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IN THE SENATE OF THE UNITED STATES.

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JUNE 3, 1872.—Ordered to be printed.

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Mr. LOGAN, from the Committee on Privileges and Elections, submitted the following

REPORT:

The Committee on Privileges and Elections, to whom was referred a certified copy of the report of the joint committee of investigation, appointed by the Kansas legislature of 1872, to investigate all charges of bribery and corruption connected with the senatorial elections of 1867 and 1871, met on the 20th of April, 1872, and directed the clerk of said committee to prepare an abstract of the evidence furnished by the said report of the legislature of Kansas. On the 23d of April your committee met and adjourned over until the 24th, when, on account of sickness in the family of Senator Thurman, the case was postponed until he should return from a visit home.

On May the 11th your committee met and adopted the following resolution:

*Resolved*, That the chairman of the committee do ask the Senate for leave to send for persons and papers in reference to the elections of both 1867 and 1871, and that the committee have leave to sit in the vacation, and to take testimony by either the whole committee or a sub-committee, at Washington or elsewhere; that, in asking for authority as aforesaid, the chairman be requested to state that the committee express no opinion upon the subject.

On the same day the Senate, in response to the request of the committee, adopted the following resolution:

IN THE SENATE OF THE UNITED STATES,  
May 11, 1872.

*Resolved*, That the Committee on Privileges and Elections be authorized to investigate the election of Senator S. C. Pomeroy, by the legislature of Kansas, in 1867, and the election of Senator Alexander Caldwell in 1871; that the committee have power to send for persons and papers; that the chairman, or acting chairman, of said committee, or any sub-committee thereof, have power to administer oaths; and that the committee be authorized to sit in Washington, or elsewhere, during the session of Congress and in vacation.

Attest:

GEO. C. GORHAM,  
*Secretary.*  
By W. J. McDONALD,  
*Chief Clerk.*

On the 13th of May your committee met, and, in accordance with the authority conferred upon them by the resolution of the Senate, directed all witnesses, in reference to the charges against S. C. Pomeroy, Senator from the State of Kansas, to be summoned to appear forthwith and testify in reference to said charges, and also the clerk of the committee was directed to make inquiry who is the present custodian of the books

and papers of the late Perry Fuller, of Washington, D. C., and, if such information can be had, that the party having possession of his account-books, check-books, and bank-books, for the time between December 1, 1866, and February 1, 1867, be summoned to appear with them.

On motion, the committee adjourned subject to the call of the chairman.

On the 21st day of May your committee were called together for the purpose of proceeding with the examination, a portion of the witnesses having arrived.

Senator Caldwell, of Kansas; appeared and urged an early examination and disposition of the question in reference to his election in 1871. Your committee, however, considering the time too short during the sitting of Congress to thoroughly investigate both senatorial elections, concluded to proceed only with the investigation of the election of Mr. Pomeroy in 1867, leaving the case of Mr. Caldwell to be examined during the vacation of Congress, or at such time as may be agreed upon by your committee.

The examination of the witnesses in the case of Mr. Pomeroy was then proceeded with, and continued from day to day until the case was closed.

Your committee respectfully submit all the testimony, and report as follows:

1. That it appears from the evidence that two United States Senators were elected by the Kansas legislature in 1867, Mr. S. C. Pomeroy for a full term of six years, and Mr. Ross for an unexpired term of four years from the 4th day of March, 1867; that the candidacy of Mr. Pomeroy was generally understood by the people of Kansas during the election of members of the legislature who were to elect Senators for the State of Kansas, and that the election of Mr. Pomeroy as one of those Senators was generally conceded; that all candidates against Mr. Pomeroy, for the long term, withdrew from the contest, save Mr. A. L. Lee. Mr. Pomeroy, in joint convention of the two houses of the legislature, received eighty-four votes; Mr. Lee received twenty-five votes; the disparity of votes being so great as to preclude of itself the idea that the election of Mr. Pomeroy, against the will of the constituents of those who voted for him, was procured by corrupt means.
2. There is no evidence that Mr. Pomeroy, or any one for him, used any money or other valuable thing to influence any vote in his favor, or in any manner to bring about his election, *except hearsay*, and this is plainly contradicted by the direct testimony of the parties, either to whom or by whom it is alleged such considerations were given.
3. The evidence that Mr. Pomeroy's canvass for Senator cost him considerable money is clearly shown to be the expenses paid by him, for himself and friends, during the senatorial canvass, for hotel accommodations, disconnected entirely with the vote of any member, either for or against him.
4. The evidence shows that some of the friends of Mr. Pomeroy have been appointed to office under the Government of the United States, but fails to show that they were appointed in consideration of any vote or any influence used by them in procuring the election of Mr. Pomeroy; and your committee beg leave to say that they can find no fault with Mr. Pomeroy, or any one else, (when they recommend for appointment to office,) that they recommend their friends instead of their enemies.
5. It appears from the evidence that Mr. Pomeroy engaged, for a compensation to be made, the services of the Lawrence State Journal to advance the interests of the republican candidates and of the republi-

can party in the State of Kansas in the year 1866; but it also appears that said Journal broke its engagement, and supported the conservative or democratic ticket.

Your committee, therefore, after maturely considering the testimony adduced before them, are clearly of the opinion that the charges of bribery and corruption against S. C. Pomeroy, connected with his senatorial election by the Kansas legislature in 1867, totally fail to be sustained by any competent proof, but seem to have been urged for some purpose, unknown to your committee, beyond that of correcting existing evils. Your committee, therefore, beg to be discharged from the further consideration of the same.

O. P. MORTON,  
B. F. RICE,  
JOHN A. LOGAN,  
H. B. ANTHONY,  
MATT. H. CARPENTER.

*Committee.*

We concur with the other members of the committee in the finding that there is not evidence before us sufficient to show that Mr. Pomeroy's election was procured by the use of corrupt means; and having no definite, reliable information leading to the conclusion that further investigation would develop such evidence, we concur in the recommendation that the committee be discharged from the further consideration of the subject. Here we think that our duty ends. We do not think it proper to impugn the motives of those who urged this investigation. The subject was brought to the notice of the Senate by the general assembly of Kansas, and, as it seems to us, a proper respect for that body precludes an imputation of improper motives.

We cannot, therefore, concur in the last paragraph of the report, and there are other passages that do not meet our approval. For these reasons we have preferred to state our views in our own language.

A. G. THURMAN.  
JOSHUA HILL.

# A P P E N D I X .

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## JOURNAL OF THE PROCEEDINGS OF THE COMMITTEE ON PRIVILEGES AND ELECTIONS OF THE SENATE OF THE UNITED STATES IN THE INVESTIGATION OF THE SENATORIAL ELECTIONS IN KANSAS IN 1867 AND 1871.

On Wednesday, the 8th day of April, 1872, the Senate of the United States referred to the Committee on Privileges and Elections a certified copy of the "Report of the Joint Committee of Investigation, appointed by the Kansas legislature of 1872, to investigate all charges of bribery and corruption connected with the senatorial elections of 1867 and 1871; also, report of special committee of the Kansas senate of 1872, appointed to investigate certain charges against Hon. Jairus Wood, senator from Doniphan County;" accompanied by a certified copy of a joint resolution of the Kansas legislature, directing a copy of said report to be placed in the hands of the governor of Kansas, with the request that he forward it to the Vice-President of the United States, asking him to lay it before the Senate of the United States for their information; and, also, a letter of transmittal from the governor of Kansas.

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WASHINGTON, D. C., *Saturday April 20, 1872.*

The committee met upon the call of the chairman.

Present, the chairman, (Mr. Morton,) Messrs. Rice, Carpenter, Logan, Hill, Thurman, and Anthony.

The chairman read to the committee the report of the joint committee of the Kansas legislature, (exclusive of the testimony.)

On motion, the clerk of the committee was directed to prepare an abstract of the testimony contained in the printed volume attached to the report of the joint committee, separating that in relation to the election of Mr. Pomeroy from that in relation to the election of Mr. Caldwell.

On motion, the further consideration of this subject was postponed until Tuesday, April 23, 1872.

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WASHINGTON, *Tuesday, April 23, 1872.*

The committee met pursuant to adjournment.

Present, the chairman, (Mr. Morton,) Mr. Rice, Mr. Carpenter, Mr. Logan, Mr. Hill, Mr. Thurman, and Mr. Anthony.

Mr. Pomeroy appeared and asked that he might be heard before his case was finally considered. His request was agreed to.

Mr. Pomeroy stated that he desired his case considered by itself, and separate from any other, and that a report be made by the committee upon it at the earliest time possible.

The further consideration of this case was, on motion, postponed until to-morrow.

On motion, the committee adjourned to meet to-morrow at 10 a. m.

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WASHINGTON, *Wednesday, April 24, 1872.*

The committee met pursuant to adjournment.

Present, the chairman, (Mr. Morton,) Messrs. Rice, Carpenter, Logan, Hill, Thurman, and Anthony.

The clerk read to the committee an abstract of the testimony relating to the election of Mr. Pomeroy contained in the volume referred to the committee.

Mr. Thurman having stated that he was suddenly called home by the illness of his son; that he would probably be absent ten days or two weeks, and that he desired to be present when this subject was considered, on motion of the chairman, it was postponed until his (Mr. Thurman's) return.

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WASHINGTON, *Saturday, May 11, 1872.*

The committee met on the call of the chairman.

Present, the chairman, (Mr. Morton,) Messrs. Rice, Carpenter, Logan, Hill, Thurman, and Anthony.

