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TO THE PUBLIC.

A REVIEW

OF THE

REPORT OF HON. HORACE MAYNARD,

*Chairman of the Committee of Investigation, into the conduct and accounts of William Cullom, late Clerk of the House of Representatives; and an exposition of the frauds practiced on the Treasury, the Contingent Fund of the House, and on individuals, by the said William Cullom.*

No. 1.

It is well known that, on account of the frauds practiced on the Undersigned and others, by William Cullom, late Clerk of the House of Representatives, while pretending to execute the House resolution of July 7, 1856, and for presenting a false account against the Treasury of alleged purchases of certain books under that resolution, the Undersigned made an exposition of those transactions in the Daily Globe, of December 7, 1857, accompanied with authentic copies of the documents, and the proceedings of the accounting officers of the Treasury, on the subject of said account; and that, upon the matters of that exposition, and other charges against the late Clerk, a special committee of the House was appointed "to investigate his conduct and accounts." On the 28th February, more than twelve months after the committee was appointed, its chairman, the Hon. Horace Maynard, of Tennessee, made a final report of its proceedings to the House; and on the next day, the 1st of March instant, a garbled portion of that report was published in an evening paper of this city, occupying nearly the whole of the first page of said paper, detached from the resolutions that made an essential part of that report, and from the copious testimony taken before the committee, which constituted the *reliable* evidence of the frauds *charged* and *proved*. The hasty publication of that garbled portion of the report, however furnished or procured, being a deliberate attempt to exonerate the late Clerk, in public opinion, from all accountability for "malfeasance," "misfeasance," "corruption," or "dereliction of duty," it equally behooves the Undersigned in the same behalf, *now*, to make an exposition of that garbled portion of the report, in order to disabuse the public mind of the *impression* sought to be made by its hasty publication, detached from the resolutions, and especially from the ample and reliable testimony as *its proper antidote*.

How this portion of the report found its way so promptly into the columns of said paper, is not easy to conjecture, unless the Chairman of the Committee, the Hon. Horace Maynard, of Tennessee, furnished an extra copy of it to the late Clerk to manufacture a short-lived exculpatory public opinion in advance

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of the testimony of some eighty odd witnesses and the accompanying resolutions, which, with this garbled portion thus detached therefrom, make up the whole of this voluminous report ordered to be printed by the House, which may not be expected to issue from the press in a month or more. I have, however, been favored with a copy of the resolutions, also, from the Clerk's office, by the proprietor of the Daily Globe, through his Reporters, in order to bring them to public notice at once, along with the remarks I purpose to make upon the said garbled portion of the report prematurely sent forth on a deceptive errand, possibly to operate on the elections in Tennessee before the entire report of the testimony can make its veritable statements fully known. Nevertheless, notwithstanding the palliative terms, and the softened manner of diction by which the author of this portion of the report would feign to disguise the facts of enormity revealed by the testimony it affects to refer to—like the revolting lineaments of a harlot's face to a scrutinizing eye, peering through the transparencies of a virgin mask it pollutes for their concealment—those facts *are there*, standing ready to proclaim the transgressions of the delinquent, on being stripped of those assumed habiliments of innocence to deceive a credulous take-upon-trust, unscrutinizing public.

Before entering upon the ceremony of removing these deceptive habiliments of assumed innocence, we will invite attention to the inordinate and active *bidding* of Mr. Maynard, prompted by his delinquent friend, for the chairmanship of the select committee that had become inevitable, and was about to be ordered, when the subject was under discussion, at the instance of Mr. Clingman, in the House, on that occasion.—See Congressional Globe, of Dec. 19, 1857.

Mr. Maynard said:

“I believe the question before the House at this time, if I understand the reading of the resolution, is on an inquiry into the character and cost of the stationery purchased for the use of the House. The discussion upon that resolution seems to have taken a wide range, and to have gone into the general conduct of the outgoing Clerk. *Although a personal friend of that gentleman*, I shall not here in my place or elsewhere, by any word or vote or act of mine, attempt to screen him from any *full, thorough, sifting investigation into his conduct*, if any member of the House believes that such an investigation will prove either *proper or profitable*. I am *now instructed* by the outgoing Clerk, to say that *he demands it*. Thus *instructed*, I shall, contrary to what was my original intention when I rose, to leave to some one else to *move* the investigation, before concluding my remarks, *move, myself*, that the investigation shall be made by a special and select committee of the House.

“I know nothing of the accusations that are made against that officer. I have not taken the trouble even to wade through the pages of matter that have been piled up here,” &c., &c., &c.

Thus Mr. Maynard and his personal friend, Mr. Cullom, the outgoing Clerk, whose conduct and accounts were arraigned before the House, seem to have eagerly leaped into the whirlwind to

direct the storm until it should die away through a twelve months' voyage into the calms of the dead sea—of an expired Congress; and so, with extraordinary management, they would seem to have succeeded. Mr. Cullom, with his awful, overbearing, and domineering presence, having been in continual attendance on the examination of witnesses before the committee, and occasionally raising altercations with them, obviously, as was supposed, with the view of intimidation, or contravening their testimony, or otherwise modifying and giving a gloss of extenuation to results, having thus brought the investigation down to within a few days of the end of a six or seven months' session, Mr. Maynard made a report stating progress of the committee in examining seventy-eight witnesses, and asked leave to continue the investigation during the next session, which was granted, of course, though requested to report the testimony of the seventy-eight witnesses already taken, that it might be printed in the interval; but that was objected to by Mr. Maynard, as not being so contemplated or directed by the committee. After exhausting the whole of the subsequent session within a few days of its close, the long-expected report was made, but too late for it to be printed and laid on the tables of the expiring Congress.

That portion of the garbled report which has been published and is now before me, presents sundry criminal aspects of the late Clerk's conduct and accounts, notwithstanding the mitigating terms by which they are accompanied, besides other testimony not referred to in it, all of which call for a statement here of some of the provisions of law and Treasury regulations violated by the late Clerk, for which he is amenable nevertheless, as the kind words of a devoted friend do not alter the facts or repeal the laws which require to be executed without fear, favor, or affection, viz:

The 12th section of "An act more effectually to provide for the punishment of certain crimes against the United States, and for other purposes," approved March 3d, 1825, says:

"SEC. 12. *And be it further enacted*, That if any officer shall be guilty of *extortion*, under or by color of his office, every person so offending shall, on conviction thereof, be punished by fine not exceeding \$500, or by imprisonment not exceeding one year, according to the aggravation of the offence." Statutes at Large, vol. 4, p. 118. See cases of extortion by the late Clerk, as given in the testimony.

The 16th section of "An act to provide for the better organization of the Treasury, and for the collection, safe-keeping, transfer, and *disbursement* of the public money," approved Aug. 6, 1846, says:

"SEC. 16. *And be it further enacted*, That all officers and other persons charged by this act, or any other act, with the safe-keeping, transfer, or *disbursement* of the public moneys, other than connected with the Post Office Department, are hereby required to keep an accurate entry of each sum received, and of

each *payment* or transfer; and that if any one of said officers, or those connected with the Post Office Department, shall convert to his own use, in any way whatever, or shall use, by way of *investment* in any kind of property or merchandise, or shall loan, with or without interest, or shall *deposit* in any *bank*, or shall exchange for other funds, except as allowed by this act, any portion of the public money intrusted to him for safe-keeping, *disbursement*, transfer, or for any other purpose, every such act shall be deemed and adjudged to be an embezzlement of so much of said money as shall be thus taken, converted, *invested*, used, loaned, *deposited*, or exchanged, which is hereby declared to be a felony," &c.

The deposit of moneys by Mr. Cullom, intrusted to him for *disbursement* on account of the contingent expenses of the House of Representatives, in the bank of Suter, Lea & Co., was such a violation of law denounced as felony aforesaid; and checks drawn on said deposit, as commutation, in lieu of newspapers, books, and any other articles allowed to members by express provision of law, were diversions of such amounts from their legitimate object, no commutation for money being authorized by law in any case. For this illegitimate commutation traffic, see testimony *in this case*; and also the views of the committee in the case of Darling and Hackney, printed report, pp. 3 and 4, saying:

"It is clearly established by evidence that a regular profitable business has been carried on in this city of Washington for years, by the booksellers of the city, in Congressional publications intended for gratuitous distribution among the people, in the course of which the booksellers purchase these documents fresh from the press, at prices greatly below their cost to the Government, and sell them again at a large profit. \* \* \* \* It is obvious, and so the evidence before the committee indicates, that this trade in books could not exist to the extent proven without culpable negligence, or the misappropriation of the books by members of Congress."

And the committee recommended the adoption of the following resolution:

"*Resolved*, That all extra copies of documents and books printed by order of the House of Representatives, and divided equally among the members of the House, are intended for gratuitous distribution to public libraries and among the people, and are given to members respectively in trust for that purpose; and that any other use or disposition of the same is a violation of the trust aforesaid, and meets the unqualified disapprobation of this House."

This applies equally to all books ordered by Congress for distribution.

The 16th section of the aforesaid act continues thus:

"And any failure to pay over or to produce the public money intrusted to such person shall be held and taken to be *bona fide* evidence of such embezzlement. And if any officer charged with the *disbursement* of public moneys shall accept, or receive, or *transmit* to the Treasury Department, to be allowed in his favor, any *receipt* or *voucher* from a creditor of the United States, without having *paid* to such creditor in such funds as the said officer may have received for *disbursement*, or such other funds as he may be authorized by this act to take in exchange, the *full amount* specified in such *receipt* or *voucher*, every such act shall be deemed to be a *conversion* by such officer to his own use of the amount specified in such *receipt* or *voucher*; and any officer or *agent* of the United States,

and *all persons* advising or *participating* in said act, being convicted thereof before any court of the United States of competent jurisdiction, shall be sentenced to imprisonment for a term of not less than *six* months, nor more than *ten* years, and to a fine equal to the amount of the money embezzled," &c.

There appears to have been several instances of this kind of embezzlement by the late Clerk, to which the aforesaid portion of the report alludes, amounting to \$1,800, with a labored effort to explain it away, by a subsequent payment of the like amount to offset it in the Treasury, under the kind advice of one of his employées;—all of which is too long to quote here, but may be clearly understood from the testimony when published, or by transcripts from the books of the Treasury, as indicated by the following continuation of the said 16th section, viz :

“ And upon the trial of any indictment against any person for embezzling public money under the provisions of this act, it shall be sufficient evidence, for the purpose of showing a balance against such person, to produce a transcript from the books and proceedings of the Treasury, as required in civil cases,” &c.—under the act of March 3, 1797.

The “ Regulations” prescribed by the Treasury Department have, according to the provisions of the aforesaid act and other laws, the force and validity of law.

Among the accounts required by said regulations to be rendered monthly, of the receipts and disbursements of public money, are “ those of the Secretary of the Senate, the Clerk of the House of Representatives, and the disbursing officers of the Executive Departments.” See Treasury Regulations, No. 600, p. 332.

Also the Regulation No. 615, p. 342, says :

“ In respect to services or supplies employed or obtained by the disbursing officer, he is bound to act *exclusively* for the *interest* of the United States, and employ the services, and obtain the supplies, on the best terms, in open market. It follows that he can have *no interest*, direct or indirect, in *furnishing supplies* or procuring such services, whether the *account* be in his own name or *otherwise*. Supervising or employing officers are prohibited from appointing or employing under them any person in their private employment, or any *relative* or *dependent*, and from giving the patronage of furnishing supplies to any such person, or to any other person, without comparing, from time to time, his prices with those of others ; and finally, from purchasing *from second hands*, instead of regular dealers in, or manufacturers of, the articles required.”

In respect to the late Clerk's agent, H. Tyler, for the purchase of books, and other agents for the purchase of other supplies, it is proper to state here these principles of law, viz :

1. That “ the delegation of power to an agent may be done by deed, parol, or mere employment.”

2. That “ a common law maxim is, that the power delegated to an agent by his principal cannot be delegated by him to a third person.”

3. That “ an agent owes to his principal the unremitted exertion of his skill and ability, and that all his transactions *in that character* be distinguished by punctuality, honor, and integrity.”

4. That "an agent is liable to misfeasance as to third persons, when, *intentionally* or *ignorantly*, he commits a wrong upon the rights or property of another." See Bouvier, and the authorities he quotes.

From these rules or principles of law, and the preceding Treasury regulations, it is manifest that all the persons employed by the late Clerk in purchasing supplies of every or any description were his agents, and that they were responsible for the faithful discharge of their duty in that character, and that he, the *super-vising* and *employing officer*, was equally responsible for them and for his own remissness or connivance at their peculations, avowedly amounting to 25 and 33½ per cent. on the fair market prices of the manufacturers and regular dealers in those articles; and in one instance, mentioned as coming under the special attention and recognition of the Clerk, the *peculation*, under the softened fallacy of *profits*, amounted to nearly *one hundred per cent.*, exceeding one thousand dollars of public plunder on a single article. But as the committee were *not a court* to try these cases *criminally*, they seem not to have taken any heed of the criminal law at all; but rather to regard these and other enormities as excusable frivolities, under the palliative terms of "negligence," "inattention," "carelessness," &c., &c. Under this very idea, in fact, that the committee were *not a court*, it appears they could not compel the attendance of a very important witness, H. Tyler, to answer interrogatories furnished to the chairman by a witness about the 27th of March, '58, having no doubt heard of those interrogatories, and simultaneously left the city on that account, and immediately sailed for Cuba "for his health." Since his return, it appears that his testimony has been taken; but it remains to be seen whether the suggested interrogatories were used, or how he evaded them—if by declining to answer, as he did questions asked him at the Treasury, where he bought the books mentioned in his account, and at what prices?

Small and trivial as the peculations above alluded to may appear from the mitigating terms of the aforesaid garbled portion of the Report, taken with others claimed by the late Clerk as the rightful perquisites of his office, they must have amounted to *several hundred thousand dollars*, if we take the computation of Mr. Letcher, in comparing the expenditures of the late Clerk with those of his successor, in a recent speech at Woodstock, in opening his canvass for Governor of Virginia. It is well known that Mr. Letcher was a prominent member of the Committee of Ways and Means of the House during the last Congress, where he had ample opportunity to make the estimate of *these* and all other expenditures of the Government. On this occasion he said: "Mr. Cullom, in twenty-two months' clerkship of the House of Representatives, expended \$1,600,000, while Mr. Allen,

his successor, although he had to meet many extraordinary expenses, including investigating committees, &c., (Cullom's own among the rest,) expended half a million less than his predecessor."

If the contingent expenditures for the House under Mr. Allen's administration of its contingent fund were necessarily larger on account of "extraordinary expenses" devolving on him, who can imagine what became of the "half million excess" expended by the late Clerk, without rationally imputing a very great portion of it to the boasted perquisites or peculations of his office? His avowed estimate of them, at \$50,000, under the pretence of *investments* and *speculations* in public land, stock, land warrants and real estate of all kinds, however flagrantly *illegal* and forbidden to a public officer, would fall far short of the reality of his public plunder, according to the estimate or computation of Mr. Letcher's comparison of his and his successors' expenditures for *identical* objects from the *same* fund, except those objects that were *illegitimate* on his part, and those that were *extraordinary* on the part of his successor.

Besides the ample evidence tendered to the Committee, of Cullom's *premeditation* to commit these frauds, of which evidence some notice will be taken in my next number, the following extract from the aforesaid portion of the report in question will suffice for the present to prove that dearly cherished *premeditation*? It says:

"Witnesses have detailed various statements of the late Clerk respecting the profits of his office, among them J. J. Burnett, S. S. Stanton, and Hon. Charles Ready, who says: Some few days before the adjournment of the last Congress, during a night session of the House, he (the clerk) came and sat down by my desk; after some conversation upon different subjects I asked him myself, I think, what his office would yield him; he stated in substance that he had made \$30,000, but if the book resolution should pass, his office would be worth, he thought, \$50,000.

I give this as the substance of the conversation. That was before the book resolution passed. At that or some other time, though my impression is that it was at that time, he spoke of having had the advantage, on account of his position here, of engaging in some speculations and making some *investments* in stocks and real estate. I do not recollect very distinctly what was said upon that subject; the idea was that he had made \$30,000 in consequence of holding the office."

The above is sought to be *palliated* and *justified* by the following boastful avowal of a person (Mr. McClarin) sent for from Tennessee, at considerable public expense, who had nothing to do with Cullom's accounts nor any connection with them, except as an apologist for them, by which, however, he and the Committee have *unwittingly* made the matter a great deal worse, unless they were so infatuated with a belief in the *ignorance* of others that they might safely make a merit of acknowledging the worst possible aspect of these frauds, and that there would be no one discerning enough to detect the base coinage, viz:

"Mr. McClarin, of Carthage, Tennessee, a neighbor and the private financial

agent of the late Clerk, says, that 'when with his acquaintances at home, he spoke of his office as a profitable one, and thought he would make some \$30,000 or \$40,000. He explained the matter by saying that there were good opportunities offered to the Clerk of the House of Representatives to make money by dealing in western lands, stocks, land warrants, real estate, &c.; that his position gave him credit and increased facilities for information. He was considered one of our wealthy men. I have been acquainted with General Cullom for eighteen or nineteen years, and from the time of my first acquaintance with him his wealth has been annually increasing. As he increased in years he increased in wealth, and latterly the increase has been larger than formerly.' "

In addition to the above statement by Mr. McClarin, it is also attempted by the following, likewise extracted from the said report, to confirm those alleged sources of the sudden wealth of the late Clerk from speculations and investments in various ways—a privilege and abuse expressly forbidden by law to a disbursing officer. Suffice it is to say, that the Undersigned furnished the Chairman of the Committee with interrogatories, in writing, of a totally different character, to propound to Mr. French, touching a conversation that Mr. Cullom had with him, showing the late Clerk's premeditation to make large profits out of his office by those illegal practices, for he could do it in no other way. If those questions were put to Mr. French, they were answered in effect, showing that Mr. French made no more than his salary, and the percentage allowed him by law; and that Mr. Cullom declared his intention (sarcastically, no doubt, as the words imply) to make a great deal more than that. Yet we find here a different question propounded to him, for the manifest purpose of extracting an answer that might be construed to confirm Mr. McClarin's statement of Cullom's speculations and investments, however in gross violation of law; and yet no evidence is produced to show what public lands, what stock, or what real estates, he had bought with those investments. Nevertheless, Mr. French's answer is as telling a sarcasm on the question, and on Cullom's *proclivities*, as can well be imagined. But it was too good a confirmation of Mr. McClarin's tale to have frightened Mr. Cullom and the Chairman of the Committee from its use by its *inuendo* and its *sarcasm*. Here it is:

"Mr. French, one of his predecessors in office, on being asked what are the opportunities in this city for *such a man* to realize money by dealing in real estate, and taking *advantages* in buying and selling, says: 'I should think, *perhaps*, no man could make money *faster* in any other way.' "

Yet, with these convictions as to Mr. Cullom, Mr. French was too faithful a public officer to abuse the public money entrusted to him for disbursement, by such illegal, though vastly profitable "investments!"

I had like to have overlooked in this connection the following *make-weight* of *negative evidence* resorted to by the Chairman of the Committee to exonerate the late Clerk from all "misfeasance," "malfeasance," "corruption," or "dereliction of duty,"



in the face of the abundant *positive testimony* of witnesses adduced before the committee, as hereafter to be cited before the Grand Jury. But the overwhelming reply to this "negative evidence" of those gentlemen referred to, is, that not one of them was in the *confidence* of Mr. Cullom in his transactions with his agents and contractors for furnishing supplies, hence they knew nothing of his transactions with those parties to, or cognizants of, his frauds. Not even his chief Clerk, Mr. Ingram, who stood in the near relation of brother-in-law to him, enjoyed his *confidence* in these matters, which I am well informed, and can adduce the proof that he, "Mr. Cullom, took exclusively into his own hands," though the usage of his predecessors towards their chief Clerks and other assistant Clerks was entirely different. To cite this negative testimony, then, under these circumstances, is utterly futile, and not entitled to the weight alleged, viz :

"It appears that the late Clerk, on going into office, found several persons of standing and experience holding places, whom he retained in his employ; and they are still retained. They have been examined before your committee, and without exception testify that they know of no fact tending, either directly or indirectly to show misfeasance, malfeasance, corruption, or dereliction of duty on the part of the late Clerk. This is negative testimony, indeed, but coming from the source it does, is entitled to much weight."—On the contrary, it is strong presumptive evidence against the secret designs of the late Clerk, so ardently cherished by him.

If the honorable chairman had given that *full, thorough, and sifting* investigation into the conduct and accounts of the late Clerk, which he pledged himself to do, before he was appointed chairman, although a personal friend of Mr. Cullom, he would have found that these gentlemen had no opportunity to know anything about the *facts* which this negative evidence is sought to efface. He would even have learned that, upon the bills for "ladies' dressing-cases," "odor cases," "ladies' reticules," "albums illuminated," "love albums," "pruning knives," "cigar cases," &c., &c., being presented for register, when one of those gentlemen remonstrated against these items as irregular, his objection was overruled by appeal of the Clerk to the Secretary of the Treasury, who expressed his approbation by saying—"The Clerk can furnish the members with broomsticks if he thinks proper."

In my next number, I will take up the detached *references* of this portion of the report, with the resolutions intended by the committee to accompany it, and show, to that extent, the avowed frauds committed by the late Clerk, though covered under the disguises of paliating terms, as if there were no criminal laws to which he is amenable for them.

R. MAYO,

*For himself and other parties defrauded.*

WASHINGTON, March 24, 1859.

## No. 2.

I now proceed to review the detailed references made by the report to certain portions of the testimony so selected, probably by the Chairman of the Committee, from the great amount of evidence taken in the case, as seemed most susceptible, by plastic modelings, softened colorings, and other distorting circumstances, of making a public impression in extenuation of the offences perpetrated against the provisions of the criminal laws by his friend, William Cullom, late Clerk of the House of Representatives.

Mr. Maynard commences his report with a notice of Mr. Cullom's conduct respecting the stationery furnished for the House, and by way of extenuating the course of the Clerk at the very threshold, makes a feeble effort to throw the *small* responsibility of the advertisement for stationery on certain other persons in his office, saying—

“With respect to the stationery furnished to the present Congress, it appears in proof, that immediately after the close of the last Congress, advertisements were prepared in the clerk's office, by some of the old incumbents, under the personal direction of the clerk, to advertise for the kind and amount of stationery that their experience in the office, extending back in some cases nearly ten years, showed to be necessary, and *he, himself, took no other part* in preparing the advertisement than *merely* to give it his *official signature.*”

It is certainly a matter of astonishment to all who are acquainted with the entire responsibility of every officer therefor, who affixes his official signature to a public document, whether prepared by subordinates in his office or by himself, that the Chairman of the Committee should fall upon so small a circumstance as this, with so erroneous an issue too, to betray his eager proclivity, either from ignorance or personal favor and affection for the delinquent, to abate his responsibility for the document to which he affixed his official signature! But still the wonder increases at every *established fact* of the testimony, cited and acknowledged, through the whole length of this voluminous report, in which it would seem to be the studied purpose of its author to justify, extenuate, or excuse every one of those palpable and gross violations of the criminal law, by characterizing them as mere results of “negligence,” “carelessness,” “inattention,” &c., &c., without even seeming to know that there was a violation of law in any one instance of the malfeasance, misfeasance, corruption, or derelictions of duty recited in the report, and recognized or adverted to in general terms by the “resolutions” accompanying it, though entirely perverted in some instances and partially true or untrue in others—for example:

The first resolution says—

“*Resolved*, That there is nothing connected with advertising proposals, accepting bids, or selecting or purchasing stationery for the use of the House of Representatives, that reflects the slightest discredit upon William Cullom, the late clerk.”

This is palpably at variance with, and in one particular contradictory to, the testimony of Wm. F. Bayly and the statements respecting the same in the report to which the resolutions are affixed. The report, after making the insinuations above noticed against some of the more experienced clerks in the preparation of the advertisement, says—

“The stationery furnished is very good, and that the skill and judgment used in making the selections have been called in question *only* in the *single article of wrapping paper*, and that *only* to the extent of a few cents *per ream*.”

The testimony of Wm. F. Bayly states very differently, which he has repeated to me since he read the report in the evening paper selected for its promulgation. He says substantially, as will be seen when the testimony is printed, that—

“A bid was made to supply the wrapping paper at 9 cents per pound, (not per ream,) and that the bid accepted by the clerk, was at 11 cents per pound, and for very inferior paper to that offered at 9 cents, making a difference of many thousands in the cost of that article alone, which,” he says, “could not easily have been forgotten, as a sharp alteration took place between Mr. Cullom and himself when he was before the committee.”

The second resolution says—

“*Resolved*, That in the management and disposal of the stationery, *great abuses have existed*; but as these have continued for a series of years, no official blame attaches to the late clerk.”

Here is a palpable *non-sequiter*, an utter absurdity, as to no official blame attaching to the late Clerk for continuing those “great abuses” which it was his sworn duty to correct. It were as rational to declare that the conduct of his predecessors in office, however marked with criminal malfeasance, constituted proper examples for him to follow! I need not add the obvious remark, that it is well known to every lawyer that when such acts amount to felony, the escape of a predecessor does not repeal the criminal law as to his successor, or any one else who perpetrates the like offences.

The third resolution says—

“*Resolved*, That *negligence and carelessness* have been shown in the execution of the House resolution of January 30th, 1846, by the said clerk; though there is no evidence of either corruption or dishonesty in the premises on the *part* of the late clerk!”

It will be perceived that the peculiar phraseology of the latter *part* of this resolution exculpatory of William Cullom, implies grave “corruption or dishonesty” on the *part* of others concerned in the execution of the resolution of January, '46, who, by referring to the acts and treasury regulations quoted in the preceding Number 1, are jointly responsible as the agents of William Cullom, their principal, for all the delinquencies alluded to.

This resolution relates to the same subject of stationery as the two preceding ones, but is confined to that branch of it which

is devoted to the "custody of the stationery," upon which the report remarks, that—

"So far as your committee *can perceive*, there is no *check* imposed upon the stationery-clerk, or those who temporarily act in his place, and no means of ascertaining the *fidelity* with which they execute their trust. It furthermore appears that a practice had *grown up* in the office of *allowing* each of the employées to use the office stationery *for private purposes* to an extent *equal* to the amount allowed by law to each of the members. As it appears to your committee, the stationery of the House is in much the same condition as would be a stock of merchandize of many thousand dollars sold at retail by sundry different clerks, to nearly 250 different customers, each a part proprietor, interested only in receiving his share of the capital, with no eye to profit—no account of sales kept—and no invoice ever taken—the safety of the stock depending *alone* upon the skill and integrity of the *factor*. The stationery-clerk of the last Congress was an old incumbent, and was continued in office by the late clerk in compliance with a very numerous and most respectable recommendation. Your committee design no reflection *upon him*; but they submit, that not only the safety of the officer, (the stationery-clerk, of course,) but that of the public property in his care, requires that his official conduct shall be subjected, by the clerk, to constant revision."

This suggestion of a *remedy* is no more than what was the bounden duty of the Clerk to practice in every branch of his office, and was entirely superfluous, unless this whole recital was intended by Mr. Maynard to divert attention from the turpitude of his friend the late Clerk's official dereliction of duty, by leaving the blame to float between the old stationery clerk, his temporary substitutes, and their 250 customers, and, in that way, make scape-goats of them, to divide the greater sins of the late Clerk and "screen his acts from the scrutiny" promised by the chairman on occasion of his appointment in the House. But viewed in any aspect, the assumption by this resolution, "that there is no evidence of corruption or dishonesty in the premises, on the part of the late Clerk," is a discrimination between himself and his employées and their customers that is not warranted by the laws and treasury regulations, for whom his responsibility in the premises is paramount. Under this head the report proceeds to say—

"In this connection, your committee deems it proper to call attention to the matter of *upholstery, furniture, and repairs of the House*, furnished by direction and authority of the clerk."

"By House resolution of January 30, 1846, it is provided, that "all *contracts, bargains, or agreements* relative to the furnishing of any *matter or thing*, or for the performance of any *labor* for the House of Representatives, be made with the clerk, or approved by him, before any allowance therefor shall be made by the committee of accounts." The disbursements for *upholstery, furniture, and repairs* amount, annually, to many thousand dollars.

The practice of the office appears to be to employ some tradesman, who supplies *everything of the kind* that is required, either by the committees or otherwise, *without any special contract or agreement as to prices*, who submits his account to the committee of accounts, which, when approved by the committee, is paid by the clerk.

During the last Congress *three* different persons were employed, [by the late clerk,] whose evidence before the committee [their names not mentioned, though important to prevent dodging,] shows that, upon the articles furnished by them, they realized a profit of from 25 to 33½ per cent., which, *they say*, "is no more

than they charge private persons for similar supplies." Certain it is, that the aggregate of profits is very considerable, and does not seem to be attended with corresponding benefits to the government."

These evasions of the accountability of the late Clerk for the acts of his agents, according to laws and treasury regulations before quoted, seem to be very convenient to the Chairman of the Committee, on all suitable occasions, thereby leaving everybody who knows no better to suppose that his friend Cullom had nothing to do with the conduct of his agents. And, in the same spirit, here the report goes on to give several "examples" to illustrate the "working of this system," by which, in one particular instance mentioned, the recognition of it by the Clerk is set forth with utter *nonchalance*, as if he owed no responsibility whatever for it. In this case, it appears there was some contention between two persons, who claimed the right to furnish and put down the *carpet* for the new Hall of the House and its galleries. For this identical carpet the successful contestant charged, and was paid, about 100 per cent. more than the defeated party had charged for it, before the preference was conceded to his competitor by the decision of the Clerk; and by that transfer of the job, the successful contestant made a profit of more than \$1,000 on this single item. But I conclude to give this statement of the report entire. It says:

"For example: it appears from the late clerk's report that for furniture, &c., in the committee room on Public Buildings and Grounds, ordered by that committee, was expended \$1,439.25, and in like manner in the committee room on Expenditures of the Navy Department, \$857.50; and in the committee room on Expenses of Post Office and Treasury Departments, \$633.25. But a more striking instance of the working of the system is found in furnishing the carpets and cushions of the new hall. The superintendent engaged upon the Capitol extension, supposing that this fell within his province, had selected a carpet in this city at the price of \$1.25 per yard laid down; but was informed by the clerk that he considered this as a part of his official duty under the resolution already referred to. In this view he was undoubtedly correct, and the superintendent very cheerfully and gladly acquiesced in it.

"He wrote the clerk, giving him some suggestions about the matter, and the clerk addressed a note to the tradesman employed, as general furnisher, authorizing him 'to do such upholstery and other work in the new Hall of the House of Representatives and its galleries as Capt. Meigs might designate and direct.'

"Under this authority, he proceeded and procured the identical carpet selected by the superintendent, laid it down, and presented to the Committee of Accounts a bill at two dollars per yard, and twenty-five cents for laying it down, making a profit of nearly \$1,000 on the single item.

"It is proper to add, that the testimony shows that these profits, considerable as they appear, were enjoyed by the tradesman alone, neither the clerk nor any of his subordinates participating in them; and in the matter of the carpet it appears that the clerk personally had no other connection with it than to give the order in the manner stated, having one of his subordinates to supervise the laying it down according to the wishes of the Superintendent."

To imagine the profits of all this *furnishing* in gross, from 25 to 100 per-cent, would require much elasticity of conception, as well as great faith in the oath of the interested parties, who ex-

culpate one another and the Clerk from any collusion or participation in them except what they would have the committee and the public believe were their rightful profits, in which they would have done well to have consulted the law and common sense ; and the author of the report, seeming utterly confounded thereat, from his labored effort to explain the whole matter, never bethought himself of the legal view of the Clerk's responsibility, conjointly with the rest, for all of these infractions of the criminal law touching such agencies. The ordinary idea that great abuses are destined to cure themselves, will not apply to the inordinate craving for public plunder which has of late become so contagious at the seat of government. That is an exception to the rule. Once imbibed, it so contaminates every fibre of the human system, every moral restraint of the once virgin conscience, that the actual cautery, the branding iron itself, to the forehead would not expurgate it. The law therefore contemplates no other remedy for this felonious proclivity short of the practical, the physical restraint of that personal enlargement which admits the possibility of its continued indulgence.

The fourth resolution says :

“ *Resolved*, That *negligence* and *inattention* have been shown by the late Clerk in the execution of the resolution of July 7, 1856, and the act of March 3, 1857.”

The testimony given before the committee, when published, will show whether this *negligence* and *inattention* of the late Clerk was not connected with the frauds jointly practiced by himself and his agent, H. Tyler, on the Treasury and individuals in their account, for their alleged purchase and supply of books alluded to only in general terms in this resolution. But the next resolution (the fifth and last) is more specific, and opens up everything that might be said under this head.

Moreover, after the repeated avowals of premeditated public plunder—for it can be called by no other name—as is plainly to be inferred from the testimony of several witnesses quoted from the report in the latter part of the preceding number, and specifically set forth by testimony otherwise adduced to the committee, in his boastful declaration to B. B. French, esq'r, that he “ would make a great deal more than his salary and the percentage allowed by law,” and his statement to O. H. Morrison, esq., that he “ was entitled to all he could make from the perquisites of his office,” which had no perquisites, and by his fraudulent purpose evinced throughout the testimony in the case laid before the accounting officers of the Treasury, as well as before the committee of investigation in the same documents—all taken into consideration with the zeal manifested by the Chairman of the Committee in hunting up *negative testimony* of exculpation, in the face of *positive testimony* of crimination, it is impossible to be-

lieve that "such a man" as William Cullom, so determined in his purpose, did not avail himself of all these opportune occasions to accomplish his avowed intentions.

The fifth and last resolution runs thus:

"*Resolved*, That in the settlement of his accounts at the Treasury Department for the purchase and delivery of books to certain members of the 34th Congress, under the resolution of July 7, 1856, the Clerk certified to the *purchase* and *delivery* of two sets of books which were not, *in fact*, delivered, but *money*, in whole or in part, had been taken in *lieu thereof*: and a custom is proved to have previously existed of exchanging books for money; and in two instances of the receipts filed by the late Clerk, the money has been paid at the special instance of the members themselves."

Here is an explicit declaration and exposure by the committee, of *two* instances impugning the veracity of the late Clerk, in certifying that he had delivered these books; and there may have been other instances, besides a third one, the Hon. John Williams, whose testimony is quoted below, inasmuch as all the twenty-one members do not appear to have been examined; but one only of those mentioned would have been sufficient to establish the embezzlement, to that extent, of the money avowed to have been divided by the Clerk, retaining part to his own use; though it is not presumable he could have done so with all the new members, nor even will all the twenty-one who signed receipts, as there must have been many who entertained other views on the subject. But it would appear from the testimony of Mr. Williams, that the plan of the Clerk was, to address to members—probably to all those entitled to the books—blank receipts for their signature without dates, and without the delivery of the books. In confirmation of such probability, it will suffice to quote the testimony of Mr. Williams from the said report of the committee, viz:

"Hon. John Williams, of New York, testifies in substance, that on the 5th of March, 1857, one of his colleagues undertook to procure for him his books, and to have them sent to him; that he signed a receipt at Willards' Hotel and enveloped it to the Clerk; made no examination of the receipt, and remembers nothing of its contents; finds the same receipt on file in the Treasury Department, dated July 15, 1856; had no interview or communication with the Clerk; gave no directions, and made no provisions for the freight of his books, and had not received them, but had been assured by the Clerk on the morning he gave his testimony, which was the first time he saw him, that the books were awaiting his orders. No money was received or proffered to be received by him."

Here is a full and positive disclosure of a receipt sent by the late Clerk to Mr. Williams for his signature, bearing a date nearly a year before it was signed, and placed on file in the treasury by Mr. Cullom, as a voucher for one set of books, amounting to over \$1,000, as having been paid for to his agent H. Tyler, and delivered to Mr. Williams among the 21 members, according to a list certified by said Cullom. Mr. Williams' name is the second on that list, which is false in every aspect, according to the testi-

mony of Mr. Williams and the avowal of the late Clerk; and the amount charged in his account for the books and placed to his credit at the treasury was a clear embezzlement to the extent of one set of the books. Whether these books were ever delivered afterwards, and the money repaid into the treasury after Mr. Williams' testimony, when neither had been done, is not material to the fact of falsifying the accounts for books and the certificate of their delivery, as in the two other instances. So much for the proposed review and comparison of the report and the resolutions appended to it.

The report, however, goes on to state under this head that the 1st Auditor, on the 3d of August, 1857, certifies that "the rates charged for the books in this account have been compared with prior accounts, and have in no case been found to exceed the prices heretofore paid for them." Grant it—but there was another question necessary to ascertain the equity and the honesty of the transaction between Mr. Cullom and his agent H. Tyler, viz: Whether Tyler, the agent, paid the prices for the books which he charged to Cullom, his principal? This question was propounded to Tyler at the treasury, and he declined to answer it. This refusal was an avowal that he speculated on his principal, which was an infraction of the law and treasury regulations, for which they are both amenable. See the law and regulations before quoted in No. 1.

The other portions of the said report of Mr. Maynard are obnoxious to similar objections, on account of the distortions of some facts and suppression of others in the same connection, as is evinced in the perverted use made of the testimony of Robert K. Elliott, for example, and on account of the omissions to notice much of the most important testimony, such as that of Mr. Whittlesey, Mr. Rives, William F. Bayly, V. Blanchard, Wm. Pettibone, John Alexander, and many others. But nevertheless, the avowals of the report in regard to the conduct of William Cullom, and his agent, H. Tyler, towards Mr. Seaton and Mr. Tretler, and the exactions or extortions of the agent Tyler from each of them, as if insensible of their felonious character, are *admissions of guilt*, involving both principal and agent, that cannot always evade the scrutiny of the law, though temporarily hoodwinked by the artifices and special pleadings of a report of a committee; nor can the numerous other evidences of guilt here denuded be longer blinked by the same means.

But I will defer further comment thereon, until the testimony taken by the committee shall be printed by the public printer, when these comments will be rendered still more obvious, and the discrepancies noted will probably be much more numerous.

R. MAYO,

*For himself and other parties defrauded.*

WASHINGTON, March 24, 1859.



# EXPOSITION

OF A

## Third Attempt to Deceive the Public in this Case.

Whilst awaiting the promised forthcoming of the "Testimony" from the press of the Public Printer, I am constrained to notice a third artful effort to abuse public opinion in the case of William Cullom, which appeared in his wonted channel, the Evening Star of the 4th instant, in the form of a short paragraph, under the attractive caption of "Washington News and Gossip," to which my attention has been called by a friend. From the position which I occupy—unsought for by me, but steadily and unflinchingly maintained since it has been thrust upon me by the presentation of the fraudulent account of William Cullom against the Treasury for alleged purchases and delivery of books, &c., by which I was a great sufferer—it is due to the public, it is due to consistency, it is due to truth, and especially is it due to the Grand Juries of this Metropolis, and to all who set their countenances against public plunderers and their apologists here or elsewhere, that I expose the false statements recklessly set forth in that paragraph. In speaking of the presentments just made of "Messrs Cullom, Seaman, and Duval," that paragraph takes occasion to hazard the following preversions of the truth. It says:

"In the case of Mr. Cullom, THREE previous Grand Juries had investigated the allegations against him, without being able to find aught in the alleged testimony criminating him. TWO select Committees of the House of Representatives have also duly considered the same evidence, and the result of their investigations was his exoneration from the *suspicion* of dealing dishonestly with his trust as Clerk of the House of Representatives. The action of the present Grand Jury in the matter has therefore surprised all here except those personally familiar with the pertinacity with which he has been pursued by two or three *personal enemies* before the Congressional Committees and Grand Juries."

There is not a material word of truth in the statement above quoted.

I. It is *not true* that "THREE previous Grand Juries had investigated the allegations against William Cullom.

1. The *first* Grand Jury alluded to, did not investigate one-half or one-fourth of the charges since developed and laid before the present Grand Jury. The charges before the first Grand Jury were confined chiefly to the speculations in *books* ordered for the new members of the 34th Congress, and the *binding* of public documents. But from some irregularities incident to secret proceedings, as I have understood, the testimony establishing these frauds failed to have a majority *for* a presentment, if the sense of the jury was taken at all.

2. The *second* Grand Jury alluded to, only made a partial investigation of the same charges, and perhaps a few others that were brought before it: but from causes and rumors rife at the time, the case was *deferred*, as is evident from the papers returned to me, *without* taking the sense of the jury.

3. The *third* Grand Jury alluded to, did not take up the subject at all, though communicated to the foreman in a much greater development of specifications than it had been to either of the preceding juries, or both of them together, as the documents in the case will fully show.

II. It is *not true* that "two select Committees of the House of Representatives have also duly considered the same evidence."

1. There has been but ONE Committee of the House on the subject. The mere allegation that there had been *two* Committees would of itself imply that

there had been some greivous misconduct on which the assumed first committee had not been able to make a satisfactory report, thereby requiring a second committee to be appointed, which was not done—nor was there time to do so, as the sole committee that had charge of it exhausted both sessions, and made its report at the heel of the last session, too late even to have it read in the House.

2. And so far from the *investigations* of the Committee that had charge of the subject, “having exonerated the late Clerk from the *suspicion* of dealing dishonestly with his trust as Clerk of the House,” the *testimony* taken by the Committee has established every charge, and many other accessory developments made before it, in despite of the disguises attempted to be thrown over them, and the siren tones chanted around them by the Chairman of that Committee, to mollify and soften their atrocious character, as will be fully seen when the testimony is printed, and to some considerable extent in the mean time, by referring to my review of Mr. Maynard’s report, which may be found at the book-stores for free distribution.

The insinuated charge of malice made in the next passage of said paragraph is utterly ridiculous in its seeming allusion to the undersigned, and I presume it is equally so in regard to all others alluded to by its author, who, I should opine, can be no other but Mr. Cullom himself. It says:

“He doubtless rejoices that they have at last accomplished as much as they have, in the belief that the result will be a public trial, in which he will be able to show that malice towards himself, rather than a just regard for the public interest, is at the bottom of the course of his accusers.”

In regard to this *insinuation*, I will only say at present, that I had no acquaintance whatever with Mr. Cullom, notwithstanding some prepossessions, politically, in his favor, until his premeditated fraudulent purposes to injure the publishers of the books ordered by the House resolution of July 7, 1856, began to manifest themselves *by his acts*, of which *one*, among others too numerous to mention here—that of procuring to be stricken out or omitted from the resolution the customary *proviso* requiring the books to be supplied by the *publishers*, of which he made his boast, and declared he would make a profit of \$20,000 by the passage of that resolution—which amounted to a deliberate malice against our property and vested interest in the right to supply the books, viewed in a moral sense at least, if not actionable at law for damages. And even after these acts of malicious intent and premeditated frauds, I have in my possession written evidence of my manifestation of forbearance towards him, until his frauds upon the publishers, the Congressional districts, and the Treasury of the United States, were about being consummated by his account with Hugh Tyler, presented at the Treasury as a voucher for payment, when I immediately entered a caveat against its settlement or allowance, and proffered evidences of its fraudulent character; which has been since proved to some extent before the committee of investigation. True I resisted all proffers or suggestions to withdraw those charges, because “I considered such an act would place me in the attitude of *an accessory to Cullom’s escape from justice*; which position I would not occupy for all the money in the Treasury.” The evidences of these facts may be adduced to the public hereafter.

Another passage of said paragraph *admits* the possibility of proving those charges, but, with a strange infatuation, relies upon an assertion it makes, that “there exists *no law*, the provisions of which make what *they* charge against him, *if proved*, an offence punishable at law.”

That such a delusion as this should have prompted the late Clerk to his reckless course of peculations and frauds, is truly astonishing—but temptation, under the hope of eluding detection, is, in all probability, the true solution of the enigma.

April 6th, 1859.

R. MAYO.

# APPENDIX.

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## TESTIMONY.

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### Review of the Report and Testimony in several Sections.

#### SECTION 1.

*The want of an Index amounts to a suppression of this important document.*

APRIL 10th, 1859.

I have just procured a copy of the officially printed Report and Testimony in this case. It is a ponderous production, being an octavo volume of 551 pages. It is not signed by any member of the committee. It contains the testimony of eighty or ninety witnesses, under oath administered by the Chairman, the Hon. Horace Maynard, generally without the date of their examination. On opening it, it presents the appearance of a mass of confusion, which is not relieved by the closest inspection, being without any index or other means of ascertaining the names or number of the witnesses than by turning over the pages leaf by leaf, to make a count and note their names: nor yet is there any way of ascertaining any particular matter of evidence, or by whom given, without reading the volume regularly from the beginning until you come to it; which may be at the outset, at the middle, or at the end, or any where between those points—unless you should be fortunate enough to fall on the subject of your search by accidentally opening the volume at its hidden whereabouts; and then, if you do not immediately make a memorandum, you may never be able to find it again—all of which would amount to a suppression of this important document if not in some way brought out of the darkness that confounds it. For any satisfactory purpose of estimating the general and particular character of the testimony, and by whom given, I have found it necessary to read the principal part of the whole volume and the testimony of every witness, in order to throw that which is of any value into some intelligible arrangement, which I propose to do by sections.

#### SECTION 2.

*Evidence of premeditated frauds and speculation, and their modes of concealment.*

I have said in the foregoing “review” and exposition of the effort to make a false impression on the public mind in this case, which appeared in the Star of the 1st March, that the late Clerk premeditated frauds on the publishers, &c. Before noticing any other portions of the Testimony, I proceed to substantiate this premeditation of frauds, not only on the publishers, but on contractors and others in almost every department of the Clerk’s official trust, by citing pertinent portions of the evidence, with references to the names of the witnesses and the pages of the Report.

There were various modes adopted by Mr. Cullom, of making the impression on his friends in Congress before his election, doubtless by way of persuading them to use their influence in securing his election as Clerk of the House, by alleging that there were great profits accruing to the office, such as "*fees*," "*perquisites*," "*emoluments*," "*according to law*," and "*outside of the duties of the Clerk*," which it was his duty to know did not exist, but might conceal his *premeditation* of practicing these frauds and speculations. In evidence of this I quote the following from the testimony of the Hon. F. K. Zollicoffer.—See Report, p. 516.

F. K. Zollicoffer called and sworn.

"Question by the Chairman. Were you a member of the last Congress, and from what State?"

"Answer. I was a member of the last Congress from the State of Tennessee.

Question. Have you ever had any conversation with the Clerk, or been present at any conversation at any time, in which the Clerk made any admissions with respect to the income, profits, or emoluments of his office?"

"Answer. I recollect that in conversation with him or with others, I received the impression that the profits of his office were good. I remember to have had the impression made upon my mind that his office was one that paid well. But what the pay amounted to I did not know. My idea was that the *perquisites* of the office, added to the salary, made it valuable. But what the profits amounted to I had no definite idea.

"Question. Can you state any specific conversation in regard to this matter, or only an impression merely of a general character?"

"Answer. All that I distinctly remember is an impression made upon my mind that the office was a good one. But I never took the pains to look into the laws to see how the profits arose.

"Question. From his conversation did you learn in what way, or by what particular mode, he expected to make these profits?"

"Answer. I did not. I took no pains to ascertain, and did not ascertain, how the profits were to be realized. All the idea I had about the matter was that the profits were to come from the *perquisites*, but I did not understand very definitely how that was.

"Question. What were your personal relations to the Clerk, your opportunities for conversing and associating with him?"

"Answer. We were familiar friends, personally and politically, and were frequently thrown together; not so frequently, however, while he was Clerk as when we were members of Congress together, for we then roomed and boarded together for some time. When he was elected Clerk his business called him in one direction, and mine called me in another, and we were not so frequently thrown together, though we continued familiar friends.

"Question by Mr. Ricaud. Was it your impression that the office was remunerative from the salary and the legal perquisites of the office, or from malfeasance or misfeasance on the part of the Clerk?"

"Answer. My impression was that the Clerk's profits arose from his emoluments *under the law*. I took not the slightest pains at any time to look into the sources of those profits, to see what the law was; but I suppose that the patronage belonging to the office, and the *commissions* and *fees* allowed to the Clerk under different acts of Congress, yielded a large profit to the holder of the office.

"Question. Then you understand the office to be a profitable one in consequence of *fees allowed by law*, rather than by means of any corruption in the office?"

"Answer. I do not know that I ever thought about the matter sufficiently definitely to endeavor to analyze, in my own mind, the process by which these profits were to accrue.

"Question by Mr. Horton. Was this impression made upon your mind from conversations with Mr. Cullom?"

“Answer. I presume it was from conversations with him and others. I suppose it resulted from my intercourse generally with members and with him. But I have no recollection of any specific, distinct, definite conversation with him upon the subject. It was a matter about which I cared nothing, and to which I paid no attention; but there was left upon my mind an impression that the *profits* of the office were large, or handsome.

“Question by Mr. Curry. Did you understand that there were *profits outside* of the *regular* salary?”

“Answer. *Yes, sir*; that was my impression. I had heard that there was a fixed salary, and that there were *perquisites* from other sources legitimately accruing to the holder of the office under the law. I had heard, but do not now recollect, what the fixed salary was. I remember to have received the impression, I think while Colonel Forney was Clerk, that a profit was to be made out of the sale of books. I remember to have received that impression, from what source I do not now recollect. I recollect that I had a sort of surmise in my mind, it was a mere surmise, that General Cullom was making that profit, whatever it was. But I had no knowledge of the facts, and took not the slightest pains to ascertain, and I never knew anything about whether he received his profits from that source or not. But I had the impression made upon my mind that that was a thing, if it was so, that grew out of *the law* as it stood. But I know nothing about it.

F. K. ZOLLICOFFER.

MAY 24, 1858.”

The above, which is the chief part of the testimony of Mr. Zollicoffer, throws a flood of light on the whole subject of *fees, perquisites, and other emoluments* of the Clerk's office, carefully and assiduously impressed on members as growing out of “provisions of law,” without examining the laws to see that there exists no such provisions, but express inhibitions of law. Such impressions of members go far to account for the great facilities of the late Clerk in practicing these frauds, not only on the members themselves, but on almost every department of his office. Under these developments of the premeditations of Mr. Cullom, both before and immediately after his election to the clerkship, it cannot be supposed that he did not most diligently execute his purpose by every opportunity that occurred under anything like safe concealments of the facts, showing, at the same time, his consciousness of “misfeasance,” “malfeasance,” “corruption,” and “dereliction of duty?” His zeal, however, was too reckless to avoid many discoveries, as will appear by the references to be given in section 3.

I make the following extract from the testimony of B. B. French, Esq., who was, formerly, Clerk of the House of Representatives—dated January 26, 1859, page 528.

“BENJAMIN B. FRENCH called and examined.

“Question by the Chairman. Have you ever had any conversation with William Cullom, late Clerk of the House of Representatives, respecting the profits, or the means of making money out of the office of Clerk of the House?”

“Answer. I will state all the conversation I ever had with Mr. Cullom on that subject; all the words that ever passed between us. I went into the Clerk's office soon after Mr. Cullom was elected; and, in the course of conversation, Mr. Cullom remarked to me, in his off-hand way, ‘French, how much did you make out of the office of Clerk of the House?’ I replied that ‘I made precisely my salary, and what the House chose to give me as extra compensation by a vote of the House; that that was all I ever made.’ ‘Oh,’ said he, ‘you made more than that; don't tell me.’ I said, ‘No, general, I never made more than

that.' 'Well,' said he, in his laughing way, 'I intend to make more out of the office than that.' Perhaps he may have said, for he used such language at times, 'I intend to make more than that, by God.' That was all the conversation that passed between us upon that point.

"Question by the Chairman. When did this conversation occur?"

"Answer. Very soon after General Cullom was elected Clerk, I went into the office, as I always have done when a new Clerk was elected, and congratulate the incumbent upon his election, and talk over matters in relation to the clerkship.

[The following are added as examples which Mr. Cullom would have found safety in pursuing, instead of practicing peculations and frauds under the garb of *fees and perquisites* of his office, of which there were none.]

"Question by Mr. Curry. Did you have any general agent while you were Clerk, to purchase articles which were to be paid for out of the contingent fund?"

"Answer. Never; I purchased them myself—everything. You know, of course, I had to make contracts; after the contract law passed I advertised for proposals.

"Question by Mr. Curry. You had no intermediate agent between you and those of whom you purchased?"

"Answer. No, sir.

"Question by Mr. Curry. No person was allowed to make profits?"

"Answer. No sir. The moment an appropriation was made to purchase books under some resolution, I sat down and wrote letters to every bookseller in Washington who I supposed could furnish books, and to all the publishers of the books called for.

"Question by Mr. Horton. Was the same course generally pursued by you in reference to articles paid for out of the contingent fund?"

"Answer. Always; I always purchased everything myself, or through my clerks who were under me. I was responsible for them. I never had any agent, or any person between me and the contractor; never, in any way.

"Question by Mr. Horton. Then the prices paid by you for articles were the prices charged by the dealer himself?"

"Answer. Yes, sir; I never made a charge different from the amount I paid out."

The following extract is from the testimony of the Hon. Charles Ready, member of the 33d and 34th Congresses, from Tennessee.—See Report, page 513.

"Question by Mr. Maynard. Had you any conversation with the Clerk, or were you present at any conversation with him in which he made any admission as to the business of his office, its profits or emoluments?"

"Answer. The only conversation I remember to have had with the Clerk with reference to the business of his office or its emoluments was some few days before the adjournment of the last session of the last Congress. During the night session of the House he came and sat down by my desk. After some conversation upon different subjects, I asked him myself, I think, what his office would yield him. I had heard something said about the profits of his office. He stated, in substance, that he had made \$30,000; but if the book resolution should pass, his office would be worth, he thought, \$50,000. I give it as the substance of the conversation. That was before the book resolution passed.

"At that or some other time—though my impression is that it was at that time—he spoke of having had the advantage, on account of his position here, of engaging in some speculations and making some investments in stocks and real estate. I do not very distinctly remember what was said upon that subject."

The following extract is taken from the testimony of W. W. Seaton, Esq.—page 308 of the Report.

"Soon after the passage of the resolution of the 7th of July, 1856, [the book reso-

lution,] I sent our head man in our binding establishment, Mr. Deeble, to ask General Cullom, as the resolution had passed, whether he would give an order for those books, because they constituted property of great value, were deposited in a combustible building, and we had to pay a high insurance upon them, which our creditor required of us, because the payment of our debt to him was secured by a lien on those books. I wished to deposit the books in a place of safety—in the Capitol—not expecting payment at that time, because there was no appropriation to pay for them. But, as Mr. Deeble reported to me, General Cullom answered, that, though the resolution had passed, he had not taken the matter into consideration, and, at any rate, he would not take any step or give any order until Congress had made an appropriation to enable him to execute the resolution, &c., &c. Mr. Deeble reported to me that Mr. Cullom said, also, that he did not know, when he got the money, what he should do in executing the order; *that if he did get the money he did not know what number of books he should want, and that there were some preliminaries to be settled before he gave an order.* That answer partly induced me to suppose that there was an understanding between Mr. Tyler and Mr. Cullom, &c.”

An extract from the affidavit of Mr. Moore, of the Intelligencer Office, March 7, 1857. See report, pages 145 and 146.

“About an hour ago, at the request of Messrs. Gales & Seaton, I called at the office of the Clerk of the House of Representatives, in the Capitol, to see Mr. Cullom. Found him in his room examining letters. I stated that I had called, at the request of Messrs. Gales & Seaton, to inform him that their books were ready for delivery, and that, having observed that an appropriation for the books had been made, they would be pleased to receive an order for them. Mr. Cullom stated that he would give an order at his convenience and pleasure; that he was much pressed with business of all kinds, had been much troubled by those interested in the books, and was, besides, greatly harassed in settling the accounts of members. The indefinite nature of this reply led me to remark that I supposed an order for Messrs. Gales & Seaton’s books would be given in due time as a matter of course. To this Mr. Cullom replied in the negative, stating that an order would not be given as a matter of course, but at his pleasure, if he should ascertain that he wanted the books; that the law directed him to furnish the books, and did not require him to purchase them of their respective publishers; that these publishers had endeavored to monopolize the sale of their several works, and on this point had been fighting against him for a year, and he had finally gained the victory; that the law passed in a form which imposed no restraint as to the source whence the books were to be procured; that he had already provided for a part of them, &c.”

The following is taken from the affidavit of R. Mayo, dated 17 July, 1857—page 130 of the Report:

“I also, with other publishers, in the course of these efforts to obtain our right to supply our respective quotas of books, became acquainted with various other official malfeasances of Mr. Cullom, in the performance of his duties as disbursing agent of the House of Representatives, ALL going to *demonstrate* and *establish* the *fact* of a predetermination and settled purpose, on his part, from the time he came into the office of Clerk of the House, to amass and desecrate to his own use a very large amount of the public money passing, and likely to pass, through his hands, as well as by peculations and exactions on contractors for various jobs of binding and miscellaneous supplies. And at last, when it unexpectedly became known to me, within a few days past, that William Cullom had presented an account for books alleged to have been “furnished” by Hugh Tyler, who is *not* a “bookseller,” and even if he were a bookseller, could have had no opportunities to procure those books except from the publishers, of whom he did *not* procure them, and as it was impossible he could have procured

a very great proportion of them from any source, as they were out of print, unless they have been fraudulently withheld from distribution to Congressional districts on former occasions, for the purpose of being fraudulently sold again and again, without being sent to their destination contemplated by the periodical appropriations for books, *I denounced it.*

“Another fact that speaks strongly to denounce the fraudulent character and intent of this transaction on the part of said Cullom is, that he omitted to claim the other portion of the \$50,000 indemnity appropriated to reimburse his alleged expenditure in the purchase of those books before any appropriation had been made to authorize it; which reimbursement he might have claimed at the same time, under this gratuitous appropriation, assuming his alleged outlay to be true! But not claiming the complement of the \$50,000, is a clear acknowledgment that he had not actually made the outlay he alleged to the Committee of Ways and Means in order to obtain the appropriation. Or even to allege (if, indeed, such was his intention) that he *intended* or *intends* to present another account for the balance as having been paid to some other person for other books, would but increase the obvious *want* of *integrity* in the *entire aspect of the subject*, which would make it necessary for him to verify his statement to the committee before he could properly receive any portion of the indemnity based on its supposed truth. And it is my firm belief that all these recitals commend their consideration to the Accounting Officers of the Treasury as throwing essential light on the fraudulent character of the said account, which has been so artfully concocted and brought forward, as almost to elude ordinary scrutiny, under the courtesy of taking upon trust, or with many grains of allowance, an account wearing the imposing garb of authority.”

The following is Mr. Deeble's statement to the Auditor.—See Report, page 143.

“WASHINGTON, August 3, 1857.

“In compliance with a request in writing from the First Auditor of the Treasury Department, dated on the 1st instant, I would beg leave to say, that on or about the 20th of July, 1856, I called at the request of Messrs. Gales & Seaton, on Mr. Cullom, Clerk of the House of Representatives of the United States, for the purpose of obtaining an order for the books for the use of the members of the House of Representatives, which he had been directed to procure; to which he replied, I have not given it a thought yet, nor will I act in the matter until the appropriation is made to pay for them, and then the order will be given for any quantity I may want; I will not take the least responsibility; when the appropriation is made, I will act, and not before.

“And on the 9th of April, 1857, I called at the House of Representatives, on business connected with the said books, and was informed by a messenger of the Clerk that no books of the kind had been brought to the House except those ninety sets which I had delivered under the Clerk's order of March 26th, 1857.

“Respectfully,

EDWARD DEEBLE.

“T. L. SMITH, Esq., *First Auditor's Office.*

“Sworn to before—

THOMAS DONOHO, *J. P.*”

Here the prevarications, contradictions, and inconsistencies of Mr. Cullom are very strongly marked. Mr. Deeble is at one moment led to suppose that he will take the books—at another, that he will not take them; again, that he will take them in some quantities, doubtful what; and then he throws up all commitment until the appropriation is made! Now, mark the covert falsities throughout, crowded into these few words! At this very moment, when Mr. Cullom “had not given the subject a thought yet,” he was purchasing “the



right of members to books," or "the books for members," according to his account and vouchers, 21 in number; and had already purchased three or four sets complete—as his vouchers for catalogues would have it—and went on to make all the purchases he could effect, (*constructive or real*), consisting of twenty-four sets only, in one month; and it does not appear from his account and vouchers that he was able to purchase more, or even make the *show* of doing so afterwards, to redeem his statement of having expended \$50,000, or that \$50,000 would cover his liabilities in the purchase of books for members, under the resolution of July 7, 1856, in order to prevail on the Committee of Ways and Means, at the next session subsequent to those purchases of twenty-four sets, amounting only to \$25,880 40, to recommend the appropriation of the \$50,000 as indemnity therefor.—See statement of the Hon. Lewis D. Campbell, at page 503 of the Report.

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SECTION 3.

*The premeditation of frauds and peculations, by Wm. Cullom, consummated in numerous instances.*

I will now, in this section, recite the evidences of the consummation of the frauds and peculations set forth in the preceding section as premeditated by Wm. Cullom, late Clerk of the House of Representatives, and will cite such further developments of the like character as are made in the course of the Testimony taken and reported by the Chairman of the investigating Committee:

1. Respecting the felonious deposit of the moneys entrusted to the late Clerk for *disbursement*, noticed at page 4 of the preceding "Review," as having been made in the bank of Suter, Lea, & Co., I find such deposit was declared to have been made in said bank, in the words of Mr. Cullom, at page 489, of the Report, saying to Mr. Bailey: "Do you not know, that in making up the estimates of *the amount I had in the bank of my disbursing agents, Messrs. Suter, Lea, & Co.*, this item of \$1,800 was estimated and so returned?" But in regard to said deposit having been made in the bank of Suter, Lea, & Co., Mr. Lea positively and peremptorily declares that such deposits never were made in the bank of Suter, Lea, & Co., and that they never were his agents, for he would have nothing to do in the matter. He thinks that deposits were made with Mr. Suter, individually, with which he (Mr. Lea) would have no concern. Yet it is manifest that the deposit with an individual, equivalent to a "loan," rather makes the matter worse, than diminish its wrong in any degree.

2. As to the item of \$1,800, above alluded to by Mr. Cullom, it was not returned to the Treasury until it was demanded by the Comptroller, Mr. Medill, on the settlement of Cullom's accounts several months after the expiration of his term of office; but, in the mean time, the presentation of (false) vouchers therefor, and their allowance at the Treasury (supposing them to be correct, as ordinary vouchers of the kind) is fully set forth by Mr. Whittlesey's communication to the Committee, at page 450 of the Report, and confirmed by the Secretary's answer to that call, as seen at page 196 of the same Report. Both documents are addressed to the Chairman of the Committee, and establish the embezzlement of that sum beyond the possibility of a doubt or question, even by seeking for further TRANSCRIPTS from the Treasury to make further exhibits of those fraudulent vouchers as *evidence*, in pursuance of the act quoted at page 5 of the preceding "Review."

3. Under the Treasury regulations and the principles of law, quoted also at page 5 of the Review, declaring the reciprocal accountability of agent and em-

ployé on the one hand, and the supervising or employing officer on the other, it is clear that Mr. Cullom is responsible for the exactions made by his agent, H. Tyler, from Messrs. Gales & Seaton of \$7,000, which is fully proved by the testimony of Mr. Seaton, at pp. 305, 306, and 307, of the Report.

4. Under the same regulations and principles of law, Mr. Cullom is responsible for the exactions made by his agent, H. Tyler, from John Tretler of \$12,000 on Cullom's contract with him for binding, which is fully proved by the testimony of John Tretler, at pages 349, 350, of the Report.

5. Under the same regulations and principles of law, Mr. Cullom is responsible for all the peculations of his agents or employés, made under the pretext of commissions and profits of trade, though inhibited by law to speculate on their principal. And it is clearly established by the testimony of James W. Fitzhugh, at p. 329 of the Report, that he, as agent of William Cullom, charged 33, 50, and nearly 100 per cent. on the prices of regular dealers in carpets and other articles purchased of them for his employer, Mr. Cullom, he knowing and expressly authorizing said peculations, as seen by his note of authority at page 335, and the further evidence of Capt. Meigs, at page 300 of said Report—of which peculations, it would require a thorough examination of all his bills and accounts to make a correct estimate of the enormous amount.

6. Under the same regulations and principles of law, the like peculations are established by the testimony of John D. Thompson, in his own case, at pp. 269, 270, and 271, where it is confounded somewhat with that of Mr. Fitzhugh, both seeming to be acting under the same order of Mr. Cullom to execute the directions of Capt. Meigs in regard to furnishing a carpet, &c., for the New Hall, which identical carpet he had selected at \$1.75 laid down, on which identical carpet the commissions and profits charged amounted to \$1,000. The testimony of said John D. Thompson, at page 433, also shows and proves a like rapacity for profits or commissions in purchases made of Mr. Lamb, regular dealer in mirrors, &c., under the pretext of hazards in their handling and putting up—as likewise on various other furnishing, for which he laid his bills before the Committee of Accounts without submitting them to the Clerk—though he was responsible for them—probably by his own recognition in order to shield his responsibility.

7. In regard to the receiving of bids and the awarding of contracts for stationery according to provisions of law, the statement of the *first* resolution of the Committee is not sustained by the evidence. On the contrary, it is proved by William F. Bayly, page 272, by Amariah Holbrook, page 384, and A. D. Jessup, page 323, that proposals on better samples and lower prices were rejected, while those offered by George S. Gideon, agent here, for their competitors, were accepted, and contracts awarded on inferior samples at higher prices, for which the Clerk is also amenable to the law.

8. In regard to the statement of the *second* resolution, that “no special blame attaches to the late Clerk” for the “great abuses that exist in the management and disposition of the stationery,” while the admitted facts of great abuses existing *do attach special blame* to the late Clerk as the responsible head and principal of those in charge, it is proved by Wm. H. Minnix, in charge, p. 235 and pp. 243, 244, that stationery of all kinds “had been given as *presents* to persons not entitled to them as officers of the House, while Mr. Cullom was Clerk.” Much other proof of like abuses in the disposition of stationery exists in the Testimony—that of John M. Barkley, at page 24, that it is treated as a *perquisite* of the Clerks, under *carte blanche*—for which the Clerk is responsible.

9. In regard to the statement of the *third* resolution, “that *negligence* and *carelessness* have been shown in the execution of the House resolution of January 30, 1846, but there is no evidence of either corruption or dishonesty in the premises on the part of the late Clerk,” the testimony referred to in the foregoing items, 5, 6, 7, and 8, of the reckless violations of law either by himself, or his agents with his own knowledge and authority, is *prima facie* evidence of “mis-

feasance," "malfeasance," "corruption," and "dereliction of duty," especially touching the matters of per centage from 25 to 100 per cent. on the prices of regular dealers, between which and actual embezzlement in other forms there is not a shade of difference.

10. In regard to the statement of the *fourth* resolution, "that *negligence* and *inattention* have been shown by the late Clerk in executing the resolution of July 7, 1856, and the act of 3d March, 1857," it is presumable, as the committee stop at this admission and make no exculpatory declaration, that this *negligence* and *inattention* amount at least to "misfeasance" and "dereliction of duty" on the part of the late Clerk, even in their estimation.

11. But on looking further, and comparing the evidence alluded to in the *fifth* resolution, respecting the purchase and delivery of books to certain new members of the 34th Congress, in executing the aforesaid resolution of July 7, 1856, the *perjury* and *embezzlement* resulting from the non-delivery of the books in the two instances of Mr. Jewett and Mr. Walbridge, proved at pp. 319, 338 of the Report, and the payment of part of the money instead, *retaining* the rest, sufficiently characterize the felonious purport of the "negligence and inattention" denounced by the Committee in the said *fourth* resolution. But yet more than that: it is proved by the testimony at page 429 of the same Report, that the Hon. John Williams neither received his books nor money instead, though his receipt for the books under date of July 15, 1856, had been presented to the Treasury as a voucher, with others, and the amount allowed amongst the other receipts of the twenty-one members charged by the late Clerk with the delivery of the books for which they had passed their receipts. But again: as the Committee took the testimony of only nine of the said twenty-one members, it turns out that one-third of *them* did not receive their books *in fact*, as set forth in Cullom's account, admitted and paid at the Treasury. How many more of the other twelve members who were not examined would have disclaimed and denied having actually received their books, and why the Committee did not take their testimony, is presumptive evidence that yet more than *one-third* of them did not receive their books, *if any did*. Mr. Williams' case, alone, is a strong one, *and a little leaven leaveneth the whole batch*.

NOTE.—It will be perceived, by comparing the foregoing exhibits with the following letter from Mr. Whittlesey, which was in possession of the committee during their whole investigation, how far they profited by his suggestions.

CANFIELD, MAHONING Co., OHIO, November 24th, 1857.

DEAR SIR: In regard to so much of your letter of the 19th as relates to the contemplated criminal proceedings against Mr. Cullom, I am not sufficiently acquainted with what took place after I left Washington to form an opinion whether he has made himself amenable to the criminal laws. If he swore he purchased books under the resolution of July 7th, (which I think is the date,) *before* the passage of the act of the last session to *indemnify* him, I have no doubt he committed *perjury*. The names of the members of Congress who gave the certificates [receipts] ought to be known, to give an opportunity to their constituents to ascertain what they have done with their books. If the House of Representatives will enter upon the investigation, and prosecute, as a prudent individual would the committal of a flagrant fraud involving his rights, *turpitude* will be disclosed that will astound the nation. Can such an investigation be hoped to take place? Who will have the moral courage to do it? Who will break their party fetters, and impartially and faithfully rebuke *peculation*? Who has such a regard for the people, as to let them know what the officers and members of Congress have done? and how much money they have abstracted from the treasury for their individual interest, in violation of law and duty?

I do not charge all the members with dishonesty, but I do charge such members as have combined with the Clerk, and received the money instead of the books, or who have divided the money with the Clerk, with being *dishonest*, and *plunderers of the treasury*; and they ought to be *turned out* and *exposed*. It can be done without any doubt, and all that is wanting is to commence the investigation "*without fear, favor, or affection*," with a due and strict regard to the truth, and to the public interest, and to public morals; and then to *persevere*, regardless of all denunciations from interested parties, or from their friends and confederates. Party considerations should have nothing to do with the subject in the slightest degree; but *truth, unswerving truth*, should be the only object to serve and promote. If you can obtain a committee that will thoroughly and dispassionately investigate the subject, the people will bless and reverence them.

Most sincerely yours.

R. MAYO, M. D.

ELISHA WHITTLESEY.

According to the suggestion contained in the above letter, which was in possession of the Committee during the whole investigation, I subjoin the list of

the 21 members who gave their receipts for the books, of which the first was given in *five days* after the resolution had passed. Of the 21, only 9 were examined, and their names are here distinguished by stars (\*) in the list.

*Lists of Members and dates of their receipts for Catalogues.*

1. *Ezra Clarke, Jr.....	of Connecticut .....	12	July, 1856.
2. N. Trafton.....	of Massachusetts.....	13	“ “
3. *John Williams.....	of New York.....	15	“ “
4. F. S. Edwards.....	of New York.....	16	“ “
5. J. Knight.....	of Pennsylvania.....	18	“ “
6. *J. H. Jewett.....	of Kentucky.....	19	“ “
7. H. A. Gilbert.....	of New York.....	19	“ “
8. *Jacob Broom.....	of Pennsylvania.....	19	“ “
9. J. R. Emerie.....	of Louisiana.....	19	“ “
10. Ebenezer Knowlton.....	of Maine.....	20	“ “
11. *D. S. Walbridge.....	of Michigan.....	21	“ “
12. John Woodruff.....	of Connecticut.....	22	“ “
13. *James Buffinton.....	of Massachusetts.....	22	“ “
14. *R. B. Hall.....	of Massachusetts.....	23	“ “
15. Guy R. Pelton.....	of New York.....	26	“ “
16. Sam'l F. Swope.....	of Kentucky.....	26	“ “
17. *Wm. Millward.....	of Pennsylvania.....	3	August, “
18. Sam'l Dickson.....	of New York.....	7	“ “
19. P. T. Herbert.....	of California.....	10	“ “
20. *M. A. Otero.....	of New Mexico.....		(no date.)
21. A. K. Marshall.....	of Kentucky.....		(no date.)

SECTION 4.

*Of the triple fraud practised by the late Clerk in regard to executing the book resolution of July 7, 1856.*

In conclusion, it is necessary and proper in this place to exhibit, as briefly as possible, the authorities on which it is contended that there are THREE parties defrauded by William Cullom, in his account for books alleged to have been purchased and delivered to 21 members of the 34th Congress, whose receipts he had irregularly obtained before the books had been actually delivered, and before any appropriation had been made to pay for them; and to state who are those parties thus defrauded:

In the first place, the late Clerk has defrauded certain publishers who had a *vested right* to supply their books embraced in the said resolution, by refusing to take their books for the object of the resolution.

*Secondly*, He has defrauded certain members or their constituents, by making but partial purchases, and those chiefly second-hand, abused, and defective copies, at reduced prices, instead of new, complete, unabused editions from the publishers.

*Thirdly*, The late Clerk has defrauded the Treasury of the United States, by charging full prices for such imperfect, second-hand, abused, and defective copies as he may have purchased at reduced prices; and in like manner for others not actually purchased at any price, or delivered at all.

Of this triple fraud, the late Comptroller of the Treasury, Mr. Whittlesey, in his letter to the Secretary of the Treasury of the 21st March, 1857, (Report, page 27, A No. 1,) speaking of the manner in which this matter has been conducted, (by sham purchases, delivery, and receipts,) says:

“In that way, the PUBLISHERS have been defrauded, as their books, published at heavy expenses, have remained on hand; the TREASURY has been

defrauded, of the amount retained by the Clerk; and the PEOPLE have been defrauded, by withholding the information the books were designed to disseminate."—See page 29 of the Report.

On the same subject of this triple fraud, W. W. Seaton, in his testimony, commencing at page 305 of the Report, says:

"Under the letter of the law the Clerk was not required in express terms to purchase the books of the publishers; but as they could only be got elsewhere by purchasing those that the government had already bought and placed in depositories throughout the country for a public object—that is to say, for the use of members, and access for their constituents—for that is the motive and object on which the whole plan of distribution rests—I thought it a violation of the proper duty of the Clerk to purchase these books elsewhere than of the publishers, as he would not thereby increase their distribution in the country, but would restrict and reduce their circulation, besides taxing the treasury for books already bought and paid for by the government; because if the same books were to serve successive Congresses you might make one set alone do that. I thought it the duty of the Clerk to purchase additional and new books, as to purchase the same books over and over again would defeat the intention of the distribution. That is my view of the case."—See page 313 of the Report.

The resolutions of the two Houses of Congress on which the above rational and conclusive views were founded, and which could never give way to the cupidity of the Clerk in procuring the restriction to the publishers to be omitted from the resolution of July 7, 1856, are here subjoined, viz:

## [ 1. ]

*Joint resolution of the Thirty-Third Congress, Statutes at Large, volume 10, page 591.*

"A Resolution for supplying new members of the Senate and House of Representatives with such books of a public character as have been heretofore supplied.

*"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That each of the new members of the two Houses of Congress be supplied with the same number and description of such books of a public character as were supplied to each member of the Senate or House of Representatives during the last Congress: Provided, They be furnished by the publishers at prices not exceeding those at which they have been heretofore supplied for the use of members of either House.*

*"Approved, February 24, 1854."*

## [ 2. ]

*"IN THE SENATE UNITED STATES, May 8, 1854.*

*"Mr. Jones, of Iowa, from the Committee on Pensions, reported the following resolution, which was read:*

*"Resolved, That the joint resolution of the 24th February, 1854, for supplying new members of the present Congress with all "such books of a public character, and in the same proportion as were furnished to members of either House during the last Congress"—embraces "Mayo & Moulton's edition of the Pension and Bounty Land Laws, &c.," in the proportion of eight copies to each of said new members; and that the Secretary of the Senate shall so understand and execute the said resolution"—p. 381.*

*"1854, June 13. The Senate resumed the consideration of the above resolution, and agreed thereto."—p. 431, [Senate Journal, 1st sess. 33d Congress.]*

## [ 3. ]

*House resolution extending and explaining the above Journal of the House of Representatives, June 23-24, 1854, pages 1063, 1064.*

“*Resolved*, That in adopting the joint resolution from the Senate authorizing the distribution of books among the new members of the two Houses of Congress, the House of Representatives *intended* that when the PUBLISHER of any such books is *unable* to supply them, the Clerk of the House shall be at liberty to purchase them of any other person; and that when such books as have been distributed to members are not to be readily obtained, other books of similar character may be supplied to them: *Provided*, That no more shall be paid therefor than has been paid for the books for which those shall be substituted: *Provided also*, That the new edition of the Opinions of the Attorneys General of the United States, contained in four volumes, and having an index, be substituted for the imperfect edition heretofore distributed: *Provided*, The cost thereof shall not exceed fifteen dollars per copy: *And provided further*, That all members who have not received the books contemplated herein shall be furnished therewith.”

## [ 4. ]

*House resolution, July 7, 1856.—House Journal.*

“*Resolved*, That the Clerk of the House of Representatives furnish and *deliver* to each of the members and delegates of the House of the present Congress who have not already received the same, and pay for the same out of the *contingent fund* of the House, such *number and editions* of such books of a public character *as were furnished* to the new members and delegates in the last Congress under the joint resolution of February 23-24, 1854, and the resolution of the House of Representatives of June 20-24, 1854: *Provided*, That they be furnished at prices not exceeding those for which they were heretofore supplied to such members and delegates.”

I will only add here, that the obvious intent and meaning of Congress was to restrict the supply to the publishers, throughout, though omitted in the last resolution.

Of this prevailing intention nothing can be more conclusive than the explanatory resolution of the House of June 23d, 1854, in these words: “*Resolved*, That in adopting the joint resolution, &c., the House *intended* that when the publisher of any such book is unable to supply them, the Clerk of the House shall be at liberty to purchase them of any other person,” &c. The mere omission of this restriction, in the resolution of July 7th, does not impugn the common law equity by which the publishers claim to supply the books. It would have required more than that to abolish this right of usage under the former laws.

The fraud on the publishers was perpetrated to give the Clerk an opportunity to practice his frauds on the Treasury and the Congressional districts. But for the injury done to the publishers, there would have been no fraud on the Treasury or the People. Moreover, had the original intention of Congress been executed in good faith, by distributing the books for the information of the members and their constituents in the respective Congressional districts, there would have been no necessity for a restriction of the supply of the books to the publishers, as they could not have been produced from any other quarter. Nor could the violation of the rights of the publishers, under any circum-

stances, have been based on any other than the depraved impulse of dishonesty and an inordinate “rapacity” for the “almighty dollar.” But Congress having now given the proper direction for a portion of this *nucleus* of libraries to a few Congressional districts, confers a reciprocal right and obligation to equalize this literary munificence to all the other districts.

Having consulted that eminent barrister and jurist, S. S. Baxter, Esq., upon the foregoing authorities and reasoning, in which he fully concurred, I engaged his kind offices to take the papers in the case to Mr. Cullom, with the subjoined account, and endeavor to convince him of my right. He consented to do so at his earliest convenience, and on the next morning I urged him in a note for reasons mentioned, to lose no time in making his call; to which his reply is also subjoined. Accordingly, Mr. Baxter saw Mr. Cullom, as proposed. It is unnecessary to state more here than that the terms suggested, on which the account would be received, were not acceptable to me; so that this, as well as previous efforts, and those of other publishers, with some exceptions, was also a failure. But Mr. Baxter’s opinion goes far to substantiate the right of all the publishers.

WASHINGTON, July 10, 1857.

WILLIAM CULLOM, Esq., CLERK OF THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES,

To R. MAYO.....DR.

To one thousand one hundred and twenty-eight copies of the book known by the title of “Mayo & Moulton’s Pension and Bounty Land Laws,” the latest stereotype edition by Lucas Brothers—being the quota provided for in the deficiency bill of March 3d, 1857, in execution of the House Resolution of July 7, 1856, ordering “such number and description of such books of a public character as were furnished to the new members and delegates of the last (33d) Congress, under the (joint) resolution of February 24, 1854, and the House resolution of June 23d, 1854,” for the supply of new members and delegates of the 34th Congress, at three dollars and fifty cents (\$3.50) per copy..... \$3,952

This bill is in conformity with the views of the Treasury Department in relation to the proper vouchers for the purchase of these books by the Clerk.

R. MAYO.

DEAR SIR: I have reflected on the subject you mentioned last night and in your note this morning.

I think you were right to put your receipt in such a form as will clearly sever you from any suspicion of participation in anything wrong that may occur. I think also that you ought to desire and use all proper efforts to get the order and receive the money for your books.

But so far as your kindness of feeling leads you to interpose in this matter, to protect the Clerk from the consequences he, in your judgment, is bringing on himself, I think you err. He is a man of full age to take care of himself. If he intends nothing wrong, he will regard your course as officious; if he intends wrong, you cannot protect him; and your interference will do no good. I think your action should be limited to procuring the orders for your books and securing pay therefor.

I certainly can go up, if necessary, on Thursday, perhaps on Wednesday.

Yours, &c.,

S. S. BAXTER.

DR. MAYO.

## INDEX I.

## ALPHABETICAL INDEX TO NAMES OF WITNESSES.

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violation of official duty by which thousands and thousands of dollars were abstracted from the Treasury under color of perquisites, commissions, profits, and extra charges, &c., &c,

“Whereas the Clerk of the House is by law made the responsible officer for the proper disbursement of the contingent fund, and is required to give bond for the faithful disbursement thereof, therefore—

“*Resolved*, That from and after the passage of this resolution, all contracts, bargains, or agreements relative to the furnishing any matter or thing, or for the performance of any labor for the House of Representatives, be made with the Clerk, or approved by him, before any allowance shall be made therefor by the Committee on Accounts.”—*Resolution of House, passed 30 Jan'y 1846—page 323 House Journal.*

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\* I subjoin a letter from Mr. Whittlesey, in which he speaks with proper indignation respecting the course practised towards him, as above alluded to.

CANFIELD, OHIO, April 7th, 1859.

Dr. R. MAYO, WASHINGTON :

DEAR SIR : The mail brought me to-day the No. 1 of your review of Mr. Maynard's Report in the case of William Cullom. \* \* \*

Many may suppose that the documents I called for from the Comptroller's Office were foreign to the charges against Mr. Cullom before the Committee for investigation. It will be seen, however, when my testimony is published, that an effort was made to place me on trial instead of Mr. Cullom—a question was asked to convict me of making a decision in the matter of Mr. Cullom's account, inconsistent with my previous decisions. If some members of the Committee had been as vigilant in search of the truth against Mr. Cullom, as they were to implicate me falsely, they would have reported much earlier than they did.

I shall be pleased to have a copy of the document when printed. When you read it you will see to what I refer.

Most sincerely yours,

ELISHA WHITTLESEY.

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were not actually received, there would be no remedy, as "we never go behind the record of the office." "If we find a man charged by our predecessors with books, we go by the record." [The plain inference is, that Mr. Cullom received the money for the 21 sets of books charged on the record from the 21 receipts of members, whether a single set, or any larger portion of them had actually been delivered—thus leaving a large and indefinite margin of speculation on such as may not have been actually received.].....	487
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I here subjoin a copy of the interrogatories I proposed to the Chairman of the investigating Committee on the 22d March, 1858, for H. Tyler and others, when Mr. Cullom was present in the Committee. Shortly after that, Mr. Tyler sailed for Cuba, as was reported by the Sergeant-at-Arms on the subpoena issued for his attendance. The matter worthy of note here, is, that not one of these interrogatories was propounded to any of the parties, except the one intended for the Hon. Lewis D. Campbell; and, further, that, from those interrogatories intended for H. Tyler, it will be perceived there was a physical impossibility for him to have bought the books in the time alleged, as well as a moral impossibility for him to answer them truthfully, without convicting both himself and Mr. Cullom of perjury.

*Letter to the Hon. Horace Maynard, enclosing the interrogatories for H. Tyler and others.*

WASHINGTON, March, 27, 1858.

Hon. HORACE MAYNARD,  
Chairman Com'ee of Investigation, &c. :

SIR: I have the honor to hand to you, herewith, the interrogatories for Mr. H. Tyler, and several other persons, which you authorized me, when before your Committee, to arrange and address to you, that you might submit them to the Committee.

I am, sir, very respectfully, your obedient servant, R. MAYO.

*Interrogatories for Mr. Hugh Tyler.*

1. Is this a copy of your account\* against the "House of Representatives of the United States," for \$25,880 40, with a copy of your receipt for the same in favor of William Cullom, endorsed on it, dated December — 1856?
2. In what manner were you paid that sum of \$25,880 40 by Mr. Cullom?
3. If by check or checks, on what bank, or sub-treasury of the United States, or otherwise, were they drawn, and what dates?

\* *House of Representatives of the United States.....To H. Tyler.*

For the following books furnished by order of the Clerk of the House of Representatives of the United States, for the use of the members of the Thirty-Fourth Congress, under the resolution of the House of Representatives of July 7, 1856, viz:

<i>Sets.</i>	<i>Vols.</i>		<i>Per set.</i>	<i>Total.</i>
24	29	Gales & Seaton's Register of Debates.....	\$145 00.....	\$3,480 00
24	37	Congressional Globe and Appendix.....	185 00.....	4,440 00
24	1	Contested Elections.....	5 00.....	120 00
24	2	Senate Land Laws.....	10 00.....	240 00
24	5	Elliot's Debates.....	16 00.....	384 00
24	9	American Archives.....	151 60.....	3,638 40
24	7	Diplomatic Correspondence.....	15 00.....	360 00
24	21	Gales & Seaton's American State Papers.....	235 50.....	5,652 00
24	5	Opinions of the Attorneys General.....	15 00.....	360 00
24	7	Finance Reports.....	24 00.....	576 00
24	42	Gales & Seaton's Annals of Congress.....	210 00.....	5,040 00
24	10	John Adams's Works.....	22 50.....	540 00
24	7	Alexander Hamilton's Works.....	14 00.....	336 00
24	1	Hickey's Constitution.....	1 00.....	24 00
24	2	Mayo's Fiscal Department.....	5 00.....	120 00
24	1	Mayo & Moulton's Pension and Bounty Land Laws.....	3 50.....	84 00
24	9	Jefferson's Works.....	20 25.....	486 00
				<u>\$25,880 40</u>

WASHINGTON, December —, 1856.

Received of William Cullom, Clerk of the House of Representatives of the United States, \$25,880 40, in full of the within account.

H. TYLER.

I do hereby certify that the above account is just and correct, and that I purchased the books enumerated therein of H. Tyler, at the prices therein indicated, amounting to twenty-five thousand eight hundred and eighty dollars and forty cents, and paid for the same, and delivered said books to certain members of Congress entitled to the same, as required by the resolution of the 7th July, 1856; and that said books have been delivered to the following members, as appears from the following vouchers, to wit:\* (1) J. H. Jewett, (2) John Williams, (3) W. A. Gilbert, (4) E. Knowlton, (5) M. Trafton, (6) Guy R. Pelton, (7) M. A. Otero, (8) A. K. Marshall, (9) P. T. Herbert, (10) William Millward, (11) Jacob Broom, (12) D. S. Walbridge, (13) F. S. Edwards, (14) R. B. Hall, (15) Samuel Dickson, (16) Samuel F. Swope, (17) John Woodruff, (18) Ezra Clarke, (19) James Buffinton, (20) J. Knight, and (21) J. R. Emrie. The above account includes three complete sets of said books, included in the above purchase, and now on hand, not yet delivered.

15th July, 1857.

WM. CULLOM,  
Clerk House Reps. U. S.

\* See those vouchers or receipts, page 107 to 120 of the Report, which vary materially from the above account.



4. From whom did you purchase the books enumerated in said account? And what prices did you pay for them by the volume or set?

5. Did you take receipts for the money you paid for each purchase? And can you produce those receipts? or did you, as the agent of Mr. Cullom, exhibit them as your vouchers to him?

6. Where and in what manner were those books delivered to you? And where and in what manner did you deliver them to Mr. Cullom?

7. Did you take receipts for them from him or his book clerk? And can you produce those receipts?

8. Did you advertise for those books? and if not, by what means did you procure to be brought together the 24 sets of each description of books stated in your account, part of them within *five* days after the passage of the resolution of July 7, 1856, authorizing their purchase by the Clerk of the House, and the whole of them in less than one month, according to the dates of 21 members' receipts for them to the Clerk?

9. What motive could have induced you to expend \$25,880 40 under the "order" of or by "contract" with the Clerk of the House, when no appropriation had been made, seeing, too, the utter repugnance of the Senate to authorize any appropriation for that object?

10. Can you produce the "order" of Mr Cullom, as mentioned in the heading of your account, or the "Contract," as you term it in your statements to the Auditor (Nos. 52, 53, 54, Appendix of Certified Documents) requiring you to purchase said books?

11. As the agent of the Clerk of the House to purchase books under the resolution of July 7, 1856, ordering the same number and description of such books of a public character as were supplied to members of the preceding Congress, why and by what authority did you limit yourself to *one* copy of Hickey's Constitution instead of 162 copies for each new member as had been furnished to members of the preceding Congress, and to *one* copy of Mayo's United States Fiscal Department, instead of 2 copies as had been furnished to members of the preceding Congress, and to *one* copy of Mayo and Moulton's Pension and Bounty Land Laws instead of 8 copies, as had been furnished to members of the preceding Congress?

12. As such agent of the Clerk, why did you not continue to purchase other assorted sets of said books during the four or five months that elapsed between those purchases stated in your account and the date of your reimbursement for them by the Clerk in December following, so that you might make up the amount of \$50,000, alleged by Mr. Cullom to have been expended in the purchase of books under said resolution, when he requested an appropriation by the Committee of Ways and Means as his indemnity for that amount? Or can you account for and explain that discrepancy?

13. Why were Little & Brown's Revised Statutes at Large omitted in your account, while they are included in the receipts of 21 members for the other books enumerated in your account?

14. Why did you purchase Jefferson's Works, which were not of the number purchased for the preceding Congress, and therefore not within the contemplation of the resolution of July 7, 1856, but were otherwise provided for, and supplied from the Congress Library; which discrepancies mismatch your account and the vouchers in the case?

Hon. LEWIS D. CAMPBELL:

Did or did not Mr. Cullom state to the Committee of Ways and Means at the last session, when you were its Chairman, that he had expended \$50,000 in the purchase of books under the resolution of July 7, 1856, and ask an appropriation of that sum for his indemnity, without presenting any evidence to substantiate it? And was not the amount so asked for inserted in an appropriation

bill at the earnest instance of the Hon. Howell Cobb, then a member of the Committee, adducing no evidence of the expenditure having *actually been* made?

Mr. EDWARD DEEBLE:

Did you not state in your affidavit of the 3d August, 1857, that about the 20th of July, 1856, you called, at the request of Messrs. Gales & Seaton, on Mr. Cullom, for the purpose of obtaining an order for their books for the use of members, &c., to which Mr. Cullom replied, "I have not given it a thought yet; nor will I act on the matter until an appropriation is made to pay for them; and then the order will be given for any quantity I may want. I will not take the least responsibility. When the appropriation is made, I will act, and not before?" Or words to that effect?

W. W. SEATON, esq.:

What do you know of the frauds alleged of Mr. Cullom and his agent, H. Tyler, in the purchase of books under the resolution of July 7, 1856, or *exactions* and *peculations* by either?

Mr. O. H. MORRISON:

While you were, in a business transaction with Mr. Cullom, demanding and receiving from him the amount of an appropriation for certain books that had been delivered to him, did he or did he not profess and declare that he had a right to all the perquisites he could make from the contingent fund of the House of Representatives?

Hon. THOMAS L. SMITH, First Auditor of the Treasury:

In your letter of the 14th July, 1857, to the Hon. W. Medill, First Comptroller of the Treasury, acknowledging the receipt of his letter of the 10th, enclosing to you certain papers therein mentioned, among others, the account of H. Tyler, for your official action, receipted to Mr. Cullom for the purchase of books charged against the contingent fund of the House of Representatives, by Mr. Cullom, did you not, for certain reasons therein stated, return that account to the Comptroller as an account required, by the 102d rule of the House, to be approved by the Accounting Committee of the House and endorsed by its Chairman, before it could be acted on by your office? And did not the Secretary of the Treasury, the Hon. Howell Cobb, overrule your decision, and cause the account to be remanded to you for settlement, under special rules prescribed by himself for this particular case? and did you not ultimately pass and certify the account to the Comptroller?

Hon. W. MEDILL, First Comptroller of the Treasury:

After you had countersigned the treasury warrant, in the payment of Mr. Cullom's account, did you not remark to Dr. Robert Mayo, that "it was hard to war against the Secretary?" and that, "if they should be prosecuted (speaking of Mr. Cullom and Mr. Tyler) you would help to convict them of perjury?" adding, that "such frauds are of frequent occurrence on the Pension Office, for which the parties are often prosecuted and convicted?"

McCLINTICK YOUNG, esq.

During the long period while you were Chief Clerk, and occasionally acting Secretary of the Treasury Department, were not the constructions of law and decisions by Mr. Wirt, Wm. H. Crawford, Judge Woodbury, Judge Tancy, Presidents Jackson, Polk, and Tyler, and Postmaster General Amos Kendall, denying the right of interference by any head of Department or President of the United States with the accounting officers of the Treasury, in the settlements of public accounts, held sacred and inviolable? Or if any such interference was known to have occurred, was it not resisted by the Comptroller?

JOHN M. BROADHEAD, esq., late Second Comptroller of the Treasury:

What do you know of opinions and decisions of late Presidents and heads of Departments, denying the right or legality of any official interference with the accounting officers of the Treasury in the settlement of public accounts?

I would also avail myself of the consent and authority of the honorable Committee of Investigation, to refer to the 2d, 3d, 4th, and 5th Auditors, or their Chief Clerks, to say what is the law and rule of their offices, in the examination and settlement of an impeached account or claim, when witnesses against such account or claim are known to them?

Also whether they recognize the interference of any head of Department in their settlement of public accounts either before or after settlement? And that, if such interference should occur before or during the progress of settlement, would it not be regarded as evidence of a foregone determination of such head of Department that such account should be settled according to *his* views and *wishes*, equivalent to substituting himself in the place of such accounting officers?

I would also suggest, that said Auditors, or their Chief Clerks, be requested to state whether a voucher containing items, *not* authorized or allowed by law, would not falsify the account?—such being the case in the vouchers or receipts of the 21 members, for books alleged to have been purchased and delivered to, and received by them.

And, finally, whether all these irregularities and violations of rule, arising chiefly from the *interference* of a head of Department with the accounting officers, would not be satisfactory evidence that he regarded such account as suspicious or fraudulent, and was therefore predetermined to *coerce* its passage, and prevent the accounting officers from *rejecting* or *suspending* it?

R. M.

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ANTAGONISM IN COMMITTEE.

Having, heretofore, spoken of the Committee of Investigation *mostly* as a homogeneous body, it is proper, before dismissing this “Review” of the printed testimony, that I should discriminate between the antagonizing parties developed in the report of the committee. It will be obvious to any intelligent reader, on perusing the testimony, that such antagonism actually existed between Mr. Maynard the chairman of the committee, Mr. Ricaud, and Mr. Cullom the honorary member of the committee, on the one hand, and Mr. Curry, Mr. Horton, and Mr. Davis, on the other hand. And it will be further perceived, that Mr. Cullom, who was in constant attendance, assumed every license, or was permitted, under the wing of the chairman, to put the principal witnesses on trial instead of himself, until checked by Mr. Curry and Mr. Horton; and that any “misfeasance,” “malfeasance,” “corruption,” or “dereliction of duty” on the part of Mr. Cullom would have been exonerated by Mr. Maynard; nor would Mr. Ricaud lay far behind him in that object:—while the interrogatories propounded to witnesses by Mr. Curry, Mr. Horton, and Mr. Davis showed a determined and commendable purpose to elicit the truth on all occasions. This antagonism was probably the reason that there were no signatures to the Report. If Messrs. Curry, Horton, and Davis would not sign this exonerating Report, Mr. Maynard and Mr. Ricaud probably declined to sign it, as that would give it the character of a minority Report; and having no signatures at all, would leave it under the *seeming* of a unanimous Report. And this object would be the more effectually accomplished, by the Report being delayed, by the chairman, to the end of the session, thereby avoiding all inquiry or discussion about it.

I know I do no injustice to Mr. Maynard or Mr. Ricaud. A single instance, out of a dozen or more, would suffice to show that. Take, for example, the foregoing interrogatories for H. Tyler, which could not have been answered truthfully without convicting himself and Cullom; but others were substituted for them, when Mr. Ricaud took his testimony in New York, obviously to exonerate the late Clerk, as far as such negative testimony could do, in the face of so much positive evidence to the contrary.

ROBERT MAYO.

WASHINGTON, *May 2*, 1859.

POSTSCRIPT.—Since the above was in type I have concluded to cite *two* other instances in confirmation of the purpose of the controlling spirits in the committee, to pervert the object for which the committee was raised, and to make a white-washing report instead of it.

1st. When I was before the committee, Mr. Cullom—whose “conduct and accounts” were arraigned for the investigation of the committee, and who was continually present as a privileged member of the committee, without any authority of the resolution raising the committee, and contrary to the rule and practice of other investigating committees—commenced a cross fire upon me, which I repelled effectually in the *first* instance, and was finally sustained against a *second* instance, by the interposition of Mr. Horton—Mr. Curry and Mr. Davis being absent. But the cross fire upon me was kept up by Mr. Maynard and Mr. Ricaud alternately, throughout my testimony—from page 459 to 471 of the Report. At last, when the subject of the late Clerk’s requisition for \$50,000 was introduced, (page 469, Report,) the following questions and answers were made, viz :

“*Question by Mr. Ricaud.* Do you say that this requisition of \$50,000 was to indemnify the Clerk?  
*Ans.* Yes, sir. *Ques.* Or, was it merely to enable the Clerk to supply members with books?  
*Ans.* It was to indemnify the Clerk, according to my recollection of Mr. Whittlesey’s statement to the Secretary of the Treasury, and the statement is here. It was to indemnify the Clerk for money paid for books. *Ques. by the Chairman.* Did you ever see that requisition? *Ans.* No sir, but I have seen the statement of Mr. Whittlesey in regard to it. *Mr. Ricaud.* You are mistaken in regard to the character of the requisition. *We have the paper before us;* Mr. Whittlesey was mistaken about it. *Chairman.* It is but justice to yourself to have this statement go upon the record, as the documents do not sustain this statement, that the requisition was of that character. *Mr. Ricaud.* The requisition for \$50,000 was for a part of the \$138,000\* appropriated by the act of the 3d March, 1857. *Witness.* Well, sir, I will show you, and I am glad the thing has come up. I have here two letters from Mr. Whittlesey after he left the Department. *Question by the Chairman.* Are those letters addressed to you or the officers of the Department? *Ans.* They are addressed to me and relate to this matter, and state that he (Mr. W.) would not countersign the warrant unless the Clerk gave proof that he had purchased those books.”

Not desiring to question the truth or ingenuousness of those statements, I did not request to see the paper, or ask how it came before the committee, neither of which would probably have been responded to except by refusal; but its being asserted to be before the committee, I presumed its publication would be a matter of course, and would show whether Mr. Whittlesey was actually mistaken. But, both in dereliction of duty, and contrary to the zeal manifested by Mr. Maynard and Mr. Ricaud to give shape to this investigation

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\*The indemnity itself was part of the \$138,000 appropriation, and my requisition for the purchase of books would be for *part* of that appropriation.

mainly for the vindication of the late Clerk, it has been withheld from the publication, though forming a part of the documents of the committee, and necessary to vindicate the declaration that the late Comptroller was mistaken in its character. Moreover, the statement by the late Clerk, to the Committee of Ways and Means, that \$50,000 would cover his liabilities for the purchase of books, renders it still more probable that this was the *pretence* for which he wished to get the \$50,000 in his possession, perhaps without clearly specifying its object, and which justified Mr. Whittlesey in his construction of it in his letter to the Secretary of the Treasury, of the 21st March, 1857, in which he speaks of it thus :

“I declined to certify said requisition to you for your warrant for two reasons: 1st. It was not accompanied with any proof that he had purchased any part of the books under the resolution of the House of Representatives of July 7, 1856. 2d. And if proof of that *fact* had been presented, there was no evidence to show that the books were within control of the Clerk to forward to the public libraries, to which *the law requires them to be sent*. I now submit to your consideration, that proof on both points should be made before the appropriation or any part of it should be placed in the hands of the said Clerk.” See page 28 of the Report.

The proviso requiring the books to be sent to public libraries to be designated by the members, has not been executed in regard to the 21 members who gave receipts for the books before the appropriation was made to pay for them. If a law requires a thing to be done which proves to be impracticable, it should lay over for a declaratory act to remedy the difficulty. But instead of this course, the Secretary, in his interference with the accounting officers, required them to evade this provision of the law, by *passing* the account for the 21 sets of books, though there was no evidence that they had been purchased according to law, or transmitted to libraries in the congressional districts, as required by the proviso, or that they had actually been delivered to the members themselves.

2d. A further instance in proof of the deliberate purpose of Mr. Maynard to *pervert* the legitimate object of the House in raising the committee to investigate the accounts and conduct of the late Clerk, is to be found in his assertion, at page 460 of the Report, that—

“This Committee is one raised by the House of Representatives, at the instance and request of Mr. Cullom, *in order* that he may have an opportunity to vindicate his character, if it is susceptible of vindication.”

Knowing that such was an entire misrepresentation of the object of the House, and of the origin of the resolution to raise such committee, when he made this assertion, Mr Maynard could not have forgotten that the resolution for a committee of investigation into certain charges against the late Clerk was moved by Mr. Clingman, who concluded his reasons for moving in the matter by saying :

“If any officer of this House is in combination with outsiders to manage in that way to get money improperly by buying at a low rate, and charging the government at a high rate, it ought to be a penitentiary offence.”

Nor could Mr. Maynard have forgotten that he was warmed into activity by the prompting of his friend Mr. Cullom, to throw himself in the way of obtaining the appointment of chairman of the committee, by a declaration of the

principles that would govern him, "independent of party or personal friendship," when the raising of the committee had become inevitable, and Mr. Clingman had expressed his determination not to serve on the committee.

How far Mr. Maynard may have rendered himself amenable, for perverting the object of the investigation, and lending himself to the purpose of exonerating his friend from "misfeasance," "malfeasance," and "dereliction of duty," in despite of numerous such violations of law, (though it would doubtless have been very well received if it could have been done with truth and fairness,) I will not undertake to say. But, without agitating that question here, while ignorance of the law is *denied* as an excuse for the most illiterate and ignorant offender, the intimation of an honorable witness from his own State, that fees, commissions, perquisites, profits, or emoluments of any sort *outside of the salary* must be founded "in some provision of law," or in a violation of law, for which ignorance can be no plea, the late Clerk is convicted of embezzlement, in every instance of such illegal "*peculations*" proved by the testimony upon his agents, as fully as if they had been practised by himself personally; so that Mr. Maynard's putting witnesses on trial instead of his friend, and taking all convenient occasions to exonerate him from any "dereliction of duty," is love's labor lost. as will appear from the further evidences of public reproof foreshadowed in the following letter from a highly talented and patriotic citizen of Eastern Virginia:

"N——— R———, May —, 1859.

"DR. R. MAYO, WASHINGTON:

"MY DEAR SIR: I received your kind letter some days since, and with it your scathing 'Review' of General Cullom's official conduct. I see the Grand Jury has taken the General in hand.

"What is to be the fate of our Government, if these wholesale corruptions are not checked? What chance has an honest *constituency*, when such VAMPIRES on the body politic control public offices?

"I confess I feel humiliated, as an American citizen, to find our young Republic outstripping all other Governments in Open Corruptions. 'We, the People,' cannot, as in former days, look upon our Government with pride and confidence. We seem to be steadily but rapidly moving on to the fate that has attended all Republics!!

Yours, sincerely,

\* \* \* \* \*

I must say, that I feel perfectly justified in giving the above a place here. I withhold the writer's name, because the letter was obviously not intended for publication. But the fervid patriotism, and the awful forebodings it breathes, must awaken "the People" to a just sense of the dangerous crisis with which they are threatened, and which many think is already upon us. It may induce the reflecting portion of the Democracy, of all parties who desire to see every department of the Government entrusted to well-trying and faithful public servants, to trace the existing evil and the threatened catastrophe to their true cause—the "demagogism" by which the people are converted into instruments of their own pending destruction, which they alone can avert.

It may seem a solecism, as it is an anomaly, which at first appears absurd, that the seeds of free government and of its destruction are the germs of the same popular franchise, which may preserve it or destroy it, as it is conducted

with virtuous discretion or with venal profligacy for sinister purposes, without due regard to the good and the safety of the commonwealth.

To recite the numerous modes by which interested demagogism seeks to reduce the popular franchise to a subserviency for the immolation of the public weal, must be waived here, and commended to popular detection and denunciation on all suitable occasions. But I may say, that if no *other* of the numerous devices brought to bear on popular credulity by interested political aspirants need be recited here, that alone which levies "black-mail" on officers in the public service, and on free citizens themselves, to corrupt and control the franchise at the polls of popular elections, which has been brought into operation of late years, to undermine this essential foundation of free and pure government, ought not to be passed in silence. The purity of the elective franchise in our institutions is the sacred trust and charge of the People! That trust, being for the public good, cannot be bartered for office, or any other interested consideration. If they will expurgate its *abuses* whenever they occur, there will then be no necessity to despair of the Republic.

ROBERT MAYO.

WASHINGTON, *May 10th*, 1859.

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