hostility to the United States." This would enlarge the class of persons who could qualify as postmasters and mail contractors, and be in harmony, as it seems to me, with the general provisions and purposes of the oath, and thus facilitate the speedy re-establishment of the postal service, to the common benefit of all sections of the country; for it must be borne in mind that while the people of the southern States are more directly interested in the restoration of this service, the citizens of all the other States are also largely interested.

It may not be uninteresting to you to know that of the 2,258 mail routes in operation in the disloyal States at the breaking out of the rebellion, the service of 757 only has been restored; and that of 8,992 post offices in those States only 2,042 appointments of postmasters have been made, of whom 1,177 only have qualified for office, 757 of them being males, and 420 females. Of the 865 who have not qualified, it is believed that quite all of them have not done so because of the oath.

I should add, in justice to the department, in view of the inefficient service, as shown by the foregoing facts, that no propositions for transportation of the mails for a fair consideration have been declined, while postmasters have been uniformly and promptly appointed upon reliable recommendations.

I need not enlarge upon the evils resulting from so partial a restoration of the postal service in the southern States, nor upon the benefits to the government and to the people of all sections of the country that would result from a more general and efficient restoration of that service.

I respectfully submit, whether it will not be proper for you to invite the attention of Congress to the subject.

Very respectfully, yours, &c.,

W. DENNISON

The PRESIDENT.

[No 10.]

PAPERS ACCOMPANYING THE REPORT OF THE SECRETARY OF STATE—NORTH CAROLINA.

DEPARTMENT OF STATE,
Washington, May 29, 1865.

SIR: I enclose a copy of the President's proclamation of this date appointing you provisional Governor of the State of North Carolina. The reasons for the appointment are fully set forth in the preamble of the instrument. You will hold the office during the pleasure of the President. Your compensation will be at the rate of three thousand dollars a year from this date. For this you may draw monthly or quarterly, sending your drafts to this department.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM W. HOLDEN, Esq.

By the President of the United States of America.

A PROCLAMATION.

Whereas the fourth section of the fourth article of the Constitution of the United States declares that the United States shall guarantee to every State in the Union a republican form of government, and shall protect each of them against invasion and domestic violence; and whereas the President of the United States is, by the Constitution, made commander-in-chief of the army and navy, as well as chief civil executive officer of the United States, and is bound by solemn oath faithfully to execute the office of President of the United States, and to take care that the laws be faithfully executed; and whereas the rebellion, which has been waged by a portion of the people of the United States against the properly constituted authorities of the government thereof, in the most violent and revolting form, but whose organized and armed forces have now been almost entirely overcome, has, in its revolutionary progress, deprived the people of the State of North Carolina of all civil government; and whereas it becomes necessary and proper to carry out and enforce the obligations of the United States to the people of North Carolina, in securing them in the enjoyment of a republican form of government:

Now, therefore, in obedience to the high and solemn duties imposed upon me by the Constitution of the United States, and for the purpose of enabling the loyal people of said State to organize a State government, whereby justice may be established, domestic tranquillity insured, and loyal citizens protected in all their rights of life, liberty, and property, I Andrew Johnson, President of the United States, and commander-in-chief of the army and navy of the United States, do hereby appoint William W. Holden provisional Governor of the State of North Carolina, whose duty it shall be, at the earliest practicable period, to prescribe such rules and regulations as may be necessary and proper for convening a convention, composed of delegates to be chosen by that portion of the people of said State who are loyal to the United States, and no others, for the purpose of altering or amending the constitution thereof; and with authority to exercise, within the limits of said State, all the powers necessary and proper to enable such loyal people of the State of North Carolina to restore said State to its constitutional relations to the federal government, and to present such a republican form of State government as will entitle the State to the guarantee of the United States therefor, and its people to protection by the United States against invasion, insurrection, and domestic violence; provided, that in any election that may be hereafter held for choosing delegates to any State convention as aforesaid, no person shall be qualified as an elector, or shall be eligible as a member of such convention, unless he shall have previously taken and subscribed the oath of amnesty, as set forth in the President's proclamation of

May 29, A. D. 1865, and is a voter qualified as prescribed by the constitution and laws of the State of North Carolina in force immediately before the 20th day of May, A. D. 1861, the date of the so-called ordinance of secession; and the said convention, when convened, or the legislature that may be thereafter assembled, will prescribe the qualification of electors, and the eligibility of persons to hold office under the constitution and laws of the State, a power the people of the several States composing the federal Union have rightfully exercised from the origin of the government to the present time.

And I do hereby direct—

First. That the military commander of the department, and all officers and persons in the military and naval service, aid and assist the said provisional Governor in carrying into effect this proclamation, and they are enjoined to abstain from, in any way, hindering, impeding, or discouraging the loyal people from the organization of a State government as herein authorized.

Second. That the Secretary of State proceed to put in force all laws of the United States, the administration whereof belongs to the State Department, applicable to the geographical limits aforesaid.

Third. That the Secretary of the Treasury proceed to nominate for appointment assessors of taxes and collectors of customs and internal revenue, and such other officers of the Treasury Department as are authorized by law, and put in execution the revenue laws of the United States within the geographical limits aforesaid. In making appointments the preference shall be given to qualified loyal persons residing within the districts where their respective duties are to be performed. But if suitable residents of the districts shall not be found, then persons residing in other States or districts shall be appointed.

Fourth. That the Postmaster General proceed to establish post offices and post routes, and put into execution the postal laws of the United States within the said State, giving to loyal residents the preference of appointment; but if suitable residents are not found, then to appoint agents, &c., from other States.

Fifth. That the district judge for the judicial district in which North Carolina is included proceed to hold courts within said State, in accordance with the provisions of the act of Congress. The Attorney General will instruct the proper officers to libel and bring to judgment, confiscation, and sale property subject to confiscation, and enforce the administration of justice within said State in all matters within the cognizance and jurisdiction of the federal courts.

Sixth. That the Secretary of the Navy take possession of all public property belonging to the Navy Department within said geographical limits, and put in operation all acts of Congress in relation to naval affairs having application to the said State.

Seventh. That the Secretary of the Interior put in force the laws relating to the Interior Department applicable to the geographical limits aforesaid.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, this twenty-ninth day of May, in the year of our Lord one thousand eight hundred and sixty-five, and of the independence of the United States the eighty-ninth.

[SEAL.]

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

Like proclamations, with only the necessary changes of names and dates, were subsequently issued as follows:

On the 13th of June, 1865, one appointing William L. Sharkey provisional Governor of the State of Mississippi.

On the 17th of June, 1865, one appointing James Johnson provisional Governor of the State of Georgia.

On the 17th of June, 1865, one appointing Alexander J. Hamilton provisional Governor of the State of Texas.

On the 21st of June, 1865, one appointing Lewis E. Parsons provisional Governor of the State of Alabama.

On the 30th of June, 1865, one appointing Benjamin F. Perry provisional Governor of the State of South Carolina.

On the 13th of July, 1865, one appointing William Marvin provisional Governor of the State of Florida.

DEPARTMENT OF STATE.
Washington, July 8, 1865.

SIR: Your letter to the President of the 26th ultimo was delivered by Mr. Worth. The President is gratified with the opinion expressed favorable to the prospect of State organization in North Carolina. Your remarks in regard to collisions between colored troops and

white persons have been referred to the War Department. Mr. Worth will make an estimate of the expenses which may attend the special trust conferred upon you—namely, the organization of the State of North Carolina. The amount thus reasonably estimated will be paid at the War Department as an expense incident to the suppression of the rebellion. The estimate, however, will carefully exclude all expenses which may arise from the administration of the civil government of the State, including the charities thereof. It is understood here that, besides cotton which has been taken by the Secretary of the Treasury under act of Congress, there were quantities of resin and other articles, as well as funds, lying about in different places in the State, and elsewhere, not reduced into possession by United States officers as insurgent property. The President is of opinion that you can appropriate these for the inevitable and indispensable expenses of the civil government of the State during the continuance of the provisional government. He is also of the opinion that you can levy taxes or assessments for these inevitable and indispensable expenses, and enforce their collection. Should you adopt this course, and find yourself impeded or embarrassed in the execution of the measure, you will then report to this department, and orders will be given by the War Department to the military authorities to take charge of the matter.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

His Excellency W. W. HOLDEN,
Provisional Governor of North Carolina, Raleigh.

[Telegram.]

DEPARTMENT OF STATE,
Washington, November 11, 1865.

The President directs me to say that he expects you to continue in the exercise of the functions of provisional Governor of North Carolina until you shall have been relieved by directions from him.

WILLIAM H. SEWARD.

W. W. HOLDEN,
Provisional Governor of North Carolina, Raleigh.

DEPARTMENT OF STATE,
Washington, November 21, 1865.

SIR: The President sincerely trusts that North Carolina will, by her legislature, promptly accept the Congressional amendment of the Constitution of the United States abolishing slavery.

He relies upon you to exercise all your functions hereafter with the same wisdom and in the same spirit of loyalty and devotion to the Union that have marked your administration hitherto.

The President desires you to feel entirely assured that your efforts to sustain the administration of the government and give effect to its policy are fully appreciated, and that they will in no case be forgotten.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

His Excellency W. W. HOLDEN,
Provisional Governor of North Carolina, Raleigh.

DEPARTMENT OF STATE,
Washington, December 4, 1865.

SIR: The time has arrived when, in the judgment of the President of the United States, the care and conduct of the proper affairs of the State of North Carolina may be remitted to the constitutional authorities chosen by the people thereof, without danger to the peace and safety of the United States. By direction of the President, therefore, you are relieved from the trust which was heretofore reposed in you as provisional Governor of the State of North Carolina. Whenever the Governor elect shall have accepted and become qualified to discharge the duties of the executive office, you will transfer the papers and property of the State now in your custody to his excellency Governor Worth.

It gives me especial pleasure to convey to you the President's acknowledgment of the fidelity, loyalty, and discretion which have marked your administration.

You will please give me a reply, specifying the day on which this communication is received.

I have the honor to be your excellency's most obedient servant,

WILLIAM H. SEWARD.

His Excellency W. W. HOLDEN,
Provisional Governor of the State of North Carolina.

[A letter of similar purport has been addressed to each of the provisional Governors of South Carolina, Georgia, Alabama, Mississippi, and Florida.]

DEPARTMENT OF STATE,
Washington, December 4, 1865.

SIR: By direction of the President I have the honor herewith to transmit to you a copy of a communication which has been addressed to his excellency W. W. Holden, late provisional Governor of North Carolina, whereby he has been relieved of the trust heretofore reposed in him, and directed to deliver into your excellency's possession the papers and property relating to that trust.

I have the honor to tender you the co-operation of the government of the United States, wherever it may be found necessary, in effecting the early restoration and the permanent prosperity and welfare of the State over which you have been called to preside.

I have the honor to be, with great respect, your most obedient servant,

WILLIAM H. SEWARD.

His Excellency JONATHAN WORTH,
Governor of the State of North Carolina.

[A letter of similar purport has been addressed to each of the Governors of South Carolina, Georgia, Alabama, Mississippi, and Florida.]

MISSISSIPPI.

DEPARTMENT OF STATE,
Washington, June 13, 1865.

SIR: The President directs me to inform you that he has appointed you provisional Governor of the State of Mississippi. A copy of his proclamation, of this date, for the reorganization of the government of that State, is herewith communicated, and also an official oath, which you will cause to be administered to you by a magistrate competent for that purpose.

Your compensation will be at the rate of three thousand dollars a year, from this date. You may draw for it as it may become due, monthly or quarterly, directing your draft to this department.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

W. L. SHARKEY, Esq., *Washington, D. C.*

[Same, *mutatis mutandis*, to James Johnson, of Georgia; Andrew J. Hamilton, of Texas, and Benjamin F. Perry, of South Carolina.]

[For accompanying proclamation to foregoing letter see President's proclamation appointing William W. Holden provisional Governor of North Carolina.]

[Telegram.]

JACKSON, MISSISSIPPI, *July* 21, 1865.

Hon. W. H. SEWARD, *Secretary of State:*

A negro was murdered by a white man, neither of them belonging to or connected with the army. The crime is punishable under our law with death, as any other murder. The accused is in military custody in Vicksburg. General Slocum refuses to obey a writ of *habeas corpus* issued by a judge competent to issue, but claims the right to try him by military authority. If this be triable by military authority, why not all other crimes, and what is the use of civil government? The record will be sent on.

W. L. SHARKEY,
Provisional Governor.

[Telegram.]

WASHINGTON, *July* 24, 1865.

W. L. SHARKEY, *Provisional Governor, Mississippi, Jackson:*

Your telegram of the 21st has been received. The President sees no reason to interfere with General Slocum's proceedings. The government of the State will be provisional only, until the civil authorities shall be restored, with the approval of Congress. Meanwhile military authority cannot be withdrawn.

WILLIAM H. SEWARD.

DEPARTMENT OF STATE,
Washington, August 28, 1865.

SIR: I have submitted to the President the letters and papers which your excellency transmitted to me on the 12th of August last, and which show that a white man by the name of Jackson killed a negro man in Warren county, Mississippi, about fifty miles above Vicksburg. The military authorities at Vicksburg sent up a force, had Jackson arrested, brought to Vicksburg, and imprisoned. After advising with Governor Sharkey, Judge Merwin issued a writ of *habeas corpus* for Jackson, and General Slocum, the commander of the department, refused obedience to the writ. Merwin held his office as judge by the appointment of Governor Sharkey.

Upon due consideration of the state of affairs in Mississippi, as well as in several of the other States which have been afflicted by the evils of insurrection, the President is of the opinion that it is inexpedient to rescind the suspension of the writ of *habeas corpus* in the case which, in the papers named, you have submitted to him.

Anarchy must in any case be prevented, as the process of reorganization, though seemingly begun very well, nevertheless is yet only begun.

I have the honor to be your excellency's obedient servant,

WILLIAM H. SEWARD.

His Excellency WILLIAM H. SHARKEY,
Provisional Governor of Mississippi.

EXECUTIVE OFFICE,
Jackson, Mississippi, October 19, 1865.

SIR: I have the honor to inform you that Benjamin G. Humphreys, who was elected to the office of Governor of the State at the late election, has been duly installed into office, and that all the other State officers have been duly qualified. The civil constitutional government of the State is now complete, and the legislature is in session.

Very respectfully, your obedient servant,

W. L. SHARKEY,
Late Provisional Governor.

Hon. WILLIAM H. SEWARD,
Secretary of State.

[Telegram.]

WASHINGTON, *November* 3, 1866.

His Excellency WILLIAM L. SHARKEY,
Provisional Governor of Mississippi, Jackson:

Your letter of the 19th ultimo has been received. It is the expectation of the President that you will continue your functions as provisional Governor until further notice from this department.

WILLIAM H. SEWARD.

GEORGIA.

[For letter of notification from Secretary of State to James Johnson, see that to William L. Sharkey; and for the accompanying proclamation, see proclamation of May 29 appointing William W. Holden provisional Governor of North Carolina.]

[Telegram.]

DEPARTMENT OF STATE,
Washington, October 17, 1865.

J. JOHNSON, *Provisional Governor of Georgia, Milledgeville:*

Your letter of the 7th received. Send hither list of members elected to the convention in order that pardons may be issued. The amnesty oath may be taken by the members.

W. HUNTER,
Acting Secretary of State.

DEPARTMENT OF STATE,
Washington, October 17, 1865.

SIR: I have the honor to acknowledge the receipt of your excellency's letter of the 7th instant, in which you express a desire to be informed concerning the proceedings to be adopted with reference to those persons who have been elected to the convention, and who may be classed among those who are required to apply for pardon by the President's proclamation, and the form of oath to be administered to each member of the convention which is to assemble. In reply, I have, by direction of the President, to request you to forward to this department a list of the members of the convention who are liable in the manner indicated, in order that they may be pardoned, and to inform you that the amnesty oath is preferred for the purpose you mention.

I am your excellency's very obedient servant,

W. HUNTER, *Acting Secretary.*

His Excellency JAMES JOHNSON,
Provisional Governor of the State of Georgia, Milledgeville.

DEPARTMENT OF STATE,
Washington, October 25, 1865.

SIR: I have the honor to acknowledge the receipt of your excellency's letter on the 19th instant, naming those members of the convention who are excluded from amnesty by the President's proclamation. Thanking you for your prompt compliance with my request, I have to inform you, in reply, that your communication has been submitted to the Attorney General.

I have the honor to be your excellency's obedient servant,

W. HUNTER, *Acting Secretary.*

His Excellency JAMES JOHNSON,
Provisional Governor of the State of Georgia, Milledgeville.

[Telegram.]

MILLEDGEVILLE, *October* 27, 1865.

Hon. W. H. SEWARD:

We are pressed on the war debt. What should the convention do?

J. JOHNSON,
Provisional Governor of Georgia.

[Telegram.]

WASHINGTON, *October* 28, 1865.

His Excellency JAMES JOHNSON,
Provisional Governor of Georgia, Milledgeville:

Your several telegrams have been received. The President of the United States cannot recognize the people of any State as having resumed the relations of loyalty to the Union that admits as legal, obligations contracted or debts created in their name to promote the war of the rebellion.

WILLIAM H. SEWARD.

ALABAMA.

DEPARTMENT OF STATE,
Washington, June 21, 1865.

SIR: Herewith you will receive a copy of the President's proclamation of this date for the reorganization of the State of Alabama. Having been appointed provisional Governor for that purpose, a form of oath is also enclosed, which you will cause to be administered to you by a competent magistrate. You will proceed to Alabama, without unnecessary delay, and adopt such measures as to you may seem advisable for accomplishing the objects of your appointment. You will be allowed a compensation at the rate of three thousand dollars a year, for which you may draw monthly or quarterly as it may become due, sending your drafts to this department.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

LEWIS E. PARSONS, Esq.,
Appointed Provisional Governor of Alabama.

[For accompanying proclamation see proclamation of May 29 appointing William W. Holden provisional Governor of North Carolina.]

DEPARTMENT OF STATE,
Washington, November 4, 1865.

SIR: Your note of the third instant has been received and submitted to the President. He directs me to approve of the prudence and loyal spirit by which your communication is distinguished. For the present he deems it sufficient to say that the action of this government in regard to the questions which you have referred to him must, as far as possible, be reserved for the exercise of discretion as events shall occur. You will continue to exercise the functions heretofore confided to you as provisional Governor of Alabama until you shall be relieved by express direction of the President. The time when it shall be deemed suitable to relinquish any of those powers to authorities which may be constituted within the State cannot now be indicated.

I have the honor to be, sir, your obedient servant,

WILLIAM H. SEWARD.

His Excellency LEWIS E. PARSONS,
Provisional Governor of the State of Alabama, Montgomery.

SOUTH CAROLINA.

[For letter of notification from Secretary of State to Benjamin F. Perry see that to William L. Sharkey, and for the accompanying proclamation see proclamation of May 29 appointing William W. Holden provisional Governor of North Carolina.]

WILLARD'S HOTEL, *July* 21, 1865.

DEAR SIR: I desire to know what provision has been made for defraying the expenses of the provisional government in South Carolina; likewise whether I am allowed a private secretary and his compensation; also as to stationery, blanks, &c.

In your communication to me enclosing my commission you state that I am to receive a salary of $3,000, and may draw for the same on your department monthly or quarterly. As we have no money in South Carolina at this time, it would be a very great accommodation to me to allow me to draw a quarter's salary at this time. If this can be done, and you will send me a draft for the same, you will very much oblige me.

I would like to have as full instructions from you as to my duties as you can give. I have already issued my proclamation ordering an election for members of the convention, first Monday in September, and I can assure you that South Carolina will cheerfully take her position in the Union again as soon as Congress meets; she will have her senators and representatives there, with her new constitution abolishing slavery, giving the election of governor and presidential electors to the people, and abolishing the odious parish representation which has been the cause of all our troubles.

I am, with great respect and esteem, yours truly, &c.,

B. F. PERRY.

Hon. WILLIAM H. SEWARD,
Secretary of State.

DEPARTMENT OF STATE,
Washington, July 22, 1865.

SIR: I have received your letter of yesterday, and trust that the favorable anticipations which it expresses in regard to the reorganization of the State of South Carolina will be realized.

The inevitable and indispensable charges attending the measure, including your salary as provisional Governor, will be paid by the War Department as an expense incident to the suppression of the rebellion. You will, consequently, frame and submit to that department an estimate of those expenses, in order that the necessary arrangements for defraying them may be made.

I am, sir, your very obedient servant,

WILLIAM H. SEWARD.

His Excellency B. F. PERRY,
Provisional Governor of South Carolina, now in Washington.

DEPARTMENT OF STATE,
Washington, September 29, 1865.

SIR: I have had the honor to receive, and I have submitted to the President, your letter of August 28, in which you state—

"I desire to be instructed as to my duty after the State convention of South Carolina shall have formed a State constitution abolishing slavery and popularizing the organic laws of the State. It is probable that the convention will provide for the election of members of the legislature and the election of Governor by the people on the second Monday in October;"

And in which you solicit answers to the questions—

"When these elections have taken place, is it my duty to convene this new legislature as provisional Governor, or are my functions at an end when the new State government is organized? How long shall I continue to act as provisional Governor? Do my functions continue till the State is admitted back into the Union?"

In reply, I have the honor to inform you that the President does not think it now necessary to anticipate events. He will expect you to report proceedings and events as they occur in South Carolina, carefully and freely, for the information of this government. In any case, you will continue to exercise the functions heretofore vested in you by the President until you shall be relieved from that duty by his express orders to that effect.

Congratulating you upon the favorable aspect of events in your State, I have the honor to be your obedient servant,

WILLIAM H. SEWARD.

His Excellency B. F. PERRY,
Provisional Governor of South Carolina, Columbia.

[Telegram.]

WASHINGTON, *November* 6, 1865.

His Excellency B. F. PERRY, *Provisional Governor of South Carolina:*

Your despatch to the President of November 4 has been received. He is not entirely satisfied with the explanations it contains. He deems necessary the passage of adequate ordinances declaring that all insurrectionary proceedings in the State were unlawful and void *ab initio*. Neither the Constitution nor laws direct official information to the State of amendments to the Constitution submitted by Congress. Notices of the amendment by Congress abolishing slavery were nevertheless given by the Secretary of State at the time to the States which were then in communication with this government. Formal notice will immediately be given to those States which were then in insurrection.

The objection which you mention to the last clause of the constitutional amendment is regarded as querulous and unreasonable, because that clause is really restraining in its effect, instead of enlarging the powers of Congress. The President considers the acceptance of the amendment by South Carolina as indispensable to a restoration of her relations with the other States of the Union.

WILLIAM H. SEWARD.

[Telegram.]

DEPARTMENT OF STATE,
Washington, November 6, 1865.

His Excellency B. F. PERRY, *Columbia, South Carolina:*

Your telegram of yesterday is very gratifying to the President. I now find that the constitutional amendment was posted, immediately after its passage, to the Governors of all the States, without exception. The accidents of war, no doubt, prevented it from reaching the acting Governor of South Carolina, which was in rebellion.

WILLIAM H. SEWARD.

[Telegram.]

DEPARTMENT OF STATE,
Washington, November 9, 1865.

Governor PERRY, *Provisional Governor of South Carolina, Columbia, S. C.:*

The President directs me to write to you that an early adoption of the congressional amendment of the Constitution of the United States abolishing slavery by the South Carolina legislature, is deemed peculiarly important, and especially desirable with reference to the general situation of the Union.

WILLIAM H. SEWARD.

[Telegram.]

WASHINGTON, *November* 10, 1865.

His Excellency B. F. PERRY, *Provisional Governor of South Carolina:*

Your letter of the 4th instant is just now received. While much has been done in South Carolina that is conducive to peace and restoration, the President still thinks that it is impossible to anticipate events. He expects, therefore, that you will continue to exercise the duties heretofore devolved upon you as provisional Governor of South Carolina until you shall be relieved by his order. He observes with regret that neither the convention nor the State legislature has pronounced debts and obligations contracted in the name of the State for unconstitutional and even rebellious purposes to be void. He equally regrets that the State seems to decline the congressional amendment of the Constitution of the United States abolishing slavery. I telegraphed to you yesterday on the latter point, as follows: "The President directs me to write to you that an early adoption of the congressional amendment of the Constitution of the United States abolishing slavery by the South Carolina legislature is deemed peculiarly important, and especially desirable with reference to the general situation of the Union."

I have now only to say that the President's opinions before expressed remain unchanged.

WILLIAM H. SEWARD.

GREENVILLE, SOUTH CAROLINA,
November 17, 1865.

DEAR SIR: I have the honor of enclosing to you the adoption of the congressional amendment of the federal Constitution, abolishing slavery, by the legislature of South Carolina.

I am, with great respect, &c.,

B. F. PERRY.

Hon. W. H. SEWARD,
Secretary of State.

Whereas the Congress of the United States, by joint resolution approved on the first day of February, anno Domini 1865, proposed an amendment to the Constitution of the United States, which amendment is in the following words, to wit:

ARTICLE XIII.—Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the limits of the United States or any place subject to their jurisdiction.

SECTION 2. Congress shall have power to enforce this article by appropriate legislation:

1. *Resolved therefore by the senate and house of representatives of the general assembly of the State of South Carolina in general assembly met, and by the authority of the same,* That the aforesaid proposed amendment of the Constitution of the United States be, and the same is hereby, accepted, and adopted and ratified by this State.

2. *Resolved,* That a certified copy of the foregoing preamble and resolution be forwarded by his excellency the provisional Governor to the President of the United States, and also to the Secretary of State of the United States.

3. *Resolved,* That any attempt by Congress towards legislating upon the political status of former slaves, or their civil relations, would be contrary to the Constitution of the United States as it now is, or as it would be altered by the proposed amendment, in conflict with the policy of the President, declared in his amnesty proclamation, and with the restoration of that harmony upon which depends the vital interests of the American Union.

IN THE SENATE,
Columbia, South Carolina, November 13, 1865.

I hereby certify that the foregoing is a correct copy of resolutions this day passed by both houses of the general assembly.

WM. E. MARTIN,
Clerk of the Senate.

The words "*limits of the*" are erroneously inserted in the fifth line of the Article XIII as copied in the above.

WM. E. MARTIN,
Clerk of the Senate.

[Telegram.]

DEPARTMENT OF STATE,
Washington, November 20, 1865.

His Excellency B. F. PERRY,
Provisional Governor of South Carolina, Greenville, South Carolina:

Your despatch of this date was received at half-past 10 o'clock this morning. This freedom of loyal intercourse between South Carolina and her sister States is manifestly much

better and wiser than separation. The President and the whole country are gratified that South Carolina has accepted the congressional amendment to the Constitution abolishing slavery. Upon reflection, South Carolina herself would not care to come again into the councils of the Union incumbered and clogged with debts and obligations which had been assumed in her name in a vain attempt to subvert it. The President trusts that she will lose no time in making an effective organic declaration disavowing all debts and obligations created or assumed in her name or behalf in aid of the rebellion. The President waits further events in South Carolina with deep interest.

You will remain in the exercise of your functions of provisional Governor until relieved by his express direction.

WILLIAM H. SEWARD.

GREENVILLE, SOUTH CAROLINA,
November 20, 1865.

DEAR SIR: I have the gratification of informing you that the legislature of South Carolina adopted the congressional amendment of the federal Constitution, abolishing slavery, by a very large vote last Monday. I had left Columbia, or I would have informed you of it sooner. I hope this will open the doors of Congress to our members.

B. F. PERRY,
Provisional Governor.

Hon. W. H. SEWARD.

DEPARTMENT OF STATE,
Washington, November 27, 1865.

SIR: Your letter of the 17th instant, enclosing a certified copy of the resolutions of the general assembly of the State of South Carolina, adopted on the 13th instant, ratifying the amendment proposed by Congress in February last to the Constitution of the United States, prohibiting slavery, &c., has been received, and, with its enclosure, placed on file in this department.

I am your obedient servant,

WILLIAM H. SEWARD.

BENJAMIN F. PERRY, Esq.,
Provisional Governor of South Carolina, Greenville, South Carolina.

[Telegram.]

COLUMBIA, *November* 27, 1865.

Hon. W. H. SEWARD:

Your telegram of the 20th instant was not received in due time, owing to my absence from Columbia. The convention having been dissolved, it is impracticable to enact any organic law in regard to the war debt. That debt is very small, as the expenditures of South Carolina were reimbursed by the confederate government. The debt is so mixed up with the ordinary expenses of the State that it cannot be separated. In South Carolina all were guilty of aiding the rebellion, and no one can complain of being taxed to pay the trifling debt incurred by his own account in perfect good faith. The convention did all that the President advised to be done, and I thought it wrong to keep a revolutionary body in existence, and advised their immediate dissolution, which was done. There is now no power in the legislature to repudiate the debt, if it were possible to separate it from the other debts of the State. Even then it would fall on widows and orphans whose estates were invested in it for safety.

B. F. PERRY,
Provisional Governor.

DEPARTMENT OF STATE,
Washington, November 30, 1865.

SIR: I have the honor to acknowledge the receipt of your telegram of the 27th instant informing me that, as the convention had been dissolved, it was impossible to adopt the President's suggestion to repudiate the insurgent debt, and to inform you that while the objections which you urge to the adoption of that proceeding are of a serious nature, the President cannot refrain from awaiting with interest an official expression upon that subject from the legislature.

I have the honor to be, sir, your obedient servant,

WILLIAM H. SEWARD.

His Excellency B. F. PERRY,
Provisional Governor of the State of South Carolina, Columbia.

FLORIDA.

DEPARTMENT OF STATE,
Washington, July 14, 1865.

SIR: I am directed by the President to inform you that on yesterday he appointed you provisional Governor of the State of Florida. A copy of his proclamation for the organization of that State is herewith enclosed, which will serve to guide you in the discharge of your duties. You will also herewith receive a form of an official oath, which you will cause to be administered to you, and will then return the same for file in this department.

Your compensation will be at the rate of three thousand dollars a year, which you can receive monthly or quarterly, as you may prefer, on directing your drafts to this department.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM MARVIN, Esq., *Washington.*

OFFICE OF THE PROVISIONAL GOVERNOR,
Tallahassee, Fla., August 29, 1865.

SIR: I arrived in Jacksonville on the 2d of August, made a speech to the people on the 3d, and issued from the press on the same day a printed address, which I have heretofore sent you. I left Jacksonville on the 7th, on my way to Tallahassee. The people, being advertised of my route, met me at Lake City and at Madison, at both of which places I made a speech. I was received at Tallahassee and addressed by a committee of the citizens in a formal manner. I have seen and conversed with people from all parts of the State. The result of my observations is that the people have had quite enough of war: that they are quite willing to accept the new order of things as settled. I think they are prepared to incorporate into their State constitution all necessary provisions to secure the freedom of all men alike, without distinction of color, and they regard the whole doctrine of secession as an exploded political heresy. They will be disposed to elect loyal men to Congress. In short, I am at present hopeful as to the future political status of the State. My apprehensions for the future are founded on the social condition of the people—of two races nearly equal in numbers being able to live in peace and harmony together.

Both races are at present under the discipline of military rule—living in peace and tolerable harmony. The negroes generally remain on the plantations under contracts for labor and wages or a part of the crop.

Much credit is due to Brigadier General Vogdes, who was the first to take military occupation of the country, for the good sense and sound principles he displayed in his general orders regulating the police and labor of the country.

Major General Foster co-operates with me cheerfully in everything I desire.

I have the honor to be, very respectfully, your obedient servant,

WILLIAM MARVIN,
Provisional Governor.

Hon. WILLIAM H. SEWARD,
Secretary of State.

PROCLAMATION.

* * * * * * * *

Tenth. Upon the establishment of a republican form of State government, under a constitution which guarantees and secures liberty to all the inhabitants alike, without distinction of color, there will no longer exist any impediment in the way of restoring the State to its proper constitutional relations to the government of the United States, whereby its people will be entitled to protection by the United States against invasion, insurrection, and domestic violence.

Given at Tallahassee, Florida, this 23d day of August, 1865.

WILLIAM MARVIN,
Provisional Governor.

SAMUEL J. DOUGLAS, *Private Secretary.*

AUGUST 26, 1865

DEPARTMENT OF STATE,
Washington, September 12, 1865.

SIR: Your excellency's letter of the 29th ultimo, with the accompanying proclamation, has been received and submitted to the President. The steps to which it refers, towards reorganizing the government of Florida, seem to be in the main judicious, and good results from

them may be hoped for. The presumption to which the proclamation refers, however, in favor of insurgents who may wish to vote, and who may have applied for, but not received, their pardons, is not entirely approved. All applications for pardons will be duly considered, and will be disposed of as soon as may be practicable. It must, however, be distinctly understood that the restoration to which your proclamation refers will be subject to the decision of Congress.

I have the honor to be your excellency's obedient servant,

WILLIAM H. SEWARD.

His Excellency WILLIAM MARVIN,
Provisional Governor of the State of Florida, Tallahassee.

[Telegram.]

TALLAHASSEE, FLORIDA, *November* 18, 1865.

Hon. WILLIAM H. SEWARD, *Secretary of State:*

Since the legislatures of Alabama, Georgia, and other southern States meet before the Florida legislature does, and if they should ratify the proposed amendment to the Constitution of the United States, then the Florida legislature will do the same; otherwise there will be difficulty on the subject.

WM. MARVIN,
Provisional Governor of Florida.

[Telegram.]

DEPARTMENT OF STATE,
Washington, November 20, 1865.

His Excellency W. MARVIN,
Provisional Governor of Florida, Tallahassee:

I have received and laid before the President your despatch of the 18th instant. While you inform us of several good things done in Florida, you at the same time inform us that if Alabama, Georgia, and other southern States, whose legislatures are to meet before the Florida legislature, accept the congressional amendment of the Constitution of the United States abolishing slavery, in that case the Florida legislature will accept it; but otherwise there will be difficulty on the subject.

The President hopes you are mistaken in regard to this evidence of a disposition on the part of Florida to make her resumption of loyal relations to the Union depend upon a condition which seems to him to be improper and inadmissible. He trusts that she will promptly accept the constitutional amendment.

You will continue to exercise the functions of Governor in the State of Florida, heretofore confided to you, until relieved by the express direction of the President.

WILLIAM H. SEWARD.

NORTH CAROLINA.

[Telegram.—Received 1.30 p. m., September 21.]

RALEIGH, NORTH CAROLINA, *September* 21, 1865.

To the PRESIDENT:

SIR: I have decided that a person who belongs to the excluded classes cannot vote; so they cannot sit in convention unless they exhibit their pardons. Ex-Governor Graham, of Orange, in a letter published in the newspapers, holds that unpardoned persons can sit in the convention. He declines being a candidate, but urges this view. Am I right or wrong? The letter to ex-Governor Graham, to which he replies, taking this view, does not show a good spirit.

The election here is progressing quietly. A large vote will be polled in the State. I will telegraph you as the returns come in.

W. W. HOLDEN,
Provisional Governor.

[Telegram.]

EXECUTIVE OFFICE,
Washington, D. C. September 21, 1865.

Governor W. W. HOLDEN, *Raleigh, North Carolina*:

Your decision is correct—that under the proclamation they cannot vote for members, or sit in convention as members, without first being pardoned or taking the amnesty oath. If the party comes within any one of the exceptions, he must obtain a pardon before voting or sitting as a member. All those who are aspirants to seats in the convention, and are elected, will be pardoned upon your recommendation and a submission of their names by telegraph.

ANDREW JOHNSON,
President United States.

[Telegram.]

RALEIGH, *North Carolina, September* 23, 1865

His Excellency the PRESIDENT:

One-half of the State has been heard from; result very gratifying. Such men as Pearsons, Reade, Moore, Warren, Donnell, Dockey, Caldwell, Dick, Brown, Phillips, Poole, Benum, Little, Boyden, Thompson, Buxton, Lash, Starbuck, Gilliam, Grisson, Wright, Smith of Johnson, Logan, and Morris, are elected; also Satterthwaite. Please have pardons forwarded for the following members elect:

John Pool McGuhee, Daniel L. Russel, sr., M. T. Manly, A. B. Baines, D. G. McRae, (not D. D. K.,) John B. O'Dunn, C. Perkins, Alfred Dockerey, C. Harris, C L. Cowle—all sound, and all but one or two ultra Union men. I look for a short and harmonious session of the convention. The ultra Union or strictest sect sentiment will control in everything.

W. W. HOLDEN,
Provisional Governor.

[Telegram.]

RALEIGH, NORTH CAROLINA, *September* 25, 1865.

Hon. ANDREW JOHNSON:

Please include in the list of pardons of members elect to the convention A. A. McKay, of Sampson. His application filed marked suspended, but he is now thoroughly sound. I am sorry to state that Judge K. M. Pearson has been defeated. The returns generally are very satisfactory. Quite a large vote has been polled. You would greatly oblige me by having all the pardons for this State made out and forwarded.

W. W. HOLDEN,
Provisional Governor.

[Telegram.—Received 10 p. m.]

RALEIGH, NORTH CAROLINA, *September* 29, 1865.

The PRESIDENT *of the United States:*

SIR: I have received the pardons of all delegates elected to the convention except the following: M. E. Manly, of Craven county; D. G. McRea, of Cumberland county; A. B. Barnes, of Nash county; A. A. McKay, of Sampson county.

Please telegraph at once that these persons are pardoned, so that I can admit them to their seats on the assembling of the convention.

Very respectfully,

W. W. HOLDEN,
Provisional Governor.

[Telegram.—Received 12.40 p. m.]

RALEIGH, NORTH CAROLINA, *September* 30, 1865.

The PRESIDENT *of the United States:*

SIR: I have now received pardons for all the members elected to the convention except M. E. Manly, of Craven county. Please telegraph me that he has been pardoned, so that he can take his seat in the convention.

Very respectfully,

W. W. HOLDEN.

MISSISSIPPI.

[Telegram.—Sent in cipher.]

EXECUTIVE OFFICE,
Washington, D. C., August 15, 1865.

Governor W. L. SHARKEY, *Jackson, Mississippi:*

I am gratified to see that you have organized your convention without difficulty. I hope that without delay your convention will amend your State constitution, abolishing slavery and denying to all future legislatures the power to legislate that there is property in man; also that they will adopt the amendment to the Constitution of the United States abolishing slavery. If you could extend the elective franchise to all persons of color who can read the Constitution of the United States in English and write their names, and to all persons of color who own real estate valued at not less than two hundred and fifty dollars, and pay taxes thereon, you would completely disarm the adversary and set an example the other States will follow. This you can do with perfect safety, and you thus place the southern States, in reference to free persons of color, upon the same basis with the free States. I hope and trust your convention will do this, and, as a consequence, the radicals, who are wild upon negro franchise, will be completely foiled in their attempt to keep the southern States from renewing their relations to the Union by not accepting their senators and representatives.

ANDREW JOHNSON,
President of the United States.

[Telegram.]

EXECUTIVE MANSION,
Washington, D. C., August 21, 1865.

Governor W. L. SHARKEY, *Jackson, Mississippi:*

Your despatch* received. I am much gratified to hear of your proceedings being so favorable. If you need military force to preserve order and enforce the law, you will call upon the commandant of the department, General Slocum, who will furnish whatever force is needed.

I would not organize the militia until further advances are made in the restoration of State authority. The military authority and the suspension of the writ of habeas corpus will be withdrawn at the earliest moment it is deemed safe to do so. Your convention can adopt the amendment to the Constitution of the United States, or recommend its adoption by the legislature. You no doubt see the turn that is being given to the attempts in the south to restore State governments by the extreme men in the north; hence the importance of being prompt and circumspect in all that is being done.

The proceedings in Mississippi will exert a powerful influence on the other States which are to act afterwards.

God grant you a complete success, and that your doings will set an example that will be followed by all the other States.

ANDREW JOHNSON,
President of the United States.

GEORGIA.

[Telegram.—Received 9 a. m., 28th.]

MILLEDGEVILLE, GA., *October* 27, 1865.

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

We need some aid to repeal the war debt. Send me word on the subject. What should the convention do?

J. JOHNSON,
Provisional Governor of Georgia.

[Telegram.]

EXECUTIVE OFFICE,
Washington, D. C., October 28, 1865.

JAMES JOHNSON, *Provisional Governor, Milledgeville, Ga.:*

Your despatch has been received. The people of Georgia should not hesitate one single moment in repudiating every single dollar of debt created for the purpose of aiding the rebellion against the government of the United States. It will not do to levy and collect taxes

*The despatch referred to is not found among the records of the Executive Office.

from a State and people that are loyal and in the Union, to pay a debt that was created to aid in an effort to take them out, and thereby subvert the Constitution of the United States. I do not believe the great mass of the people of the State of Georgia, when left uninfluenced, will ever submit to the payment of a debt which was the main cause of bringing on their past and present suffering, the result of the rebellion. Those who vested their capital in the creation of this debt must meet their fate, and take it as one of the inevitable results of the rebellion, though it may seem hard to them. It should at once be made known, at home and abroad, that no debt contracted for the purpose of dissolving the Union of the States can or ever will be paid by taxes levied on the people for such purpose.

ANDREW JOHNSON,
President of the United States.

[Telegram.—Received 2.50 p. m., November 24.]

MILLEDGEVILLE, GEORGIA, *November* 21, 1865.

ANDREW JOHNSON, *President of the United States:*

No members of Congress elected can take the oath. Shall I issue certificates of election? The legislature will probably be to some extent impracticable and refractory. I am inclined to think a suspension of pardons might have a salutary effect. I shall be a candidate for the Senate, and of course will be defeated.

J. JOHNSON, *Provisional Governor.*

[Telegram.—Received 8.10 p. m.]

MILLEDGEVILLE, GEORGIA, *November* 24, 1865.

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

Will the inauguration of the Governor elect relieve me of duty? Please give me directions.

J. JOHNSON, *Provisional Governor.*

[Telegram.]

EXECUTIVE OFFICE,
Washington, D. C., November 26, 1865.

JAMES JOHNSON, *Provisional Governor, Milledgeville, Georgia:*

You will continue to act as provisional Governor of Georgia until relieved and your successor recognized by the government. At present, as provisional Governor, I would issue no certificates of election to members of Congress elect. If I understand your despatch, none of the members elect to Congress from Georgia can take the oath of office, as it now stands. Please advise me of their real status as to loyalty and qualification, in regard to disability, under the law and the Constitution. I regret to hear that you have apprehensions as to the action of your legislature, and hope that all will come out right.

You will accept the approbation of the government for the loyal and efficient manner in which you have discharged your duty as provisional Governor.

ANDREW JOHNSON,
President of the United States.

[Telegram.—Received 8 p. m.]

MILLEDGEVILLE, GEORGIA, *December* 10, 1865.

His Excellency ANDREW JOHNSON:

Your message is generally well received, and I think I can safely assure you that you may rely upon the legislature and the Governor elect to co-operate with you in the policy you have adopted and recommended. I am of opinion that the situation will be still further improved by allowing the inauguration of the Governor, if it is agreeable to your views and policy. So believing, I respectfully ask that I may be relieved. This, I think, can safely be done, and such are the assurances given me by the friends of the administration.

J. JOHNSON, *Provisional Governor.*

[Telegram.—Sent 11.25 a. m.]

EXECUTIVE OFFICE,
Washington, D. C., December 11, 1865.

JAMES JOHNSON, *Provisional Governor, Milledgeville, Georgia:*

The Governor elect will be inaugurated, which will not interfere with you as provisional Governor. You will receive instructions in a few days in regard to being relieved as provisional Governor.

Why can't you be elected as senator? I would issue no commissions for members of Congress; leave that for the incoming Governor.

We are under many obligations to you for the noble, efficient, and patriotic manner in which you have discharged the duties of provisional Governor, and you will be sustained by the government.

ANDREW JOHNSON,
President of the United States.

[Telegram.—Received 7.20 p. m.]

COLUMBIA, SOUTH CAROLINA, *November* 27, 1865.

President JOHNSON:

Will you please inform me whether the South Carolina members of Congress should be in Washington at the organization of the House. Will the Clerk of the House call their names if their credentials are presented to him? Will the test oath be required, or will it be refused by Congress? If the members are not allowed to take their seats, they do not wish to incur the trouble and expense of going on, and the mortification of being rejected. Do give your views and wishes.

B. F. PERRY, *Provisional Governor.*

[Telegram.]

EXECUTIVE OFFICE,
Washington, D. C., November 27, 1865.

B. F. PERRY, *Provisional Governor, Columbia, South Carolina:*

I do not think it necessary for the members elect from South Carolina to be present at the organization of Congress. On the contrary, it will be better policy to present their certificates of election after the two houses are organized, and then it will be a simple question under the Constitution of the members taking their seats. Each house must judge for itself the election returns and qualifications of its own members. As to what the two houses will do in reference to the oath now required to be taken before the members can take their seats is unknown to me, and I do not like to predict; but, upon the whole, I am of opinion that it would be better for the question to come up and be disposed of after the two houses have been organized.

I hope that your legislature will adopt a code in reference to free persons of color that will be acceptable to the country, at the same time doing justice to the white and colored population.

ANDREW JOHNSON,
President of the United States.

[No. 11.]

NEW YORK, *Tuesday, December* 18, 1866.

THOMAS J. BARR sworn and examined.

By Mr. BROOMALL:

Q. You are of the firm of Phelps & Barr?

A. There is no such firm existing. We were associated together in regard to the general order business; that was all.

Q. Had you any interview with Mr. Smythe himself?

A. Yes, sir; I had two interviews with him.

Q. Will you state whether you made, or he entertained, any proposition for the purchase of the general order business?

A. When we went to him we had a letter from the President to him, recommending us to have the general order business from the Battery to Fifty-ninth street, North river. He said it was given out, except a portion he had reserved for himself.

Q. Can you give us the date of this application?

A. I could not now. It was within two weeks after he was confirmed as collector, I think—the same week he came back from Washington; it was within three days after he came back.

Q. Do you know whether it was before or after his negotiation with Miller & Conger?

A. I do not know whether it was before or after, but it must have been after, for he said it was all given out.

Q. Were you offering money for the business?

A. No, sir.

Q. Was anything said by him about money being necessary for the purpose?

A. He would not talk much about the North river side, but he said he had been offered a certain amount of money for the East river side. He told me the amount he was offered, but I cannot remember what it was now. He said he might probably give us a portion of the East river side. We took it for granted that if we offered a little more than what he said he had been offered we could have got all the East river side.

Q. Did he tell you for what amount the North river side had been disposed of?

A. He did not; but he said, "You know, gentlemen, the North river general order business is the big plum for the collector." That was the expression used.

Q. Do you know whether that business had been sold under previous collectors?

A. I do not; only from hearsay.

Q. Do you know a female by the name of Mrs. Perry?

A. Yes; I know her to this extent, that Mr. Phelps introduced her to me as a familiar acquaintance of the President, and one who had influence with him, which she could use to induce him to give us this general order business.

Q. Did you make any arrangement with her?

A. She was to have one-third of the profits of the business if we got it.

Q. Was there a written agreement to that effect?

A. There was.

Q. You did not know her before Mr. Phelps introduced her to you?

A. No; I never saw her but three times altogether, once in Washington and twice here.

Q. What proof did she exhibit to you to satisfy you she had influence with the President?

A. I think she showed me a letter, but I am not sure whether it was then or afterwards.

Q. Did she show you at one time a letter from the President?

A. I would not like to say positively she did, but my impression is that she did. I would like to think this matter over before giving a positive answer. She showed me some letters and papers, and I think she showed me a letter from the President.

Q. Do you know where she lives?

A. I think she lives in Cincinnati.

Q. You were to give her one-third of the profits?

A. Mr. Phelps made the bargain with her in Washington. I was present after they came back, when the matter was all talked over again.

Q. She was to get you the business, and then to have one-third of the profits?

A. Yes, sir.

Q. Do you know anything of this woman since?

A. I do not. After we had presented the recommendation which the Presi-

dent gave us to Mr. Smythe, and had been treated so cavalierly by him, we wrote to Mrs. Perry that if she did not get a more imperative letter from the President than the one she sent, we could not do anything with Mr. Smythe. It appears the President then said to her, when she again saw him, that he had done all he could for her. She then came on here and saw Mr. Smythe, and I think there was some arrangement made between them. She told us Smythe said she should drop the two gentlemen who were connected with her?

Q. Then the letter she exhibited to you was not that letter?

A. No.

Q. Do you recollect the contents of that letter?

A. The letter was written by Mr. Raymond, recommending Mr. Phelps for some position, and it was also signed by several other Congressmen, and the President endorsed it.

Q. Was the letter she showed you such a one as to impress you with the opinion that she had influence with the President?

A. I believed she had influence with the President, but I cannot say what made me think so; whether it was from her own conversation or from a letter she showed me I cannot say. Mr. Phelps had all the negotiation with her in this matter. Mr. Smythe told me at the first interview I had with him that he had to give away part of the North river storage business to get confirmed. His words were, he had to provide for parties in Washington in order to get confirmed.

Q. Did he name any of the parties?

A. He did.

Q. Tell us who he named.

A. He said a portion of it was to be given to Senator Doolittle's son.

Q. Did he mention any other persons?

A. No; if he did I cannot recollect them now.

Witness put in copies of the following letters, originals of which were, he thought, with Collector Smythe:

NEW YORK, *January* 25, 1866.

RESPECTED AND DEAR SIR: We beg leave to make application to have our warehouses designated as the general order warehouses, to receive unclaimed goods from vessels discharging at this port and lying at the wharves on the North river side of the city, from the Battery to pier No. 59, under the same rules and regulations that now exist in relation to such special warehouses.

THOMAS J. BARR.
EDWARD R. PHELPS.

His Excellency ANDREW JOHNSON,
President of the United States.

WASHINGTON, D. C., *January* 25, 1866.

Mr. E. R. Phelps being highly recommended by the Hon. Henry J. Raymond and other representatives from the State of New York, I shall be glad if the general order warehouse business from the Battery to pier No. 59, on the North river, can, consistently with the interests of the government, be given to Messrs. Thomas J. Barr and Edward R. Phelps.

ANDREW JOHNSON.

I have already favorably endorsed the application of Edward R. Phelps and Thomas J. Barr for the general order business from the Battery to pier No. 59, on the North river, New York city. I hope they may receive the appointment from the collector of customs.

ANDREW JOHNSON.

Mr. Barr being requested to give the Committee his opinion of the general order business, made the following statement:

The practice has heretofore been for the collector to assign the general order business to certain persons, allowing them to locate the warehouses for the reception of the goods at such points as they might see fit to locate them at, without regard to the interests of the public. My suggestion is, that those warehouses should be located, by authority from the government, at points on both

rivers that would be most conducive to the interests of the public at large. The present warehouse for the North river goods is, I am informed, at the corner of Bank street and Eleventh avenue. Goods that are landed at the foot of Fulton street must be trucked, I think, two miles up town to this place, and when wanted by the importers, nine-tenths of whom live down town, have to be brought back the same distance; and the four or five additional cartage rates they have to pay are not the only annoyance the merchants are subjected to by this arrangement, but they also run the risk of having their goods injured by the weather during their transit. This is wrong; and if the collector fails to make such changes as are required to correct it, Congress should take the matter into its own hands. It is not the charges for warehousing alone that cause this general dissatisfaction, but it is the manner in which the business is conducted. For instance, there is some difficulty in regard to the marks on some packages of goods, and, instead of having the warehouse convenient to the merchant, he is obliged to go miles out of his way to have them corrected, when it could be done within a half a mile of his store if the warehouse was situated where it ought to be.

A great many complaints are made about the rates charged under general order stores, but in many instances they are less than merchants contract to pay in private bonded warehouses. In 1857 the Chamber of Commerce established a tariff of rates for this storage, which was accepted by the public and by the Treasury Department. That was previous to the war, when the labor was at a very low rate. Mr. Barney, when he was collector, added 150 per cent. to these rates; and Mr. Draper, immediately upon assuming office, reduced the 150 per cent. added by Mr. Barney to 60 per cent. In 1857 the rate of labor was fifteen cents per hour; the highet rate was eighteen cents, and some of the warehouses only paid twelve and a half cents. We now pay forty cents an hour. As general order goods rarely remain in store more than a month, labor is an important item in the charge for storage. We have to pay now nearly 300 per cent. increase on the rates of 1857; but we were only allowed by the ruling of Mr. Draper to charge 60 per cent. The rates of 1857 were based upon labor at fifteen cents an hour; now, when labor is forty cents an hour, should we not be entitled to more than 60 per cent. increase? If you attempt to charge the merchants more than the 60 per cent. they will not pay it, but will go down to the custom-house and have the bill corrected according to the rates of 1857, with the 60 per cent. added. If we say to them "We will not warehouse your goods for these rates," they will say "We don't care, the rate for general order goods is fixed." There are cases where we could get a dollar for storage we are compelled to accept at sixty-four cents under general orders. In fact, a neighbor of ours, in a private store, where the expense is less than in a bonded store, is receiving $1 25 for crate storage. Another difficulty in the general order business is this: Under general orders we are compelled to take whatever may be sent to us—that is, if it is safe to take it into the store. We may receive one package of an invoice, or we may receive ten or a hundred; and we never know the goods are to be delivered, or when they may be wanted In private warehousing, a warehouseman always receives a specification of the goods, and knows how to put them up in reference to their easy and convenient delivery when called for. In general orders the want of a knowledge of this fact entails additional expense.

The stores set apart for the receipt of general order goods are always expected to be ready to receive all the goods that are sent to general order within the district. The result is, that a large space is kept vacant, waiting for them, which often might be filled with private bonded goods. There were many lofts in our store which might have been filled with goods at remunerative storage prices, but which we were compelled to keep empty, not knowing when the general order goods would arrive. It has sometimes been proposed to make all

stores general order stores. The objection to that is, if all stores were made general order stores, and liable to receive general order goods, not knowing when these goods would come in, they might be filled with private goods, and when the general order goods came there would be no room for them. For that reason particular stores should be designated.

The rate of insurance on a general order store is ten cents on the $100 more than on a private bonded warehouse. And if one load of general order goods were taken into a private bonded warehouse the underwriters would increase the rates at once that amount on all the goods in the store. I think you will see that, for all these reasons, a general order store should receive a larger compensation for the goods stored there than a private bonded warehouse should. Sometimes it has happened that we have taken a good deal of goods made up in single packages, and have been obliged to store them altogether. When at a subsequent period one of these packages would be called for, it required a great amount of labor to find and deliver it.

In regard to the rates established by the Chamber of Commerce I will say: The Chamber of Commerce is composed of merchants whose interests are, of course, to have their goods stored as cheaply as possible, and it is not, therefore, best that they should have the fixing of the rates. I would suggest that these rates should be fixed by a committee appointed by Congress, together with a committee appointed by the Chamber. This would be the fairest way of doing it where there are such conflicting and antagonistic interests. I don't know that there is one warehouseman a member of that body.

NEW YORK, *January* 15, 1867.

THOMAS J. BARR recalled and examined.

By the CHAIRMAN:

Q. Did you ever have an interview with Mr. Johnson in reference to the general order business?

A. Yes.

Q. Who was with you?

A. Mrs. Perry; and myself and Mr. Johnson talked about the matter. There were several others in the room at the same time. The President did not know what the business was, and I explained it to him. He then told his secretary to write a letter to the collector of the port of New York, telling him to give the general order business from pier 59, North river, to the Battery to Messrs. Barr & Phelps if it would be no injury to the government. We had a written agreement with Mrs. Perry, by which she was to receive one-third of the profits of the business.

Q. Was that known to the President?

A. Not through me; but at the interview we all talked together.

Q. Did the President seem to be aware of the arrangement?

A. I should say he did by the way he acted.

Q You had previously a written agreement with her; had she this agreement?

A. She had a copy of it.

Q. Did you leave her with the President?

A. No; we went out together.

Q. Was the letter written to Mr. Smythe?

A. Yes.

Q. Did you bring that letter to Mr. Smythe?

A. I did.

(The Chairman here read a letter.)

Q. Was this the letter?

A. It was; but there was another letter I think a little stronger.

Q. Did you ever have an interview with Mr. Smythe after his confirmation?

A. Yes.

Q. Was this letter handed then to Mr. Smythe?

A. Yes. He said he had to make arrangements with that business to get confirmed, and that he had but a very little portion of it for himself, but that he might give us a part of that portion.

Q. Have you these letters?

A. I think I can produce them.

[No. 12.]

LETTER OF THE SECRETARY OF WAR, COMMUNICATING, IN COMPLIANCE WITH A RESOLUTION OF THE SENATE OF THE 13TH INSTANT, INFORMATION IN RELATION TO PERSONS IN THE EMPLOYMENT OF THAT DEPARTMENT WHO HAVE NOT TAKEN THE OATH PRESCRIBED BY LAW, AND TO PERSONS APPOINTED TO OFFICE NOT AUTHORIZED BY LAW.

WAR DEPARTMENT,
Washington City, December 15, 1865.

SIR: I have the honor to acknowledge the receipt of the following resolution of the Senate:

Whereas it is provided by act of Congress that every person in the civil, military, or naval departments of the public service, except the President of the United States, shall, before entering upon the duties of his office, and before being entitled to any of the salary or other emoluments thereof, take and subscribe a certain oath in prescribed form; and it is further provided in another act of Congress, (February 9, 1863, section 2, chapter 25,) that "no money shall be paid from the treasury of the United States to any person acting as an officer, civil, military, or naval, as salary in any office, which office is not authorized by some previously existing law, unless where such office shall be subsequently sanctioned by law;" and whereas it is reported that, notwithstanding these acts of Congress, certain persons have been allowed to enter upon the duties of office, and to receive the salary and emoluments thereof without taking the prescribed oath, and certain other persons have been appointed to offices "not authorized by any previously existing law;" Therefore

Resolved, That the Secretary of the Treasury and the Secretary of War be requested, so far as the records of their respective departments allow, to inform the Senate whether any persons have been permitted to enter upon the duties of office, and receive the salary and emoluments thereof, without taking the oath prescribed by Congress; or, if they have taken it, adding thereto explanations; and, also, whether persons have been appointed to any office "not authorized by any previously existing law;" and if any persons have been so permitted or appointed, then to report if the same have received any salary or emoluments, and what they were, and out of what fund they have been paid, with reasons for such permission or appointment, and also the explanation, if any, assigned by such parties at the time of taking such oath.

And in reply thereto, I respectfully state:

First. That the records of this department do not furnish any information, except in the case hereinafter mentioned, upon the inquiry whether any persons have been permitted to enter upon the duties of office and receive the salary and emoluments thereof without taking the oath prescribed by Congress, or whether they have taken it, adding thereto explanations, or whether persons have been appointed to any office not authorized by any previously existing law, or whether any persons so permitted or appointed have received any salary or emoluments.

Second. That the records of this department do show that the persons hereinafter named, who were appointed provisional Governors of States recently in insurrection, have received compensation for their services to the United States government out of the contingent fund of the War Department at the same rate allowed to Andrew Johnson, military Governor of the State of Tennessee, under his appointment of March 3, 1862, viz: at the rate of $3,000 per annum, to wit:

W. W. Holden, provisional Governor of North Carolina	$1,750
B. F. Perry, provisional Governor of South Carolina	750
Lewis J. Parsons, provisional Governor of Alabama	1,000
James Johnson, provisional Governor of Georgia	1,000

Third. That in August last an office was organized in the Adjutant General's bureau for the collation, safe-keeping, and preservation of the rebel archives, and Doctor Francis Lieber was appointed chief of that bureau. The reason for this appointment was the necessity of having those archives collated by a publicist of known character and reputation, in order that they might be available to the government without delay. He has received the sum of $1,447 84 out of the provost fund in charge of the Adjutant General. It was the expectation that if this appointment should be considered unauthorized by any existing law, its obvious necessity would be sanctioned by Congress. No other appointment in this department has been made not authorized by existing law, and this is believed to be within the scope of the authority for appointments in the War Department.

Very respectfully, your obedient servant,

EDWIN M. STANTON,
Secretary of War.

Hon. L. F. S. FOSTER,
President of the Senate.

[No. 13.]

LETTER OF THE SECRETARY OF THE TREASURY, COMMUNICATING, IN COMPLIANCE WITH A RESOLUTION OF THE SENATE OF THE 13TH INSTANT, INFORMATION IN RELATION TO PERSONS IN THE EMPLOY OF THAT DEPARTMENT WHO HAVE NOT TAKEN THE OATH PRESCRIBED BY LAW, AND TO PERSONS APPOINTED TO OFFICE NOT AUTHORIZED BY LAW.

TREASURY DEPARTMENT, *December* 18, 1865.

SIR: I have the honor to acknowledge the receipt of a copy of the following preamble and resolution passed by the Senate on the 13th instant, viz:

"IN SENATE OF THE UNITED STATES,
"*December* 13, 1865.

"Whereas it is provided by act of Congress that every person in the civil, military, or naval departments of the public service, excepting the President of the United States, shall, before entering upon the duties of his office, and before being entitled to any of the salary or other emoluments thereof, take and subscribe a certain oath in prescribed form; and it is further provided in another act of Congress, (February 9, 1863, chapter 25, section 2,) that 'no money shall be paid from the treasury of the United States to any person acting as an officer, civil, military or naval, as salary in any office, which office is not authorized by some previously existing law, unless where such office shall be subsequently sanctioned by law;' and

"Whereas it is reported that, notwithstanding these acts of Congress, certain persons have been allowed to enter upon the duties of office, and to receive the salary and emoluments thereof, without taking the prescribed oath, and certain other persons have been appointed to offices 'not authorized by any previously existing law:' Therefore,

"*Resolved*, That the Secretary of the Treasury and the Secretary of War be requested, so far as the records of their respective departments allow, to inform the Senate whether any persons have been permitted to enter upon the duties of office, and to receive the salary and emoluments thereof, without taking the oath prescribed by Congress, or, if they have taken it, adding thereto explanations; and also whether persons have been appointed to any office 'not authorized by some previously existing law;' and if any persons have been so permitted or appointed, then to report if the same have received any salary or emoluments, and what they were, and out of what fund they have been paid, with the reasons for such permission or appointment, and also the explanations, if any, assigned by such parties at the time of taking such prescribed oath.

"Attest:

"J. W. FORNEY, *Secretary.*"

In reply, I have to say, that the records of this department do not show that persons have been appointed to any office not authorized by some existing law; but they do show that some persons have been, in the recently insurgent States, appointed officers under the customs and internal revenue laws, and are still holding their offices without having taken and subscribed the oath referred to in the resolution of the Senate; but, with a single exception, no salaries have been paid to them up to the present date.

The accompanying reports from the Commissioners of Customs and of Internal Revenue exhibit the names of such persons and the form of oath subscribed by each, together with such explanations as will give to the Senate the necessary information upon the subject.

Upon the surrender of the confederate armies, it was regarded by the President and his Cabinet as a matter of great importance that revenue offices should be established in the

southern States, in order that commerce and trade might be resumed, and the authority of the government in one of its most important branches should be again recognized in all parts of the Union with as little delay as practicable. It was also regarded as a matter of scarcely less importance that citizens of the respective States in which offices were located, and not strangers, should be appointed revenue officers. In carrying into effect these views it became necessary to call into requisition the services of some southern men who had participated in the rebellion. None, however, have been appointed to office, or permitted to hold office under the law for the collection of the revenues, who are known to have instigated the rebellion, or who could properly be considered as justly responsible for it. It has been my purpose to recommend the appointment, and to sanction the appointment, of such only as could take the oath literally; and failing to be able to find such persons, to confine the appointment to those who gave no aid to the rebellion until the government of the United States had failed to give them the protection to which they were entitled; and there was no government but rebel government (State and confederate) to which they could look for safety or support in the perilous circumstances in which, without any previous action of their own, they had been forced. It is believed that very few persons not belonging to one or the other of these classes are holding positions under this department.

In most of the southern States nearly every man of the character and intelligence necessary to qualify him for a position as a revenue officer, some time during the progress of the war, either engaged in hostilities against the government of the United States, or held (willingly or unwillingly) office under rebel authority. Hence it has been necessary, as before stated, to employ in a few important but not very remunerative positions, in most of the subordinate ones, men of this class, especially as the salary and emoluments of the offices were generally too small to induce northern men to accept them. Even if the offices were desirable to any but residents, I have not supposed that it would be the policy of Congress to subject the people of the south to the humiliation, or the revenue system to the odium, which would be the result of employing northern men to collect federal taxes in the southern States; and I have not doubted that Congress would so modify the oath that this department would be sustained in employing in the collecting of the revenues those who, by circumstances which they could not control, had been forced into the rebellion, but of whose present loyalty there is no question.

I would therefore respectfully suggest, in view of the facts thus presented, that immediate action upon this subject by Congress is absolutely necessary.

The accounts of officers who have not taken the qualifying oath have not been audited, and valuable services are being rendered by them, for which they are receiving no compensation. Very great inconvenience is already experienced, and grievous complaints are being made by some of our best officers, on account of the non-payment of their subordinates; and I deem it to be my duty to say that, without a modification of the oath, the revenue system cannot be safely or properly administered in many districts of the southern States.

HUGH McCULLOCH,
Secretary of the Treasury.

The Hon. PRESIDENT *of the Senate.*

TREASURY DEPARTMENT,
Office of Commissioner of Customs, December 11, 1865.

SIR: As requested, I have the honor herewith to furnish you with such information, called for by resolution offered by Mr. Sumner and passed by the Senate in regard to officers who have not taken the oath prescribed by the act of July 2, 1862, as exists in this office. Most of the officers of customs, or connected therewith, appointed since the adjournment of Congress on the 4th of March last, have taken the oath prescribed by the above-mentioned act; some of them, however, have not; but in most cases where it has not been taken entire, it has been varied by more or less being stricken out or omitted, according to the feelings or circumstances of the appointee. In some cases, instead of the oath prescribed by the act above mentioned, they have taken an oath called the "proclamation oath," which is hereto annexed as taken, together with other oaths taken.

The following persons have taken the oath prescribed by the act referred to, more or less of which they have stricken out, (copies of which are hereunto annexed,) to wit:

James M. Matthews, collector, Tappahannock, Virginia.
William S. Croft, collector, Georgetown, South Carolina.
Gordon Forbes, surveyor, Yeocomico, Virginia.
William Y. Leitch, surveyor, Charleston, South Carolina.
F. M. Robertson, special examiner of drugs, Charleston, South Carolina.
Edgar M. Lazarus, appraiser, Charleston, South Carolina.
J. F. W. Walter, appraiser, South Carolina.

The proclamation oath, instead of the oath of act of July 2, 1862, was taken by—

J. F. Marrast, inspector, Mobile, Alabama.

The appointees named below have taken the oath of office, but have not taken the oath required by act of July 2, 1862:

Richard W. Woodbridge, deputy collector, Savannah, Georgia.
Zachariah N. Winkler, clerk, Savannah, Georgia.
Octave Aubert, clerk, Brownsville, Texas.
Ernest Tasset, book-keeper, Brownsville, Texas.
Fortune Jones, messenger, Brownsville, Texas.
Edmund Daly, inspector, Brownsville, Texas.
Francis Reast, deputy collector and inspector, Boston, Texas.
Joseph Backus, mounted inspector, Saluria, Texas.
James McCoppen, deputy collector pro tempore, Saluria, Texas.
Thomas P. McManus, deputy collector pro tempore, Eagle Pass, Texas.
James Coffee, deputy collector pro tempore, Saluria, Texas.

The person last named, in his oath of office, which is a written one, omits the clause "I further swear that I will support the Constitution of the United States."

The collector at Brownsville, in his letter transmitting the oaths of some of his appointees, states that the only forms he could procure there were those which did not contain the oath of July 2, 1862. The collector of Saluria district, Texas, states that it is difficult for him to find suitable employés in his district who can take that oath. Where the oath has not been taken, the collectors have been notified by communications of the tenor of the letter annexed, that such appointees were entitled to no compensation until they had taken the oath.

No oaths, either of office or of allegiance, have been received from the following named persons. Probably in most of the cases the oaths may have been taken, but they have not been forwarded by the collectors. They have been notified to transmit them to this office without delay.

William B. C. Duryee, deputy collector, Ferdandina, Florida.
Benjamin Clark, porter, Fernandina, Florida.
William H. Sweetser, temporary inspector, Beaufort, North Carolina.
James H. Taylor, temporary inspector, Beaufort, North Carolina.
George P. Thayer, clerk, Nashville, Tennessee.
James B. Murtagh, deputy weigher, New Orleans, Louisiana.
John H. Ball, aid to revenue, New Orleans, Louisiana.
Joshua H. Dailey, inspector, Hatteras inlet, North Carolina.
Albert Bingham, chief clerk, Port Royal, South Carolina.
Walter F. Bingham, temporary clerk, Port Royal, South Carolina.
Thomas M. Gardner, temporary inspector, Wilmington, North Carolina.
H. D. Gilbert, temporary inspector, Wilmington, North Carolina.
William G. Burch, temporary inspector, Wilmington, North Carolina.
Thomas B. Smith, weigher and gauger, Wilmington, North Carolina.
John H. Wood, porter, Charleston, South Carolina.
Squire Summers, porter, Memphis, Tennessee.
E. Murray, inspector, weigher, &c., Mobile, Alabama.
Edmund K. Lowd, deputy collector, New Smyrna, Florida.

Very respectfully, your obedient servant,

N. SARGENT, *Commissioner.*

Hon. H. McCULLOCH,
Secretary of the Treasury.

TREASURY DEPARTMENT,
Office of Commissioner of Customs, October 16, 1865.

SIR: Your official bond has been received, and your commission is herewith enclosed.

The act of July 2, 1862, prescribes an oath to be taken by officers of the government, and it is deemed advisable that on entering your office you should distinctly understand that you will have to depend entirely on the action of Congress to obtain your salary and emoluments, as no compensation whatever can be allowed you under the law as it now stands.

I have mailed to your address the United States Statutes at Large from 1861, and a copy of the general regulations of this department of 1857. Your attention is particularly called to the 4th chapter of the general regulations, and to the laws fixing the rate of duty on imports and tonnage.

You will, at your earliest convenience, transmit to this office a schedule of all public property that comes into your hands as collector.

Any further instructions you desire will be furnished on application to this office.

Yours, respectfully,

N. SARGENT, *Commissioner.*

JAMES M. MATTHEWS,
Collector of Customs, Tappahannock, Va.
Care of Dr. R. ARTHUR,
117 *North Charles street, Baltimore, Md.*

OATH OF OFFICE.

(20TH SECTION ACT MARCH 2, 1799.)

I, James M. Matthews, having been appointed to the office of collector of customs for the district of Tappahannock, do solemnly, sincerely, and truly swear that I will diligently and faithfully execute the duties of the said office of collector of the customs, and will use the best of my endeavors to prevent and detect frauds in relation to the duties imposed by the laws of the United States. I further swear that I will support the Constitution of the United States.

JAMES M. MATTHEWS.

Sworn to and subscribed this 30th day of September, 1865, before me. Witness my hand and seal.

A. H. GARNETT, *J. P.*

(ACT JULY 2, 1862.)

I, James M. Matthews, of Tappahannock, State of Virginia, do solemnly swear that I have never voluntarily borne arms against the United States since I have been a citizen thereof. And I do further swear that, to the best of my knowledge and ability, I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter: So help me God.

JAMES M. MATTHEWS.

Sworn to and subscribed before me this 30th day of September, A. D. 1865.

A. H. GARNETT, *J. P.*

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OATH OF OFFICE.

(20TH SECTION ACT MARCH 2, 1799.)

I, William S. Croft, having been appointed to the office of collector of the customs for the district of Georgetown, in the State of South Carolina, do solemnly, sincerely, and truly swear that I will diligently and faithfully execute the duties of the said office of collector of customs, and will use the best of my endeavors to prevent and detect frauds in relation to the duties imposed by the laws of the United States. I further swear that I will support the Constitution of the United States.

WILLIAM S. CROFT, *Collector.*

Sworn to and subscribed this 16th day of September, 1865, before me. Witness my hand and seal.

E. WATERMAN,
Judge of Probate and ex officio Q. U.

(ACT JULY 2, 1862.)

I, William S. Croft, do solemnly swear that, to the best of my knowledge and ability, I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter: So help me God.

WILLIAM S. CROFT.

Sworn to and subscribed before me this 16th day of September, A. D. 1865.

E. WATERMAN,
Judge of Probate and ex officio Q. U.

In a note accompanying Mr. Croft writes: "I take this occasion to say that I accept the terms of the act of July 2, 1862, and will depend upon the action of Congress to obtain the salary and emoluments of my office."

OATH OF OFFICE.

(20TH SECTION ACT MARCH 2, 1799.)

I, Gordon Forbes, having been appointed to the office of surveyor of the customs for the port of Yeocomico, in the State of Virginia, do solemnly, sincerely, and truly swear that I will diligently and faithfully execute the duties of the said office of surveyor of the customs,

and will use the best of my endeavors to prevent and detect frauds in relation to the duties imposed by the laws of the United States. I further swear that I will support the Constitution of the United States.

GORDON FORBES.

Sworn to and subscribed this 27th day of October, 1865, before me. Witness my hand and seal

W. NEWTON, Jr., *J. P.*

(ACT JULY 2, 1862.)

I, Gordon Forbes, of Westmoreland county, State of Virginia, do solemnly swear that I have never voluntarily borne arms against the United States since I have been a citizen thereof; that I have neither sought nor accepted, nor attempted to exercise the functions of any office whatever, under any authority, or pretended authority, in hostility to the United States. And I do further swear that, to the best of my knowledge and ability, I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter: So help me God.

GORDON FORBES.

Sworn to and subscribed before me this 27th day of October, A. D. 1865.

J. M. MATTHEWS, *Collector.*

—

OATH OF OFFICE.

(20TH SECTION ACT MARCH 2, 1799.)

I, William Y. Leitch, having been appointed to the office of surveyor of the customs for the district of Charleston, in the State of South Carolina, do solemnly, sincerely, and truly swear that I will diligently and faithfully execute the duties of the said office of surveyor of the customs, and will use the best of my endeavors to prevent and detect frauds in relation to the duties imposed by the laws of the United States. I further swear that I will support the Constitution of the United States.

WILLIAM Y. LEITCH, *Surveyor.*

Sworn to and subscribed this 7th day of September, 1865, before me. Witness my hand and seal.

A. G. MACKEY, *Collector.*

(ACT JULY 2, 1862.)

I, William Y. Leitch, do solemnly swear that I have never voluntarily borne arms against the United States since I have been a citizen thereof. And I do further swear that, to the best of my knowledge and ability, I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter: So help me God.

W. Y. LEITCH.

Sworn to and subscribed before me this —— day of July, A. D., 1865.

CHARLES P. WANNALL, *J. P.*

Mr. Leitch declines to take the oath of July 2, 1862, without modification.

A. G. MACKEY, *Collector.*

OATH OF OFFICE.

(20TH SECTION ACT MARCH 2, 1799.)

I, F. M. Robertson, having been appointed to the office of special examiner of drugs for the district of Charleston, State of South Carolina, do solemnly, sincerely, and truly swear that I will diligently and faithfully execute the duties of the said office of special examiner

of drugs, and will use the best of my endeavors to prevent and detect frauds in relation to the duties imposed by the laws of the United States. I further swear that I will support the Constitution of the United States.

F. M. ROBERTSON,
Special Examiner of Drugs.

Sworn to and subscribed this 14th day of September, 1865, before me. Witness my hand and seal.

A. G. MACKEY, *Collector.*

This endorsement on the margin :

Dr. Robertson declines to take the oath prescribed by act of Congress of July 2, 1862, unless modified.

A. G. MACKEY, *Collector.*

(ACT JULY 2, 1862.]

I, F. M. Robertson, of Charleston, South Carolina, do solemnly swear that, to the best of my knowledge and ability, I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.

Sworn to and subscribed before me this 15th day of September, A. D. 1865.

ALFRED H. DUNKIN,
Appointed Judge of Second Circuit Provost Court, Charleston, South Carolina.

I served on a medical board in Charleston for the examination of surgeons and assistant surgeons in the medical staff of the confederate States army.

F. M. ROBERTSON.

—

OATH OF OFFICE.

(20TH SECTION ACT MARCH 2, 1799.)

I, Edgar M. Lazarus, having been appointed appraiser of merchandise for the port of Charleston, in the State of South Carolina, do solemnly, sincerely, and truly swear that I will diligently and faithfully execute the duties of the said office of appraiser of merchandise, and will use the best of my endeavors to prevent and detect frauds in relation to the duties imposed by the laws of the United States. I further swear that I will support the Constitution of the United States.

EDGAR M. LAZARUS, *Appraiser.*

Sworn to and subscribed this 7th day of September, 1865, before me. Witness my hand and seal.

A. G. MACKEY, *Collector.*

Mr. Lazarus declines to take the oath of July 2, 1862, except in a modified form.

(ACT JULY 2, 1862.)

I, Edgar M. Lazarus, do solemnly swear that I have neither sought, nor accepted, nor attempted to exercise the functions of any office whatever, under any authority, or pretended authority, in hostility to the United States. And I do further swear that, to the best of my knowledge and ability, I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter: So help me God.

EDGAR M. LAZARUS, *Appraiser.*

Sworn to and subscribed before me this 7th day of September, A. D. 1865.

E. O. TREVILLE,
Assistant Provost Judge.

—

OATH OF OFFICE.

(20TH SECTION ACT MARCH 2, 1799.)

I, J. F. W. Walter, having been appointed appraiser of merchandise for the port of Charleston, in the State of South Carolina, do solemnly, sincerely, and truly swear that I

will diligently and faithfully execute the duties of the said office of appraiser of merchandise, and will use the best of my endeavors to prevent and detect frauds in relation to the duties imposed by the laws of the United States. I further swear that I will support the Constitution of the United States.

J. F. W. WALTER, *Appraiser.*

Sworn to and subscribed this fifth day of September, 1865, before me. Witness my hand and seal.

A. G. MACKEY, *Collector.*

(ACT JULY 2, 1862.)

I, J. F. W. Walter, do solemnly swear that I have neither sought, nor accepted, nor attempted to exercise the functions of any office whatever, under any authority, or pretended authority, in hostility to the United States. And I do further swear that, to the best of my knowledge and ability, I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter: So help me God.

J. F. W. WALTER, *Appraiser.*

Sworn to and subscribed before me this 7th day of September, A. D. 1865.

E. O. TREVILLE,
Assistant Provost Judge.

Mr. Walter declines to take the oath of July 2, 1862, except in a modified form.

PROCLAMATION OATH.

I, J. F. Marrast, do solemnly swear, in the presence of Almighty God, that I will hereafter faithfully defend the Constitution of the United States and the Union of the States thereunder; and that I will, in like manner, abide by and support all laws and proclamations which have been made during the existing rebellion with reference to the emancipation of slaves: So help me God.

J. F. MARRAST.

Sworn to and subscribed this 1st day of August, 1865, before me. Witness my hand and seal.

GEORGE H. YOUNG, *Deputy Collector.*

TREASURY DEPARTMENT, OFFICE OF INTERNAL REVENUE.
Washington, December 18, 1865.

SIR: I have the honor to transmit herewith a detailed statement of the qualifications of the official oaths of Montgomery Moses, collector of the first district of South Carolina; James G. Gibbs, collector of the third district of South Carolina; Robert B. Kingsbury, collector of the second district of Texas; James H. Norwood, assessor of the first district of South Carolina; Charles J. Elford, assessor of the third district of South Carolina; Alexander M. McDowell, assessor of the first district of Alabama; William H. Vasser, assessor of the third district of Mississippi, ; Benjamin F. McDonough, assessor of the first district of Texas; William J. Phillips, assessor of the second district of Texas; and George A. Sykes, direct tax commissioner of the district of the State of Mississippi. All other assessors, collectors, and direct tax commissioners appointed have taken the oath prescribed in the act of July 2, 1862, without qualification.

Assistant assessors are appointed upon the nomination of the assessors of the several districts in which their services are to be rendered. Commissions have been forwarded to the assessors, accompanied by blank oaths to be taken and subscribed by the assistants before receiving their commissions from the assessors. The assessors have also been instructed to return to this office the oaths subscribed and taken. This practice has prevailed for a long time with reference to all the districts of the country. All of the oaths returned are unqualified.

From letters received from several of the assessors in States lately in insurrection, however, it appears that they have met with great difficulty in finding persons of suitable age and experience for the office of assistant assessor who have not been in some way so connected with the recent rebellion as to forbid their taking the oath prescribed in the statute of 1862. Some have represented that no men could be found in their districts who could take the oath who were suited to the office. To such this office has replied that no payments could be made for services rendered, to any one who could not subscribe to the required oath. There is reason to

believe, however, that some have served as assistants without the statutory qualifications, although I cannot speak with certainty of this, as all the oaths received by assessors from their assistants have not yet been transmitted to this office.

Only one of the persons specially named above, viz: B. F. McDonough, assessor of the first district of Texas, has been paid. He has received salary for the months of October and November last—$242. This was paid through the inadvertence of a clerk ignorant of the fact that he had taken a qualified form of oath. Five hundred dollars were at the same time furnished Collector Happ, of the same district, for disbursement to the assistant assessors thereof.

No assistant assessors have been paid in districts where the assessor has taken the oath in a qualified form except as above stated.

Very respectfully, I am, sir, your obedient servant,

E. A. ROLLINS, *Commissioner.*

Hon. HUGH MCCULLOCH,
Secretary of the Treasury.

LIST OF COLLECTORS OF INTERNAL REVENUE SOUTH WHO HAVE TAKEN QUALIFIED OATHS OF ALLEGIANCE.

Montgomery Moses, collector of the first district of South Carolina, strikes out the following part of the oath, viz: "That I have voluntarily given no aid, countenance, counsel, or encouragement to persons engaged in armed hostility thereto; that I have neither sought nor accepted, nor attempted to exercise the functions of any office whatever, under any authority, or pretended authority, in hostility to the United States; that I have not yielded a voluntary support to any pretended government, authority, power, or constitution within the United States hostile or inimical thereto."

James G. Gibbs, collector of the third district of South Carolina, strikes out the following part of the oath, viz: "That I have voluntarily given no aid, countenance, counsel, or encouragement to persons engaged in armed hostility thereto; that I have not yielded a voluntary support to any pretended government, authority, power, or constitution within the United States hostile or inimical thereto."

Robert B. Kingsbury, collector of the third district of Texas, makes the following statement, which he attaches to his oath: "I was a deputy collector of customs under the United States government when the rebellion commenced, and held that office under rebel authority, as I feared for my personal safety if I resigned at that time, but subsequently resigned, giving to the collector as a reason for resigning the fact of my being a Union man. Was also an alderman of the city of Brownsville, Texas, under rebel authority, which position was almost nominal, and was held by me previous to the war. Have been a member of a military company for home service or protection. I opposed the ordinance of secession, and have been from the commencement of the rebellion a sincere and earnest Union man. I may have given aid, counsel, countenance, or encouragement to persons engaged in armed hostility to the United States, as I have dealt with and paid money to individual rebels and taxes to rebel authorities, and conformed unwillingly in various ways perhaps to rebel rule, but abandoned my property in Texas subsequently, and was an exile at the time of Kirby Smith's capitulation, and have the pardon of the President.

"ROBERT B. KINGSBURY."

LIST OF ASSESSORS OF INTERNAL REVENUE SOUTH WHO HAVE TAKEN QUALIFIED OATHS OF ALLEGIANCE.

James H. Norwood, assessor of the first district of South Carolina, strikes out the following part of the oath, viz: "That I have never voluntarily borne arms against the United States since I have been a citizen thereof; that I have voluntarily given no aid, countenance, counsel, or encouragement to persons engaged in armed hostility thereto; that I have neither sought nor accepted, nor attempted to exercise the functions of any office whatever, under any authority, or pretended authority, in hostility to the United States."

Charles J. Elford, assessor of the third district of South Carolina, strikes out the following part of the oath, viz: "That I have never voluntarily borne arms against the United States since I have been a citizen thereof; that I have voluntarily given no aid, countenance, counsel, or encouragement to persons engaged in armed hostility thereto; that I have neither sought nor accepted, nor attempted to exercise the functions of any office whatever, under any authority, or pretended authority, in hostility to the United States; that I have not yielded a voluntary support to any pretended government, authority, power, or constitution within the United States hostile or inimical thereto."

Alexander M. McDowell, assessor of the first district of Alabama, strikes out the following part of the oath, viz: "That I have voluntarily given no aid, countenance, counsel, or encouragement to persons engaged in armed hostility thereto; that I have not yielded a voluntary support to any pretended government, authority, power, or constitution within the United States hostile or inimical thereto."

William H. Vasser, assessor of the third district of Mississippi, takes the following oath: "I, William H. Vasser, of the county of Monroe and State of Mississippi, do solemnly swear that I have never voluntarily borne arms against the United States since I have been a citizen thereof; that I did not, until the force of circumstances compelled me so to do, give any aid, countenance, counsel, or encouragement to persons engaged in armed hostility thereto; that I did seek and procure the office of regimental commissary of the so-called confederate States, for the reason that I was within the conscript age; that I have neither sought nor accepted, nor attempted to exercise the functions of any other office under any pretended authority in hostility to the United States. I do further swear that I resisted the party and principles which inaugurated secession; that I do not now, and never did, advocate secession. And I do further swear that, to the best of my knowledge and ability, I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office on which I am about to enter: So help me God."

Benjamin F. McDonough, assessor of the first district of Texas, writes the following statement at the bottom of the oath: "I have not taken the above oath, for the reasons that, during the war, I held the office of collector of customs of the port of Sabine, and having two sons in the rebel service, supplied them with necessary means for their personal comfort."

William J. Phillips, assessor of the second district of Texas, takes the oath with the following statement annexed: "I take the oath with the following exceptions, viz: Shortly after Texas commenced hostility against the United States I was elected chief justice of Wharton county. I was not a candidate, and did not seek the office. I accepted said office because it exempted me from military service, and prevented me from being forced to take arms against the United States government. The citizens of said county petitioned me to resign said office after twelve months' service, because I was a 'Union man,' and would not tax the county to aid the rebellion. I then made arrangements, and left my family in Wharton and went to Mexico, where I resided for over twelve months. I was the only man in my county that opposed and voted against secession. I never was enrolled in the confederate army."

LIST OF DIRECT TAX COMMISSIONERS SOUTH WHO HAVE TAKEN QUALIFIED OATHS OF ALLEGIANCE.

George A. Sykes, direct tax commissioner of the district of the State of Mississippi, takes the following oath: "That I have always been a Union man—opposed to secession; have never held any office under any pretended authority in hostility to the United States; and any aid given to the rebellion was more the result of public sentiment than choice."

(No. 4.)

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES, COMMUNICATING TO THE SENATE A REPORT OF THE SECRETARY OF STATE, SHOWING THE PROCEEDINGS UNDER CONCURRENT RESOLUTION OF THE TWO HOUSES OF CONGRESS OF THE 13TH INSTANT, REQUESTING THE PRESIDENT TO SUBMIT TO THE LEGISLATURES OF THE STATES AN ADDITIONAL ARTICLE TO THE CONSTITUTION OF THE UNITED STATES.

To the Senate and House of Representatives:

I submit to Congress a report of the Secretary of State, to whom was referred the concurrent resolution of the 18th instant, respecting a submission to the legislatures of the States of an additional article to the Constitution of the United States. It will be seen from this report that the Secretary of State had, on the 16th instant, transmitted to the Governors of the several States certified copies of the joint resolution passed on the 13th instant, proposing an amendment to the Constitution.

Even in ordinary times any question of amending the Constitution must be justly regarded as of paramount importance. This importance is at the present time enhanced by the fact that the joint resolution was not submitted by the two houses for the approval of the President, and that of the thirty-six States which constitute the Union, eleven are excluded from representation in either house of Congress, although, with the single exception of Texas, they have been entirely restored to all their functions as States, in conformity with the organic

law of the land, and have appeared at the national capital by senators and representatives who have applied for and have been refused admission to the vacant seats. Nor have the sovereign people of the nation been afforded an opportunity of expressing their views upon the important questions which the amendment involves. Grave doubts, therefore, may naturally and justly arise as to whether the action of Congress is in harmony with the sentiments of the people, and whether State legislatures, elected without reference to such an issue, should be called upon by Congress to decide respecting the ratification of the proposed amendment.

Waiving the question as to the constitutional validity of the proceedings of Congress upon the joint resolution proposing the amendment, or as to the merits of the article which it submits, through the executive department, to the legislatures of the States, I deem it proper to observe that the steps taken by the Secretary of State, as detailed in the accompanying report, are to be considered as purely ministerial, and in no sense whatever committing the Executive to an approval or a recommendation of the amendment to the State legislatures or to the people. On the contrary, a proper appreciation of the letter and spirit of the Constitution, as well as of the interests of national order, harmony, and union, and a due deference for an enlightened public judgment, may at this time well suggest a doubt whether any amendment to the Constitution ought to be proposed by Congress, and pressed upon the legislatures of the several States for final decision, until after the admission of such loyal senators and representatives of the now unrepresented States as have been or as may hereafter be chosen in conformity with the Constitution and laws of the United States.

ANDREW JOHNSON.

WASHINGTON, D. C., *June* 22, 1866.

DEPARTMENT OF STATE,
Washington, June 20, 1866.

The Secretary of State, to whom was referred the concurrent resolution of the two houses of Congress of the 18th instant in the following words: "That the President of the United States be requested to transmit forthwith to the executives of the several States of the United States copies of the article of amendment proposed by Congress to the State legislatures, to amend the Constitution of the United States, passed June 13, 1866, respecting citizenship, the basis of representation, disqualification for office, and validity of the public debt of the United States, &c., to the end that the said States may proceed to act upon the said article of amendment, and that he request the executive of each State that may ratify said amendment to transmit to the Secretary of State a certified copy of such ratification," has the honor to submit the following report, namely: that on the 16th instant the Honorable Amasa Cobb, of the Committee of the House of Representatives on Enrolled Bills, brought to this department and deposited therein an enrolled resolution of the two houses of Congress, which was thereupon received by the Secretary of State and deposited among the rolls of the department, a copy of which is hereunto annexed. Thereupon the Secretary of State, on the 16th instant, in conformity with the proceeding which was adopted by him in 1865 in regard to the then proposed and afterwards adopted Congressional amendment of the Constitution of the United States concerning the prohibition of slavery, transmitted certified copies of the annexed resolution to the governors of the several States, together with a certificate and circular letter. A copy of both of these communications is hereunto annexed.

Respectfully submitted.

WILLIAM H. SEWARD

The PRESIDENT.

[Circular.]

DEPARTMENT OF STATE,
Washington, June 16, 1866.

SIR: I have the honor to transmit an attested copy of a resolution of Congress, proposing to the legislatures of the several States a fourteenth article to the Constitution of the United States. The decisions of the several legislatures upon the subject are required by law to be communicated to this department.

An acknowledgment of the receipt of this communication is requested by your excellency's most obedient servant,

WILLIAM H. SEWARD.

His Excellency the GOVERNOR *of the State of* ———.

TESTIMONY OF MICHAEL BURNS BEFORE THE COMMITTEE ON SOUTHERN RAILROADS.

WASHINGTON, D. C., *February* 23, 1867.

MICHAEL BURNS sworn and examined.

By the CHAIRMAN:

Q. Where do you reside, and what is your occupation?

A. I reside at Nashville, Tennessee, and I am president of the Nashville and Chattanooga railroad, and also of the Nashville and Northwestern railroad.

Q. President of both roads?

A. Yes.

Q. How long have you been president of these roads?

A. I think one of the roads organized in 1864, and the other in 1863 or 1864.

Q. Are those two roads embraced in the same organization, or are they under different charters?

A. They are under different charters, sir.

Q. Is there any other connection between the two excepting that they both have the same president?

A. They have the same president, same superintendent, general freight agents, and some other officers, but they are separate organizations.

Q. Are their financial systems kept separate?

A. They are.

Q. Were you elected president of the two roads at the same time?

A. No, sir. I was elected president of one in July and of the other in August.

By Mr. MCCLURG:

Q. Was it in August and July, 1864?

A. I think I was elected president of the Nashville and Northwestern in 1863, but I did no act of business with it until 1865.

Q. Have you been re-elected to the presidency of either road? If so, how many times?

A. I have been re-elected three times to the Nashville and Chattanooga railroad, and twice to the presidency of the other road.

Q. What is the length of the term of the presidential office for these roads?

A. Twelve months.

Q. How early did you take actual charge of the supervision of the roads, or either of them?

A. The military turned over the Northwestern railroad on the 1st September, 1865, and on the 15th September they turned over the Chattanooga railroad; fifteen days difference between the surrender.

Q. Had you any practical connection with either of the roads prior to these dates? and if so, what was it?

A. I was vice-president of the Northwestern railroad previous to the war, and I was a director on the Chattanooga railroad.

Q. My question bore reference to the time that intervened between your election as president and the time when the roads were turned over respectively.

A. I had nothing to do with them except in some little details. I had nothing to do with the running of them or their management, or anything of that kind. The military did that.

Q. How were they run and managed?

A. Altogether under the military authorities. The military superintendent of roads managed the roads, to the best of my knowledge.

Q. Were you consulted in reference to their management?

A. Never, sir.

Q. Did you ever interpose, or attempt to do so, in any way with respect to their management?

A. I have no recollection of having had anything to do with them.

Q. What was the condition of the Northwestern road at the breaking out of the war?

A. The road was partially built.

Q. Do you know what is the entire length of the road?

A. The survey makes it 172 miles, but an accurate survey would make it about 169 miles.

Q. What being the termini?

A. Hickman, in Kentucky.

Q. Is the road now complete to Hickman?

A. No.

Q. How far is it completed?

A. From Hickman to Huntingdon, and from Nashville to the Tennessee river.

Q. How much of the road was completed when it was turned over to you in 1865?

A. From Johnsonville to the Tennessee river. Portion of the western end was torn up. The United States took away fifteen miles of iron.

Q. What is the distance from Johnsonville to Nashville?

A. Seventy-eight miles.

Q. What is the distance from Johnsonville to Hickman?

A. It is called 172 miles, but it is not quite that length.

Q. At the beginning of the war how much of the road was completed between Nashville and Johnsonville, and how much between Johnsonville and Hickman?

A. There was about 55 miles, to McKenzie, completed—I think 50 to 55 miles—at the west end, and 29 or 30 miles at the eastern end; and about 6 miles from the Tennessee river, running up to Waverly, the iron was laid there.

Q. Did you have any work done towards bridging the Tennessee?

A. No; they had commenced to do so, but did nothing you would call work.

Q. Between the commencement of the war and the turning over the roads, what changes had been effected in the way of construction or destruction?

A. The bridges over the Harpeth were destroyed. I was at Nashville during the war, except some time that I was at the north, and I cannot tell, from personal knowledge, as I was not over the road except when it was finished to the Tennessee river; was informed that the bridges were destroyed. I have the report of the superintendent of the road with me, which will show the facts.

Q. When the road was turned over to you, how much of it was in running order?

A. There was about 78 miles.

Q. By whom had the road been worked upon during the war?

A. By the United States.

Q. What part of it did they improve?

A. They improved the part from the twenty-ninth section to Johnsonville.

Q. About how many miles did they improve?

A. About forty-three and a half miles.

Q. How much of that distance was entirely built by the government—excavation, grading, &c.?

A. I have the engineer's report, made under order of General Rosecrans, showing the entire facts of the case, and will put it in evidence.

Q. I want to know whether there had been any work done between the 29th section and the six-mile point, after the intermediate part had been entirely built.

A. About 111,500 cubic yards of grading was done by the United States; ties

were distributed and iron placed at Johnsonville and Nashville, previous to the war, by the company, which the United States used.

Q. Had any work been done on the road during the rebel occupation?

A. Before the fall of Fort Donelson there was some work being done by the company, but it ceased after the fall of that place.

Q. Did the rebel authorities ever make any use of the road?

A. If they did I do not know of it.

Q. Who was president of the road previous to the war?

A. Mr. V. K. Stevenson.

Q. Was he also president of the Nashville and Chattanooga?

A. Yes.

Q. Had you, as president of the road, or had the company, anything to do in relation to the work done by the government in completing the road?

A. I took no active part in it, or had anything to do with it, further than that I was anxious to see it done. I once went from New York to Nashville and saw Generals Rosecrans and Thomas, and they told me they were also anxious to see it done. The Cumberland river was very low at the time, and the Nashville and Northwestern railroad was considered of vast importance as a military road, in order to have the army properly supplied. I proposed to General Rosecrans, while he was commanding the department, to give an order to have it done, and he did so.

Q. Did Mr. Johnson, at that time, as military Governor of Tennessee, have anything to do with the completion of the road? and if so, what had he to do?

A. Nothing further than that General Rosecrans gave the order to Governor Johnson for the supervision of the road, and to have it completed. I have the order with me, and will make it a part of my testimony.

Q. Was he personally interested in the road as a stockholder, or in any way?

A. Not to the extent of a cent, that I know of. He told me that if it was of advantage to the government he would recommend it, and if not, that he would not. He told me so several times.

Q. Who is General Donaldson?

A. He was quartermaster in my place.

Q. How far is that from Reynoldsburg?

A. From two and a half to three miles.

Q. In what condition was the Nashville and Chattanooga railroad at the time it was turned over?

A. It was said to be in fair condition, but I found it in a very poor way; it was all run down. Roads want work to keep them in order.

Q. Is it an easy or difficult road to keep in order?

A. It is a difficult road to keep in order, as it has heavy grades.

Q. How was the iron of that road when it was turned over?

A. It was a mixture. They took some of our old iron and sold it, and put some light and some heavy on the road in its place.

Q. Were you personally over the roads shortly after they were turned over?

A. I was.

Q. Do you know how much of the track had been relaid?

A. I don't know; but the side tracks were extended.

Q. The original rails were what are called the U rails—the stringer?

A. Yes; but the stringers had been taken up to a great extent. I have the report of the superintendent of the road, and would wish to submit it as evidence, as he is more familiar with the matters than I am. I will also submit Colonel Yates's report.

Q. By whom was it moved south?

A. By the former president, Mr. Stevenson, or the commanding general of the rebel army. All the available and valuable stock, or what was suitable for use, had been taken off by him, or by military order, when the rebels retreated.

I had run some down to the Northwestern, and kept them until General Buell came to Nashville. They were the stock of the Nashville and Northwestern railroad, with some of other roads.

Q. Did the Northwestern railroad, before the war, furnish itself with much stock?

A. Yes; not with much, but with all it wanted.

Q. What number of locomotives and cars had it?

A. I think it had five or six locomotives. I don't know the number of cars, but think some ten or twelve.

Q. Were they at Nashville or at Hickman?

A. There was some at both ends of the road. There was one engine at Johnsonville and a few cars—six or seven.

Q. What became of all the stock of the Northwestern road?

A. The government got nearly all. I endeavored to hold it as long as I could, but that at the western end was taken by the rebels.

Q. How much of it was restored?

A. I think they restored two engines. They restored everything I could claim or swear to.

Q. Did you ever get back any of the stock run off by Stevenson?

A. Yes.

Q. How much?

A. A hundred and odd cars and twenty locomotives, all in bad condition.

Q. How was that recovered?

A. It was on side tracks in Georgia, and was sent for by consent of General Thomas.

Q. Had it been used down there during the war?

A. I presume so.

Q. What was the affinity of Mr. Stevenson, the former president, with the government or with the rebels?

A. I believe he was quartermaster in the rebel army.

Q. On what side were his sympathies from the beginning?

A. To the best of my knowledge, I think I heard him express himself opposed to the rebellion at one time, and he did not co-operate actively with it. I think he was opposed to it at the commencement, but am not positive.

Q. How soon did he begin to co-operate actively with it?

A. I think after the State seceded, or when he got or wanted to get a position.

Q. In the spring of 1861?

A. About that time.

Q. By what authority did you get possession of those two roads in 1865?

A. By an order from the War Department at Washington, through General Thomas.

Q. The order of August 8, 1865?

A. Yes.

Q. Were the conditions of that order complied with in every respect? The first condition says, "Each and every company will be required to reorganize and elect a board of directors whose loyalty shall be established to your satisfaction." That is, to General Thomas's satisfaction. Was that done?

A. It was, sir.

Q. Who were the directors of the Nashville and Chattanooga road when it was turned over?

A. I was the president. Mr. Erris Brown, J. M. Hill, E. N. Alloway, J. R. Knowles, A. Welson, John F. Anderson, Levi Wade, J. Edgar Thomson, James H. Grant, E. Cooper. There were also two directors from Charleston, and one from Augusta by right of subscription, and not elected by the stockholders.

Thomas Ryan and Henry Cobie were from Charleston, and J. P. King from Augusta, but we had nothing to do with electing them.

Q. When you say "we had nothing to do with electing them," what do you mean?

A. I mean that the stockholders had nothing to do with the election. The city of Charleston subscribed $500,000 to the stock of the Nashville company, with the stipulation of having the privilege of nominating two directors, and the Georgia Railroad and Banking Company $250,000, with the stipulation of having the privilege of nominating one director; so the stockholders had nothing to do with their election. Mr. Ryan is dead, and Mr. McGraun has been elected in his place. I submitted the names of the directors of the Nashville and Chattanooga railroad to General Thomas, and he accepted them; and to the directors of the Northwestern he made no objection.

Q. Have there been any changes in the company proper?

A. There have been some changes made. Mr. Watkins has been elected in the place of Mr. Knowles, Mr. S. Morgan in place of Mr. Alloway, Mr. James Merrill in place of Mr. Woods, who did not possess sufficient stock to qualify him to act as a director. Mr. Knowles and Mr. Hill were away from home for some time, and in consequence were left out.

(The examination at this stage was adjourned until the 25th instant.)

WASHINGTON, D. C., *February* 25, 1867.

MICHAEL BURNS recalled and examined.

By the CHAIRMAN:

Q. Did the same board of directors act for both roads?

A. They were separate boards, but some men were members of both boards.

Q. Did you or did your roads purchase any property from the government? and if so, to what amount?

A. The amount of the bond of the Nashville and Northwestern railroads, with interest to December 31, 1866, would amount to $549,185 16; that is, from the quartermaster's report to me. The Nashville and Chattanooga railroad purchased to the amount of a little over one million and a half dollars—$1,526,578 47.

Q. How did you determine the property you received?

A. I considered the wants of the road, and how much we would need, by my own judgment and the advice of others.

Q. Were you allowed to select such as you might think desirable?

A. I was to some extent; but part of what I first selected was afterwards taken back from me; other persons came and claimed portions of the property and it was turned over to them.

Q. Did you take any more for either road than you actually used—you never resold any of it?

A. I never sold a dollar's worth of it; I have no recollection of having done so, directly or indirectly. There were some perishable articles transferred from one road to the other, such as wood or repairing materials.

Q. Did your purchases include fixtures?

A. Yes; one purchase included $108,000 for frame buildings, which I was almost forced to take, as the quartermaster insisted they should be first sold. They tore down a brick building, or round-house, and erected a frame building instead of it, and some of the new structures were put on other people's lots and we had to remove them.

Q. Did you buy any machinery?

A. Yes; so far as I wanted I purchased some of it.

Q. Did that purchase include the stationary engine built by the government for the navy yard at Memphis?

A. I think I got that stationary engine built by the government.

Q. How was the payment of these sums secured?

A. By the company's bond at two years, with interest at 7 3-10 per cent. We were also to move troops and supplies and carry the mails, which we would have faithfully done. This was to be credited on the purchase bond.

Q. Did you have anything to do with determining the prices of the various articles.

A. No; the prices were fixed by a board of appraisers appointed by the government, five of whom were appointed, but only three or four served. They fixed very extravagant prices, and I had no choice in the matter; I either had to take them at that valuation or leave them.

Q. Were these prices fixed by this board deviated from in any instance?

A. They might have been; the quartermaster might have done so without my knowing it. They also insisted that we should take the disabled and broken engines.

By Mr. WASHBURN:

Q. You took them on valuation?

A. Yes; on a pretty fair valuation.

By the CHAIRMAN:

Q. How much have you paid on this indebtedness?

A. I don't know the exact amount, as we have not got some of our vouchers. I carried 34,524,000 pounds of freight and 25,283 troops for the government, for which I was paid at a price fixed by the government in 1862, which is altogether inadequate from the enhanced prices, and which on the amount carried would be $252,333 82 less than I would receive from private individuals for freights of passengers.

By Mr. WASHBURN:

Q. Were you not paid the same they were paying all through the war elsewhere?

A. No; they paid the Louisville road more than they paid us. The government paid them more than they paid any one of these lines, as I have learned, but I don't know how much exactly.

Q. I thought they had a fixed schedule.

A. The Louisville road was an exception, as I am told; we carried the mails, and are carrying them now; we are getting $100 per mile for carrying them, and I understand that other roads are getting $150 to $200 for the same service; we are only getting $30 per mile on the Northwestern railroad.

By the CHAIRMAN:

Q. Have you paid up your indebtedness to the United States, from time to time, according to the terms of your bond?

A. I have carried the mails, troops, supplies, &c., faithfully in accordance with my agreement, and any other work I was called on by the government to do.

Q. Did you pay any of your indebtedness in money?

A. I paid, I think, $67,000; I was led by the order of August 8 to believe I would get a just settlement. The government is indebted to the company $3,766,915 64, as shown by the Quartermaster General's account; we have paid in all cash, for various things bought from the government, $268,480 08.

By Mr. WASHBURN:

Q. What is your claim for?

A. For the use of the road during its occupancy by the United States.

Q. Where did you get that credit?

A. I understand it came from the department here at Washington.

Q. Who informed you that you had a credit of $3,766,915?

A. I was informed from a letter of the Quartermaster General's to John Bryan that Mr. McPherson was detailed by the department to make out an account in accordance with the order of August 8, and he rendered an account of $3,134,004, and omitted to give anything for the year 1862, alleging he had no data to go by for that year.

Q. Who is Mr. McPherson?

A. I understand he is a brother of General McPherson, and he was appointed either by the Secretary of War or by General Thomas to make out those accounts.

The following is General Meig's letter to Mr. Bryan:

QUARTERMASTER GENERAL'S OFFICE,
Washington, D. C., December 13, 1866.

SIR: Upon your recent verbal application to the Secretary of War, on behalf of the Nashville and Cattanooga railroad, the Secretary of War referred the matter to me for report as to the condition of this case and the points in controversy. I reported to the Secretary of War that materials and rolling stock, to the appraised value of $1,556,551 73, were sold to the company, which gave its bond for $3,174,314 14 for the regular monthly payment of an instalment of one-twenty-fourth part of the debt, with interest at seven and three-tenths per cent. The debt is to be wholly extinguished November 30, 1867, two years from date of bond. The company has paid $178,867 28 on this debt. Major General Thomas, commanding department of Tennessee, under executive order, made a report, by which it appears that the expenditures made by the United States on this road have amounted to $1,079,511 33; and that the benefits derived from the road are as follows:

Cash receipts from transportation of private passengers and freights	$632,910 72
Estimate of what it would have cost the government to transport the troops and supplies if paid for per head and per pound	3,134,204 92
Total	3,766,915 64

Leaving a balance of $312,595 69 as the excess of expenditure by the government over its actual and estimated receipts, on account of Nashville and Chattanooga railroad. To this is to be added the value of the property of the United States sold to this road, and remaining unpaid, $1,509,443 78; making a total of $1,822,139 47 as the balance of the indebtedness of this road to the United States, supposing it to be credited with the value of the government use of it during the war.

In a conversation with you at the time the application was made, I called your attention to the terms and provisions of the act of 1862, section 3, and to its bearings upon the case. The Secretary of War having directed me to reply to your application, I have the honor to communicate the above information.

M. C. MEIGS, *Quartermaster General.*

Mr. JOHN BRYAN,
Care of J. T. Brady, New York.

By the CHAIRMAN:

Q. Have you been allowed these credits at the department?

A. No. They are on the books to the credit of the company; but they bring other debits against us, which, in my opinion, are not correct. They charge us with a large expenditure on the road which was not done, as I believe.

Q. In stating the account of the road upon the basis of the order of August 8, they credit the road with this sum of $3,766,915 64, and debit it with a sum still larger than that?

A. Very much larger, sir.

Q. By the terms of your bond, except you paid promptly, the road was to be retaken by the government and the stock repossessed?

A. There was to be a receiver put on the road.

Q. How did you prevent that being done?

A. I had representations made to the department of the injury that would be

done to trade and commerce by interfering with the road. They took the same enlightened view of the matter.

Q. What were the earnings of your road during the last year for which you reported?

A. The net earnings of the road for the fifteen months ending on the 1st of January last was about $524,000, or little over that. I would wish to remark, in connection with that, that I included the amount of work done for the government in this as a considerable portion of my profits; it was not cash.

Q. What disposition was made of this money?

A. The company had an interest account to pay of nearly $500,000, and had also a large floating debt to pay. I paid all my debts honestly as far as I was able, and knowing the government was in the company's debt, I thought they might reasonably wait a little until I settled with them.

Q. What was the interest account you speak of?

A. On the bonds of the company endorsed by the State, and which were held in New York and other places during the rebellion.

Q. Was it interest that accrued during the war?

A. Yes, sir; and mainly held in New York and in Boston by parties who were clamorous for their money. During the war they could not get it.

Q. What was the floating debt you referred to?

A. It was for labor and wood and other things.

Q. How did that accrue?

A. It accrued during the war and before, but principally before the war.

Q. I see from your last report, a copy of which I have here——

A. I did not print the last report, sir.

Q. This seems to have been made by Messrs. Grant, Huggins, and Whiteside.

A. That was a report from December 1, 1860, to June 30, 1865.

Q. At page 30 of that report there is the following passage, referring to an item of $308,872 61: "And this amount is mainly derived from the cotton secured and brought from the South by the perseverance of our president, M. Burns, esq."

A. That was from the sale of some 1,200 bales of cotton got down South. I only got about $225,000 for this cotton, as the price fell.

Q. How was that derived?

A. It was from the earnings of the rolling stock and the former manager of the road while South. I got an order to get out the cotton, and I went to General Thomas and told him the facts. He said he knew nothing about it, and did not want to be bothered with it, but that if I gave him my bond that the cotton belonged to the company he would give me an order to get it out. I did so, and he gave me a permit, and I got it out and sold it.

Q. Who gave you the order suspending the collection of the debt due to the government?

A. It came to the quartermaster's department from Washington, from either the Secretary of War or from the President. I heard the order read, but it did not come into my hands.

Q. This indebtedness that we have been speaking of is the debt of the Nashville and Chattanooga. Has like disposition been made with the Northwestern railroad?

A. Yes; the same extension was given the Northwestern railroad by General Thomas in order to give time to finish the road.

Q. Is the government indebted to the Northwestern road?

A. Yes; we claim $848,160 96.

Q. Is that over and above the work done completing the road?

A. It is exclusive of that. I here submit a statement of it from report of J.

B. Yates, engineer, who made a report as to the cost of finishing the portion unfinished of it between Nashville and the Tennessee river:

United States Government to Nashville and Northwestern Railroad, Dr.

For property taken from the Northwestern railroad, at Nashville, by the United States military railroads, as follows:		
For one turn-table	$1,000 00	
For one water tank	100 00	
For 892 tons railroad iron, at $100 per ton	89,200 00	
For 24,000 pounds iron fish bars and bolts, at 8½ cents per pound	2,040 00	
For 900 pounds railroad spikes, at 8½ cents per pound	76 50	
For interest from time bill was rendered, August 1, 1863, to September 1, 1865, at 7.5 per cent	14,055 00	
		$106,471 50
Use of one (1) locomotive and tender, the Stranger, from February, 1862, to September, 1865, 1,307 days, at $10 per day	13,070 00	
Use of one (1) four-wheeled pony engine, from February 1, 1862, to September, 1865, 1,307 days, at $10 per day	13,070 00	
Use of six (6) flat cars, from February 1, 1862, to September 1, 1865, 1,307 days, at $3 50 per day	27,447 00	
Use of one (1) box car, from February 1, 1862, to September 1, 1865, 1,307 days, at $2 50 per day	3,267 50	
		56,854 50
Amount of material used and destroyed on the western division Nashville and Northwestern railroad, November 1, 1862, between Hickman and McKenzie:		
1,249¼ tons railroad iron, at $100 per ton	124,950 00	
68,892 pounds railroad chairs, at 8 cents per pound	551,936 00	
3,090 pounds railroad spikes, at 8½ cents per pound	262 65	
3 complete sets switch fixtures, at $75 per set	225 00	
34,692 cross-ties, at 50 cents per tie	17,346 00	
Replacing 14.7 miles track, at $500 per mile	7,350 00	
Estimated cost of buildings at Hickman	5,000 00	
Bridge and trestle at Obion river, and on the bottom, 4,000 lineal feet, at $5 per foot	20,000 00	
Replacing 14.7 miles of ballast between Hickman and McKenzie, at $1,000 per mile	14,700 00	
Interest from November 1, 1862, to September 1, 1865, at 7.3 per cent	40,405 72	
		235,769 73
		399,085 73

RECAPITULATION.

Material taken from eastern division	$106,471 50	
Use of engines and cars, as per statement	56,854 50	
Materials taken from western division	235,759 73	
		$399,085 73

We, the undersigned, hereby certify that we have examined the above account, and, from the best information we possess, believe the prices and amounts to be reasonable and just.

WM. B. INNES.
J. B. YATES.

Recapitulation amount from above	$399,085 73
Amount for the use of the road, as per order of August 8, 1865, due by United States to Nashville and Northwestern railroad	449,074 96
	848,160 69

I also submit the report of Colonel Yates, who was detailed by General Rosecrans to make survey and report the cost of finishing the road. There was only one road at that time to supply the troops, and I saw General Rosecrans and he ordered Governor Johnson to build the road. I also submit a copy of General Rosecrans's letter to Governor Johnson, and a letter of mine to Colonel Innes, and Colonel Innes's report.

Report and estimate of the Nashville and Northwestern railroad, and the time and cost necessary to place said road in running order.

After carefully examining the plans and profiles of the Nashville and Northwestern railroad, I would respectfully make the following report:

The length of the road is seventy-seven and a half miles. Of this there are twenty-eight miles of iron laid, from Nashville out, and by building two small bridges this portion would be ready for trains.

From the Tennessee river towards Waverly there are six miles of iron laid. There is a landing at the Tennessee river which has been used for unloading iron from boats, and could be used to unload freight until a better one could be constructed.

I have subdivided this report as follows, to wit: Bridging, grading, grades, ties and track, iron, wood, time required, cost.

Estimate showing data for report B. Report of M. Burns, president, (sheet C.) Proposition of M. P. Clark, contractor, (sheet D.)

With this report I would respectfully submit the following profile of the work:

BRIDGING.

There will be twenty-four bridges to guard, but by referring to the profile it will be seen that most of them are temporary trestles, built so as to save heavy hauls and expedite the opening of the road. It will be necessary to build four hundred lineal feet of girder bridging, or trestle, to use the first twenty-nine miles of the road.

By referring to profile and map A, and sheet B, the different locations of the bridges will be seen. The whole number of bridges is twenty-eight, but some are so near together that one stockade will answer for two bridges.

GRADING.

The grading is all done on the first twenty-eight miles. On sections 29, 36, 49, 51, 52, 53, 54, and 57 there is some heavy work to do. Section 53 is the heaviest one. The accompanying profile shows the state of the work, and gives the data for estimate.

The grading is estimated at twenty-five cents—the least it can be done for, as the material is all clay.

GRADES.

The grades of the road are such as to admit of the easy passage of long trains throughout the whole line.

TIES AND TRACK.

Seven thousand ties are still needed to finish the road. The estimated price, twenty cents per tie, is large, and will cover all this expense, as the timber required is near the road.

The track is laid twenty-eight miles west of Nashville, and six miles from the Tennessee river, east; leaving forty-three and a half miles of track still to lay. Track can be laid from each end of the road, which will very much expedite the work.

IRON.

The iron was purchased and delivered. A great amount has been used by government. (See report of Mr. Burns, the president of the road, attached to this report.)

WOOD.

Any amount of seasoned wood can be purchased along the line of the road, and there need be no delay on this account.

TIME REQUIRED.

Appended to this report is a statement from Mr. Clark, who was one of the contractors on the road for a long time, to the effect that, with such assistance as government can furnish, he can make ready the road in ninety days for traffic. I think the time is long enough, from the amount of work to do. We can commence immediately to lay track from each end of the road, and, with a system, have the whole work going on throughout the entire line.

The points at which working parties will need to be guarded will be twenty-nine, fifty, and seventy miles west of Nashville, being the grading and track and working parties.

Total estimate and cost to finish the road.

Grading:	
To 115,100 yards, at 25 cents per yard	$28,775 00
Trestling:	
To 5,200 feet trestling, at $4 per foot	20,800 00
Ties:	
To 7,000 ties, at 20 cents each	1,400 00
Track laying:	
To 43½ miles, at $125 per mile	5,437 00
Total	56,412 00

Respectfully submitted.

J. B. YATES,
Major First Michigan Engineers.

Examined.

WM. P. INNES,
Colonel and Commander.

Bridging and trestling destroyed and to be rebuilt, grading to be done on the Nashville and Northwestern railroad.—(See profile in connection with this sheet, sheet B.)

BRIDGING.

Section.	Stei.	Length.	Height.
14	....	200 feet trestle	20 feet.
18	.....	200 feet trestle	20 feet.
49	2,540	1,100 feet trestle	25 feet.
51	2,644	500 feet trestle	22 feet.
53	2,800	900 feet trestle	12 feet.
54	2,827	300 feet trestle	25 feet.
55	2,850	1,000 feet trestle	30 feet.
57	2,975	800 feet trestle	75 feet.

GRADING.

Section.	Cubic yards.	Section.	Cubic yards.
29	15,000	53	50,000
36	5,000	54	12,000
49	12,000	55	2,000
52	7,000	57	17,000

WM. P. INNES,
Colonel Commanding First Michigan Engineers.

NASHVILLE, TENNESSEE, *February* 14, 1863.

I would respectfully make the following report in reference to the iron belonging to the Nashville and Northwestern railroad:

When the United States forces first occupied Nashville, there was twenty-eight miles of iron laid from Nashville west, and six miles on the western end, running east. There was about fifteen (15) miles of iron at Nashville ready to lay with spike and fish-bars; also fifteen (15) miles of iron delivered at Reynoldsburg, on the Tennessee river, and about fifteen (15) miles of iron delivered at Hickman, on the Mississippi river; the latter iron I had brought up to Huntingdon, in Carroll county, Tennessee, and is now there unused, as I believe. This iron can be brought to Hickman and then put on transports to Reynoldsburg to the end of the road, and from there by rail over the road to where it may be needed. The iron that was at Nashville was taken by the government and used on roads, with the exception of some that I had sent out on the line of the road and some that is at Fort Zolli-

coffer, on the Cumberland river. This report is made with as much reference to accuracy as it is in my power to make it, as my engineer left and the roadmaster; but I think it rather under than over the amount.

Respectfully, yours,

M. BURNS,
President of the Nashville and Northwestern railroad.

Colonel WILLIAM P. INNES,
First Michigan Engineers.

STATE OF TENNESSEE, *County of Davidson, ss:*

William P. Innes, late Colonel first regiment Michigan engineers and mechanics, being duly sworn, deposes and says: That for the past five years he has been acquainted with the condition and operations of the Nashville and Chattanooga railroad; that on or about the 10th day of February, 1862, he was ordered by Major General Buell, commanding United States forces, to rebuild some of the bridges that had been destroyed on the line of the road; that as far as he had opportunity of judging, the road was in fair order, being laid with U rail on cedar stringers; he was soon ordered forward with two battalions of his regiment to Shiloh and Corinth, and about the 4th of July, 1862, was ordered by Major General Buell to put the Nashville and Chattanooga railroad in order from Stevenson to Duck river; that by about the 1st of August, 1862, all the bridges had been rebuilt and the road opened all the way through. At this time General Mitchell was at Huntsville, and his army was supplied from Nashville, as well as General Buell's army. This deponent further says that the road was then considered in fair order and capable of doing a very large business, the only thing needed being cross-ties instead of stringers to lay the iron upon. The federal army about this time returned to Kentucky, and the Nashville and Chattanooga railroad was not used or controlled by the army again until about January, 1863, when it was opened from Nashville to Murfreesboro' under the superintendence of this deponent, by the replacing of all iron, ties, &c., destroyed; this deponent getting out a large number of cross-ties to take the place of the stringers previously in use. This deponent further says that the road, as so repaired by him, supplied General Rosecrans's command as long as he remained at Murfreesboro'.

On or about the 25th of June, 1863, the army advanced to Tullahoma, to which point bridges were rebuilt and the road put in operation. This deponent was soon after ordered to put the road in order to Bridgeport, which was done about the end of July, 1863, or first of August, 1863. About the middle of August this deponent was ordered by General Rosecrans to take charge of the road as military superintendent, and acted in that capacity until General Rosecrans was relieved of his command, at which time this deponent rejoined his regiment. This deponent further says that during the time he held the position of military superintendent he supplied General Rosecrans's army, then located at Bridgeport; and that, in addition to supplying the army, he moved the 11th and 12th army corps (consuming but five or six days in transporting them) over the road from Nashville to Stevenson and intermediate points; that these two corps comprised some 25,000 men and officers, with horses, batteries, camp and garrison equipage, baggage, &c. This work was all done with the road in about the same condition it was when taken possession of by the government.

After this deponent was relieved as military superintendent large expenditures were made on the road-bed for new iron, ties, &c. This deponent further says that, to the best of his knowledge and belief, as large an amount of business as ever has been done could have been accomplished without the renewal of so much iron. The road, in the opinion of this deponent, only needed retying to make it sound; and that opinion is fully borne out by comparing the U rail now in use with the new rail put down contiguous to it. The U rail now in use on the road is fully equal, if not superior, to a large amount of the new iron laid down by the government.

This deponent further says that he considers vast sums charged against the road might have been avoided had the same care been exercised that was in operating the Louisville and Nashville railroad, which road was under the control of private parties.

And further this deponent saith, that of the U iron taken up by the government authorities, some was sold to the Southwestern Iron Company at Chattanooga, Tennessee; some to the Nashville and Northwestern Railroad Company, and some resold to the Nashville and Chattanooga Railroad Company. Other iron was sold to other parties to this deponent unknown.

This deponent further says that the depot buildings erected by the government, and afterwards sold to the company, were in great part not needed by the company to do its legitimate business; the company using fewer engines and cars than were used by the United States government.

The buildings owned by the company before the government took the road would be sufficient for its operation; and this same fact will apply with equal force to the side tracks both on line of road and in depot grounds at termini.

And further this deponent saith not.

WILLIAM P. INNES.

HEADQUARTERS DEPARTMENT OF THE CUMBERLAND,
Stevenson, Alabama, August 26, 1863.

GOVERNOR: If consistent with your orders from the President, I wish to place under your orders the building of the Northwestern railroad. Major General Gordon Granger will receive instructions to furnish on your requisitions such military force as may be required for the protection of the road. You can also have the services of Brigadier General Gillem, and such part of the Tennessee troops as shall be mustered into the service as you may need, including Gillem's regiment. Your requisition for the necessary funds will be sent to the department chief quartermaster, who will be directed to make requisition for and supply what you may need. The chief commissary will in like manner be directed to supply subsistence for the troops and men employed in the construction of the road. He will give directions to the post commissary how requisitions are to be made. Colonel Innis, military superintendent of railroads, will detail the requisite number of engineers, and furnish rolling stock necessary to carry on the work. It is possible we can spare Colonel Thompson and the first and second regiments of colored troops to be employed on the line. Ask President Lincoln if he cannot send you some colored or engineer troops from General Grant's department for the same purpose. The whole to be under your command. As a matter of course, I shall desire to have reports from you of the progress of the work.

Very respectfully, your obedient servant,

W S. ROSECRANS,
Major General Commanding.

Brigadier General ANDREW JOHNSON,
Military Governor of Tennessee.

Official copy:

HENRY M. CEIST,
Lieutenant and Act'g Ass't Adj't General.

OFFICE GENERAL SUPERINTENDENT N. & C. AND N. & N. W. R. R.,
Nashville, Tennessee.

I, John B. Yates, first captain, then major, and latterly colonel, first regiment Michigan engineers and mechanics, certify on honor that, after the occupation of Nashville by the United States forces, February, 1862, I was directed by General O. M. Mitchell to build Stewart's creek, Overall's, and Stone river bridges, at Murfreesboro', then having command of two companies first regiment Michigan engineers and mechanics. At that time there were to be built three bridges between Nashville and Murfreesboro', over Mill creek. This work was done by two companies of first regiment Michigan engineers and mechanics, under Major Hopkins, by General D. C. Buell's orders. I built Stewart's creek, Overall's creek, and Stone river bridges, which, when done, opened the road to Duck river, a distance of fifty-nine miles from Nashville. In addition to Duck river bridge, there was a bridge at Cowan to build, which placed the road in running order to Stevenson. The Nashville and Chattanoga road was in good order, with the exception of these bridges; most of the iron being U rail, laid on ties, and only a portion laid on stringers track. The stringers track must not be understood to be the same as strap track, but was heavy U rail on longitudinal stringers, and the most that the track needed was ties, as the U iron was of good material, and with ties closely placed would have made a good track—much better than the light iron which has been placed on the road by the United States military authorities. Notwithstanding the heavy business that has been done on the U iron for the last five (5) years, it is still in use on the line of the road. When the road was opened to Stevenson by General Buell, with the usual repairs and the judicious placing of the ties on the road, it could have supplied his army (in my opinion) without any trouble and at comparatively little expense. As a civil road, or in time of peace, it could have done all the work that is done on it now, and in the same time that it has been in the hands of the company, since being turned over by the government, fourteen months, could have been made as good a road as it is now. Side tracks, water tanks, &c., are larger and more numerous than the legitimate travel of the company requires. Upon General Buell's return from Alabama, the bridges were burned between Stevenson and Nashville. After General Rosecrans had advanced to Nashville, I was made assistant superintendent of the Nashville and Chattanooga railroad, early part of August, 1863. At that time bridges had only been rebuilt and section men placed on the track; with the usual repair force and construction train (same as are employed now) we were able to supply General Rosecrans's army, running some eight (8) trains each way daily—sixteen trains in all, carrying one hundred and twenty to one hundred and thirty cars, and transporting a large number of troops, for the months of September, October, and November, having in these three months moved over the road the 11th and 12th corps, army of the Potomac, under General Hooker, without the loss of a single life; the work all being done on the old Nashville and Chattanooga road-bed, nothing having at that time been rebuilt except the bridges destroyed by General Buell. Twice the amount of work could have been done if necessary, if the management had been in possession of the requisite

amount of machinery and rolling stock to do it. General Grant and staff, General Meigs, chief quartermaster United States, were sent over the Nashville and Chattanooga road, from Nashville to Stevenson, while I was acting assistant superintendent, as safely and at greater speed than we are running trains now. If the Nashville and Chattanooga railroad had been left in the hands of the company under the same terms as the Louisville and Nashville railroad was, the Nashville and Chattanooga railroad would be a rich corporation to-day and the road a first class one, and this would have been done at not much greater expense than it has cost the Louisville and Nashville railroad to do the same thing.

J. B. YATES,
Late Colonel First Michigan Engineers and Mechanics.

I also appended the following:

Statement of the business of the Nashville and Northwestern line of the United States military railroads, division of the Tennessee, from August 1, 1863, to September 15, 1865.

Cash earnings	$5,883 51
Freight	
Passengers	14,292 75
Express and other sources	4,749 70
Total cash earnings	24,925 96
Government business:	
For freight transported, 182,454 tons; average distance, 75 miles; tons carried one mile, 13,684,050, at 2 cents per ton per mile	$273,681 00
Number of troops transported, 100,312; average distance carried, 75 miles; number of troops carried one mile, 7,523,400, at 2 cents per man per mile	150,468 00
	449,074 96

I certify that this statement is as full and complete as I am able to make from the books of the United States military railroads.

R. B McPHERSON,
Assistant to General Superintendent.

NASHVILLE, *January* 19, 1866.

Q. Then you claim that the government is justly indebted to the Northwestern railroad $848,160 96, with no claims on it except for the stock which you purchased?

A. They finished a portion of the road, according to the engineer's report, 111,500 cubic yards, and laid iron on 43½ miles; but in my opinion the value of the iron they took away was more than the value of the iron they put on, because they took away superior iron and gave us inferior. They also used up the road, and took away a lot of wood I had and gave no account of it. At that time we could not tell how things went, and could not watch them all. The iron put down by the United States was much lighter than the iron they took away.

Q. Upon a just and fair settlement between the Northwestern railroad and the government, in your opinion, which would be in debt?

A. On a just settlement, I would honestly say the United States would be in debt, from the best lights I have on the subject.

Q. Upon a just and fair settlement between the Nashville and Chattanooga railroad and the United States government, which would be in debt?

A. The United States government would be largely in their debt, from the best information I have received.

Q. About how much would the government be in debt to each road?

A. I don't know how much, but it would be considerable on a fair settlement.

Q. Had any person to go to Washington to see about this debt, and to get the time extended for your payments?

A. I came myself.

Q. Has the company employed any other agent than yourself?

A. Yes; they have employed agents from time to time.

Q. For that purpose?

A. Yes, and for other purposes.

Q. What other agents were employed beside yourself?

A. I found that I had not a great deal of influence, and as the guardian and representative of a good many widows and orphans having stock in this road, I felt it to be my duty to do the best I could to protect their interest. When I went to the departments myself I got very little satisfaction, and I got tired of going there.

Q. Who did you employ as agents?

A. Senator Fowler, who is a public-spirited man, and knew all the facts in connection with the road, was the only one, to my knowledge, that went direct to Washington on that business except myself.

Q. Was he paid by the company for his services as agent?

A. I should think it was only fair and just that I should pay him his expenses. He was not then in the Senate; he was only a private individual, and I think there was no wrong in doing so. I have also agents named Jenkins & Brien to assist me in this business. I found I could do nothing myself, and I had to employ some agents.

Q. How much has it cost each company to negotiate and obtain the extension of time on their bonds?

A. Literally speaking, I don't think it cost us one cent. I think the government knew the facts of the case just as well as I do, and was determined not to press us. That was the conclusion I came to. The whole thing, except my own expenses, did not cost probably more than $3,000 or $3,500.

Q. We want to know who received this money. Men cannot be induced to take hold of other persons' business without compensation in some way.

A. I found our delegation from Tennessee very kind about this matter, and they were willing to lend a helping hand without any cost. They thought it was a claim that ought to be settled, and that the welfare of that section of the country depended on it to some extent, and for that reason they helped it without expectation of either fee or reward.

Q. They acted because it was a matter affecting the interest of their constituents?

A. Yes; they looked at it in that manner. And I think, Mr. Chairman, you were also always willing to do your duty to your State.

Q. Now, suppose the government should not allow this credit which is claimed, and that they demanded the purchased property should be restored to the government, and the possession of the road surrendered to them, what would you do?

A. I can only speak for myself, and as long as I represent the interests of others, if the government should attempt to seize the road I will bring the matter into the courts, and I will go to the utmost end to oppose them. I know I am right. I have a great many people depending on me, and I have a right to take care of their interests. These people are loyal and pay their taxes, and the government should not deal unfairly with them.

Q. Is it your opinion that railroads should or should not suffer from the ravages of war?

A. I may reply to that, they should bear a portion of the incidental ravages; but the earnings of that road are just claims, and I, as president of the road, should see and collect those debts as my duty.

Q. How was the Nashville and Chattanooga railroad employed while it was inside the rebel lines?

A. I think the rebels made use of it, of course.

Q. You said the other day the president of it, Mr. Stevenson, was an active and influential rebel, and was in the quartermaster's department of the so-called confederate government. State whether the other officers who had charge of

that road before the occupation of Nashville by our troops, in the spring of 1862, were also active and influential rebels.

A. I don't know much about that. Mr. Gleaves, the treasurer, and Mr. Cole, the superintendent, went off with them south.

Q. I find in a table at page 30 of the pamphlet referred to it mentions an item of $164,238 25 confederate bonds. Do you know how these were acquired?

A. I presume from the earnings of the road, or of the rolling stock, while in the south.

Q. When the road was used to carry troops and supplies to the rebels?

A. I presume so; like every other road in the south.

Q. And that with the willing assent and assistance of the officers and managers of the road?

A. There were a great many of the stockholders who would not assent to it, but they could do nothing. The rebel authorities had the power to use them, and they exercised that power pretty freely.

Q. Was it not so used before the rebel authorities had control of it?

A. I don't know.

Q. Was it not used to carry off the first volunteers raised in Tennessee, and who came up to Virginia before the articles of secession were passed?

A. Very likely; but I had nothing to do with the active management of the road at that time.

Q. You were then living at Nashville, and was vice-president of the road?

A. No, sir; but of the Northwestern road.

Q. There is some testimony before us that complaints have been made of your management of the road in this respect; that since they have been turned over to the companies Union men who had been in the federal service have been turned off and returned rebel soldiers put in their places. How is that?

A. It is not so, sir; my superintendent and assistant superintendent, who have the duty of employing the men, were federal officers. I have never made any inquiries or cared anything about the political affiliations of any of them, as I wanted only efficiency. We have a mixed lot of employés. Colonel Innis, superintendent, and Mr. Yates, assistant superintendent, were federal officers. We get along very well together. Some of these gentlemen have been a long time together.

Q. Does this same statement apply to the lower class of employés?

A. I don't know what the lower class of employés are; if there is any such thing as you state I am not aware of it. There are often times when I have to discharge a man, and probably for reasons that I don't want to give, and it may sometimes be attributed to other causes than the true ones. Some of the conductors who had been there during the time the roads were under the military occupation resigned their situations. I issued an order to give drawback tickets in order not to have any money received on the cars; they took offence at this, as they thought probably it was reflecting on them; I said it was not so. They then tendered their resignations and I accepted them. We had not an unpleasant word.

Q. How did General Thomas treat the roads—in a liberal spirit or in a rigorous, exacting spirit?

A. I can say that I have the utmost regard for General Thomas; he always treated me kindly; and I think his disposition was to be kind and just to all men. I think he is an honest-hearted, upright man, and I always found him so in the dealings I had with him.

Q. You speak of the general character of General Thomas. My inquiry was whether in his dealings with the roads he pursued a liberal and generous policy, or whether he had been rigorous and stringent in his demands?

A. I think, as far as my own knowledge goes, that while he has been disposed

to be liberal, at the same time he has been rigorous in requiring compliance with the terms of the bond, and in all matters pertaining to his duty.

Q. Have there been any complaints made on the part of the road against anything he has done?

A. I never heard of any complaint having been made against him by any road. If you required him to do anything, if he could do so, he would; and if he could not, he would tell you so.

Q. Have there been any approaches made on the part of the roads, or by any of the persons connected with them, or in their interest, to General Thomas, or to the subordinates under him?

A. I never attempted to make a present to General Thomas, nor would I permit any of my employés to do so. I would pass the military over the road, or would pass any person General Thomas would recommend, as a matter of courtesy. That is the general custom of the road.

Q. Do you know whether these extensions which have been granted to your road from time to time have been made on the hypothesis that you are not really indebted to the government on a just settlement, or have they been granted because, in the opinion of the government, it would be oppressive to exact payment according to the terms of the bond?

A. I think the action of the government was influenced by both these considerations. The government was well aware it was in our debt, and, on the other hand, also thought that, by pursuing a liberal course towards the roads, they would be assisting in restoring the commercial relations and developing the resources of the country. I had some conversasion with Mr. Lincoln and he took the same view of the matter.

Q. What did Mr. Lincoln have to do with it?

A. The roads were in military possession during Mr. Lincoln's administration. At the time when I demanded possession of the road I knew I could not get it, but my object was to show the ownership and to keep the matter clear, so that I could demand pay for the use of the road. Mr. Lincoln told me that it was just that we should be paid, and he was very much in favor of building the Northwestern road. I had a long conversation with him on two occasions, and he said it was just and proper we should be paid. These were the words he made use of. I told him that, being the representative of others, I had a duty to perform in making the claim.

Q. Do you know that Mr. Lincoln was in favor of opening the Northwestern road as a line of communication?

A. He told me he wanted to do everything he could in order to feed his army, and he was glad I brought the thing before him.

Q. Have you any papers or other documentary matters showing the relations of your road to the government, or of the government to your road, that you can submit to us?

A. I have a report from the superintendent and assistant superintendent of engineers, which are appended.

Q. Please submit a copy of it and make it a portion of your evidence.

A. I will do so.

Q. Is there any other fact in that connection that you think would aid the Committee in investigating this matter which you have not stated? If so, please state it.

A. Nothing that I recollect.

By Mr. McCLURG:

Q. In what year did you become identified with these roads about which we have been speaking, so as to feel an interest for yourself and others in the success of these roads.

A. I was elected to fill an unexpired term in 1864; re-elected in 1865, and

again re-elected in 1866. I am now filling that time. The elections referred to were as president of the Nashville and Chattanooga railroad. I was elected in 1864 as president of the Nashville and Northwestern railroad, and in 1866 I was re-elected.

Q. When did you demand possession of the road from Mr. Lincoln?

A. In 1864.

Q. Can you tell us how often your agents, Mr. Fowler and Mr. Brien, or others, were sent to Washington for the purpose of obtaining an extension of the time for the payment of the bond?

A. Mr. Brien never came to Washington for that purpose. Mr. Fowler was here only once, and that was before he was a senator, and he did it more as a friendly act for me than for anything else, and I believe he did not do it for remuneration or pay, but, of course, I paid his expenses.

Q. What is the expense of the journey from your part of the country to Washington and return?

A. It costs me from $200 to $300 or $400. I think I paid him $500, because I did not wish to limit his expenses.

By Mr. WASHBURN:

Q. What amount did you pay Mr Brien?

A. I paid him nothing; his pay is contingent.

Q. Contingent on what?

A. Contingent on collecting my debt against the government.

By Mr. MCCLURG:

Q. Contingent upon collection of the debt from the government?

A. Yes.

Q. State how the remainder of the $3,000 or $3,500 which you mentioned as having been paid out was disbursed.

A. I gave Senator Patterson a fee for similar services on behalf of the company; but that was before Mr. Patterson was a senator.

By Mr. WASHBURN:

Q. What time was that?

A. Some time in 1865; I recollect he declined to take it one time from me, but as I incurred the obligation, I determined that I should pay him.

Q. What amount did you pay him?

A. $2,500.

Q. At what time?

A. To the best of my belief, in April or May, 1865. I am giving this from recollection.

Q. Was it before you bought the property or afterwards?

A. It was before the roads were turned over. I must say Mr. Patterson declined to receive it. After he was senator, he told me he would not have any more to do with it, and I have not since asked him to assist me, to the best of my recollection.

Q. Was that first time he acted before or after the assassination of Mr. Lincoln?

A. To the best of my belief, before it.

By the CHAIRMAN:

Q. During Mr. Lincoln's administration?

A. I am pretty certain it was under Mr. Lincoln's administration. The payment, however, was made after he came to Washington, after his election as senator.

By Mr. MCCLURG:

Q. The payment was after he became senator?

A. After he came to Washington, but before he took his seat, or Tennessee was admitted into the Union.

Q. Mention any other persons to whom you paid any money.

A. I have no recollection of having paid any one else.

Q. Do you know whether any offer in the way of money or coupons or bonds was made directly or indirectly to Mr. Johnson—President Johnson?

A. No.

Q. Or offered?

A. Not that I know of. At one time I offered Governor Johnson a portion of my salary if I got the roads, but he got angry and declined it; and said he was not a rich man, but would remain poor sooner than incur obligations.

Q. Are you acquainted with the books of the company?

A. I am.

Q. Does President Johnson own stock in either of these roads?

A. Not a dollar, to my knowledge.

Q. Do you know whether or not he owns stock in either of these roads, held by any other person?

A. I don't think he owns any, direct or implied, in either of these roads; I regard him as scrupulously honest in these things, as I understand is inferred by your question.

Q. Are you acquainted with President Johnson's financial condition?

A. No, I am not.

Q. You speak of the earnings of the Nashville and Chattanooga road for the fifteen months up to January 1, 1867, having been applied to the payment of former debts; what were they?

A. To the payment of the coupons and floating debt of the company.

Q. Who are these bonds held by?

A. Mainly in New-York, and some I don't know where they are held.

Q. The debts for work and labor you spoke of; what class of men were they due to—disloyal or loyal?

A. I cannot say.

Q. Where do these persons reside?

A. In Tennessee, mainly.

Q. You speak of the Nashville and Chattanooga railroad having furnished rolling stock to the government. Was the attempt not made by that road, when they found our armies about to get possession of that part of the country, to run off that stock?

A. They did run it off; there was some left, but it was disabled stock. You misunderstand me; I did not say the Chattanooga railroad furnished rolling stock to the United States.

By Mr. WASHBURN:

Q. All that could be taken was run off?

A. Yes.

By the CHAIRMAN:

Q. I understood the government furnished to the road rolling stock, and would be entitled to a drawback by reason of it, from this large amount?

A. You understand me correctly, sir. I furnished, however, myself two trains to the government in this manner: An engineer on the road came to me when everything was being run off and said, "Look here, I don't want to go south; what will I do?" I said back down on the Northwestern road and keep your trains there. He did so, and I held these trains; and when General Buell came he asked for them. I told him where he could get them; he requested me to send for them; he said his lines did not extend far enough out, and as they would be a great accommodation to him, he would be gratified if I sent for them.

I did so, and they were taken by the United States, and not returned until after the war.

Q. You said, in your opinion, if a balance was struck between these two roads and the government, it would be in debt to your road?

A. That is my opinion.

Q. Do you in your calculation give the government credit for what it expended on that road?

A. Even by giving them just credit for it the government would still be in our debt. I have got Colonel Innes's and Colonel Yates's report appended to my testimony in regard to the condition of the road when taken.

Q. You speak of the road having owned 1,200 bales of cotton before you became president, and of your having got it out; to whom did that belong, or to whom did the money paid for it go?

A. To the Nashville and Chattanooga Railroad Company.

Q. But what that road paid for the cotton, to whom did it go?

A. To the owners of the cotton.

Q. Who were they?

A. I don't know.

Q. Loyal or disloyal?

A. I don't know; very likely disloyal. I cannot, however, tell, as they were in Georgia.

Q. Was it purchased before our government got possession of that road?

A. After the fall of Fort Donelson the then president, or the rebel so-called government of the road, took off the rolling stock down south. During the time he was there he was running this stock on other roads, and this cotton was portion of the proceeds of the earnings of this rolling stock during the war. He invested a portion of the earnings in cotton, some of which was burned, and I found these 1,200 or more bales as the assests. General Steadman was then in Augusta, Georgia, and would not allow it to be brought out. When this was reported to me I went to General Thomas, and, as I have stated in a previous part of my testimony, I got a permit from him to bring it out by giving my bond that it belonged to the company.

Q. After you sold the cotton what did you do with the money?

A. I deposited it in the Manhattan Bank of New York, to pay the coupons on our bonded debt.

Q. Was all that amount exhausted in that way?

A. Yes, and a great deal more.

Q. Was any of that money paid to planters?

A. None of that money.

Q. As I understood you, the road owed for that cotton certain debts?

A. You misunderstood me. The rolling stock used in the south by the former president earned money, which was invested in that cotton.

Q. How was it invested in cotton?

A. The cotton was bought.

Q. From whom?

A. From the planters, I presume.

Q. Was it paid for at the time it was bought?

A. I presume so. I found it as assets of the company, and paid the company's debts with it.

Q. What business were you engaged in during the early days of the rebellion?

A. I was in Nashville engaged in the saddlery, hardware, and shoe-finding business, and remained there, and in that business, until the federal army took possession of that part of the country.

Q. In what way did you dispose of your work?

A. I sold it all through the country; whenever I could sell it I did so.

Q. Where did it particularly go to?

A. I had an extensive trade in Tennessee, Kentucky, Georgia, Alabama. I did a very large wholesale and retail business.

Q. Did you supply the confederate government?

A. I declined to do so, but I sold to persons whom I suppose sold to it. I declined to deal with the confederate government myself.

Q. Have you received confederate scrip or money in payment?

A. Yes.

Q. Were you compelled to take it?

A. I should either take it or not sell my goods, or take notes that were not rated better at that time.

Q. Did you ever make any effort to get out of the country to the Union lines?

A. No; I remained at home. I was once at Louisville, and returned home; but that was before the war was prosecuted vigorously.

Q. Were you open and decided in your feeling and expressions for or against the Union? What was your political status?

A. I was this: I was opposed to the war, and would not vote for secession, because I thought it unnecessary and uncalled for. I had two alternatives, either to leave the country or stay at home. I staid at home and sympathized with the southern people, but took no active part in anything. I never took the oath of allegiance to either government during the war. I was not very violent on either side.

By Mr. WASHBURN:

Q. Under what order was the Nashville and Northwestern railroad turned over?

A. Under the order of August 8, 1865.

Q. Did you not make a special arrangement with the President of the United States for turning over that road before any of them?

A. No.

Q. Here is language used in a letter to General Donaldson, June 27, 1865: "I have the honor to submit to your consideration the following proposition on behalf of the Nashville and Northwestern Railroad Company, of which I am the president, in pursuance of an interview with his excellency the President of the United States and the commanding general, Major General G. H. Thomas, who told me the government was willing to turn over to the Nashville and Northwestern railroad their road, with all the appurtenances thereto." Tell us what was the reason for that?

A. I presume, to the best of my knowledge, it was this: The road had become a burden to the government, and they were about to abandon it. I was afraid the bridges might be torn down and other damages done, and I made this request in order to get possession. The Cumberland river at that time was in such condition that supplies could be got by that channel, and in consequence the government was about ceasing to use the road, and I therefore wanted to get it.

Q. Here is an order, dated July 17, 1865, turning over the Northwestern road to you. Did you decline it?

A. I did not get it until September 1, 1865. I would not take it without getting the Nashville and Chattanooga railroad also.

Q. There is no mention made of your declining to do so. It seems this Northwestern railroad was turned over to you by this order?

A. I don't know anything further than that I declined taking it, because I knew it would not pay, and wanted to get both; but it was not absolutely offered me by the military superintendent of roads until September 1, 1865, when I took it.

Q. Look at that communication and see if there is any mention made of the other road. You say you would not take one without the other?

A. I declined it in the presence of General Thomas, unless I got the other road. The United States never actually offered to turn it over until September 1, 1865, when I took it.

Q. Have you a written declination?

A. No.

Q. You have no written statement to show that you declined taking one without both?

A. No; it was a verbal declination.

Q. What advantage has Reynoldsburg over Clarksville?

A. It has the advantage that the river is navigable to there at all seasons.

Q. Is it navigable to Clarksville?

A. No; there are shoals both above and below it. The line shoals and others are below it, I think. You cannot get up there at low water; the Cumberland river is not navigable to Clarksville at low water.

Q. When we took possession of the country the Chattanooga railroad run off what they could, except what you saved?

A. I saved all the Northwestern stock I could, but I could only save of the Nashville and Chattanooga railroad the stock that could not be moved.

Q. Did they move the machinery of the machine-shops?

A. They moved everything they could that was convenient to be moved.

Q. Did they disable the road as they retired?

A. I don't know. They took away the rolling stock.

Q. In regard to the work done for your road by Senators Fowler and Patterson, were they both employed for the same purpose—the same identical business?

A. What I wanted Mr. Patterson to do was to have the military turn over the roads to us.

Q. Did they perform the same amount of work?

A. Mr. Fowler was to try to get the extension of the bond if he could.

Q. Explain why you paid Mr. Fowler only $500, and paid Mr. Patterson $2,500?

A. I did not want Mr. Fowler to come here at his own expense when he was coming on my business.

Q. So was the other. Did Mr. Patterson do much for you?

A. Little or nothing.

Q. And yet you paid him more money than you paid to the other?

A. Well, I thought he could do more than he did do.

Q. If I understand you, you paid him after the work was done?

A. Because I incurred the obligation.

Q. What was the obligation you were under to him?

A. Some of my directors and stockholders advised me to see him and have him do something for us, and I told him I would pay him by their directions. They thought he might be beneficial in having the roads turned over.

Q. Explain what your agreement with him was? Did you agree to pay him $2,500?

A. That was all, and he was to see General Thomas and the military authorities.

Q. I understand you made an agreement with him that he was to see General Thomas, and he was to get $2,500 for that?

A. Not to see General Thomas alone, but to do what service he could to get the road turned over to the company.

By Mr. CHANLER:

Q. Did you employ him as counsel?

A. I did.

Q. He is a lawyer, and you employed him as such?

A. He is a lawyer, and as such I employed him.
Q. Did you ever employ him as counsel before?
A. No; he was not in that part of the country.

By Mr. McCLURG:

Q. Did he go to Washington on that business?
A. I think not.

By Mr. WASHBURN:

Q. Was Mr. Patterson engaged in getting the extension of time for the road?
A. Not that I know.
Q. How many such extensions have been granted to your railroads?
A. I know of only one, which exists yet.
Q. General Thomas granted you one?
A. I think it was the Secretary of War granted it by order of the President.
Q. General Thomas, from a report, granted you an extension on this condition: that the company commences payments in instalments on April 22, 1866. Had you no other extension?
A. That is the only extension to my knowledge. There was an extension given the Nashville and Northwestern railroad in order to finish it, as it was in an unfinished condition, and is so yet, and this is the one General Thomas gave.
Q. You say Mr. Brien has a contingent fee. State the whole of that arrangement with him, and what he gets that fee for.
A. Mr. Jenkins and Mr. Brien get their fees to get my claim against the government settled.
Q. State the amount of that contingent fee.
A. If they get the claim the company has against the government settled they will get $100,000; if they do not get my claim settled they lose their pay and get nothing. This would be a small amount.

By Mr. WASHBURN:

Q. What advantage did you expect to derive when you promised Mr. Johnson to share your salary with him?
A. Because I knew him for a long time, and that he was driven from his home, and I thought needed assistance.
Q. You offered him, from sympathy, to share your salary with him?
A. I had no salary then; it was in case I got the roads turned over.
Q. What was he to have in that case?
A. Half of my salary; which he declined, as stated before.
Q. What advantage did you expect to derive by doing so?
A. I did not expect much benefit. It was no object to me; I could live without it.
Q. Then it was out of charity to Mr. Johnson that you made the offer to him?
A. It was not; but it was an act of gratitude. He had done me many favors before, and I thought I could aid him. He declined my offer very feelingly, as I thought.
Q. Have you been on intimate terms with Mr. Johnson since then?
A. I have, sir, to some extent.
Q. Would it be to the advantage of the persons holding the bonds of the railroads that the company should pay the interest?
A. Undoubtedly.
Q. What could the persons who hold these bonds claim when the roads were turned over?
A. Of course they would claim their interest on back coupons.
Q. Are not these Tennessee State bonds and coupons held in New York and paid in New York?

A. They are held in New York and other places, and made payable in New York.

Q. Had you ever any conversation with President Sloss, in which you told him that he was a fool to pay his indebtedness, and that you both could escape it by delay?

A. I might have said that, because I considered I had a just claim against the government which ought to be settled.

Q. Have you advised other railroads of the same thing?

A. I may have done so. I have, as I said, a just claim against the government, and others have also just claims, and I might have said if we made common cause we could make better arrangements. But I don't say I did so, or that I did not say so.

Q. You don't say you did or did not?

A. I don't remember distinctly.

Q. You made this claim to get payment for the use of your road during its occupation by the military?

A. Yes, and I think it a just and proper claim. I might have said to Mr. Sloss this or something similar. In fact, if I told him anything it was this: "The United States owes us a good deal, and we should insist on a settlement. There is no use in your making payments when there is money due to you."

By Mr. McCLURG:

Q. Is Senator Patterson a stockholder in either of the two roads of which you have been speaking, or is he a bondholder?

A. He is a stockholder in the Chattanooga road. I don't know anything about his holding bonds.

Q. What amount of stock does he hold?

A. Not a large amount, probably $3,000; it may be more or it may be less. I remember issuing him stock, but I do not remember the exact amount.

Q. When did you issue him stock?

A. Some time in 1865 or 1866.

Q. Name the month you did so.

A. I cannot do so. It was at the end of 1865 or beginning of 1866. I could tell from the books of the company if I was at home.

Q. Do you know if he holds stock in the Nashville and Northwestern?

A. If he does I don't know of it.

By Mr. WASHBURN:

Q. Have you ever drawn on the President; and if so, when?

A. I have drawn on him for $15,000 at one time, and $14,600 at another time.

Q. How did you come to draw on the President for that money? How came you to be mixed up with him in monetary matters?

A. I was not mixed up with him. I know nothing of the origin of the debt; but I heard that when he was military Governor of Tennessee he had an order to draw on the Union Bank and on the Planters' Bank for $200,000.

By Mr. MERCUR:

Q. From whom had he the order?

A. I do not know. The officers of the bank said if he drew that amount he would ruin, as I heard, the banks. We then let them off by paying $20,000 each. This money was, as I understand, for the use of the lunatic asylum and penitentiary, which had no money at the time, and also some to pay troops. He gave the banks an order on the United States which he endorsed himself individually. After he became President the parties became clamorous for their money. He said he thought they should not demand the money from him in full. He then asked them to compromise it; and he thought they ought to take

$10,000 each. The banks sent on a Mr. White to arrange the matter. Mr. White returned with an offer from the President of $10,000 each. I told the President when he mentioned the matter to me, in the latter part of 1866, that I thought the banks would not take that offer, and that he should offer more. I telegraphed early in January, 1867, to him that the Union Bank claim could be settled for $15,000. He acceded to this proposition after having sent and received some telegrams from me, and he ordered me by telegram to draw on him for the amount. When I went to make the arrangement with the bank they would not take less than $16,250. I got fretted about it, and in order to be rid of it, having told him I could settle for the $15,000, I gave a check on my own private account in the bank for the $1,250 they claimed over what I said to him I could settle it for. This fact President Johnson knows nothing of ; and were it not for the manner in which you have compelled me to disclose it, as I am under oath, I would never have mentioned it, and President Johnson should never have known of it with my consent. The claim of the Planters' Bank had been previously paid by him. They took $14,600. The reason he claimed a compromise was, that when he got the money the currency of the bank was about twenty per cent. below par.

By Mr. WASHBURN:

Q. Then, as I understand, Governor Johnson was endorsing for the government and had to pay the money himself?

A. So I understand it.

Q. Do you know how Governor Johnson paid that?

A. I do not. I will here put the following telegrams in reference to the matter in evidence:

No. 1.

WASHINGTON, D. C., *October* 24, 1866.

To M. Burns:

Call on Dempsey Weaver and Joseph W. Allen, and if they will take the cost of twenty State bonds, which can now be had at 72 and 73, you will draw on me for the amount, payable at the First National Bank, Washington. Let me hear from you as soon as convenient.

ANDREW JOHNSON.

No. 2.

WASHINGTON, D. C., *November* 13, 1866.

To Michael Burns:

Are you likely to make any arrangement with the Union Bank? Perhaps it would be better for me to authorize Mr. Allen to draw on me for the amount proposed in his letter to me some time since, which was $15,000.

ANDREW JOHNSON.

No. 3.

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

To M. Burns:

You will make the arrangements as indicated in your despatch, and draw upon me for the amount.

ANDREW JOHNSON.

No. 4.

WASHINGTON, D. C, *January* 21, 1867.

To M. Burns:

Will Mr. Allen not take twenty State bonds for the claim? I have the bonds, and it would be much easier for me to let them go than to raise the currency. If not, draw for the $15,000, as stated in my former despatch.

ANDREW JOHNSON.

No. 5.

WASHINGTON, D. C., *January* 22, 1867.

To M. Burns:

All right. Draw for $15,000.

ANDREW JOHNSON.

Q. Explain this telegram No. 1.

A. This gentleman, Mr. Weaver, was asked whether he would take twenty bonds, or the amount that twenty bonds would bring—in other words, he could take twenty bonds or the proceeds of twenty bonds. Mr. Weaver took the proceeds of twenty bonds.

Q. Was this paper that was endorsed by Governor Johnson protested, to your knowledge?

A. In my opinion it was, because it was considerably past due, and banks are in the habit of protesting such matters.

Q. Tell us who was this paper drawn upon, if you can?

A. I think it was drawn in favor of Mr. Fowler. In fact, I think it was in this way: it was drawn by the Governor on the United States treasury in favor of Mr. Fowler, and endorsed by Mr. Fowler, and by Governor Johnson individually.

Q. You have already stated it was endorsed by the President.

A. I am speaking from memory. I think the President drew on the department in favor of Mr. Fowler, and Mr. Fowler endorsed it, and then Mr. Johnson became the individual last endorser. I think he signed it as military Governor and also as Andrew Johnson individually; and as signed by Andrew Johnson individually the banks came on him for payment.

Q. If I understand you, Mr. Johnson drew where he had no funds to pay?

A. I cannot say that.

By Mr. MERCUR:

Q. Mr. Johnson drew as Governor and endorsed individually?

A. Yes.

Q. Is your idea that the money could not have been raised on his draft as Governor without his individual endorsement?

A. I think it could; but I think he put down his name where he might as well have left it out.

Q. Have you any means of knowing whether he paid this debt out of his own funds or out of government funds?

A. I have no means of knowing. The original transaction I know nothing of except from hearsay.

Q. You know he drew the drafts, of $20,000 each, as military Governor, and endorsed them as an individual, and that he has paid them. That is all you know about it?

A. I don't know of my own knowledge, but that is my understanding. But I know that the drafts were paid that I drew on him.

Q. Did you pay the bank?

A. The draft was sent to the National Bank and he paid it here.

By Mr. MCCLURG:

Q. This telegram (No. 5) authorizes you to draw on him. Now, when you drew on him what did you take up?

A. His draft was sent on here to be taken up by him.

Q. You took it up yourself?

A. I did not take it up. Mr. Johnson telegraphed to me to draw on him for $15,000, and I did so. I told Mr. Allen to send the original draft on to the First National Bank here, enclosed in an envelope, so that the First National Bank should not know that it contained President Johnson's paper; and when the draft I drew on him in favor of the Union Bank was paid, the letter containing his original draft was to be handed over to him.

By the CHAIRMAN:

Q. When you drew for this $15,000, in whose favor did you draw?

A. In favor of the Union Bank. I think that draft came to the First National Bank here, and was paid here.

By Mr. WASHBURN:

Q. Mr. Allen got his draft and was paid; but there was some paper there Mr. Johnson wanted?

A. He got it at the National bank.

By Mr. MCCLURG:

Q. What was that paper that Mr. Johnson got?

A. The paper he endorsed.

By Mr. CHANLER:

Q. He redeemed his own paper?

A. Yes.

By Mr. MCCLURG:

Q. For how much?

A. For twenty thousand dollars and interest.

Q. What was the discount then?

A. From twenty to twenty-five per cent.

By Mr. WASHBURN:

Q. Why did you not, after you had taken up this paper, retain it for your own safety?

A. I did not take it up, and because President Johnson paid his draft he ought to have it.

By Mr. CHANLER:

Q. Did you get any percentage or premium of this transaction?

A. No.

Q. By whose order was this paper forwarded to the First National Bank, if you had taken it up by draft?

A. You misunderstand me. I did not take it up by draft. The paper and draft came on to Washington together.

Q. Did you not take up this protested paper of Mr. Johnson's when you drew on the First National Bank?

A. I did not take it up; it was taken up here. I drew on him as instructed according to the despatches, and the original draft and my draft came on here together, with instructions that if my draft was paid, the original draft should be delivered up to him.

Q. What did you retain as your security?

A. I retained nothing. Mr. Allen, who was the cashier and trustee of the bank, put the original draft in an envelope, addressed to President Johnson, and also put the one which I drew on Mr. Johnson in another envelope, and sent them both together to the First National Bank here, with instructions that when the draft of $15,000 was paid by President Johnson, the other was to be returned. There was an understanding between the cashier of the bank and I, that in case Mr. Johnson should not pay the $15,000, the original paper was to be returned to the Union Bank and mine canceled.

By the CHAIRMAN:

Q. Were both drafts settled for the same amount?

A. One was settled for $14,600, and the other for $15,000, by Mr. Johnson.

Q. What prevented the Union Bank from drawing, themselves, on the President for the money?

A. Merely the telegram I received.

Q. Then why did you go into the matter?

A. Because I was a friend.

By Mr. CHANLER:

Q. You did not wish to change the arrangement in the telegram?
A. I did not wish to do so.
Q. It was an act of courtesy on your part?
A. Yes, as I was certain that the amount would be paid.

Permit me to add that when Mr. Johnson became President, and he endeavored to lessen the expenses of the government, he found these roads were costing him a vast amount of money; and as the war was over, and he had no need of the roads, in order to get rid of this great expense, he deemed it prudent to turn these roads over to their owners, I presume with the advice of his Cabinet, stipulating these companies should transport troops and supplies over the road, giving credit for it on the bond which they gave the government for the stock turned over to them. They also stipulated the companies should convey the mails. All of those services have been faithfully performed by the roads. When these bonds were given, the companies had no means of discovering how much was due them by the government. In accordance with the executive order of the 8th of August, 1865, they were led to believe justice would be done them, and that the government would act with justice and generosity towards them, as they were of great advantage in developing the resources of the country, and restoring its commerce and industry; and, also, as a great many of the stockholders were orphans and widows, the companies trusted a fair and equitable settlement would be made by the United States government. Fully relying on the justice and magnanimity of the United States they made the purchase referred to.

M. BURNS.

I append a correct list of the directors of the road:

List of directors elected August 15, 1865, to serve for one year.

Davidson county directors.—James Wood, William T. Berry, J. B. Knowles, Anson Nelson, Aris Brown, J. M. Hill, N. E. Alloway; M. Burns elected president.
Rutherford county.—Levi Wade, J. H. Grant.
Bedford.—Hon. E. Cooper, Thomas C. Whitesides.
Franklin county.—J. F. Anderson.
Coffee.—W. S. Huggins.
Pennsylvania.—J. Edgar Thompson.
Charleston.—Henry Cobia, Thomas Ryan.
Georgia railroad.—Hon. J. P. King.
On behalf of the State.—Hon. William Bosson, T. C. Caldwell.

The following were elected August 15, 1866, for one year:

Davidson county.—William T. Berry, Anson Nelson, Sam. Watkins, James M. Murrel, S. D. Morgan, Aris Brown, W. F. Cooper; M. Burns elected president.
State directors.—Hon. William Bosson, Thomas H. Caldwell.
Rutherford.—Levi Wade, E. A. Ruble.
Bedford.—Hon. E. Cooper, Thomas C. Whitesides.
Franklin.—J. F. Anderson.
Coffee.—William S. Huggins.
Charleston.—Henry Cobia, M. McGrath.
Georgia railroad.—Hon. J. P. King.

WAR DEPARTMENT,
Washington City, November 1, 1867.

SIR: In compliance with the request contained in your letter of the 21st ultimo, I have the honor to transmit herewith, for the information of the Judiciary Committee, a schedule of railroad property captured by the United States forces during the late war and subsequently returned to the several railroad companies owning it.

By order of the Secretary of War.

Very respectfully, your obedient servant,

ED. SCHRIVER,
Inspector General.

E. G. BOWDOIN, Esq.,
Clerk Judiciary Committee House of Representatives.

QUARTERMASTER GENERAL'S OFFICE,
Washington, D. C., October 30, 1867.

GENERAL: I have the honor to return herewith the letter, with enclosure, of Mr. E. G Bowdoin, clerk Judiciary Committee House Representatives, referred to this office October 22, 1867, and to enclose statement of railroad property captured by the military authorities and returned to the several railroad companies at the close of the war.

I am, very respectfully, your obedient servant,

CHARLES THOMAS,
Brevet Major General United States Army,
Assistant Quartermaster General in charge

Brevet Major General ED. SCHRIVER,
Inspector General United States Army.

SCHEDULE OF RAILROAD PROPERTY CAPTURED BY THE MILITARY AUTHORITIES DURING THE WAR AND SUBSEQUENTLY RETURNED TO THE SEVERAL RAILROAD COMPANIES OWNING IT.

Orange and Alexandria Railroad Company.—158 tons railroad iron, 70 car wheels, 1 wiring machine, 3 planing machines, 1 set sheet-iron tools, 1 pair shears, 100 feet shafting, 3 planers, assorted, 3 drill presses, 1 fanning machine, 1 bolt cutting machine, 2 horn stakes, 1 set pipe tools, 2 hammers, 2 lathes, assorted, 1 locomotive engine.

Manassas Gap Railroad Company.—538 tons railroad iron, 18 car wheels, 5 lathes, assorted, 1 machine shop and building, 3 circular saws and frames, 32 pairs car wheels and axles, 2 box cars, 1 drill press, 2 planing machines, 1 stationary engine, 1 transfer grindstone, 1 crane for blacksmith's forge, 8 cars, 3 flat cars.

Alexandria, London, and Hampshire Railroad Company.—$162\frac{720}{2240}$ tons railroad iron, 1 lathe, assorted, 1 locomotive engine, 10 track bars, 6 picks, 3 hammers, 1 planer, assorted, 6 cars, 6 shovels, 1 track gauge.

Richmond and York River Railroad Company.—$538\frac{734}{2240}$ tons railroad iron.

Norfolk and Petersburg Railroad Company.—1408 tons railroad iron, 1 car body, old, 998 pounds steel springs, 4,640 pounds old tin, 33,080 pounds cast iron, scrap, 8 cars, 31,959 pounds wrought scrap iron and bars, 8,059 pounds castings, 7,958 pounds old axles, 42,900 pounds old car wheels.

Seaboard and Roanoke Railroad Company—$508\frac{2176}{2240}$ tons railroad iron, 66,394 pounds wrought iron scrap and bars, 71,258 pounds castings, 28,614 pounds old axles, 112.157 pounds old car wheels, 2,640 feet old railroad iron, sidings, 6 flat cars, 11 cars, 4,541 pounds steel springs, 8,533 pounds old tin, 59,336 pounds cast iron scrap, 156,463 pounds old railroad iron, 2 box cars.

Raleigh and Gaston Railroad Company.—25 augers, 340 car axles, 21 hand car axles, 7 driving axles, 7 anvils, 12 carpenter's benches, 135 pounds brass, 3 drafting boards, 6 crucibles, 1 cupola iron, 1 cupola brass, 3 truck cars, 38 box cars, 40 drills, 1 passenger car, 1 baggage car, 11 box cars, 16 flat cars, 87 copper tubes, 1 stationary engine, 1,924 pounds brass, 1 boiler, fifty horse power, 1 locomotive boiler, 1 crane, 9 chills with small flasks, 3 chills with large flasks, 1 bucket and rope, 27 flat cars, 2 locomotive engines, "Raleigh" and "Halifax," 1 locomotive engine, "Tornado," 1 locomotive engine, 303 iron foundry flasks, 72 brass foundry flasks, 1 steam hammer, 771 pounds bar lead, 130 pounds black lead, 6 lathes, 3,956 feet lumber, 1 mill blacking and belt, 1 bruising machine, 1 bruising machine with augers complete, 3½ kegs nails, 45 gallons oil resin, 1 force pump, and pulleys and shafting, 5 platform cars, 1 set of patterns, 43 sets of patterns, new, 1,320 coupling pins, 1 press drill, 800 feet rope, 1 screw plate and die, 5 pounds soapstone, 4 grindstones, 3 fans, blower and belt, 6 blacksmith's forges, 1 frame gig saw, 225 hammer handles, 80 assorted handles, 16,939 pounds assorted iron, 45,262 pounds scrap iron, 11,000 pounds Scotch pig iron, 48,314 pounds old cast iron, 7 iron foundry ladles, 7 brass foundry ladles, 3 sets machinery for lathes, 1 machine for burnishing iron, 1 machine for shaping iron, 1 machine for planing iron, 1 machine for slitting iron, 1 mortising machine, 2 foot mortising machines, 2 wood planing machines, 156 reamers, taps, &c., 165 feet machine shop shafting and pulleys, 60 feet car shop shafting and pulleys, 7 stoves, 7 bench screws, 4 gig saws, 1 set brass foundry tools, 1 set iron foundry tools, 1 set blacksmith's tools, 2 saw jacks, 1 hand vice, 125 assorted wrenches, 29 tons car wheels, 6 driving wheels, 12 trees for drivers, 8 pairs car trucks, 2 engine trucks, 10 bench vices, 1 finishing vice, 10 screw wrenches, 390 car wheels.

Wilmington and Weldon Railroad Company.—10 anvils, 10 sets blacksmiths' tools, 1 apparatus for welding rails, 230 axles, wheels, &c., 1,200 pounds brass and copper, 2,010 feet belting 88 Bristol brick, 1 engine bell, 1 bolt cutter, 1 top and die, 2 hand bellows, 2 fan blowers, 625 pounds old chain, 300 tons iron, 5,000 pounds bar iron, 1,000 pounds sheet iron,

2 hydraulic jacks, 10 small jacks, 25 locomotive tires, 16 pounds lampblack, 3 coach lamps, 6 lathes, 1 locomotive used as stationary engine, 1 dubbing machine, 1 tenoning machine, 1 moulding machine, 1 cupola, 15 chisels, 16 con plates, 300 pounds clamp iron, half pound chalk, 2,280 pounds iron castings, 54 drills, 2 crane derricks, 1 drop derrick, 1 stationary engine, 10 iron flasks, 8 iron forges, 3 grindstones, 3 gong cobs, 1 trip hammer, 2 sheets boiler iron, 51 reamers, 5 circular saws, 1 gig and frame saw, 350 feet shafting and pulleys, 1 stock and die, 1 pair brass tongs, 12 driving wheel tires, 2 ventilators, 47 rolls webbing, 3 planing mills, 1 coal mill, 700 pounds nails, 1 dozen packages nails, 1 planer, 3 chuck plates, 4 punches, 9 pulleys, 150 pounds paint, 25 pounds paint, 100 pounds putty, 2 drill presses, 1 wheel press, 100 pounds rivets, 100 pounds rope, 15 pounds rosin, 41 gross screws, 1 saw mill, (complete,) 1 pump, 3 cotton steelyards, 116 taps, 2 chests tools, (incomplete,) 100 pounds burnt amber, 13 bench vices, 90 car wheels, 5 driving wheels, 1 office table, 2 baggage cars, 10 locomotive engines, 1 office clock, 9 passenger cars, 9 box cars.

Atlantic and North Carolina Railroad Company.—1 anvil, 1 bolt cutter, 1 cupola, 1 stationary engine, 1 stream pump, 1 drill press, 1 grindstone and fixtures, 3 passenger cars, 1 mail car, 12 box cars, 1 iron safe, 5,000 pounds wrought scrap iron, 1 bellows, 1 desk, 2 fans, 5 lathes, 1 planer, 1 wheel press, 1 shaper, 1 baggage car, 12 flat cars, 5 locomotive engines, 50,000 pounds cast scrap iron.

North Carolina Railroad Company.—1 mail car, 12 box cars, 2 truck cars 4 passenger cars, 4 flat cars.

New Orleans, Opelousas, and Great Western Railroad Company.—9 locomotives engines, 3 passenger cars, 2 caboose cars, 3 box cars, 1 wood car, 1 horse car, 2 stock cars, 4 platform cars, 13 work benches, 37,483 pounds steel springs, 9 jack screws, 12,446 pounds car stock, 1 saw table, 44 mandrils, 774 pounds mandrils, 1 press, 1 table, 5 axles, 21 heading tools, 3 sledges and handles, 1 traveller, 6 cup tools, 1 framing block, 2 iron rams, 3 swedge blocks, 510 pounds blacksmith tools, 1 lot of patterns, 2,030 pounds old bolts and nuts, 181 feet gas pipe, 2 hand cars, 40,070 pounds old iron, 370 tires, 1 armour, 2 railroad maps, 1 portable locker, 11 push cars, 1 drill press, 7 pinch bars, 259 car wheels, 3 wood car catchers, 2 iron car catchers, 13 taps and dies, 1 wheel and stand for bridge, 60,670 pounds old bridge castings, 3 pumps, 1 clock, 54 wrenches, 69 drills, 27 reamers, 5 sets stocks and dies, 1 large oil can, 58 pairs tongs, 1 surface gauge for planer, 2 face plates, 1 cistern, 2 pair callipers, 5 swing tools, 395 car axles, 2 models for steamboats, 1 portable engine and boiler, 5 lathes, 6 ash rakes, 3 engine truck wheels, 4 old pumps and stands, 1 planing machine, 1 bolt cutter, 2 stationary engines and boiler, 689 pounds railroad iron, 7,249 pounds burnt car springs, 1 steel chisel bar, 4 desks, 95 taps, (assorted,) 29 taps, 1 ratchet brace, 1 spirit level, 3 fire pokers, 1 cupboard, 4 parallel bars, 106 lathe tools, 1 brass faucet, 1 block and fall, 7 dogs, 1 spanner, 5 boring bars, 6 vices, 16 counter borers, 12 caulking tools, 1 coppersmith forge and pipe, 1 set rollers for boiler makers, 40 feet turn-table, 1 pound sienna, 2 cranes, 13 fullers, 2 button sets, 3 anvils, iron parts of trucks, 6 cutters, 19 chases, 2 large racket jacks, 10 punches, 11 trucks, 1 paint mill, 1 iron tank, 3 forges, 3 flatters, 6 sets hammers, 11 chisels, 26 swedges, parts of trucks.

New Orleans, Jackson, and Great Northern Railroad Company.—2 box cars, 2 passenger cars, 1 platform car, 2 sets gas fixtures, 12 book and ticket cases, 5 desks, 1 iron safe, 2 flat cars, 1 baggage car, 2 tables, 1 set drawers, 3 armours, 1 steam gauge adjuster.

Edgefield and Kentucky Railroad Company.—2 locomotive engines.

Montgomery and West Point Railroad Company.—1 locomotive engine.

Macon and Western Railroad Company.—1 box car.

Nashville and Northwestern Railroad Company.—2 locomotive engines.

Tennessee and Alabama Railroad Company.—6 locomotive engines, 1 portable engine, 1 boiler iron punch, 1 turn-table and foundation, 1 cylinder boring machine.

Rogersville and Jefferson Railroad Company.—1 box car, 1 flat car.

Louisville and Nashville Railroad Company.—1 locomotive engine.

Southwestern Railroad Company.—1 box car.

Southern Railroad Company, of Mississippi.—1 locomotive engine, 2 box cars.

East Tennessee and Georgia Railroad Company.—2 locomotive engines, 1 box car, 1 wheel press, 1 pair car trucks, 1 flat car.

Mississippi Central Railroad Company.—1 box car.

Memphis and Ohio Railroad Company.—41 tons scrap iron, car wheels, 6 locomotive engines, 5 tons scrap iron, axles, 1 ton scrap iron, 4 frogs, 10 tons railroad iron bars, 20 flat cars, 4 box cars, 8 tons scrap iron, wheels and axles, 2 tons scrap iron, 2 trucks, 1 wheel press.

East Tennessee and Virginia Railroad Company.—7 locomotive engines, 4 passenger cars, 15 box cars, 4 flat cars, 17 monkey wrenches, 10 packing wrenches, 1 round house, 1 machine shop, 1 blacksmith ship, 3 engine lathes, 2 upright drills, 1 stationary engine and boiler, (complete,) 6 blacksmith anvils, 1 wood lathe, 1 rope and tackle, 1 wood planer, 1

circular saw and frame, 1 rip saw and frame, 1 turn table, 1 blacksmith bellows, 1 crane for blacksmith shop, 1 pair platform scales, 2 ratchet drills, 9 wood benches, 9 wood bench screws, 9 wood hand screws, 2 wood stoves, 2 lever jacks, 1 letter press, 1 water bucket, 2 oil cans, (small,) 2 oil cans, (large.) 2 cylinder head-wrenches, 1 car shop, 1 wheel borer, 1 small planer, 1 engine driver lathe, 1 bolt-cutting machine, 1 jig saw and frame, 1 paint mill, 1 grindstone and frame, 1 boring machine, 5 blacksmith vices, 1 tank plate punch, 1 wheel press No. 3, 1 black walnut desk and table, 1,792 pounds brass castings, 4 chilled tires, 1 grindstone, 1 pair engine trucks, 2 boring machines, 4 parallel vices, 2 jack screws, 11 joints stove pipe, 1 clock, 2 sets screws, 1 cold chisel, 2 jacks and levers, 1 hammer, 2 sets screw wrench, 1 follower wrench, 2 red flags, 2 jacks, 1 office chair, 2 pinch bars, 1 pair tongs, 1 rod wrench, 2 spanners, 1 hose wrench, 1 tallow can, 1 office desk.

Mobile and Ohio Railroad Company.—4 locomotive engines, 2 engines with tenders, 1 clock regulator, 4 flat cars.

Memphis and Charleston Railroad Company.—2 passenger cars, 1 portable cylinder borer, 2 screw jacks, 1 set small stove pipe rollers, 8 locomotive engines, 10 box cars, 1 bar borer, 1 test and gauge pump, 1 set large rollers, 7 buildings, 2 flat cars, 1 clock regulator, 6 desks, (counting and office,) 4 cases, 3 iron safes, (assorted,) 370 tons scrap iron, 1 black mill coal, 96 trucks, (warehouse, hand and baggage,) 1 coal grinder, 13 water tanks, 5 chairs, 3 letter presses, 5 draughting and office tables, 1 brass furnace, 1 wheel press, 72 car axles, 43 car wheels, 1 cistern and frame.

Nashville and Chattanooga Railroad Company.—9 locomotive engines, 2 flat cars, 16 water tanks, 5 planers, 3 saws, 1 lathe, 1 stationary engine and boiler, 1 counter shaft and pulley, 1 locomotive tank, 1 hand wheel press, 6 box cars, 1 passenger car, 1 screw-cutting machine, 3 morticing machines, 1 rabbitting machine, 3 moulding machines, 1 tongue and grooving machine, 1 lumber truck, 1 grooving machine, 164½ feet shafting.

Western and Atlantic Railroad Company.—21 locomotive engines, 1 passenger car, 2 flat cars, 1 stationary engine and boiler, 2 portable engines and boilers, 4 forges, anvils, bellows, and tools complete, 1 set rollers, 1 compound planer, 2 lathes, carriers, tools, shafting, and belt, 5 engine truck wheel, 3 box cars, 5 flat push or dump cars, 14 machinery cars, 2 horns, 6 vices, 8 sets machinists' tools, 1 screw cutter, dies, and tops complete, 1 grindstone and fixtures, 1 lot 1,000 wrenches.

Georgia Central Railroad Company.—1 iron safe, 14 locomotive engines, 10 locomotive tenders, 7 passenger cars, 113 box cars, 15 baggage cars, 12 stock cars, 15 bench vices, 2 wheelbarrows, 50 platform cars, 11 conductors' cars, 480 car wheels, 117 car axles, 14 wheels on axles, 8 sledge hammers, 4 sets blacksmiths' tools, 9 jack screws, 2 bolt cutters, 2 screw-cutting lathes, 1 sliding lathe, 1 pair boiler maker's shears, 1 pattern maker's lathe, 6 chalk lines, 10 auger handles, 33 bench stops, 96 glass lamp chimneys, 24 paint brushes, 2,550 wood screws, 3,850 carriage bolts, 35 bars flat steel, 100 bars round iron, 310 bars flat iron, 20 bars square iron, 4 bundles hoop iron, 400 brass car locks, 60 mineral knobs, 168 clothes hooks, 40 pairs strap hinges, 100 bell rope bushings, 115 bell rope rollers, 30 lamp bushings, 1 drill press, 1 horizontal drill machine, 1 vertical drill machine, 3 wheel drawing machines, 2 sets boiler and sheet-iron rollers, 1 stationary engine, 1 chisel and handle, 10 circular saws, 1 Fairbanks's scales, 8 oil and turpentine cans, 1,175 gross assorted screws, 7,500 fire bolts, 42 pounds nuts, 1,800 pounds washers, 1,300 pounds bolts, 4,700 pounds car brasses, 260 iron door bars, 144 door locks, 52 boxes window glass, 38 pounds finishing nails, 300 belt clasps, 30 hasps and staples, 25 car hangers, 528 sash stoppers, 1,320 sash lifters, 20 stove bushings, 28 sets plated car seat findings, 28 sets brass car seat findings, 15 car door plates, 125 pounds block tin, 420 pairs cast butts, 120 noiseless pulleys, 6 assorted files, 18 cast-iron urinals, 10 shackles, 90 pounds glue, 25 pounds borax, 50 pounds sulphur, 171 pounds white lead, 75 pounds umber, 260 pounds yellow ochre, 150 pounds black lead, 378 pounds chalk, 706 pounds fire-proof paint, 15 pounds India red, 33 gallons boiled oil, 53,928 feet sawed timber, 120 feet 7-inch belting, 24 ventilators, 7 pieces India-rubber belting, 1 piece leather belting, 13 pounds brass wire, 24 soldering irons, 72 sash fastenings, 6 sheets tin, 10 time books, 90 volute car springs, 113 drop car springs, 45 bumper car springs, 180 India-rubber car springs, 8 English car springs, 16 steel car springs, 120 pounds lampblack, 20 pounds pumice stone, 240 pounds Spanish brown, 120 pounds whiting, 100 pounds litharge, 287 pounds tallow, 85,000 pounds scrap iron, 20 feet 2¼-inch belting.

Memphis and Little Rock Railroad Company.—6 locomotive engines.

San Antonio and Mexican Gulf Railroad Company.—2 engines, 5 box cars, 15 trucks for box cars, 16 platform cars, 2 hand cars.

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TESTIMONY OF COLONEL WILLIAM G. MOORE.

WASHINGTON, D. C., *November* 15, 1867.

Colonel WILLIAM G. MOORE recalled and examined.

By the CHAIRMAN:

Q. When you were examined by the committee on the 25th day of May, you stated, in reference to the pardon of certain West Virginia soldiers, that you received the application from Thomas B. Florence, and submitted the paper to the President. You also stated that the papers, as far as you recollected, were simply a letter signed by Dr. McEwen, and a list of the persons who were to be included in the order. Have you any recollection of any other letters or papers which accompanied that application?

A. I have not.

Q. I hold in my hand what purports to be a copy of a letter, which reads as follows:

EXECUTIVE MANSION,
Washington, October 23, 1866.

SIR: The President directs me to acknowledge the receipt of your letter of the 20th instant, and to inform you that the lists transmitted therewith have been referred to the Secretary of War, with the following indorsement: "All pains and penalties attaching to these men on account of the charge of desertion are remitted, and the charge will be removed from the rolls." I am, very respectfully, yours,

WILLIAM G. MOORE,
Assistant Adjutant General.

With the following memorandum the letter was franked thus:

From the President of the United States:

ROBERT JOHNSON, *Private Secretary.*

And post marked October 25th. It does not appear to whom it was addressed. State if you recollect having written such a letter; and if so, to whom.

A. I have been thinking the subject over since I have received the letter, a copy of which I transmitted to the chairman of this committee, and I am yet unable to recollect distinctly either the fact of the receipt of such a letter from Mr. Andrews, or its acknowledgment. The reason why I was able to state the facts that are embraced in my former testimony was, that after a statement made upon the subject of the order in question by General Butler, in the House of Representatives, I referred to such papers as could be found to refresh my recollection on the subject, and I recollect that at the time the President asked in regard to this letter from Mr. Andrews, whether any such paper had been received; I looked over the files but could not find it. I yet thought it might be among the private papers. I have looked over that file, but have not yet discovered it. Being still not satisfied with the result of the investigation, yesterday evening I asked Colonel Johnson to look again among the papers, as he remains at the mansion during the evening. He made the examination, but was not able to find any such letter from Mr. Andrews, so that I cannot yet say whether any such letter has or has not been received.

Q. On the 13th instant you transmitted to me, as chairman of the committee, a copy of a letter dated at Marietta, Ohio, November 7, 1867, as follows:

Colonel WILLIAM G. MOORE,
Assistant Adjutant General, Washington, D. C.:

A year ago last October you addressed a letter to E. W. Andrews, at Martinsburg, West Virginia, (who was then running as a candidate for Congress on the democratic ticket,) acknowledging the receipt of an application from him for the release of a lot of deserters. This letter is now in the hands of parties here who are now negotiating with parties at Washington for its possession. Deputy Sergeant Alberger has been here, and reported the same genuine, stating that it would so far contradict your evidence as to place you with Conover. Of this I know nothing; you can judge. If, however, it is important to you, you must take

immediate steps to procure it. To do this, you must send a reliable party here at once. By applying to the clerk at the Mansion House at this place, he will find me, and I feel confident I can procure the letter for the same amount offered by the committee. I know warnings of this kind are constantly flying but you will undoubtedly, in this instance, perceive the fact and the necessity of some action.

Respectfully yours,

H. LOCKWOOD.

Have you any recollection of having written such a letter?

A. I have no positive recollection of having written such a letter.

Q. What is your impression as to whether such a letter was written?

A. I have thought over the subject this morning, and am unable to come to a positive conclusion as to whether my impression upon that point is the result of the communication which you have just read, or of facts that really occurred in October, 1866.

Q. Have you any knowledge of the Andrews letter reaching the President, or have you reason to believe that he knew of such a letter and its contents?

A. I have not. As I stated, I think the President asked me, when he sent for the papers at the Attorney General's office on the occasion to which I have referred, whether I recollected any such letter, and that my reply was that I did not. I asked him what was the purport of the letter, and he stated what he understood was represented as its purport; but I have failed altogether to recollect the receipt of the letter.

By Mr. CHURCHILL:

Q. Is the letter which has been read to you, and which has no direction, such a letter as would have been addressed by you to Colonel McEwen, supposing such a letter had been written upon that subject?

A. That is the style I should have used in reply to a communication of that kind. It does not here appear to have any address, and that perplexes me.

Q. There was a letter from Colonel McEwen among the papers?

A. Yes, sir; that I stated.

Q. The papers were presented by Colonel Florence at the department?

A. Yes, sir.

Q. Would it have been according to the practice of your department to have written to him?

A. No, sir; because he was on the ground, and would know what action had been taken without any communication.

Q. Did you understand Colonel Florence was making the application on behalf of another person—for instance, in behalf of Colonel McEwen?

A. I think he mentioned that fact at the time he spoke to me concerning the papers. Besides, the application was signed by Dr. McEwen

Q. Supposing that among the papers which were presented in the case had been one from Mr. Andrews, but without any intimation that he had any connection with the case, aside from his recommendation, would it have been according to the practice of your department to have written any letter to him upon the subject, as to what action you took in the matter?

A. Yes, sir; I think it would have been in accordance with the usual custom that prevails in the office.

Q. You would have written to him as well as to Colonel McEwen?

A. No, sir; I would not have written to Colonel McEwen, because he was represented by Colonel Florence, who was on the ground.

Q. You think, in that case, you would neither have written to Colonel Florence nor Colonel McEwen, although the letter of McEwen was among the papers?

A. No, sir; I should not have done so. In the case which you have suggested the course would have been this: The President would have given me an order to write the usual letter and I should have written it, and it would have made no impression upon my mind, it being a mere matter of routine.

Q. Then, if in addition to the papers now produced there had been a letter from Mr. Andrews, such as is supposed to have been written by him or by his son, the only communication made from your office would have been to Mr. Andrews?

A. I think that would have been the course very likely to have been taken.

By Mr. ELDRIDGE:

Q. Supposing Colonel McEwen had presented an application for the pardon of these men, and had presented letters with that application from ten or a dozen men, would you have written to each of these men who had sent a letter by McEwen?

A. No, sir.

Q. Then, why do you say it would be the practice of the office to write to Mr. Andrews when McEwen makes the application?

A. I made that reply upon the ground that there had been a separate and independent letter from Mr. Andrews.

Q. The application was made by McEwen?

A. Yes, sir; but if there had been a separate letter addressed to the President by Mr. Andrews, independently of the other papers, I think it would have been acknowledged. Of course, no one can tell what would or would not be the course in a hypothetical case.

Q. Still, you have no recollection of seeing such a letter from Mr. Andrews, or of having written an answer to it?

A. I have no positive recollection of seeing such a letter, or of writing an answer to it. As I have said to the committee, I have been embarrassed by the impressions that have been produced on my mind by this letter, dated at Marietta, Ohio. I have here the original of the letter from Marietta, if the committee desire to examine it.

Q. Do you know this man Lockwood?

A. No, sir.

Q. Do you keep copies of the letters you write?

A. Not mere acknowledgments. I would not, for instance, keep a copy of such a letter as has been read here.

Q. Have you ever seen this Andrews, or had any conversation with him?

A. No, sir; not that I am aware of.

Q. Do you know whether this man Lockwood is a real person or not?

A. I do not.

By the CHAIRMAN:

Q. Did you send an answer to Lockwood's letter?

A. No, sir; I prepared one, but upon consideration I concluded not to send it. I drew up an answer, in which I stated that I had no objection to the production of the letter before the Judiciary Committee; that, on the contrary, if it were in my possession, I should deem it my duty to transmit it at once to the committee. I did not know by whom this note from Marietta might have been written, and I did not wish my name connected with any affair having in it a money consideration. I shall, of course, continue my search for the letter said to have been written by Mr. Andrews, and if I am able to find it shall ask the privilege of appearing again before the committee. It is altogether beyond my ability now to say whether I did or did not receive or acknowledge such a letter. My recollection is very distinct of the action taken having been altogether based on Dr. McEwen's statement.

By Mr. ELDRIDGE:

Q. You state that you had a conversation with the President about this letter. Did the President himself, in that conversation, say that he had or had not any recollection about that letter?

A. He asked me if I had any recollection of such a letter. I told him I had not. He then said he had heard such a letter existed, but he had no recollection of it. He thought if I had seen it I might remember it.

Q. Did he state to you at that time that he had heard of the letter, or how he had heard of it?

A. No, sir; but, as I have said, I think it was in connection with some statement made upon the floor of the House by General Butler.

TESTIMONY OF MORRIS ALBERGER.

WASHINGTON, D. C., *November* 15, 1867.

MORRIS ALBERGER sworn and examined.

By Mr. BOUTWELL:

Q. Were you at one time directed by the Sergeant-at-arms to go to Marietta, Ohio, and make inquiries concerning certain statements in a letter to General Butler, purporting to have been written by one J. E. Gilman, September 10, 1867, a copy of which was furnished to you?

A. Yes, sir.

Q. When did you go to Marietta, if at all, for that purpose?

A. It was about a month ago.

Q. State in full what persons you saw in reference to the matter, what inquiries you made, and what information you obtained.

A. I was instructed to go and see Mr. Gilman, and find out what there was about the letter, if there was a letter, and to endeavor to get a copy of it. I went to Marietta and found Mr. Gilman. He said he would go and get it. He was all day in getting it. In the afternoon he said he had the letter in his possession, and made me promise that I would not reveal the name of the person to whom it was addressed. I asked him if I could have a copy of it. He said he did not know; he would have to go and see the people who controlled the letter. He was gone some time, and came back again, giving me this copy, which I compared with the original and found to be correct. The letter was mailed from Washington, and had the postmark on it. I stated at the time I made the promise that it would be subject to the condition that I might be required to reveal the name to the committee.

Q. To whom was the letter addressed?

A. It was addressed to Mr. Andrews, of Martinsburg. I would not be positive as to his initials. I am under the impression they were E. A. Mr. Gilman told me that the letter was to the father, not to the son.

Q. Do you know the handwriting of Colonel Moore?

A. Yes, sir.

Q. Have you seen him write?

A. On one occasion; when he was in the army I used to run across it a great many times. I was familiar with it at one time. I have not had occasion to see any of his writing for some time, but I think I should know it without any difficulty.

Q. When you saw this letter in Mr. Gilman's hands, did you form any opinion as to whether it was a genuine letter?

A. I am very certain it was a genuine letter. The date, postmark and everything indicated that it was. The envelope had on it the autograph of Robert Johnson, the President's private secretary, and indicated that it was mailed from the Executive Mansion.

Q. How was it addressed on the outside?

A. I think to E. A. Andrews, Martinsburg.

Q. Was the same writing on the outside as on the inside of the letter?

A. I would not be certain of that. I only looked at the envelope to see if it was of the description in general use at the Executive Mansion.

Q. Did you form any opinion from the handwriting in the body of the letter, or from the signature appended to it, as to whether it was written or signed by Colonel Moore?

A. I made up my mind who wrote the letter before I got to the signature.

Q. Did Gilman, or any other person who had custody, or professed to have custody of it, give any indication of the means by which they came into its possession?

A. No, sir. He made a good many statements. He said the son had written the letter to the President, signing his father's name; that the reply had come back to the father, who professed to know nothing about it and was angry, or, as Gilman stated, "raised the devil that such a thing had been done." He said he was not at liberty to say how the letter came to Marietta; but that it was now held in possession by these parties who were in debt, and would not part with it until they raised money enough to pay their debts.

By the CHAIRMAN:

Q. Did he say how much they would require for the letter?

A. Yes, sir.

Q. What amount?

A. Three thousand dollars. He afterwards threw off five hundred dollars, or stated that he was willing to. He did not want to make anything out of it. If, however, he could get anything out of it, he was willing to go halves with me on the five hundred dollars.

Q. Did you get the name of the party who had control of the letter?

A. No, sir; he would not give me the name of the party who had the original letter. I think he has it himself.

Q. Did you ever meet anybody by the name of Lockwood in connection with the affair?

A. No, sir. Gilman mentioned the names of two or three parties in town, but I was not at all familiar with them, and did not pay much attention to it.

By Mr. ELDRIDGE:

Q. Did you learn who this Gilman is?

A. He is a professor of music—a young man of very good standing, and thought a good deal of by the people of the town.

Q. Where did you find him?

A. I found him at his place of business, No. 25 Front street, I think.

Q. Was he keeping a music store?

A. Yes, sir; he had a right good stock of music, musical instruments, pianos, &c. I have several letters from him.

Q. You said he told several stories about it. What do you mean by that?

A. He told me a great many things about these parties in Marietta.

Q. Stories that differed from each other?

A. No, sir; not at all. A great many things I considered immaterial and paid no attention to them.

Q. You made inquiries about him?

A. Yes, sir; I did afterwards.

Q. Did you have any connection with any other parties about the letter?

A. No, sir. The only connection I had with any other parties was to find out the standing of Gilman, his respectability, and what kind of a man he was.

Q. He introduced you to no parties connected with the letter?

A. No, sir. He refused to allow me to see any other parties connected with the letter.

Q. When he professed to go back to see the parties about it, do you know where he went?

A. No, I do not. He was gone a good while.

Q. Did he leave the store?

A. Oh, yes, sir. He left the store and went off on the street. I went out and watched him. When he came back he said he had a copy of the letter and the original letter.

Q. How came you to go there to see him?

A. I was requested to go there by Mr. Ordway, the Sergeant-at-arms.

Q. Did you have this letter to General Butler with you?

A. I did not know until now that the letter was to General Butler. I had this copy with me.

Q. Did this man Gilman say how he came to know that the letter had been thought to be important by the committee?

A. I believe he made the remark that he had seen statements in the papers about the pardon of a hundred and odd deserters; that this letter had come to his knowledge, and that he had communicated with some of the committee, or some gentlemen here, about it.

By Mr. THOMAS:

Q. Are we to understand that you knew the handwriting of that letter before you saw the signature?

A. Yes, sir; I made up my mind who wrote the letter before I saw the signature.

Q. You are certain it was Colonel Moore's handwriting?

A. As certain as I could be under the circumstances.

Q. When did you see Colonel Moore write?

A. I cannot exactly state the time. It is not many months ago that I saw him write at his own house. I called at his house with a friend, and he indorsed a couple of cards my friend had.

Q. Did he write his name?

A. Yes, sir.

Q. You are familiar enough with his handwriting to say that you think this letter you saw was written by him?

A. I am more familiar with his signature than his handwriting. I believe that to be his signature, and I believe it to be his handwriting.

By Mr. MARSHALL:

Q. Are you an expert in testing the genuineness of handwritings?

A. I cannot say that I am.

Q. Have you ever devoted yourself specially to that?

A. No, sir; I have a pretty good memory, and when I see a thing I can generally distinguish it and remember it.

Q. You say you did not notice the handwriting of the superscription on the envelope?

A. I only noticed it to see to whom it was addressed, and the place. And then I looked more to see the quality of the paper and the printing at the head, "From the President of the United States. Robert Johnson, private secretary," and the Washington postmark.

Q. Are you familiar with Robert Johnson's signature or handwriting?

A. I would not swear to his signature.

Q. What was the date of the postmark?

A. The letter was postmarked "Washington, October 23." It was stamped on the envelope. I think the letter had the same date.

By Mr. LAWRENCE:

Q. Did you offer any price for the letter?

A. No, sir.

Q. Were you authorized to do so by any member of the Judiciary Committee?

A. No, sir.

Q. Was anything ever said upon the subject within your knowledge?

A. He asked my opinion as regards the worth of the letter.

Q. Did you express an opinion?

A. I did.

Q. What value did you express?

A. I told him I did not consider it worth more than the postage stamp; I did not see any chance for my two hundred and fifty.

TESTIMONY OF WILLIAM J. MURTAGH.

WASHINGTON, D. C., *November* 18, 1867.

WILLIAM J. MURTAGH sworn and examined.

By Mr. LAWRENCE:

Q. State if you are the editor and proprietor of the Republican newspaper printing establishment of this city, and have been since the 18th of May, 1866?

A. I am now sole proprietor. I purchased the interest of Mr. Hanscom in April last. E. D. Peck is the editor. In May, 1866, the paper was owned jointly by Simon P. Hanscom and myself.

Q. State whether, since the 18th of May, 1866, the Republican newspaper establishment has printed any advertisements, notices, &c., for the government; and if so, to what extent?

A. Ever since the passage of the law by Congress I have published all the government advertising regularly.

Q. Can you state how the circulation of your paper has compared with the circulation of other newspapers in the city since May, 1866?

A. I cannot. The matter of circulation is a difficult one to determine. There is always a jealousy among newspapers in regard to their circulation.

Q. Was any sworn affidavit of the circulation of the Republican newspaper furnished to the government or any department of it?

A. I cannot say positively without making an examination. I think there was not.

Q. By whom was the printing to be done furnished to you?

A. None of the advertisements were furnished me. They were furnished originally under the authority of the President. Mr. Lincoln gave me the official advertising. Subsequently Mr. Johnson re-affirmed that order, or indorsed it, stating that it was to be continued. After the passage of the act of May, 1866, I received no advertisements officially from the department at all. All that I published was under the order of the President, which I have referred to. I obtained the advertisements from the other newspapers.

Q. Have you been paid for the work that has been done by your establishment?

A. I have, to a limited extent. For all done under the act of May, 1866, I claimed I was entitled to pay. After the passage of the act of 1867 I have asked no pay for government advertising done.

Q. Since the passage of the act of March 2, 1867, has your establishment published any advertisements, notices, proposals for contracts, &c., from the Executive or other department of the government, or published any laws of Congress?

A. Yes, sir, we have published them all regularly; but, as I stated, have received no pay for work done since the passage of the act of March 2, 1867.

By Mr. BOUTWELL:

Q. What construction did you give to the law of 1866, which, as you supposed, entitled you to pay?

A. The law of 1866 referred to such advertisements as were required by law to be published in the city of Washington. Very few advertisements were required by law to be published in the city of Washington; and, as I supposed, we were entitled to pay under the previous order of the President, directing the government advertisements to be published in our paper. Senator Wade, who had charge of the matter, in the law of 1867 struck out the words, "required by law to be published in the city of Washington," after which I was satisfied I had no right to claim pay.

Q. From what department of the government did you receive the pay you did receive?

A. From the War, State, and Treasury Departments, amounting in all to about $5,000.

Q. Were your bills paid by the usual process of auditing in the departments, and examined?

A. They were. Mr. Baker, the financial clerk in the State Department, paid me, as he always did, after referring the matter to Mr. Smith, the legal clerk, who examined the accounts and found them correct.

Q. What papers were selected under the law of 1867 in this city?

A. The Star and Chronicle. They were designated, I think, in June, about the time the law went into operation.

By Mr. ELDRIDGE:

Q. Up to what time precisely were you paid?

A. I was paid on the basis of the advertisements for the previous year. I cannot tell the exact date. It was up to the time the law of 1867 went into operation.

Q. What amounts did you receive from different departments?

A. As I recollect, something over $700 from the State Department, about $200 from the Treasury Department, and about $4,100 from the War Department.

Q. Were you paid on a special order from the President?

A. None of these sums were paid on a special order from the President. After Mr. Stanton was removed I sent my account to the President, with a note to the effect that I would like to have it examined and adjusted, and I think he indorsed it, "referred for examination." He made no order for its payment.

TESTIMONY OF JOHN F. COYLE.

WASHINGTON, D. C., *November* 19, 1867.

JOHN F. COYLE recalled and examined.

By Mr. LAWRENCE:

Q. Will you furnish to the committee a statement of the amounts of money paid to you by the different departments of government between May, 1866, and March, 1867, for advertising and printing notices, &c., in the National Intelligencer newspaper?

A. The amount as furnished by my cashier and bookkeeper is $7,435 25, as follows:

War Department	$6,019 00
Patent Office	544 00
Post Office Department	418 50

Treasury Department	$212 50
Aqueduct Office	23 25
House of Representatives	96 00
Library of Congress	16 00
Supreme Court	12 25
Commissioners of Public Buildings	50 50
Indian Bureau	688 75
Pension Office	314 50
Interior Department	105 00
Capitol Extension	20 50
Naval Storekeeper	13 50
	7,434 25

Q. State if the President made a speech on the 13th of November, 1867, at the White House, to a crowd of people there assembled; and if so, can you furnish a copy of the speech as it was made?

A. He did make a speech. I was present at the White House, but not in hearing of the speech. The copy we received, as I understood on that night, we were to receive and did receive from Mr. Gobright, of the Associated Press, and will be found published in the Intelligencer of the morning of the 14th.

Q. State if you have any means of knowing whether that is a correct report of the speech?

A. It is presumed to be correct; the speech was read by the President from manuscript.

By Mr. ELDRIDGE:

Q. Were these payments made to you for services rendered prior to the 10th of June, 1866?

A. Some of them were, and the others paid for were not those coming under the law, which specifies that all advertisements published in Washington shall be in these two papers.

Q. What were these advertisements for which this account covers?

A. They were some of the general advertisements of the office; I do not remember what.

Q. Who were they ordered by?

A. By the War Department, Patent Office, Indian Office, and other departments, I presume. I was not myself cognizant of the facts.

Q. Do you know of the President himself, either verbally or in writing, directing the payment of any of these sums?

A. He did not. I may state in respect to the account at the War Department that it was rendered to Mr. Stanton, but during his stay there we could never get any settlement; he would neither allow it nor reject it. At the commencement of the present administration the President selected our paper, as he had the right to do according to the law prior to the passage of this late act, for the publishment of the official advertisements. During Mr. Stanton's stay there we took occasion to speak of him, and about his official conduct, as we felt on the subject; whereupon he wrote a peremptory order directing all branches of the War Department not to advertise with us. We paid no attention to it, but continued to publish the advertisements under the order of the President, prior to June, 1866. These accounts were rendered as they became due, and would eventually reach the Secretary's table, where they remained unacted upon. When he went out of office we rendered the accounts again, and as the President, under the law, had ordered us to publish the advertisements, we appealed to him to have our accounts examined and adjusted. Under his direction they were

examined at the War Department, found to be correct, and were paid, as were also those of the Republican.

Q. Has the President taken any part or given any direction with regard to the accounts which have accrued since June 10, 1866?

A. None, and these other payments have all been made by the several departments in their discretion.

Q. Did the President pay you out of the public funds for publishing his late speech?

A. Certainly not. He never spoke to me about his speech. We published it as we do any other public man's speech. I may say that we publish a great many advertisements of public interest for the benefit of our subscribers, keep a regular account of them, and enter them as if they were to be paid, and we may eventually appeal to the Court of Claims for their payment.

The speech of the President referred to in the above testimony was subsequently furnished by the witness, and is as follows:

The speech of the President.

FELLOW-CITIZENS: It is not my intention to make an address upon this occasion, but simply to tender you my thanks for this demonstration—a demonstration approbating what your fellow-citizens have declared in the recent elections in various States of the Union. They will appreciate your response to what they have done, and send back greeting that the Union of the States must be maintained according to the original design of our fathers.

I confess I am gratified, but not surprised, at the result of the recent elections. I have always had undoubting confidence in the people. They may sometimes be misled by a "lying spirit in the mouths of their prophets," but never perverted; and in the end they are always right. In the gloomiest hours through which I have passed—and many of them, God knows, have been dark enough—and when our Constitution was in the utmost peril; when our free institutions were assailed by a formidable force, and our great republic seemed to be tottering to its fall, and when I felt how vain were my efforts alone to preserve these institutions in their integrity, and to save the republic from ruin, I was still hopeful; I had still an abiding confidence in the people, and felt assured that they, in their might, would come to the rescue. They have come! And thank God they have come, and that our republic may yet be saved. [Tremendous cheering.]

It was but the other day that I officially declared that the remedy for the present unhappy condition of the country must come from the people themselves. They know what that remedy is, and how it is to be applied. At the present time they cannot, according to the forms of the Constitution, repeal obnoxious laws; they cannot remove or control this military despotism. The remedy is nevertheless in their hands, and is a sure one, if not controlled by fraud, overawed by arbitrary power, or, from apathy on their part, too long delayed. With abiding confidence in their patriotism, wisdom, and integrity, I am still hopeful that in the end the rod of despotism will be broken, the armed heel of power lifted from the necks of the people, and the principles of a violated Constitution preserved. The people have spoken in a manner not to be misunderstood. Thank God! they have spoken; for it is upon their intelligence and their integrity that I have always relied, and still rely. The Constitution of the country, which was imperilled, has recently been before them for consideration, and it has had new life and vigor imparted to it from its original source—the people. It comes back to us with renewed strength and power. Let it now be translated high up in the heavens, written in letters of living light, as the symbol of liberty and Union, justice, magnanimity, and fraternity! Good night.

TESTIMONY OF THOMAS B. FLORENCE.

WASHINGTON, D. C., *November* 18, 1867.

THOMAS B. FLORENCE recalled and examined.

By Mr. LAWRENCE:

Q. Have you been the editor and proprietor of the Constitutional Union newspaper and printing establishment since the 18th of May, 1866?

A. Yes.

Q. Since that time, have you printed in your newspaper any advertisements,

notices, proposals for contracts, or other printing for any of the officers or departments of government, or published any laws or treaties; and, if so, to what extent?

A. I have since the 18th of May, 1866, but not since March 2, 1867, when a law was passed which cut me out altogether. Since then I have put in the advertisements in the edition published in the city of Georgetown. I publish a Washington newspaper called the Constitutional Union, and a Georgetown paper called the Evening Union.

Q. Where are they both, in fact, printed?

A. They are printed in Washington.

Q. Have you received any pay for printing or advertising done for the government since the 18th of May, 1866?

A. Yes.

Q. From whom, and what amounts?

A. From the War Department, through Mr. Stanton; from the Treasury Department, through Mr. McCulloch; and I am not sure whether I have received anything from the Interior Department or not. They owe me a trifling amount, which would have been paid long ago if Mr. Harlan had remained in office. I cannot state the exact amounts without further investigation, but will endeavor to ascertain and furnish them to the committee.

Q. What two papers were designated, under the laws referred to, to do the advertising and printing in Washington?

A. The Star and Chronicle. My paper published in Georgetown, according to my understanding, was not excluded by the law of 1866 from publishing the advertisements.

Q. Did you furnish a sworn statement of the *bona fide* circulation of each regular issue of your newspaper for the three months preceding the 10th of June, 1866?

A. No; I did not intend to compete with the Washington newspapers for the publication of the government advertisements, and hence I did not furnish any statement.

Q. Did you ever have any conversation with the President about this advertising and printing?

A. Yes; and I found a good deal of fault with him for not insisting that I should be paid. I did the work in good faith, and thought that I was entitled to the pay.

Q. Did you ever ask him to have the patronage assigned to you?

A. Oh, yes.

Q. Did he direct it to be done?

A. He favored it; I do not know that he directed it.

Q. Was that since May, 1866?

A. No; since that time I do not think I have spoken to him on the subject, except to say that I ought to be paid. I exercised my right of judgment as to the propriety of it, and concluded I knew what ought to be done as well as he. I have talked with him several times about receiving pay for advertisements published in my Georgetown paper.

By Mr. WILLIAMS:

Q. Why do you think, if Mr. Harlan had continued in office, you would have been paid?

A. Because he knew more about it.

Q. What was the reason the present Secretary did not pay you?

A. I do not know.

Q. Have you applied to him?

A. Once, directly to him. His reply was that he would look it up. I do not wish to express my opinion about it, for it might be a little rough.

By Mr. ELDRIDGE:

Q. Did you receive pay for advertisements published in the Constitutional Union previous to the passage of the law of 1866?

A. Yes, sir.

Q. Was any money received by you for publishing these notices or advertisements in the Constitutional Union since that time, unless for work done previously?

A. No; not after the time fixed for that law to go into operation. Indeed, I did not put them into the Constitutional Union. I published them in the Georgetown paper.

Q. You claim pay, as I understand, for the advertisements published in the Evening Union in Georgetown. Did the President ever at any time give to you or to the head of any department, to your knowledge, any verbal or written order or direction to pay you anything?

A. No; not that I am aware of.

WASHINGTON, *November* 21, 1867.

THOMAS B. FLORENCE recalled and examined.

By Mr. LAWRENCE:

Q. Have you prepared the statement you were asked about yesterday?

A. No, I have not; I can recite to you in round numbers that I received from the War Department about $3,000; from the Navy Department approximating $400; and from the Treasury Department $350 or thereabouts. I said in my testimony that I had received nothing from the Interior Department. I meant to have said that I had been paid nothing by Mr. Browning. I was paid two or three hundred dollars for Interior Department advertisements by his predecessors.

Q. This was for advertising done prior to the 10th of June, 1866?

A. I am now speaking of work done since June, 1866, but it was for advertising done in a Georgetown paper. I should have added that I got from Mr. Denison for post office advertisements about $200 since June, 1866. I have received nothing from the State Department, though I claim they ought to pay me.

By Mr. WILLIAMS:

Q. Did you publish these advertisements at the request of the heads of the different departments?

A. There was a tacit understanding that I should do it. I went to those having control of the matter, in the early part of the administration, and they requested me to do it.

By Mr. ELDRIDGE:

Q. Were you paid any of these sums of money on the written or verbal order of the President?

A. I apprehend not; I do not know.

Q. Did you have an office in Georgetown?

A. A publication office—yes, sir. The papers were printed in Washington, but this was a distinct issue for Georgetown. It was not the Constitutional Union; it was the Evening Union.

TESTIMONY OF JOHN E. GILMAN.

WASHINGTON, *November* 22, 1867.

JOHN E. GILMAN sworn and examined.

By Mr. LAWRENCE:

Q. State your residence.

A. I reside at Marietta, Ohio, and have been living there at different times some twelve or fifteen years.

Q. In what business are you engaged?

A. I am a piano dealer.

Q. Have you seen a letter purporting to have been written by William G. Moore, assistant adjutant general, dated Executive Mansion, Washington, D. C., October 23, 1866?

A. I have seen a letter that I suppose o be the one you mean. I cannot tell what the date of it was or very much about it. I only saw it but once and then for a moment.

Q. I now exhibit to you a copy of the letter to which I refer, to be found in the testimony of William G. Moore, taken before this committee on the 15th of November, 1867. State what information you have in relation to the original of that letter.

A. My information is entirely hearsay. I have been acting only as attorney in the matter. I could not say whether I saw the original of the letter, a copy of which you have shown me, or not. My glance at it was so cursory that I am unable to say even whether it is substantially the same. I did not read the letter through. I only glanced over another person's shoulders, and being rather near-sighted, could not read it readily.

Q. To whom was the letter addressed?

A. That I could not say positively. I have no recollection on the subject.

Q. Who had the letter?

A. That I could not answer. I had it at one time to show to Mr. Alberger.

Q. From whom did you obtain the letter?

A. That is a question that, as an attorney in the matter, I do not feel at liberty to answer. You will appreciate the reason of that.

The CHAIRMAN. The question is a proper one and the committee will require you to answer it.

WITNESS. In the first place, I am under oath not to tell; and in the second place, I fear it will render entirely null and void your endeavors to get the letter.

Q. Do you decline to answer?

A. I would like to have some legal advice in the matter before answering or declining to answer.

Q. When and how did you first learn of the existence of this letter?

A. I do not remember the date. It was about the time of the date of my first letter on the subject, if you have that. I was told that such a letter existed and made some inquiries about it. The statement was made that they proposed to give it up to the President. I advised very strongly against that; I did not consider the President a fit man for the station; there was a committee appointed to inquire what there was for or against him, and I thought that the proper place for the letter to go.

Q. Do you know such a person as H. Lockwood, of Marietta?

A. I am not acquainted with him.

Q. Is there such a man there?

A. I do not know.

By Mr. ELDRIDGE:

Q. Did you not write a letter to Colonel Moore, proposing to surrender this letter up?

A. No, sir.

Q. Do you know of such a letter having been written to Colonel Moore on the subject?

A. I do not know positively. I was told that some negotiations were pending, as I think my letters will show.

Q. Do you know this man Lockwood?

A. I do not know such a person in Marietta, nor anywhere, who could possibly be connected with this matter.

Q. Do you know any man who wrote to Colonel Moore and signed his name "H. Lockwood," or anybody who assumed to write a letter to Colonel Moore on this subject?

A. No, I do not.

Q. Who told you there were negotiations pending in relation to this letter?

A. The same parties with whom I had negotiations in regard to the letter, and from whom I received it.

Q. Are you an attorney-at-law?

A. I am not.

By Mr. MARSHALL:

Q. Do you know the handwriting of this party with whom you had negotiations?

A. I do not.

Q. Where were you when this communication was made to you?

A. At Marietta, Ohio.

By Mr. LAWRENCE:

Q. Does the gentleman who made that communication to you reside at Marietta?

A. I do not know where he considers his residence. He was there at the time. I should say he resides at Marietta, but I do not know whether he considers that as his residence.

Q. In what business is he engaged?

A. In no business that I know of.

Q. Is he a young man?

A. A man about thirty.

Q. How long has he been residing in Marietta?

A. That I could not tell. I do not know.

By Mr. BOUTWELL:

Q. When did you first see or know him?

A. About the first of January, I think, of the present year.

Q. Had he been in Marietta before?

A. I could not tell you that.

Q. Is he a relative of yours?

A. No, sir.

Q. Did you learn of the existence ot this letter before that time?

A. I supposed there was one in existence from what I read in the papers. I did not know anything about it.

By Mr. CHURCHILL:

Q. To what letter do you refer as showing about the date of your first becoming acquainted with the existence of this letter?

A. My first letter to Mr. Ashley.

By Mr. BOUTWELL:

Q. Have you ever written to any member of the committee on the subject?

A. I have not. The only members of Congress I ever wrote to on the subject were General Butler and Mr. Ashley.

By Mr. ELDRIDGE:

Q. Are you acquainted with Mr. Ashley or General Butler?

A. I have a very slight acquaintance with Mr. Ashley. General Butler I am not acquainted with at all.

Q. When did you become acquainted with Mr. Ashley?

A. I formerly lived in Toledo and had frequent opportunities of meeting with him; and I met him once in New York, where I had a coversation with him in regard to money matters. I only know General Butler by sight.

Q. Can you fix any date to your first letter to Mr. Ashley?

A. I do not remember the date.

Q. Did you first make the acquaintance of this man you have spoken of as having negotiations with, in connection with this letter?

A. When I first made his acquaintance I did not know that such a letter was in existence?

Q. How many times did you meet him before you found that out?

A. I was in the habit of meeting him frequently on the street and in the cars. I could not tell how many times. I had been acquainted with him, I should judge, in the neighborhood of three months.

By Mr. LAWRENCE:

Q. Did this person who you say had the letter ever live at Martinsburg, West Virginia?

A. I do not know whether he did or not.

Q. Do you know where he had lived prior to the time you first saw him?

A No. I think he lived in the east somewhere.

Q. Where did he board when he was in Marietta?

A. When I first saw him he was travelling from Marietta to Petroleum. He spent most of his time at Petroleum, but I think he called Marietta his home. When in Marietta he boarded at the National House, I think.

Q. Has he relatives in and about Marietta? and, if so, state who they are.

A. That touches so closely upon the other questions that if you will allow me to wait, before answering, until I have consulted counsel, I will be obliged to you.

By the CHAIRMAN:

Q. Look at the letter now shown you and state whether you wrote it.

A. I did.

Q. What circumstances placed you in correspondence with Mr. Alberger?

A. He was sent to Marietta by order of the committee, as he informed me, to see whether the letter was genuine or not. He also brought out a subpœna, which was left to his discretion to serve or not, as he thought proper. I showed him what my position was in regard to the letter, and finally succeeded in getting him a sight of the letter. After he returned I wrote this letter to him here in Washington.

Q. State what occurred, and what was said and done by Mr. Alberger and yourself, during his visit to Marietta.

A. After telling me who he was, and the purpose for which he came, I told him I would like to show him the letter, but doubted very much whether I could succeed in doing so. I went twice before I could succeed in getting the letter for him, and then it was under a written promise from him that he would not attempt to seize it, and that he would not disclose the name of the party to whom it was written.

Q. What do you mean by the expression in this letter to Alberger, "anything to keep my hold on it good"?

A. I meant this: I had been told that negotiations were going forward with the President's secretary for the delivery of the letter to him, and that unless something was done in the interest of the Judiciary Committee, or some action taken in the matter, I should entirely lose what hold I had on the letter.

Q. Do you say you were acting for the Judiciary Committee?

A. I was, in their interest.

Q. Who authorized you to act for the Judiciary Committee?

A. No person; and I did it from no motive except such as every person in the country should have.

Q. You do not mean to say that you had any authority from the committee?

A. I had no authority from the committee.

By Mr. ELDRIDGE:

Q. Have you received any letters from the President or any of his secretaries?

A. No, sir; nor any communication of any kind.

Q. What do you mean by saying that negotiations were going on with them for the possession of this letter.

A. I was told that negotiations were going on between the party holding the letter and the President's secretary.

Q. Were there more parties than one concerned in any of these negotiations?

A. I think there were, because the party with whom I had negotiations told me he had not the letter in his possession, but thought he could secure it.

By Mr. MARSHALL:

Q. Did you not know that this statement about negotiations going on with Colonel Moore was a mere pretence to make something out of the government?

A. I did not.

Q. Did you not know that the parties to whom you refer resorted to these expedients to try to enhance the supposed value of the letter?

A. I resorted to no expedients, and had no interest in it.

Q. Were you not, in a certain contingency, to have $500?

A. Which I stated to Mr. Alberger I waived all claim to. I did state to Major Alberger that if $3,000 was obtained they promised me $500, but that so far as that was concerned I yielded all claim to it; that I did not care about making money in that way.

Q. Did you not tell Major Alberger that if you got that $500 you would divide it with him?

A. Yes; I told him that I would not refuse $500 if it was offered to me, and that if I got the $500 I would be willing to divide it with him.

Q. Did you think, in that proposition, you were acting in the interest of the committee?

A. I was not aware that I said anything to him out of the way, inasmuch as I gave him permission to tell the committee my words. I thought I was taking a great deal of trouble in the matter, and if the committee were willing to give me anything for my trouble, I would not object to receiving it. I did not lay claim to anything.

Q. Was not your proposition to Mr. Alberger that if he could manage to get the $500 you would share it with him?

A. I had no such intention.

Q. Was not that what you told him?

A. No, sir; not with any such intention.

Q. Did not Alberger reply that he could do no such thing as that?

A. No, sir; he said that so far as that was concerned, his salary was sufficient to support him, and he did not care about it.

Q. You did not make that offer to Alberger with the idea that you would play smart with him and get it?

A. No, sir; I did not offer it with any idea of bribing him or any one.

Q. Do you say that you authorized Alberger to state to the committee the proposition you made to divide this $500 with him if you obtained it?

A. No; I do not know that I did. I authorized him to say that the price named could be diminished by the $500, which it was understood I should have if the entire amount asked was paid.

By the CHAIRMAN:

Q. You have stated substantially that the person who held possession of this letter was a stranger to you until recently, within the past year. Will you explain how it came that that stranger applied to you to act as an attorney in the negotiations you speak of?

A. I do not know any other reason than that at the time he first spoke of the subject he had been drinking considerably, and was not quite master of his own actions in the matter.

Q. Why should he apply to you rather than to any other stranger?

A. At the time he applied to me I was hardly a stranger to him, having seen him more or less for some time.

By Mr. ELDRIDGE:

Q. Had you been drinking with him?

A. No, sir; I am not in the habit of drinking.

Q. Where did you find him at that time?

A. I met him in the street.

By Mr. BOUTWELL:

Q. What circumstances, after you first became acquainted with this man, led you to have such relations with him as to induce him to negotiate with you in regard to the letter?

A. Frequent travelling on the cars together.

Q. Did you not travel frequently with a great many other persons?

A. Not so frequently as with him and one or two others. My business calls me to Parkersburg every few days, and I saw him on the cars between Marietta and Parkersburg more frequently, perhaps, than any other person not connected with the road.

Q. Is that a road that passes by or through Petroleum?

A. From Marietta to Petroleum the route would be to Parkersburg, and then take the train east from Parkersburg.

Q. What takes you to Parkersburg so frequently?

A. I have a store there.

Q. And one in Marietta also?

A. Yes, sir.

Q. Is this person you refer to in the same business with yourself?

A. No, sir; not at all.

Q. Does he belong to any association or organization that you belong to?

A. No, sir.

By Mr. ELDRIDGE:

Q. What is his profession or business?

A. I do not know at this time. Then he was engaged in something in relation to oil matters.

Q. Do you know a man by the name of Matchett, formerly a chaplain in the army?

A. No, sir.

By the CHAIRMAN:

Q. You have said that in your negotiations in relation to this letter, your only object was to serve the government. How do you expect to serve the government in this connection unless you disclose the name of the man who has this letter?

A. I am inclined to think I should render a greater service to the government by withholding than giving his name.

Q. Suppose it were important for us to have possession of the letter?

A. I think if it were important you would adopt a different course to obtain it.

Q. You mean, buy it?

A. Yes.

By Mr. LAWRENCE:

Q. You say you took an oath not to communicate the name of the party who gave you this letter; before whom did you take that oath?

A. Before no person; only between ourselves.

Q. Who administered the oath?

A. He did.

Q. In what form was it administered?

A. No special form.

Q. Can there be an oath without a form?

A. There may be without a prescribed form.

Q. In what form did you take it?

A. It was merely an agreement that I should not disclose the names of these parties.

Q. Did you swear with the uplifted hand?

A. Yes.

Q. Was he an officer having authority of law to administer oaths?

A. No, sir.

Q. Then it was simply a promise?

A. I consider an oath binding on a man whether administered by the clerk of a court or by any other person. I should consider my word as good as an oath.

Q. Would you consider an oath administered with the forms of law as imposing no higher moral obligation?

A. I do not think it makes any difference; an oath is an oath, whoever it may be administered by.

By Mr. ELDRIDGE:

Q. Have you ever had a personal interview with Mr. Ashley in reference to this matter?

A. No, sir.

Q. Have you seen him since you have been in the city?

A. No, sir.

Q. Have you seen any person in Washington about it?

A. No person except Major Alberger.

Q. Did this man you speak of ever live in Washington?

A. I do not think he ever did. I have no reason to believe he ever did.

By Mr. CHURCHILL:

Q. What were the terms you made with this man?

A. That I would not reveal the names of the parties with whom I was negotiating. That was the substance of the promise.

By Mr. ELDRIDGE:

Q. How many persons did you make that promise to?

A. I only made it to one, and I do not know but one connected with the transaction; but I have reason to believe there are others. I have no suspicion who

they are, and I only suppose there are others from the fact that when I went to get the letters they had to consult with others; I do not know with whom.

Q. State what steps you took to secure this letter after Alberger came to Marietta.

A. Major Alberger came in in the morning, and met me in my store, and we had some conversation. Then I started off to find this party. This was in the morning, between ten and eleven o'clock. In the mean time Alberger went over to the National House. I met this man on the street, and took him into my store. Then afterwards, some customers coming in, I went into my uncle's office. Alberger took dinner with me, and in the afternoon we came down street, and he remained in the store while I went to find this man. I went up street and looked into two or three places where he was in the habit of going, and finally met him on the street.

Q. Where did you go then to negotiate with him?

A. I think we went into the Mansion House, to the office. He handed me a paper which he wanted Alberger to sign, promising that he would not use the names of any of the parties. I carried that to Alberger and got him to sign it. After some further negotiation I went back, and he waited for me at my uncle's office.

Q. What is your uncle's name?

A. James A. Tenney.

Q. What is his business?

A. Dentist.

Q. During these negotiations, did you see any other parties in connection with the matter than this one?

A. No, sir.

Q. Did he communicate to you that there was any other party?

A. He told me there were other parties in it. He did not tell me who they were or where they were from, and I do not know who they were.

(The CHAIRMAN stated that the witness would be required to disclose the name of the party from whom he received the letter referred to. He would, however, be allowed to consult counsel in reference to the matter if he desired.

The witness retired, and subsequently returned, having consulted counsel. The question was repeated.)

Q. State the name of the party from whom you received the letter.

A. Protesting against the right of the committee to require me to answer, I give the name as Watson Andrews.

Q. Do you know where he now is?

A. I do not know; he is probably at Marietta.

Q. Is he any relation to the Mr. Andrews who was a candidate for Congress in West Virginia?

A. I do not know of my own knowledge. I have never seen the Mr. Andrews to whom you refer, but I believe him to be a relative of Watson Andrews.

Q. What is his reputed relationship?

A. I have never heard any one but himself say anything about it, and I have never heard him give his father's initials. I know his father lives somewhere in Virginia; whether East or West Virginia, I do not know. I believe they moved there from Connecticut.

Q. Do you know from information or otherwise whether the father was a candidate for Congress?

A. I believe he was. I could not say positively that he was.

Q. Did you learn that fact from Mr. Watson Andrews?

A. I did.

Q. Who are his relatives in Marietta?

A. One of them is the president of Marietta College, and another is a professor

in the same college. E. B. Andrews is the professor; I do not know the president's initials.

Q. Did you ever hear Watson Andrews speak of his brother Samuel J. Andrews?

A. I have heard him speak of his brother "Sam."

Q. And of his father, Edward?

A. I never heard him give his father's name.

Q. Can you state to whom that letter was addressed?

A. It was addressed to a Mr. Andrews. I could not give his first name. I did not look at this letter for the very reason that I supposed it might possibly get me into trouble.

By Mr. CHURCHILL:

Q. Was the envelope of the letter also addressed to Mr. Andrews?

A. The letter, when I received it and handed it to Major Alberger, was in a blank envelope. The original envelope I saw, but at such a distance that I could not tell how it was addressed or postmarked.

By Mr. ELDRIDGE:

Q. How old a man is Watson Andrews?

A. I think he must be near thirty. He hardly looks as old as that.

Q. Can you give any description of him, so as to identify him?

A. He is rather a small man, and has black hair.

Q. Do you know of his being in the army? Did he wear army clothes?

A. He was in the army. He did not wear army clothes at this time.

Q. Has he been continuously in the army since last January?

A. Yes.

Q. Do you know of his being in Washington since that time?

A. I do not think he has; he may have been.

Q. Do you know whether or not he has been a witness before this committee?

A. I do not know. He never said whether he had or not.

Q. Did he tell you how he became possessed of this letter?

A. No.

Q. Have you no idea how he became possessed of it?

A. All I know about it is that the father was a candidate for Congress. A claim agent became acquainted with the fact of certain soldiers being on the rolls as deserters, and he thought he would make some money by getting their back pay and bounty. He went out to this place, where an election was to be held. The old gentleman was, I think, not at home. He saw the son and a partner of the old gentleman. He told them that if they would write a letter for Mr. Andrews to the President these deserters' pardons would very likely get back in time to vote, and that they would secure his election. The son, I think it was, wrote such a letter to the President, recommending that the enclosed list of deserters be pardoned, stating the circumstances of the case. I am told you have that letter before you.

By the CHAIRMAN:

Q. Told so by whom?

A. By Watson Andrews. And the secretary of the President, as I understand, wrote this letter in answer, stating that the men had been pardoned. Mr. Andrews, senior, I believe, knew nothing of the letter until the whole transaction was over. That is the whole extent of my information.

By Mr. ELDRIDGE:

Q. Did you get this information from the newspapers, or from what source?

A. Partly from the newspapers and partly from Captain Andrews.

Q. Can you state what portion of the information you got from him?

A. It is so mixed up I do not think I can.

Q. Do you know this man to be really Watson Andrews?

A. Only by common report.

Q. Can you name any person who knows him to be Watson Andrews?

A. I know he visited at his uncle's, and they seemed to recognize the relationship. I do not know that I ever heard them speak of him as a nephew.

Q. Do you know any persons there of his acquaintance?

A. I know the Andrews family very well.

Q. Do you know any of his associates; and if so, who?

A. Yes; Colonel Andrew J. Smith, formerly on General Hancock's staff.

Q. Are they companions together?

A. They used to be friends, and I believe now they speak when they meet. There is a man by the name of Post, who used to be a very intimate friend of his. I think there is an interruption in the friendship between him and Colonel Smith. I do not know how it is as to this other person.

Q. Have you any doubt about his really being a relative of this family?

A. No.

Q. And the true name of this young man is Watson Andrews?

A. I believe it to be so.

Q. Have you told us where and when you first saw him?

A. I first saw him somewhere in Marietta. I first became acquainted with him at my house in January last. He boarded there for a short time.

Q. Did you not become acquainted with him before you took him as a boarder?

A. I had not anything to do with the management of the house. The house is kept by my mother and I board with her. I do not think I knew him before he came there to board. I do not recollect positively.

Q. Does your mother keep a boarding-house?

A. Yes; we have three or four families there.

Q. Are you a married man?

A. Yes.

Q. Was this person a married man?

A. Yes.

Q. Any children?

A. No.

Q. Are they boarding there yet?

A. No; they are, I think, at Mrs. Cook's, about a quarter or a third of a mile from my mother's.

Q. Have you told us all you know about this man?

A. I believe I have, and all I know of his connection with this matter.

Q. Have you seen other parties you believe to be connected with it?

A. I have seen his brother Sam. I do not know him, or I am not acquainted with him. I have seen him in Marietta. He has been there on business within a few weeks.

Q. When did you first see him?

A. I suppose five or six weeks ago.

Q. Is he younger or older than Watson?

A. Younger.

Q. Larger or smaller?

A. Rather larger and rather taller. I do not think they resemble each other very much, though my recollection is rather indistinct as to that.

Q. How do you know he is a brother of Watson?

A. Only from my wife telling me so. She came home one day, and said Mr. Andrews's brother was in town. I do not think I have been introduced to him. I only know he is his brother, of course, from common report. A stranger coming into a town like Marietta always attracts attention and remark.

Q. Where did you understand Sam to reside?

A. I do not know; I do not think I heard.

Q. Do you know any of the other members of the family?
A. I have seen, I think, two other members of the family who attended college as students; I do not remember their names.
Q. Were they brothers of Watson Andrews?
A. Yes.
Q. Older or younger?
A. Younger, I think.
Q. Are they there yet?
A. I think not; I do not know whether they have graduated or not.
Q. Have you associated with them?
A. No; not very intimately with any of the family.
Q. Do you know whether Sam visited the Andrews family in Marietta?
A. I think he did, for at that time Watson was boarding with his uncle.
Q. Does Sam wear soldier's clothes?
A. I do not remember what kind of clothing he did have on.
Q. Do you know whether he was in the army or not?
A. No.
Q. Was Watson an officer in the army?
A. He was a captain, I think. I have not seen his commission. He was called captain.
Q. Have you seen either of them associating with other persons about Marietta, who were known to you as residents of the place?
A. No; there have been oil men going and coming, but they have not remained there for any length of time.
Q. Where is this Petroleum you speak of?
A. In West Virginia, about thirty miles from Parkersburg. I have seen these men in company with residents of Marietta. I am not in the habit of taking notice of such things.

By Mr. CHURCHILL:

Q. How long had you known this man, Watson Andrews, before he spoke to you of this letter?
A. I think about three months. I do not recollect the exact time. My first letter to Mr. Ashley will tell about the time.
Q. Did you understand from Watson Andrews that the person to whom the letter was addressed was his father?
A. I really cannot tell whether he said so in so many words; I have that impression. I think it probable he did tell me so, though I could not name any particular time.
Q. Did you understand from him whether this letter was received by the father or by his brother Sam.?
A. I do not think I ever knew.
Q. Did you understand from Watson Andrews from whom he received the letter?
A. No. And I do not know that he has the letter now. I found it in his possession.

By the CHAIRMAN:

Q. When you applied to Watson Andrews did he tell you he had to consult some one else?
A. Yes; and I suppose he consulted some one else, though I have no knowledge who that person is.
Q. Have you any belief about that?
A. No; I could not name any person he would be likely to consult unless it was his brother. His brother was in town at that time.
Q. Where was Sam. staying at that time?

A. I think at their uncle's. I think so merely from Watson's boarding there at that time.

Q. Is there any other person whom you believe or suspect was consulted at that time?

A. No, sir.

Q. Can you give the date when you asked him for the letter?

A. It was the day Major Alberger was there, (consulting memorandum;) it was the 19th of October, 1867.

Q. Have you any memorandum there of what occurred at that time?

A. I have simply this memorandum: "General Butler's private secretary here talking with me all day;" that is all the memorandum I have of it. This is a daily record of my business. I do not know that Alberger said he was General Butler's private secretary; I had that impression.

Q. You have now given the committee all you know in reference to this matter?

A. I have, and very much against my will.

By Mr. ELDRIDGE:

Q. Have you consulted Mr. Ashley about giving your testimony here?

A. I have not spoken with Mr. Ashley since I came to the city, until a few minutes ago in this committee room.

Q. Did you ask his advice as to whether you should disclose this man's name?

A. Yes; he advised me to tell all I knew in regard to the matter.

By the CHAIRMAN:

Q. Do you know whether this Andrews was acquainted with the clerk at the Mansion House in Marietta?

A. My brother has been clerk at the Mansion House until very recently—until, I think, within four weeks; he is now in Baltimore; he knew the Andrewses by sight, as they have boarded there; I do not think he was acquainted with them.

Q. Do you know, or have you any reason to believe, your brother or either of the Andrewses had been using the name of Lockwood in corresponding in regard to this matter?

A. I do not know anything about it; I should hardly suppose my brother would be connected with such a practice; he is a mere boy, scarcely eighteen, and not at all mature; I do not know anything at all about it.

Q. Did you hear either of the Andrewses speak of a man by the name of Lockwood?

A. No.

Q. Can you give the name of the present clerk of the Mansion House?

A. I think he is one of the Andrewses; I have not been there for some time; I do not know whether it is Sam. or Watson, if either.

By Mr. ELDRIDGE:

Q. Did you know anything of a letter, signed by H. Lockwood, having been written to the private secretary of the President relative to this matter?

A. No; I was only told that negotiations were going forward with Colonel Moore.

Q. Did he say he had received any letter from Colonel Moore?

A. I do not think he did; but I scarcely passed a word with him on the subject, except to advise him not to do anything of the kind.

Q. Did you know any negotiations were going on with a man of the name of Lockwood?

A. No; I never heard the name in any such connection until since I came here.

Q. Have you any belief as to who wrote that letter?

A. I have only the same means of belief that you have—that it came from some of these parties; I know nothing more in regard to it than any of the committee. Whatever impression about it I have is derived from the facts I have disclosed.

Q. Did either of these parties know you were coming here to testify?

A. No; I presume they do now, and that everybody knows; I do not think they have any means of information on the subject that the public generally have not. The only persons I communicated with were my wife and the cashier of a bank with whom I was obliged to have some communication about money matters.

The letters shown to witness, and identified by him in the above testimony, are as follows:

MARIETTA, OHIO, *September* 10, 1867.

DEAR SIR: During the last session of Congress you will remember that an investigation was called in relation to the payment of one hundred and seventy-five thousand dollars to one hundred and ninety-three deserters, who were pardoned by direction of the President, for alleged political purposes. During the investigation by the Judiciary Committee the adjutant general of the President, Mr. Moore, testified that no letter had ever been received by the President from any political party in relation to the pardoning of these deserters. There was a letter written by Moore himself, by *direction* of the President, acknowledging *the receipt of an application* for their pardon, accompanied by the list of names of said deserters, from a candidate of the democratic party. This letter of acknowledgment also gives the order from the President for the release and payment of these deserters. Parties can be produced who will testify, if necessary, to the contents of the letter of application to the President. The party holding this letter of the President is negotiating with others for its possession, but I am satisfied that I can secure it, for a consideration, if immediate steps are taken. I have no interest in this, only so far as my interest in the welfare of the country and party goes. If you wish any information in reference to my character or standing, I can refer you to my friend Colonel S. H. Stafford, of this place, who was formerly a member of your staff. Please let me hear from you, if you consider it of importance.

I remain, yours, in haste,

J. E. GILMAN.

Hon. B. F. BUTLER.

MARIETTA, *November* 6, 1867.

DEAR SIR: Mr. Boutwell can make up his mind in relation to the letter and value of the evidence, giving me some idea of what action the committee will take in the matter, before the committee meet again. Will you please to send this to him, and request him to write me in reference to it. Anything to keep my hold on it good.

I remain, yours, in haste,

J. E. GILMAN.

M. H. ALBERGER.

TESTIMONY OF GENERAL L. C. BAKER.

WASHINGTON, *November* 22, 1867.

L. C. BAKER recalled and examined.

By the CHAIRMAN:

Q. Did you ever state to any one that this Mrs. Harris was in this city and stopping at Willards' Hotel?

A. No; I stated to some one (I do not recollect who it was) that she was coming over in the cars. I had made an arrangement with her to come here, and I expected her over.

Q. Do you remember having any conversation with Mr. Smith, the reporter, with regard to this woman?

A. I do not recollect that I ever did; I might have had a conversation.

Q. Don't you remember telling him that you had brought the woman over here; that she was stopping at Willards' Hotel; and that you were anxious to see Mr. Ordway, in order to have her subpœnaed at once?

A. I recollect now I stated to Mr. Smith that I had made an arrangement for the woman to come here and be at Willards' Hotel, and that I wanted Mr. Ordway to go with me and subpœna her and take her right before the committee.

Q. When was that?

A. I have no idea; it was at the time I was meeting her in Philadelphia.

Q. Was it before or after the subpœna, which you say was served on her the 2d of July?

A. Before.

Q. Where did you make that arrangement?

A. At the Girard House. She had a man with her, who was cautioning her against coming to Washington all the time, I had been trying to get her here. I saw her on Sunday night, and gave her fourteen dollars to pay her expenses on here. I think it was on Monday that I met Mr. Smith. I did not want to be seen with her, because I thought it would embarrass me in making my arrangements to get the letters. I finally persuaded her to come on here; she was to have come that morning, and I recollect saying to Mr. Smith either that I have, or will have, that woman at Willards' this morning, and that I will go to Mr. Ordway and get a subpœna; but she did not come, and I do not believe she was ever in the city in her life.

Q. Was this conversation with Mr. Smith the same day you left with the Sergeant-at-arms for Philadelphia?

A. No; I guess it was long before that.

Q. Didn't you leave the same day for Philadelphia?

A. I was over there two or three times, and I do not know which time you mean.

Q. When the Sergeant-at-arms went over with you?

A. The Sergeant-at-arms never went over with me to Philadelphia that I know of.

By Mr. MARSHALL:

Q. By what train did you come from Philadelphia?

A. By the morning train.

Q. By what train was she to come?

A. She was to come in the same train, or the train after.

Q. Do you, or not, know whether she was on the same train?

A. No, I do not think she was on the same train, because when I got up to the depot I waited there; when I saw her on Sunday night, she did not know that she would have time to go to Fifteenth street and Girard avenue, where she was stopping, and get her things ready, and if she did not she was to come in the next train. I was down at the depot waiting for her, and I went there on the arrival of three or four trains for her, but she did not come. I recollect now the statement I made to Mr. Smith very well.

By Mr. ELDRIDGE:

Q. Did you not tell him she was at Willards'?

A. I might have said she was there, or that she was to be here; I know I thought I had done a pretty smart thing to get her over here.

Q. Did she come on the same train with you?

A. No; she said she had some clothes to get ready before she could get away.

Q. Why did you leave without being certain that she would be here?

A. If she would not come I could not compel her to come; I had then been talking with her for some two or three weeks; others were cautioning her against coming to Washington.

Q. Could you not ascertain at the depot in Philadelphia whether she was deceiving you, or whether she was coming through with you?

A. I was coming through to Washington myself.

By Mr. THOMAS:

Q. Can you name any person who was ever present and saw you conversing with this woman?

A. No; she would never have any interview with me in the presence of others.

Q. Can you name anybody who ever saw her enter a house in which you were?

A. I never met her at any place except the Girard House in Philadelphia, and the Belvidere House in New York.

Q. Can you name anybody who saw her enter either of these houses at the time you mention?

A. No, sir; I cannot.

Q. How could she have had any interview with you without coming in contact with somebody in the hotel?

A. I met her in the parlor of the Girard House; I knew nothing about this woman at all; I had pretty much abandoned the idea of getting these letters.

Q. Can you name anybody who will come and testify that there is such a woman in existence?

A. No, I do not know that I can; I explained when I was before the committee, on a former occasion, all I knew about the woman, and when and where I first saw her.

By Mr. ELDRIDGE:

Q. You never explained about your arrangement to come on here?

A. That was after I had been examined the first and second time. I think it was since I was examined the last time.

Q. Do you remember Mr. Smith telling you where you would find the chairman of the committee?

A. I do not recollect that he did; I do not know that I asked him.

Q. Did you not tell him you would take a carriage and go at once to see the chairman about it?

A. No; I do not think I told him I would go to the chairman. I think I told him I would go to Mr. Ordway.

Q. You do not remember his telling you where Mr. Wilson was, and your saying you would go and see him?

A. I might have told him that; I cannot tell.

By Mr. MARSHALL:

Q. Why did you not state the arrangement you had made with this woman to be here that morning in the account you gave to the committee to-day?

A. It never occurred to me; I had made so many arrangements with her.

Q. Had you ever made any arrangement more important and definite with her than this?

A. Yes; I made an arrangement with her at the Belvidere House. She had no idea of coming before the committee at all; she wanted money for the letters; my idea was to have her here, so that she could negotiate with Mr. Ashley, or somebody else, for the letters. I thought if she would come to Washington she could be taken before the committee and forced to give up the letters.

By the CHAIRMAN:

Q. Did you ever tell Mr. Matchett you had not been treated well by Congress in the distribution of the award for the capture of Booth, and that you intended to make yourself whole out of the proceedings of this committee?

A. I never made any such statement in my life; I deny making any such statement. I have always stated that I believed I never got what was justly my due in the matter of the award; but that I was going to make it out of the committee, or retaliate, I never stated to anybody.

By Mr. ELDRIDGE:

Q. Did you tell Ashley you had arranged with this woman to come to Willards'?

A. I do not think I have seen Ashley since that time.

Q. Did you tell anybody else besides Mr. Smith about it?

A. I presume so; I do not recollect who I talked to about it. If the committee would understand for one moment the position in which I was placed with this woman, that I had no means of bringing her here, and my anxiety to get hold on the letters, they would appreciate what I endeavored to do.

Q. What became of that copy of Booth's diary said to have been made by Colonel Conger?

A. I do not know; I think I gave it to General Eckert. I either gave it to Eckert or Stanton; I certainly did not retain it in my possession; I did not think I had any right to retain it.

Q. How do you explain the fact that neither General Eckert nor Mr. Stanton could produce it?

A. I swear positively that I delivered it either to Stanton or Eckert.

Q. Where did you get the copy of the diary which you published in your book?

A. I only published a small portion of it.

Q. Where did you get that?

A. It was cut out of the newspapers; the newspapers published it before I did. A part of it was published within three months after the capture of the assassins.

Q. Do you know where Charles H. Caruthers now is?

A. He was here in Washington. I never knew him till he came to me, and I have seen him three or four times since. I rode in the cars with him from Baltimore once; the last time I saw him was about the time Surratt was tried. I was in Washington, and met him.

Q. Do you know C. G. Watkins?

A. Yes; he was with this man Adamson two or three times, and lives somewhere about Leonardtown, I believe, in lower Maryland; there are plenty of people who know him.

Q. What is he?

A. I don't know; he was a blockade runner. I have heard of the name very frequently. I have not seen him since 1865, when I saw him with this man Adamson. He had known Adamson before.

Q. Do you know a man by the name of Matchett?

A. I know him.

Q. What is his first name, and what is his profession?

A. W. B.; he is a minister of the gospel, I believe.

Q. Have you met him frequently?

A. Yes; I arrested him in 1862, and put him in the Old Capitol prison.

Q. Have you seen him recently?

A. Yes, I saw him this morning.

Q. Did he go to Philadelphia to help you get Mrs. Harris?

A. Yes. He said Ashley sent him over; he had a blank subpœna which he filled up for Mrs. Harris.

Q. Did he come alone to you, or with somebody else?

A. I think he was alone

Q. Did you telegraph to him to come?

A. I do not recollect whether I telegraphed to him, or to Ashley. He came on, and went with me to New York.

Q. Did he subpœna this woman?

A. He called it subpœnaing her; he handed her a paper. I was not standing by the carriage at the time. I pointed out the carriage to him. I did not want

her to see me with the sergeant-at arms. I was afraid she would not go. I put her into the carriage, pointed it out to Matchett, and he handed her the paper. I suppose it was a subpœna. I saw him have a subpœna with Ordway's name on it; and he says he handed it to her.

Q. How did you find her in a carriage?

A. I put her in a carriage to go to the Astor House, to see some parties there; she did not tell me who they were. I do not know whether she went there or not. After Matchett handed the paper to her I did not follow her.

Q. Where did you find her?

A. At the Belvidere House, on Fourth avenue and Thirteenth street.

Q. Is that all you and Matchett have had to do together about furnishing witnesses before this committee?

A. Oh, no. I don't know where I first fell in with Matchett in connection with this matter. I know I met him with Ashley, I think, when I came on from the west, the first time I was before the committee; I had not seen him for some time. I think it was in Ashley's committee room. Matchett followed me out of the room, and from the conversation we had I understood he had something to do with Ashley in hunting testimony; he afterwards came to my house in Philadelphia, and had a conversation with me about these letters. He appeared to be very anxious to have the letters obtained. He said that Ashley sent him. I do not know that I ever went with him to hunt any witnesses except this woman. He has talked a great deal about witnesses, and had subpœnas for them which he showed me. I cannot recollect any names, but he pretended to have a big pile of subpœnas and to be looking after witnesses.

Q. In the employment of Ashley?

A. In the employment of the committee; but he said Ashley gave him his instructions; at least that was the inference I got from his conversation.

Q. In your former examination you spoke of having $1,000 placed in your hands to get these letters with; if you had the opportunity, why did you not get them?

A. Because I did not have money enough.

Q. Was not $1,000 enough?

A. No, sir; not by a great deal.

Q. How much was wanting?

A. $25,000.

Q. Who made that proposition?

A. This woman made it.

Q. I understand that after this money was placed in your hand, you made no effort at all; why was that?

A. I found that I could not do anything at all towards getting these letters with that, and that it was no use to make any efforts.

Q. Who furnished you $1,000?

A. I received it from Whitney Jones, postmaster at Lansing, Michigan; I don't know where he got it. I do not think he stated.

Q. Were you expecting that money?

A. I was expecting more than that.

Q. Who had promised it to you?

A. Ashley. I do not know that there was any given amount fixed. I expected money in the first place sufficient to enable me to investigate whether these letters were genuine.

Q. How much did you expect?

A. I do not know. I did not know what I would have to do. I suppose a couple of thousand dollars.

Q. Did Ashley agree to furnish that?

A. Yes, three or four times in the committee room, in his room at the Metropolitan, in Philadelphia, and at various places.

Q. Has he been to see you on this business in Philadelphia?

A. Yes; two or three times.

Q. Where did you see Matchett this morning?

A. On Maryland avenue.

Q. Did you see him in Ashley's room to-day?

A. No; I have not seen Ashley since I came here.

Q. Have you spent no money that has been furnished you in getting these letters or subpœnaing these witnesses?

A. Not a dollar; I spent my own money.

Q. In your former examination you stated you knew these parties demanded money for the letters, but that before you had a chance to do anything the money was demanded, and you paid it back. Who made that demand?

A. Colonel Jones, the man from whom I had it; he said there had been nothing done, and the parties might be dissatisfied. I paid the money back to him and took his receipt. I didn't want anything to do with it in the first place.

Q. You said in your former examination that Matchett had seen the letters this woman had. Where did he see them?

A. In my office on 18th street, in Washington.

Q. You have said that you had an understanding with Mr. Jones as to how you were to get these letters. What was that understanding?

A. The only understanding was, that if the letters, after being submitted to the committee, proved to be genuine, the parties were to be paid; that was my understanding with Jones and the others.

Q. Who were the others?

A. This woman for one.

Q. Did you have any understanding with this committee, or any member of this committee, that they would pay you any money at any time?

A. No; and I never had any conversation with any member of this committee in reference to procuring witnesses.

Q. Don't you know that this man Matchett has been in the business of manufacturing evidence?

A. I never heard anything, except what I heard in the Conover case.

Q. Don't you know the fact from him, or from your communications with him, that he was ready to do it?

A. No, sir.

Q. Do you know Conover?

A. I never spoke to Conover in my life, or saw him but once; they wanted me to go and see him at the jail, but I would not go.

Q. Who wanted you to go?

A. Matchett; I don't think anybody else spoke to me about it.

TESTIMONY OF HON. JAMES M. ASHLEY.

WASHINGTON, D. C., *Saturday, November* 23, 1867.

JAMES M. ASHLEY sworn and examined.

By Mr. ELDRIDGE:

Q. You are the member of Congress who preferred the charges in the House of Representatives against the President for impeachment?

A. I am.

Q. Have you produced to this committee all the testimony of which you have any knowledge to sustain these charges?

A. All that I can present to the committee at this time.

Q. Have you produced to the committee all the evidence on which you made the charges?

A. Substantially all.

Q. Do you know a man by the name of Matchett?

A. I do.

Q. What is his first name?

A. I think it is William.

Q. Where is he now?

A. I think he is in the city. I saw him yesterday or the day before.

Q. Have you been engaged a considerable time during the sessions of the committee in endeavoring to procure testimony for the purpose of sustaining these charges?

A. I have.

Q. Have you ever employed Matchett to obtain testimony?

A. No. I have employed him to go to points for me where I could not very well go myself.

Q. Did you take him with you to Philadelphia to see Lafayette C. Baker?

A. No. I did not take him with me, but he may have been there at one of the times I was in Philadelphia.

Q. Did he go with you?

A. No.

Q. Did you send this man Matchett with a subpœna for Mrs. Harris?

A. I gave him a blank subpœna and told him to summon her, or the person pointed out by Baker.

Q. From whom did you procure the subpœna?

A. I do not recollect. I had half a dozen of them. I think I got them at the office of the Sergeant-at-arms, but I don't recollect.

Q. Did you send him with a subpœna to subpœna Mrs. Harris?

A. To subpœna a woman who, Baker said, was in Philadelphia with a letter which I wanted. I think Harris is the name.

Q. Did you write this letter?

FORTIETH CONGRESS, U. S. HOUSE OF REPRESENTATIVES,
Washington, D. C., July 22, 1867.

GENTLEMEN: I suggest that a petition something like the enclosed be prepared and signed by you for the pardon of Mr. Dunham. I think he is clearly entitled to it, and I hope you will aid him all you can.

J. M. ASHLEY.

Hon. J. HOLT, Hon. A. G. RIDDLE.

A. I presume I did. I do not recollect the exact wording of the letter, but that is substantially my recollection of it. I did write such a letter and give it to Dunham's wife, who called upon me.

Q. Did you enclose in that letter a petition such as is suggested by the letter itself?

A. No, sir. I think she had one drawn up by her husband.

Q. Did you enclose a petition like that in the letter?

A. I wrote the letter and handed it to her, and I think she put it in the envelope which contained the petition from her husband which she had shown me.

Q. Who is the man Dunham referred to?

A. He is a man with whom I became acquainted through some gentlemen calling on me one day to sign a petition for his reprieve or pardon. I think Mr. Radford, of New York, first introduced me to Dunham's wife and wanted me to sign a paper to the President for his pardon.

Q. Was that the first acquaintance you had with Dunham?

A. Yes, I believe so. I do not think I knew of his existence before that.

Q. Has he an *alias*?

A. I believe so. I understood one of his *aliases* to be "Conover." I did not know he had anything to do with the assassination trials. I was on the Pacific

coast during the progress of the assassination trials and lost all the history of that matter. I did not know that he was in jail until I read the petition and had it explained to me. This petition was signed by Mr. Rogers, a member of the Judiciary Committee, and other members of this house. I did not sign the petition.

Q. When did you become acquainted with Dunham or Conover?

A. Perhaps it was a month after that, or it may have been less.

Q. Did you have any intercourse with Conover in reference to furnishing testimony on this impeachment examination?

A. I had several interviews with him—four, five, or six—(I do not recollect the number)—in which he promised to give me information that would lead to the obtaining of two or three letters purporting to have come from President Johnson and from Jefferson Davis.

Q. At what date did you get acquainted with him?

A. I do not recollect the date. It was shortly after this petition was presented to me—within two or three weeks, I should think. I declined to sign the petition because I did not know anything of the case.

Q. When was your introduction to Mrs. Dunham?

A. I think it was in the winter—in January or February last. I am pretty confident that my first introduction to Conover was after the introduction of my impeachment resolution in the House, which was in January, 1867. I have that petition, I think, among my papers—the original petition that she presented to me.

Q. Do you mean the petition of Charles Dunham?

A. The petition for his pardon by the President. The first introduction I had to his wife was in the ladies' reception room in the House.

Q. Did you write this letter?

THURSDAY MORNING, *April* 18, 1867.

DEAR SIR: A telegram calls me to Philadelphia, and I go on the 11 o'clock a. m. train. I therefore send you an envelope in which you can send me by mail your statement. I hope you will be able to put it in the office this evening, so that I can get it by next Monday. Wishing you every success, I am truly yours.

J. M. ASHLEY.

A. I wrote him a note substantially like it.

Q. What statement did you refer to in that letter?

A. I required him to tell me in writing, as nearly as he could recollect, the contents of the letters which he professed to give me an account of, and the names and residences of those who then had them in possession, giving me such facts as would enable me to get them.

Q. Do you know a man named Dawson?

A. No, sir; I think not.

Q. Did you talk with Conover or Dunham of a man named Dawson, or a man named Allen?

A. I do not recollect of his ever saying anything to me about either Allen or Dawson.

Q. Did you suggest to have, in the statement that was to be furnished by him, for the names of Dawson and Allen blanks left, to be filled by such persons as he knew would take their places?

A. No, sir. I never made any such suggestion to him, nor he to me.

Q. Did you ever talk with him about Dawson or Allen?

A. No, sir; I think not.

Q. Did you know such parties.

A. I did not.

Q. Where did you hold your intercourse with Dunham?

A. In the reception room in the jail.

Q. Did you ever meet him at Willards' Hotel?

A. No, sir. I never saw him except in the jail where he was confined.

Q. Did you write this letter?

TOLEDO, OHIO, *April* 28, 1867.

MY DEAR SIR: On my return home to-day I found your favor and the promised statement enclosed. I expect to be in Washington on Thursday, and will see you that day or the next morning.

Truly your friend,

J. M. ASHLEY.

C. A. DUNHAM, Esq., *Washington, D. C.*

A. I wrote a note of that import, I presume.

Q. Have you that statement?

A. I have not. I sent it to Matchett, but I think I can get it.

Q. Did that relate to a charge against the President of having had to do with the assassination of President Lincoln?

A. I think there is a declaration in that statement that he (Dunham) is cognizant of the existence of a letter which would implicate the President in a guilty knowledge of the assassination. He made that statement in his letter to me. But the greater part of the paper referred to knowledge which he professed to have of other matters. There was nothing in the paper which was of any value to me, and I did not bring it to the notice, I think, of a single member of the committee.

Q. Did you not bring it to the notice of General Butler, and did not he and you have consideration of it?

A. No sir; I think I never showed it to him. I did not think there was enough in it to induce me to do so. The statements were so exaggerated that I did not spend much time over it after I got it. I finally said to Dunham: "If you get me the letters, then whatever aid I can give you I will."

Q. Did that statement refer to letters?

A. Yes, sir; I think so.

Q. Are you certain of it?

A. I think I can get the paper itself. I will not be positive about its contents. I sent the paper to Matchett after some publications came out in this city, and he told me the other day that he never got it until some days ago. I sent it by express. He said it was misdirected.

Q. In whose handwriting was that statement?

A. In Dunham's, as I have every reason to believe.

Q. You say that the statement was so exaggerated that you did not believe its contents?

A. I thought from numerous other statements which had been made to me that there might be such letters in existence; but the statement was so indefinite and so vague that I never sent a man to look into it, or "to work the case up," as detectives call it. I believe I never showed the statement to any one.

Q. Did you ever show it to Mr. Butler?

A. I think not. I don't believe I ever showed it to a single man.

Q. Did you not make a statement of it to this committee?

A. I think I have said that I had such a statement from this man, but I believe I never read it to a single member of the committee.

Q. Did that paper relate to evidence which it was supposed would implicate Mr. Johnson in the assassination of Mr. Lincoln?

A. Yes, sir. There were paragraphs in the paper which related to Johnson's supposed guilty knowledge of the assassination.

Q. Was there a suggestion in that paper that certain proofs would be necessary in order to fasten that on Mr. Johnson?

A. No, sir; I think not.

Q. There was no such intimation in the paper?

A. I think not.

Q. Did this appear in the paper: "For the names of Dawson and Allen, used by them, leave blanks, or substitute the names of such persons as you know will take their place?"

A. No, sir. I am very clear that there was nothing like that in the statement.

Q. Why did you send that statement away after this talk about it in the papers?

A. I was at home in Toledo, and sent it here to Mr. Matchett because he wrote for any paper I might have from Dunham.

Q. Why did you not keep it for your own protection?

A. I did not need protection of that kind.

Q. Why did you not keep it for this committee?

A. I think I can get it for the committee now, if they want it.

Q. Did you think it of any use?

A. I did not think it of any use.

Q. Did you consider that, from its exaggerated or from its frivolous and unconnected statements, it was not truthful, so that you did not care anything about it on that account?

A. The statement was so indefinite that I did not think any detective would undertake to hunt up evidence upon it. It might have been true, for all I knew, but I certainly would not undertake to look it up.

Q. Have you not stated to members of the House of Representatives that you had evidence in your possession which would implicate Mr. Johnson in the assassination of Mr. Lincoln?

A. No; not evidence in my possession. I may have said that I had statements made, in writing and otherwise, by this man and that, which induced me to believe it. I may have said that.

Q. Have you ever brought that evidence on which you believe it before this committee?

A. No, sir.

Q. Why did you not?

A. I have spoken to members of this committee about it. I have had no evidence which I regarded as valid; it was only an isolated statement of parties here and there, and not sufficiently strong to warrant me in presenting it.

Q. Then do you say before this committee that you had no evidence against Mr. Johnson which you considered as valid?

A. Yes. I had no evidence which I regarded as sufficient for the conviction of a criminal before a jury, and hence I never presented it.

Q. You had no evidence in your possession which you considered of sufficient importance to be considered by this committee?

A. No; I had not. If I had I should have presented it.

Q. I repeat the question whether you have not told members of the House of Representatives that you had evidence in your possession which satisfied you that Mr. Johnson had taken part or was implicated in the assassination of Mr. Lincoln?

A. I have said that I believed, from all that I had been able to gather during this investigation, that Mr. Johnson had a guilty knowledge of the assassination.

Q. You have said that before. I repeat the question as I put it before, and I want an answer to it specifically.

WITNESS. Have I not answered it?

Mr. EDDRIDGE. No, sir; I think not. I repeat the question:

Q. Have you stated to members of the House of Representatives that you had evidence which satisfied you that Mr. Johnson was connected with or implicated in the assassination of Mr. Lincoln?

A. Yes, certainly I have.

Q. Then I ask you why did you not produce this evidence to the committee?

A. Because it was not of that legal character which would have justified me in presenting it. It satisfied me from my stand-point, and that is what I meant.

Q. Then what do you mean by saying that you had no evidence in your possession which you considered valid?

A. It was not that kind of evidence which would satisfy the great mass of men, especially the men who do not concur with me in my theory about this matter. I have had a theory about it. I have always believed that President Harrison and President Taylor and President Buchanan were poisoned, and poisoned for the express purpose of putting the Vice Presidents in the presidential office. In the first two instances it was successful. It was attempted with Mr. Buchanan, and failed. It succeeded with Mr. Taylor and Mr. Harrison. Then Mr. Lincoln was assassinated, and from my stand-point I could come to a conclusion which impartial men, holding different views, could not come. It would not amount to legal evidence.

Q. Do you mean to say you have formed an opinion and expressed it to members of Congress that there was evidence to implicate Mr. Johnson which was not legal evidence?

A. Yes, sir; it satisfied me, just as a man will say that he is satisfied a person is guilty of murder even when he escapes in a trial before a jury.

Q. Then you stated to these men, when you did make this statement, a conclusion which was founded on evidence which you did not consider legal?

A. It was founded on isolated statements which, standing alone, would have been of no legal value, and I think the majority of men would not have come to the conclusion I did on reading or hearing the statements made to me; hence I did not care to present it or come before the committee with it.

By Mr. MARSHALL:

Q. Do you not think that if you had any evidence tending in the slightest degree in that direction, it would have been proper for this committee to see for itself whether the evidence was important or not?

A. I had made no charge of that kind in the specifications for the impeachment of the President, and I did not think that this committee was specially charged with its investigation after the close of the thirty-ninth Congress. I therefore did not care to waste my time in looking up matters which were so indefinite as many of these statements which had been made to me were. It is difficult at all times to ferret out a great crime, and I had neither the time nor the means with which to do it.

Q. That is not an answer to my question. Would it not have been proper to inform this committee, so that it might have resorted to means within its power to investigate the matter?

A. I have presented all the facts that I knew anything of in reference to this matter to General Butler, since his committee was formed, especially charged with this matter; and I have talked to him and given him whatever information I had, and my convictions—suspicions if you will—as to Mr. Johnson's complicity in the assassination.

Q. Were you not investigating this matter and holding consultations with Conover long before General Butler's committee was formed?

A. Yes.

Q. And was not that for the purpose of getting evidence to use before the Judiciary Committee?

A. I intended to use it either before this committee, or before the House, or before the Senate, in case of trial, if I ever obtained it. I was led to believe, by the statements of Baker and other men, that there were in existence letters tending to show Johnson's guilty knowledge. There seemed to be a uniformity of statement in reference to the existence of certain letters, coming from parties

who, so far as I knew, were not in collusion with each other; and I was impressed with the fact that such letters did exist, and I certainly expected to get them if they did exist. So far as this committee was concerned, as I made no specific charge against the President on that head, I did not care to say anything to the committee about it, because the mere publicity given to such a thing the greater difficulty there would be in obtaining the evidence.

By Mr. ELDRIDGE:

Q. Did you not examine a witness before this committee yourself on that very question?

A. I may have asked one or more witnesses some questions on that subject during the life of the thirty-ninth Congress.

Q. Would you make so grave a charge as that against the President of the United States on bare suspicion?

A. No, sir; not on bare suspicion.

Q. Would you make such a charge as that against the President of the United States on illegal or invalid evidence?

A. I say I never made such a charge.

Q. I understood you to say that you had done so to members of Congress?

A. I said I had that kind of evidence which satisfied me of it.

Q. But you say now that it only raised a suspicion in your mind that it was so?

A. From the first I had a suspicion, and these statements, which came to me from a variety of sources, tended to confirm it and to bring me to believe that Johnson had a guilty knowledge either before or after the fact.

Q. Have you ever offered this committee a particle of evidence tending to prove any one of the charges, which the committee has not received?

A. No, sir.

Q. Have you ever proposed to produce any testimony to this committee tending to prove either of the charges you made against the President, where the committee has not been willing to receive it?

A. I have not.

Q. You say that your interviews with Conover were not alone to get evidence that Mr. Johnson was connected with the assassination, but evidence of other charges. Did you seek to get such evidence through Conover?

A. I was anxious to get any evidence to maintain the charges that I had made here, and I hoped that out of any letters of this kind which might come into my possession some such evidence would be elicited. I did not see very well how a general conspiracy could have existed, and a guilty knowledge of the great crime of assassination could have existed, without something else being disclosed also to maintain the charges which were already before the committee for investigation.

Q. How many times did you have interviews with Conover?

A. Five or six times.

Q. No more than that?

A. I think not.

Q. Did you have interviews with him late at night; after 12 o'clock at night?

A. No, sir. I believe I saw him two or three times at night, and the other times in daylight.

SATURDAY, A. M., *June* 1, 1867.

DEAR SIR: Your note is just received. Let your counsel act as they deem best, taking advantage of every legal point which may be presented. I think the course proposed by them is all that we want.

Truly,

J. M. ASHLEY.

Q. Did you write this letter to Conover?

A. I think so, substantially. I wrote him some such letter:

Q. Did you write this letter?

HOUSE OF REPRESENTATIVES, *July* 8, 1867.

MY DEAR SIR: I have just seen your wife, and have your letter. You may rest assured that I do not credit the *false* and *stupid* reports made against you. If you *had* the letters, I know you would never send copies to J———. If you can put the *originals* in my hands, I shall see that no one shall take or destroy them, without your express order *in writing*, except you are released. Will see your wife again this evening.

Respectfully, J. M. ASHLEY.

C. A. DUNHAM.

A. Yes, I think so; that is substantially as I wrote it.

Q. Who is J———?

A. Johnson.

Q. Did you know of this letter being written?

APRIL 24, 1867.

DUNHAM: It is all right. The matter will rest for the present, or till the thing is argued in May. You will not leave the city *ad interim*. Mr. A. will will return next week, when any other matters will be adjusted.

Yours, W. B. M.

A. No, sir; that was never written by me.

Q. Was it written by Mr. Matchett, under your directions?

A. No, sir. No man ever wrote him a letter by my directions.

Q. Is Matchett's name W. B. Matchett?

A. I think so.

By Mr. ELDRIDGE:

Q. State to the committee any knowledge that you have of Mr. Johnson's complicity in the assassination of Mr. Lincoln, and which you have withheld from this committee.

A. I have not had a living witness that I could present, or I should have come to the committee with him.

By Mr. ELDRIDGE:

Q. Give to the committee any evidence or fact which you know, tending in any degree to fasten the assassination on Mr. Johnson.

A. I never withheld anything from the committee which I regarded as evidence; but I did not look for evidence in that direction, particularly for this committee, after the expiration of the thirty-ninth Congress.

Q. Then you state now, as you did before, that you know of no other evidence tending to show that fact?

A. I know of none at present which I could bring to the knowledge of the committee, or I should bring it. I have given General Butler all the matters that I regarded as of sufficient importance, to let him look them up and see whether there was anything in them or not—such as letters—some of them anonymous, and some of them, doubtless, with fictitious names.

By Mr. MARSHALL:

Q. How long was it after you made these charges before the House against the President of the United States, which led to this investigation on the subject of impeachment, until you first saw this man Conover?

A. I think it was about a month, more or less; not very long.

Q. Under what circumstances did you first have an interview with him, and what led to it?

A. His wife presented me a petition to sign for his pardon. I declined to sign it. Mr. Matchett and she finally came to me and told me that her husband knew of matters of great importance to me and to the country, and that if I would aid him in being released, he would put me in possession of them. After

listening to this statement, I think I asked her to bring me a statement from him in writing, which she did, or which somebody did; I think she did. That statement led to an interview. I thought I would go and see Conover, as he requested it.

Q. That was some time in January or February last?

A. Along in the winter; it may have been in March. I can fix the time better if I look over some of my papers.

Q. That was your first interview with Conover?

A. Yes; the first time I ever saw him was in jail.

Q. And that interview, you say, was sought in the first instance by Mrs. Conover?

A. Yes; that is, she told me what she thought her husband could do.

Q. What was the date of your last interview with Conover?

A. I do not recollect. I think it was along in April.

Q. Was your first interview before he was convicted of the crime of perjury?

A. I think not, but I am not certain.

Q. How many interviews did you have with him before his trial?

A. I do not remember to have seen him before his trial.

Q. To the best of your recollection?

A. I really do not recollect whether I saw him before the trial or not. My impression is that I did not see him during the trial, but I am not clear about it. I really did not get interested enough in the thing until I was promised a written statement from him, which I will produce if I can lay my hand on it.

Q. All the interviews you had with him were in the jail of Washington?

A. Yes.

Q. Did you, in visiting the jail, seek privacy?

A. I was always alone with him.

Q. Did you resort to any means to prevent the fact of your visit being known to the public?

A. No, sir. There were people coming in and out of the jail in daylight and at night, while I was there.

Q. At what hour at night did you visit him?

A. Usually after dinner.

Q. Were you ever there as late as 10 o'clock at night?

A. I may have been. I do not recollect. I am usually in bed by 11 o'clock. I do not think I ever went to the jail after 10. I remember at one time remaining an hour or longer with him, and it may have been after 10 o'clock when I left.

Q. Did you ever more than one time remain as long as an hour?

A. Yes. I think I did twice.

Q. Did you ever suggest to this man Conover any character of evidence that it was important to obtain?

A. No, sir.

Q. Did you ever intimate to him that you desired to get evidence of certain facts against the President which it was important to obtain?

A. No, sir.

Q. Did you ever hold out any inducement to him to furnish information of any kind?

A. I told him that if he furnished those letters which he professed to have knowledge of, I would use whatever influence I had to secure his release.

Q. Did you ever have an interview with either of the judges of the supreme court of the District of Columbia on the subject of the trial of Conover?

A. I asked Judge Fisher, and I think Judge Cartter, to suspend sending him off until I could see what he could get. In the mean time I told his counsel, who came to me, that if I were in their place I would push for a new trial, and would use all the delays incident to the law.

Q. Did you ever suggest to Judge Fisher or Judge Cartter any course that might be taken by the court for the purpose of operating on the mind of Conover?

A. No, sir; I only asked them to suspend sending him to Albany.

Q. Did they take any action on your suggestion?

A. I think they did. I think they did not send him off for two or three weeks, till I could see what could be got.

Q. Did you ever have any conversation with either of those judges in reference to the point on which an effort might be made to arrest judgment or to get a new trial?

A. No, sir.

Q. Was there ever any talk among the members of the court before his sentence in reference to the statute under which the sentence would be passed?

A. I do not know; I never made a suggestion to them about it.

Q. What did you mean in this note to Conover where you suggest that his counsel is taking the right course, and that he had better rely upon them; had you ever intimated to him that you had a talk with the court on the subject?

A. I told him I had asked the court to suspend the execution of his sentence, giving him time to get those papers

Q. Did you ever tell him that if he would furnish you any important evidence against the President you would secure his release?

A. Yes; I told him I would do what I could to secure his release.

Q. Were you ever at the jail with him as late as eleven o'clock at night?

A. I think not.

Q. How did you come to have such frequent and prolonged interviews with him?

A. I never remember seeing him but twice for any length of time. One of those interviews was to learn something in connection with the Surratt trial. His wife had said to me that he knew of some witnesses who would be important on that trial, and I was anxious to get the facts, and I went and took them in writing and gave them to Mr. Riddle, who was one of the counsel for the government in the Surratt trial.

Q. Did you ever remain in conference with Conover as late as eleven o'clock at night?

A. I think not It might possibly be so, but I do not think that I was later than twenty or thirty minutes after ten.

Q. Were those protracted interviews with him after he was sentenced?

A. I think they were.

Q. Did you ever have an interview with any other convict in the jail on the subject of procuring testimony?

A. No, not in this case. I had an interview with a man named Cleaver in the jail, of whom this man Conover gave me information. That was altogether in reference to the Surratt matter.

Q. Was Cleaver under sentence for any crime at the time?

A. Yes.

Q. How many interviews did you have with Cleaver?

A. Two, I think.

Q. Did you ever hold out any inducement to him to furnish evidence?

A. Not with reference to anything here. It was in reference to the Surratt trial. I told him that if he was in possession of any facts of importance, I would take them and present them to Mr. Riddle, and if the evidence was of value he would undoubtedly be released.

Q. Have you seen Cleaver since?

A. Yes; he has come to my room two or three times since.

Q. How was his release secured?

A. I do not know whether he was pardoned by the President or not. I

think he was, but I am not certain. I think Mr. Riddle presented the case to Mr. Seward, and that Mr. Seward got him pardoned by the President; but of that I have no personal knowledge.

Q. Did you ever send Matchett to Conover with any instructions?

A. Yes, sir.

Q. How often?

A. May-be half a dozen times.

Q. What were the instructions?

A. Substantially as you see them in those notes, that if he would get the papers and give them to me I would not use them or allow them to be used by anybody unless they should inure to his benefit, and that I should have his consent in writing to their use before I should use them.

Q. Look at this memorandum, marked A, and state whether you ever saw it before.

A. I never saw it in writing. I may have seen it in the newspapers. I did not read it carefully if I did.

The memorandum is as follows:

A—*Memorandum.*

Shortly before the inauguration of Lincoln and Johnson, the latter, through or in connection with Booth, sent several letters to the confederacy, one of which was intended for Jefferson Davis. These letters were borne by a messenger named Allen, who had been acting as a scout or spy for one of the Union generals. Allen was provided with a safe conduct through our picket lines, and was supposed to have been sent on secret duty in connection with his command. He was also provided with papers from a rebel emissary at the north, to insure him proper treatment when he should enter the confederate lines. After delivering his mail in Richmond, he returned bearing several letters which he received from J. P. Benjamin. These letters were enclosed to Booth. On returning to Washington Allen called on Booth and delivered the package, and Booth, after examining some of the letters, went out, as he said, in search of his messenger. The messenger could not be found, and Booth asked Allen if he was too tired to go as far as the Kirkwood House. Allen replied in the negative, when Booth, drawing forth the package brought from Richmond, selected a letter addressed to "Andrew Johnson, Vice-President elect of the United States," and asked Allen to deliver it. Allen promised to do so, and then accompanied Booth to the bar-room to first take a drink. Here Allen met a friend, who was invited to join them in taking a drink, and afterward accompanied him to the Kirkwood, and heard him inquire if Mr. Johnson was in, and saw him go for his (Johnson's) room. This friend waited until Allen came down stairs, when he asked him, jocularly, what in the devil business he had to do with Johnson; if he was already begging for an office. Allen can be produced, as well as the friend who accompanied him to the Kirkwood from Booth. Allen, before going to Richmond, had been led by Booth to believe that he was a confidential and secret agent for the government, and that the letters borne by him had reference to peace propositions, which would speedily lead to a suspension of hostilities and the restoration of the Union. Add, also, that it can further be proved by two persons, formerly rebel soldiers, that Booth, on the first or second day before his death, fell in with them near Garrett's, and asked their advice and assistance in his efforts to escape. He informed them that he had killed Lincoln, and thereby made a good southern man President. One of the parties, whose name is Dawson, said to him that, if he meant that he had made Andy Johnson President, he had done the worst possible thing for the South, as he was more extreme in his views and a greater enemy to the South than Lincoln. Booth replied that it was a mistake; that Johnson, as a candidate and office-seeker, had to say a great many things, but that as President he could do as he pleased; that he was bound to be a friend of the South; and that if he went back on him (Booth) he would have him hung higher than Haman. These men belong to good families, and bear excellent characters, and can be produced as witnesses.

Q. Do you know of any memorandum of that character having been furnished to any one?

A. No, sir.

Q. Are you acquainted with Matchett's handwriting?

A. Yes, sir; it is a peculiar handwriting, and I think I would know it. I never saw that memorandum in writing; I may have seen it in newspapers, but I never read it carefully before.

Q. You know nothing either of it or of the note, which purports to be appended to it?

A. No, sir.

Q. Were any persons ever brought to this city under the directions or suggestions of Conover, to be examined by you or any other gentleman here, to your knowledge?

A. No, sir.

Q. Did you ever have any witnesses here who professed to know important facts, in reference to this charge against the President, about this conspiracy, whom you examined or had examined by members of Congress or others?

A. No, sir; I have never had any person brought here to be examined by any one except myself.

By Mr. ELDRIDGE:

Q. Has Matchett procured any person for that purpose?

A. Not with my knowledge or approval. He may have sent persons to me, but I do not remember any.

Q. You have not seen any one?

A. I think not—no person except those who have been examined before this committee, who knew any facts of importance.

By Mr. MARSHALL:

Q. Did you, with General Butler or anybody else, examine witnesses to see whether their testimony, as they stated the facts, bore upon this investigation?

A. I have had numbers of men brought to me, or coming to me voluntarily, who thought they knew important matters, and when they made their statement it was worthless. Those who knew nothing I declined to have summoned.

Q. Did you ever know anything of a man named Harrison, in connection with testimony which he was to furnish?

A. I do not recollect any such name.

Q. Did you ever take persons who professed to know important facts, or to have the means of getting at important papers, to General Butler, or any other member of the House, to be examined?

A. I may, and probably have sent to General Butler persons who have come to me since the assassination committee has been formed, professing to give me information on that subject.

Q. Did you ever go to General Butler or Mr. Bingham, or any other member of the House, with persons who professed to know facts?

A. I may have been with Mr. Bingham when Mason was here, but I do not think I was; I know I spoke to Bingham about it, and told him that this man was here, and that I would like to have him examine him.

Q. Who is Mason?

A. He was a professed British subject, who was brought here at the Surratt trial. I do not think, however, that I was ever present when Mr. Bingham examined him, if he did examine him.

By Mr. ELDRIDGE:

Q. You say he is the only one with whom you went to Bingham with reference to this matter?

A. I do not think I even went with him.

Q. You do not think you went with any one?

A. No. I have been present when Bingham has examined one or two parties, but I think it was in connection with the assassination trial.

Q. Do you not recollect two men coming here professing to know Dunham—men whom he suggested—and that you and Matchett had interviews with them?

A. No, sir; no man ever came here at his suggestion whom I ever saw, that I remember. I do not recollect a single living witness suggested by him who ever came in contact with me. It may have been so, but I have no recollection of any such thing.

Q. Do you recollect Mrs. Dunham going off to Ogdensburg after a witness?

A. I do not know where she went; she went off half a dozen times, professing to get evidence.

Q. Did she not go to get witnesses suggested by Conover?

A. I do not think she ever went to get any living witness; I think she went after papers; certainly no witness ever came with her, and she never got any papers relating to the question of impeachment.

Q. Did she not, at the time she went to Ogdensburgh, go there by the direction of Conover, or Dunham?

A. I do not know that she ever went to Ogdensburg.

Q. Did she not profess to go?

A. I do not know where she went; she went off.

Q. To get some testimony suggested by Dunham?

A. I do not know whether it was suggested by him or not, but I presume it was. All that I was after was the manuscript letters.

Q. Who furnished her the money to go with?

A. I furnished her some once or twice.

Q. How much money did you furnish her?

A. I do not recollect how much; I gave her once $50, and once $5; I do not think I ever furnished her with anything but those amounts.

Q. Did you examine two witnesses with reference to their proving the statements in this memorandum, "A?"

A. I never remember examining anybody to prove anything in that memorandum, or any memorandum furnished by Dunham.

Q. Did Dunham tell you, in conversations that you had with him, that he could get witnesses to prove the facts stated in that memorandum?

A. I never had any conversation with him about it, and never saw it in manuscript at all. The evidence I was after was said to be in writing. That was all I cared to get. All I asked for, and all I wanted, was two letters which he professed to have, or was able to get. All his statements about witnesses, whatever they were, I paid no attention to.

Q. Did you tell any member of Congress that there were two witnesses in town who were able to give important testimony on the subject of Mr. Johnson's connection with the assassination of Mr. Lincoln?

A. I do not recollect. I may have done so. If I did, I alluded to this man Mason, and a man he named who resided in or near this city.

Q. But you say his testimony had no relation to Mr. Johnson?

A. He professed in his conversation with me to know things that would tend to implicate Johnson, and, if he told me the truth, he did know.

Q. In the written statement which he has made there is nothing which would implicate Mr. Johnson—is there?

A. No, I think not; at least, that is my recollection of it now.

Q. Was it before or after he made that written statement that you talked with him?

A. It was long after—months after. It was during the Surratt trial. He was here in town two or three weeks, and he came to my room two or three times.

Q. If those letters were the only subject of your conversation with Dunham, what was the necessity of your meeting him so frequently and being with him so long each time?

A. One of the times I was in conversation with him about this man Cleaver, whom I did not know anything about, and after I got out of him all the facts I could, I terminated my interview; but he was disposed to talk, and he would talk a half hour at a stretch if you would listen to him. Some of his conversation when I first knew him was rather entertaining, and I listened to him, hoping to get something of importance from him.

Q. You sat there and talked with him merely for the purpose of passing an hour by his entertainment?

A. I wanted to see what I could get out of him. He was rather an extraordinary man in his appearance and conversation, and I felt convinced he knew more about the assassination than he was willing to tell. I was disposed to listen to him, and did listen to him.

Q. Did you ever get any letters in your possession from him?

A. Nothing that was of any value.

Q. What do you refer to in your letter in which you say, "On my return home to-day I found your favor?"

A. That is the statement which he promised to give me in writing in detail.

Q. The one which Matchett now has?

A. Yes; the one I sent to him.

Q. Is that in Conover's handwriting?

A. Yes.

Q. You say you can produce it?

A. I think so.

Q. It is stated in this paper that the word "verbal" is stricken out before the word "statement." Why did you strike that out?

A. I do not know anything about it. I do not see what sense it would make.

By Mr. MARSHALL:

Q. How long have you been acquainted with Matchett?

A. My acquaintance with him commenced after this investigation began.

Q. Under what circumstances were you introduced to him?

A. I think the first time I ever saw him was in connection with this Dunham case. I think he was interested in procuring a pardon for Dunham. He seemed to know Mr. Radford, and whether Mr. Radford introduced him to me or not I cannot say At all events, he was introduced to me about that time—along last winter.

Q. Dunham had not been tried last winter, had he?

A. He must have been tried and convicted before there was a pardon asked for him. Matchett may have come and introduced himself just as hundreds of other men do.

Q. Did you not have connection with Matchett during nearly all those interviews that you had with Conover?

A. I do not think that he was present at any one of them.

Q. Did you not have interviews with him in reference to your conferences with Conover?

A. I have told him much that Conover said to me.

Q. You stated a while ago that you had sent him frequently to Conover?

A. Yes; I sent him half a dozen times, or more.

Q Was not that all before this application for pardon?

A. No; I think it was afterwards.

Q. Did you not know anything about the character of Matchett?

A. Nothing, only that he was represented to me to be a clergyman who had been a chaplain in our army du ing the war.

Q. Who represented him as such?

A. He represented himself, and so did others who came with him to my room. I think he showed me his commission, signed by Governor Morgan, of New York.

Q. Was Matchett frequently at your room?

A. Yes.

Q. You cannot state distinctly the date of your first acquaintance with him?

A. No. It commenced, I know, after this investigation. That is, I think it did; I feel confident it did.

Q. Did Matchett volunteer his services in aiding you in this matter?

A. Yes, I think so.

Q. Did Matchett ever receive any pay for his services?

A. No, sir; not from me. I have paid his expenses whenever I sent him away, but I never have paid him any per diem.

Q. You think he came to you and volunteered his services in the matter?

A. Yes. I do not recollect exactly how I got acquainted with him. He probably came and volunteered his services and then I made inquiries about him. A great many men came and did so and gave me references. I employed Major Alberger for some time. He was recommended to me by General Butler. He had been on his staff, I think.

By Mr. ELDRIDGE:

Q. Did you and Mr. Butler send Matchett for two witnesses or more who came here to Washington and were examined by you and whom you afterwards introduced to members of Congress?

A. No, sir; I do not recollect any such transaction ever occurring. I never examined a single witness with General Butler.

Q. Did General Butler examine persons and then introduce them to you?

A. No, sir.

Q. Did you and General Butler introduce to members of Congress men whom Matchett had procured?

A. I never did. I do not know what General Butler did.

Q. Dunham says in his statement, "These persons were inspected by Ashley and Butler, and were found to possess the requisite qualifications as to intelligence and personal appearance, but, unfortunately for the impeachers, it was deemed necessary to make some changes and modifications and additions to their statements before presenting them." Is there anything true in that?

A. Not a word, as far as I know.

Q. You did not introduce any witness to any member of Congress who had been procured by Matchett through Dunham?

A. No, sir.

JAMES M. ASHLEY.