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Alleged violations of rule 34

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ALLEGED VIOLATIONS OF RULE 34.

JANUARY 27, 1887.—Select Committee on Admissions to the Floor discharged and referred to the Committee on Rules and ordered to be printed.

Mr. RICHARDSON, from the Select Committee on Admissions to the Floor, submitted the following

REPORT :

The special committee charged with the duty of inquiring into violations of Rule 34, submit the following report :

The committee was appointed near the close of the first session of this Congress, and began its work immediately. In order to a correct understanding of the nature and scope of the investigation made, and the object in view, there is inserted so much of Rule 34 of the House as bears upon the subject of the investigation, as follows :

The persons hereinafter named, and none other, shall be admitted to the hall of the House, or rooms leading thereto, viz, the President and Vice-President of the United States and their private secretaries, * * * ex-members of the House of Representatives who are not interested in any claim or directly in any bill pending before Congress. * * *

The resolution under which the committee was appointed is also inserted, as follows :

Resolved, That a select committee of five (5) be appointed, with instructions to inquire and report to the House whether any ex-member of Congress, who has availed himself of the privilege of admission to the floor under Rule 34, is interested as agent or attorney for any railroad, or other corporation, or any other interest in any claim or bill pending before Congress, and to report to the House the result of such inquiry with such recommendation as may be deemed necessary.

It will be seen that Rule 34, declaring who shall be entitled to the privileges of the floor, uses these words : " Ex-members of the House of Representatives who are not interested in any claim, or directly in any bill pending before Congress." The resolution under which this committee is acting does not in its language limit the investigation to ex-members who are not interested in any claim, or directly in any bill pending, but expressly authorizes the inquiry to be made as to whether ex-members who have availed themselves of the privilege accorded them of admission to the floor are interested as agents or attorneys for any railroad, or other corporation, or any other interest in any claim or bill pending before Congress.

It is manifest that there is a marked difference in the words employed in Rule 34 and those in this resolution, and inquiries prosecuted thereunder would be correspondingly different. The question presented in prosecuting the investigation under Rule 34 involves the construction of the words " ex-members who are not interested in any claim or directly in any bill pending."

For illustration take the case of a person who has claim, or is a beneficiary in a bill pending before Congress. He employs an attorney to represent him before the committees of Congress; has that attorney any interest in the claim or directly in the bill pending? It is insisted by a number of the ex-members of the House who were examined by the committee that an attorney for such person or claimant is not excluded by the rule. They say they "are not interested in any claim or directly in any bill pending."

The proof shows that the following ex-members of the House of Representatives have availed themselves of their privilege as such under Rule 34 to obtain admission to the floor, and who are interested as attorneys for claimants or other persons who have bills pending before Congress, to wit: L. D. Sweat, E. John Ellis, H. D. Money, Phil. B. Thompson, M. H. Dunnell, and others.

The deposition of each of the gentlemen named, except Mr. Dunnell, was taken, and appears in the proof herewith filed. In each case these gentlemen admit they have availed themselves of their privilege to come upon the floor, and that they were attorneys for clients who have bills pending, or asking legislation, but they insist that as attorneys, having only an attorney's interest, they are not interested in any claim, or directly in any pending bill; and that under any proper construction of Rule 34 they are not excluded from the floor. They each deposed, further, to the fact that, while they availed themselves of the privilege accorded ex-members, they had never, while on the floor, endeavored to control the action or vote of a member of the House. The committee do them simple justice in saying they do not find any testimony to contradict them in this statement.

The first question then for the committee to decide is whether an attorney, who is an ex-member of the House, and who represents as attorney a claimant, or person who is directly interested in pending legislation, can avail himself of the privilege given by Rule 34. The committee is constrained to answer this question affirmatively. The committee cannot maintain that an attorney has a *direct* interest in a claim which he is prosecuting, or in a bill which he is advocating, as attorney for his clients. The proof shows, however, that in some instances the attorneys representing their clients have a contingent interest, that is an interest depending wholly or largely upon the result of their efforts to obtain legislation. In all such cases the committee are of opinion such an ex-member, who is an attorney, is not entitled to the privileges of the floor under the rule.

But the committee are of opinion that Rule 34 should be amended and modified so as to exclude from the floor all ex-members who are interested as attorneys for persons who have claims or bills pending before Congress, and to this end they recommend the adoption of the amendment herewith submitted, as follows: Strike out the words, "ex-members of the House of Representatives who are not interested in any claim, or directly in any bill pending before Congress," and insert, "ex-members of the House of Representatives who are not interested personally, nor as attorneys, or agents in any claim or bill pending before Congress."

The committee deemed it proper to submit the foregoing as applicable to violations of the rule in question; but, as stated, the resolution under which the committee is acting in express words directs the inquiry to be made as to whether any ex-member of Congress who has availed himself of the privilege of admission to the floor under Rule 34 is interested as agent or attorney for any railway or other corpora-

tion or any other interest in any claim or bill pending before Congress, and to report to the House the result of such inquiry, with such recommendations as may be deemed necessary.

The proof is clear and conclusive that each of the ex-members named above is interested as agent or attorney for railroads or other corporations or persons having bills pending for their benefit. The fact is admitted by the gentlemen themselves. The committee feel warranted in saying from the proof that many other ex-members have similar interests. The committee therefore report this fact to the House, that it may take such action as may be deemed wise and proper. It is done, however, with the statement already made, that the proof does not show that any ex-member has attempted by his presence on the floor to influence legislation. The object of the rule is to exclude from the floor all persons who have any personal interest in the measure while the same is under consideration, to the end that the legislator may be perfectly free and unembarrassed in his action. If the real party is to be excluded, though he be an ex-member of the House, the committee can see no good reason why his attorney shall be given the privilege of the floor.

It occurs to the committee that it will in many cases prove equally embarrassing to members to have attorneys present while their measures are under consideration, as the parties themselves. In some instances it will be more so. It is not necessary that attorneys shall attempt to "ply their vocations" upon the floor in order to embarrass legislation, their mere presence being often a menace.

It is believed by the committee the adoption of the proposed amendment will obviate in the future, any evil or supposed evil that may exist. The committee recognize the fact that the practice before committees of the two houses of Congress, by regular attorneys of good standing in the profession, is now large and is rapidly growing. It is apparent that Congress should adopt rules of practice to govern in such cases. In other countries, notably in England, the committee find that laws have been enacted and rules prescribed regulating the appearance of attorneys in all cases before committees of the law-making department of Government. Inasmuch, however, as this matter may be deemed foreign to this investigation, it will not be enlarged upon in this report. The committee submit the proposed amendment and ask to be discharged from the further consideration of the subject.

JAMES D. RICHARDSON,
Chairman.

THO. C. McRAE.
JAMES E. CAMPBELL.
RICHARD GUENTHER.
J. LYMAN.

Proposed amendment to Rule 34, offered by special committee to investigate violations of that rule.

Strike out in Rule 34 the words, "ex-members of the House of Representatives who are not interested in any claim, or directly in any bill pending before Congress," and insert the following words:

"Ex-members of the House of Representatives who are not interested personally, nor as attorneys, or agents in any claim or bill pending before Congress."

MINUTES OF COMMITTEE.

THURSDAY, June 24, 1886.

The special committee, composed of Hons. J. D. Richardson, Thomas C. McRae, James E. Campbell, Richard Guenther, and Joseph Lyman, appointed under the following resolution, passed by the House of Representatives April 23, 1886, met in the room of the Committee on Pacific Railroads this day, for the purpose of considering the resolution, the scope of the inquiry thereunder, and to arrange for the further proceedings.

There was a full meeting of the committee.

The resolution is as follows:

"Resolved, That a select committee of five be appointed, with instructions to inquire and report to the House whether any ex-member of Congress who has availed himself of the privilege of admission to the floor under Rule XXXIV is interested as agent or attorney for any railroad or other corporation, or any other interest in any claim or bill pending before Congress; and to report to the House the result of such inquiry with such recommendations as may be deemed necessary."

The thirty-fourth rule is as follows:

"The persons hereinafter named, and none other, shall be admitted to the Hall of the House, or rooms leading thereto, viz: The President and Vice-President of the United States and their private secretaries, * * * ex-members of Congress who are not interested in any claim or directly in any bill pending before Congress." * * *

On motion of Mr. McRae, it was agreed that the committee meet again on Saturday morning, June 26, at half past 9 o'clock.

On motion of Mr. McRae, the chairman was requested to procure a certified list of ex-members who have availed themselves of the privilege, under Rule 34, of obtaining admission to the floor of the House of Representatives, and also a copy of the certificate, if any, to which they subscribe when registering their names.

On motion of Mr. Guenther, it was agreed that Mr. C. S. Voorhees, who introduced the resolution in the House of Representatives, be requested to meet the committee on Saturday morning.

The committee then adjourned.

SATURDAY, June 26, 1886.

The committee met pursuant to adjournment, at half-past nine o'clock, at the room of the Committee on Pacific Railroads.

Present: The chairman (Mr. Richardson), Mr. McRae, Mr. Campbell, Mr. Guenther, and Mr. Lyman.

The chairman presented a list of ex-members who had availed themselves of the privilege of the floor under Rule 34.

On motion of Mr. McRae it was agreed that the sessions of the committee in taking proof be held with open doors.

JOHN M. MURCH sworn and examined.

By the CHAIRMAN:

Question. What official position do you occupy in connection with the present Congress?—Answer. I am the messenger in charge of the ladies' reception room; and in connection with that have charge of the register in which ex-members of Congress enter their names when they apply for cards of admission to the floor of the House.

Q. I wish you would produce one of the cards used.—A. (Producing a card.) I produce the cards from the Speaker, who signs them in blank.

The CHAIRMAN. Read the card.

The WITNESS (reading): "This card must be registered. Pass ——— to floor of House of Representatives under rule No. 134 (it should be 34) ———, Speaker House of Representatives. Washington, ——— 188 " I write on there "Forty-ninth Congress," insert the name of the ex-member and the date, and on the back of the card record the number as it appears in the register.

Q. The register contains the number of the ex-member who is admitted, as I understand, the same as indorsed on the card?—A. Yes, sir. The names are all numbered consecutively, and the number appearing before the name of the ex-member is the same as that on the space on the back of the card.

Q. Turn to the register and let us see what appears on that?—A. The register is headed, "This is to certify that I am, under Rule 34 of the House of Representatives, entitled to the privileges of the floor," and then in the proper columns appear the number, the name of the ex-member, the State and district he represented, and the Congress of which he was a member. The number opposite his name corresponds with the number on the back of the card.

Q. State whether you call the attention of ex-members to rule 34 when they register, and if you keep a copy of the rule near your table, so that it may be read.—A.

It has been my invariable custom to try and make it plain by calling an ex-member's attention to what he is certifying when he certifies that under rule 34 he is entitled to the privilege of the floor. A copy of the rule hangs above my desk, and if he is an ex-member who is not familiar with that rule I call his attention to it.

By Mr. GUENTHER:

Q. Do those who are not familiar with the rule usually read it?—A. Yes, sir. Ex-members who were in Congress a good many years back do read it; those who were members of recent Congresses of course are familiar with the rule.

By the CHAIRMAN:

Q. State if you know as a fact that a copy of rule 34 is suspended near to the different doors of the House.—A. Yes, sir. I used to be stationed at a door, and it is the custom, and I believe it is required, that the rule should be hung up at every door. I think it is the case; in fact, I may say it is so.

Q. You have furnished a copy of your register to the committee. Look at this paper [handing it to witness] and see if it is an exact copy which you furnished.—A. Yes, sir; it is a copy that I certified at the time.

Q. How many ex-members does the register show to have been admitted to the floor during the session?—A. During this session there have been 153.

By Mr. McRAE:

Q. How long have you had charge of that record?—A. I was detailed to the reception room, I think, January 11. I will not be positive, but I think that is the date, from what I have written. Not more than five or six were registered this session before I was placed in charge of that room.

Q. Are the entries in that register made by other messengers than yourself? That is a record of cards issued before you had charge of it, is it not?—A. You mean during this session and previous sessions?

Q. In previous sessions.—A. Yes, sir. It seems to go back as far as 1878.

Q. From 1878 until the present date how many cards have been issued?—A. Nine hundred and forty-three.

Q. How many cards at each session since the commencement of your record?—A. The record commences with the Forty-fifth Congress, during the second and extra sessions of which there were 223 and 190 names registered, respectively; total, 413. In the first session of the Forty-sixth Congress there were 143; second session, 69; and extra, 50; total, 262. In the Forty-seventh Congress, first session, 101; second, 26; total, 127. In the Forty-eighth Congress, first session, 99; second, 42; total, 141. Present Congress, up to June 24, 153.

Hon. CHARLES S. VOORHEES appeared and testified.

The CHAIRMAN. Mr. Voorhees, as you introduced the resolution under which we are acting, the committee thought it proper to call on you for any statement you desired to make. We will now be glad to hear you.

Mr. VOORHEES. I will state in that connection that my attention was first called specifically to this abuse of the rule by attorneys, ex-members of Congress, and especially one ex-member of Congress, on the floor of the House of Representatives, connected with the interest of the Northern Pacific Railroad Company pending before Congress. As I said in my brief statement on the floor of the House when this resolution was under consideration, I first met Mr. L. D. M. Sweat while appearing before the Committee on Public Lands as an attorney for the Northern Pacific Railroad Company. He appeared before the committee, and in a very earnest way combated any favorable consideration of a measure looking for the forfeiture of the land grant of the Northern Pacific Railroad. Subsequently I noticed him a number of times on the floor of the House; but just what his business was there I do not know. For some time he never approached me concerning any interest of the Northern Pacific Railroad Company; but he was on the floor, and it seemed to me to be in violation of the rule of the House; but I took no step in the matter at that time.

On the 5th of April I introduced a resolution, which was referred to the Committee on Pacific Railroads, directing the Secretary of the Interior to put certain interrogatories to the president of the Northern Pacific Railroad Company, to find out the facts in connection with certain alleged violations of the law by this railroad company. The resolution, as I have said, was referred to the committee on Pacific Railroads, and I was notified to appear before the committee about a week afterwards. I appeared before the committee in support of the resolution, and made such a statement as I thought was necessary, and at that meeting the resolution was referred to a subcommittee, consisting of the chairman Mr. Bliss, of New York, and I do not remember the other members.

The matter ran along, I suppose, for a couple of weeks. In the mean time, before I appeared before the committee, I was in my seat in the House one day and Mr. Sweat

came to my desk and sat down by me. He suggested that he had noticed I had introduced a resolution looking towards the investigation of the Northern Pacific Railroad Company, and asked me what the scope of the resolution was, stating at the same time that he had received a telegram from some officials of the Northern Pacific requesting him to look after this resolution, and perhaps they would be able to answer the interrogatories without the resolution going through. I told him he could get a copy of the resolution. I did not know whether it had been printed or not. He sat by me perhaps five minutes, during which time the only subject of discussion was this resolution.

As I have before stated, I appeared before the committee, and subsequently, perhaps two weeks afterwards, I met Mr. Bliss in one of the corridors. He advised me that Mr. Harris would be present that afternoon to discuss the question raised by the resolution, and wanted to know if I would like to be present. When I went there I found Mr. Harris, who is the president of the Northern Pacific Railroad, accompanied by Mr. Sweat. Mr. Harris presented his case, combating the resolution, after which Mr. Sweat appeared also and antagonized consideration of the resolution. As I was leaving the committee room I suggested to the same person, who asked me just what I wanted to do in the event of a favorable consideration of the resolution, that it was impossible for me to tell just what course I would take until the question had been answered; and until their affairs were fully determined I would not know what to do. I stated with some considerable force and earnestness that I was anxious to have the resolution favorably reported; and in response to that he suggested that I might get it favorably reported from the committee, but what as to getting it through the House? That was Thursday, the 23d of April.

After considering the whole question it occurred to me that the dignity and integrity of the House of Representatives would be best subserved in an investigation as to whether or not ex-members were violating their privileges. Next day I introduced my resolution and it was passed. That is substantially the statement I have to make. I do not charge Mr. Sweat with any corrupt motive, but I simply question the good taste and propriety of his appearance on the floor of the House in connection with these matters.

I will state in connection with this that I have seen a great number of other ex-members on the floor of the House. Of course I know nothing of their purpose there.

Mr. GUENTHER. Do you know of any other ex-member of Congress directly interested in any legislation?

Mr. VOORHEES. Not of my own personal knowledge, in such a way as to be able to state it as of my own personal knowledge.

The CHAIRMAN. Do you know anything about the business of Mr. McGinnis, ex-delegate, of your own personal knowledge?

Mr. VOORHEES. I will state just what I know of my own knowledge. I saw him on the floor a few days ago, and he seemed to be very much interested in connection with some measure. A certain member of the House came to me and said Mr. McGinnis was making himself exceedingly active in connection with a certain measure to provide for a right of way through the Indian reservation in Montana, and this gentleman called my attention to it. That was Mr. Price, of Wisconsin. I know nothing in regard to the matter of my own personal knowledge except as I have stated it.

I desire to state that my resolution and the subsequent proceedings thereunder, and the statement I have made here to-day, are not the result of any personal feeling; but that my purpose is to reach a point, if possible, where ex-members of the House will be kept off the floor. I expect to be an ex-member myself all the time, and intend to stay off the floor.

Mr. L. D. M. SWEAT appeared before the committee and stated that he wished it to be understood that he was perfectly willing and ready to make a statement in reference to the matter.

The CHAIRMAN. It is understood, Mr. Sweat, that the committee have not subpoenaed you; but if you desire to make a statement we will hear it.

Mr. SWEAT. I come voluntarily.

The CHAIRMAN. The reason why I stated it that way to you is because of the fact that the resolution as at first introduced embraced your name. On the floor of the House it was stricken out on motion of Mr. Voorhees after some discussion of the resolution. Your name having been mentioned it is quite natural that you would be the first to appear. I will read the resolution:

Resolved, That a select committee of five be appointed, with instructions to inquire and report to the House whether any ex-member of the House who has availed himself of the privilege of admission to the floor under Rule XXXIV, is interested as agent or attorney for any railroad or other corporation or any other interest in any claim or bill pending before Congress; and to report to the House the result of such inquiry, with such recommendations as may be deemed necessary."

Mr. SWEAT was then sworn and examined.

By the CHAIRMAN :

Question. When were you a member of Congress?—Answer. I was in the Thirty-eighth Congress, commencing December, 1863, and I represented the district now represented by Mr. Reed, of Maine, who is my next-door neighbor.

Q. Have you obtained a card for admission to the floor, as an ex-member, during the present session, and been on the floor of the House?—A. I have.

Q. Are you familiar with Rule XXXIV of the House?—A. I heard it discussed last year and also this year, and I have talked with several members about it. I believe I could repeat it.

Q. Are you interested as agent or attorney for any railroad or other corporation, or have you any interest in any claim or bill pending before Congress?—A. I am not aware that I have any interest in any claim, or directly in any bill pending before Congress.

Q. Are you the agent or attorney of any railroad or other corporation?—A. I am to a certain extent the attorney or representative of the Northern Pacific Railroad, being resident in Washington, without regard to the terms and the sessions of Congress. They find it necessary to have an attorney to look after matters that are coming up almost daily in the different Departments—in the War Department, in the Post-Office Department, in the Treasury, and in the Interior Department. I am employed by the company to attend to these matters, and my compensation for that does not depend at all upon the result of any legislation. I may, therefore, say truly that so far as having interest in any claim, or directly in any bill pending before Congress, under the language of the thirty-fourth rule, I am not interested. I have my sympathies and prejudices in favor of or against the tariff bill, the interstate commerce bill, the bankruptcy bill, and various bills before Congress, and have my decided opinions upon them. I have also my decided opinions in reference to the claims and merits of the Northern Pacific Railroad, but so far as my pecuniary interest is concerned it is not varied a jot or tittle through legislation of Congress for or against the Northern Pacific Railroad Company, and I will state to the committee simply what I have done.

Early in February an argument was prepared by the general counsel of the Northern Pacific Railroad Company, Mr. Grey, of New York, and Mr. Stackpoole, of Boston. That argument was presented to the committee of which Mr. Voorhees is a member, and he was present at the time. Before the committee adjourned Mr. Stackpoole said to me, "As you know something of the history of this railroad company and its early inception and the legislation upon it, I think it may be well for you to speak on the subject," and it was agreed with the chairman, Mr. Cobb, that I would present some remarks. This was on Thursday; and on Saturday I went before this committee, and perhaps laid out longer ground than I ought to have done; but I spoke an hour to them, and they very courteously extended to me another hour. I would here state that when I was in Congress, in April, 1864, I was a member of the Select Committee on Pacific Railroads. In that committee the matter was fully considered, and I undertook to indicate to the Public Lands Committee the contemporaneous construction that was given to the charter by said committee, and also gave to them the contemporaneous construction given to it by quoting the arguments and debates in the discussion upon it on the floor of the House.

The CHAIRMAN. Let me interrupt you to say that so far as your appearance before any committee of the House is concerned, that is not inquired into at all.

Mr. SWEAT (continuing): I also argued some matters of law. I have known about this company all these years. I have no interest pecuniarily in it; but I have known about it, and hence I suppose the company solicited my services here in Washington to do what I could in stating the law and the facts; and when I appeared before the committee early in February I did so not as the main counsel. Subsequently, in reference to some resolutions which had been previously offered by Mr. Voorhees in the House calling on the Northern Pacific Railroad Company to answer certain things through the Secretary of the Interior, Mr. Harris, president of the company, voluntarily came here. Thinking it would save time and trouble and clear up some unfounded charges, he came to Washington in order to appear before the Pacific Railroad Committee. The matter was before a subcommittee, of which Mr. Bliss was chairman. Mr. Harris came on, and naturally came to me as their representative here, he not knowing anything about the place where the committee met. I ascertained that they were to meet on a certain day, and accompanied Mr. Harris to the meeting, where he made a very full, frank, and free statement as to all matters referred to in the resolution offered by Mr. Voorhees, which I need not now go over. Mr. Voorhees interrogated him pretty sharply on one or two points. Mr. Harris is not a professional man, but simply a business man, and I said a few words, without any intent to argue the question. There was nothing to argue. As we were going out Mr. Voorhees said the committee might pass this favorably. I have not the slightest recollection of speaking to him about its passing before the House, and my judgment now is that I made no such remark, and I think he is mistaken about that.

Now as to what I have done on the floor of the House, because the question comes really down to that. When the resolution of Mr. Voorhees, proposing to submit certain questions to the Northern Pacific Company through the Secretary of the Interior, was offered, Mr. Harris, the president of the company, desired to know the nature and scope of the inquiry, and either wrote or telegraphed me to ascertain what they were. I knew there was no source so good as Mr. Voorhees, and I made my way to him, feeling that he would be very glad to make me any civil answer. When I came to his seat I told him what we wanted to know, and that we wanted to know if this resolution had been printed. He thought probably it had not been printed, but said, "I will tell you the scope of it with pleasure." And he then narrated to me the different points referred to in his resolution, that I might telegraph them to Mr. Harris. I made no comment upon the force, character, or validity of anything in these resolutions at all. I simply made the inquiry for information. I knew nothing about the foundation for the allegations set forth in that resolution. I telegraphed this to the president of the company, and as soon as these resolutions were printed I got a copy and sent it to the president of the company.

That is the only time I spoke to Mr. Voorhees on the floor of the House with reference to anything pertaining to the Northern Pacific Railroad Company. I will here say to this committee that I should be very glad to have the 324 members of the House summoned before you; and I undertake to say that it would appear from their testimony that I have not spoken to or talked with six men on the floor of the House upon any subject, or conversed with any man upon the floor of the House whose vote or speech or action I have in the most indirect manner solicited for or against the forfeiture of the Northern Pacific Railroad lands.

I do not suppose, Mr. Chairman, that there is any member in the House of Representatives whose dignity would be jeopardized, or whose independence of action would be shattered by my presence, even if I tried it; and, if the distinguished delegate from Washington Territory has any apprehension on this score, I assure him that I should take especial pains to protect his innocence, if for no other reason than the high regard and unselfish friendship which I have for nearly a quarter of a century entertained for his brilliant father, who would sooner be shot than take advantage of the privilege of membership to make attacks behind his safe entrenchment which can not be then and there answered upon the floor. And I will volunteer the remark that when the young and distinguished delegate from Washington Territory shall have gained more years and have attained, as I have no doubt he will, to the higher honor of being a member, with the right of voting, that he will not apprehend any injury to his dignity or to his honor or to his intellectual or moral capacity by me quietly coming upon the floor of the House as an ex-member, and not interfering with any legislation, but behaving like a gentleman, as I claim I always do. I think that years upon his head would satisfy him that I was not endangering the independence or integrity of the House.

Now, sir, in reference to the violation of this rule, I will say in the outset that sooner than knowingly violate the rules of the House of Representatives, of which I have been a member, and where I gained either good or bad reputation before my young friend was born, I would lose my right hand. To be able to preserve the propriety of occasions and places is an attainment that I have always considered of great value during my life; and I never have knowingly violated the propriety of occasions or places. This matter was discussed last year, when our late candidate for Vice-President was complained against for some interference with some affairs in the contested-election case of Mr. English.

It was admitted by everybody that this rule must have been somewhat immaturely considered, and that it is difficult to get at the real meaning of it. Among other persons who may be admitted may be an ex-member who is "not interested in any claim or directly in any bill pending before Congress." The words "attorney or agent" are not mentioned, or anything of that kind. The construction which was given to it last year, so far as I had an opportunity of learning from conversation with persons who were well informed on the subject (and I have every reason to think it is the present construction of the Committee on Rules), was that it is intended to apply where there was a pecuniary interest in any claim or bill, and that it was not intended to prevent ex-members who appeared before a committee having bills pending in Congress from going on the floor. They may appear before the Supreme Court or any other court, and might appear before any committee of the House or subcommittee, and argue the matter there; but that it was intended to control and govern the conduct of an ex-member upon the floor of the House.

Now, so far as talking with members is concerned, I have been acquainted for nearly twenty-five years with Mr. Randall, Mr. Morrison, Mr. Kelley, and Mr. Holman, and have never mentioned the subject of the Northern Pacific Railroad to them from the beginning to the end. I know intimately several members from the State of Maine, Mr. Reed, especially, and I have never mentioned the subject to them. I have had a

sensitive regard about not obtruding upon any one. There is no one on this committee with whom I have had the pleasure of an acquaintance. In one instance I was addressed upon the floor of the House by a gentleman on the Public Lands Committee, who asked me for some information. He wished to know the number of miles built by the Northern Pacific Railroad Company, the amount of money expended, and how far they had got upon the Cascade Branch. He is a man I know to be opposed to the forfeiture of the lands, and I said to him that I would give him those facts at his room. I prepared them and put them in my pocket; but before I went to his room I met him on the floor of the House, and he asked me if I had them. I told him that I had, and said I would give them to him at his room, but not there. He asked, "Why so?" and I told him that I would not talk with him on the floor of the House on that subject. He said, "Nonsense;" but I declined to give them to him there.

So the long and the short of the matter is that to a certain extent I am the attorney or representative of the Northern Pacific Railroad Company, against whom it has been charged on the floor of the House and in the Senate that they have a powerful lobby in Washington. Gentlemen have spoken of the railroads, including the Northern Pacific, having a powerful lobby in Washington. Now, Mr Chairman and gentlemen, so far as my knowledge extends there is no other attorney or representative of the Northern Pacific Railroad within the limits of Washington, except my humble self, and you can judge the power of the lobby of the Northern Pacific Railroad by looking at me. I think upon the construction of the rules I have not violated the Thirty-fourth Rule, because, even if I, as attorney of the company, had gone upon the floor, and made an argument there of our case to members, I think then it would not have been a violation of the rule, because I think that rule is simply intended to apply to ex-members having a personal interest in a claim or directly in some pending bill, which I have not. But I have not, as an attorney or as an individual, in my capacity of ex-member, in the most indirect manner, as I said before, asked any man upon the floor of the House for his vote, for his speech, or for his influence.

I will repeat, Mr. Chairman and gentlemen of the committee, that I should be exceedingly sensitive if I felt that there was any danger of my violating the rules. I have gone upon the floor and sat down quietly. There have been weeks and weeks that I have not been upon the floor. It is a matter of convenience; it caters to my laziness to go on the floor rather than go up to the gallery. I have been on the floor of the House and listened to speeches. I listened to Mr. Hurd's speech for three-quarters of an hour. But since I have had an intimation made to me, even from this source—since this resolution was offered, on the 24th of April—I have not felt like going upon the floor of the House, and have not set foot upon it for more than two months (showing my disposition to regard even the tender sensibilities of Mr. Voorhees), save that I stepped into the main door to speak to a gentleman passing by and to ask him a question upon some outside matters. It is no object and no inducement to me. Gentlemen, if any lobbyist or any attorney thinks he can accomplish anything by going upon the floor of the House, if he will take advantage of my experience I think he will find it the last place in which he can further the interests he may have in charge.

Now, Mr. Chairman, there have been one hundred and fifty ex-members on the floor of the House this session. I am not speaking without figures, at least; and it is an assertion, perhaps, that will not be denied that upon the floor of the House ex-members have been there, including the attorneys of the Atlantic and Pacific, the Southern Pacific, and the Oregon and California companies. I do not think it is my duty, Mr. Chairman, to mention the names of anybody who has been on the floor of the House.

By Mr. GUENTHER:

Q. Can you give us the names of those attorneys of the different corporations you have mentioned?—A. I say it is claimed, perhaps it is a fact, that several ex-members have been attorneys for the different matters, and have advocated the admission of the Territory so ably represented by Mr. Voorhees now, upon the Mormon question, and upon the whisky ring.

Mr. VOORHEES. You say that an ex-member advocated the admission of the Territory?

The WITNESS. I understood so. I have been told that ex-members are attorneys of all these different matters now pending before Congress, but I do not claim to know that any one of them has violated the rule by going on the floor, because I do not know that any member has been talked to or his vote solicited. I mean to say that if this rule is to be changed to exclude a man who is an attorney connected with any bill pending, you may come to the conclusion that it affects all ex-members who have been on the floor. There can be no question there have been ex-members on the floor who are attorneys of corporations having bills pending before Congress. There is no doubt about that. In so far as my own conduct is concerned, I will be happy to state

anything and everything I have done upon the floor if my statement has not been full.

The CHAIRMAN. Are you the resident attorney, regularly in the employ of the Northern Pacific Railroad Company in this city?

The WITNESS. Yes, sir; by the year.

Q. Are you employed to attend to lawsuits in the courts here?—A. If they had any I presume I should be.

Q. Are you employed to look after measures pending in Congress which affect the Northern Pacific Railroad in this city?—A. I was employed especially by the attorney who came on here to make this argument before the Committee on Public Lands, although when I came I did not expect to have such employment. I was especially to look after matters which are so constantly coming up before the Departments almost daily.

Q. Does your employment include looking after measures pending before Congress?—A. Nothing specially is said in my employment as to what I shall do; at all events I am not employed to go on the floor of the House and violate any of the rules.

Q. Do you construe your contract of employment to include the business of looking after the interests of the Northern Pacific Railroad Company as it may from time to time be involved in measures pending before Congress?—A. I should consider it my duty, Mr. Chairman, to give all the correct information that I can to anybody who wished to ascertain anything about the Northern Pacific, and who would be called to act upon it.

Q. As the attorney of the company?—A. Yes, sir.

Q. For which you are employed and paid?—A. I am simply employed by the company to come here as their representative, and to do what I think is proper; and my sense of duty would dictate to me to do what I can in reference to having sound legislation on the matter, but not in violation of any rule of the House.

Q. Then, as I understand you, you mean to say that your employment would include looking after the interests of the Northern Pacific Railroad at the proper time and place?—A. Yes, sir; at the proper time and place. It is no specific employment, not in a written contract, but knowing that I am a lawyer, that I have known the history of the company, in its legislation and its formation, and being intimate with its affairs, after all these years, why, the company feel that I might be a proper person to have in Washington, where something is required to be done before the different Departments the whole year.

Q. Do you live in Washington?—A. No, this is not my home; I live in Portland, Me.

Q. Do you remain in Washington during the session of Congress?—A. I may not only remain during the session, but I came before Congress met this session.

Q. Do you remain here during the recess?—A. Much of the time of the long recess; that is to say, I went home and came back, and I found it would have been much better for me to stay here.

Q. What is the nature of the business you would have to attend to before the Departments?—A. Well, I can explain it to you in detail.

Q. Just briefly, in general terms, state the nature of the business.—A. Well, sir, the very last work I had was a matter before the Treasury Department, in order to get permission for the company to act as common carriers from Portland to different ports and to enable them to take goods from Portland, Oreg., to different ports, under the "immediate transportation act," without having them there appraised and without requiring inspection at the various ports by the agents of the Treasury Department. Another instance, before the War Department, was to obtain their approval of having some of their lieutenants, who were stationed at the distant posts in the Northwest, to make reconnaissance of the unknown Pend Oreille region. Lieutenant Abercrombie is now there, through my influence, and with the consent of the Secretary of War; and I have matters pretty nearly all the time in the Land Office and the Interior Department. At all events, there are a great many things that I attend to at the different Departments, and whenever any Senators or Representatives have applied to me for information I have always been happy to give it to them.

By Mr. GUENTHER:

Q. Do you know of any ex-member of Congress or any ex-delegate connected in any capacity with the Northern Pacific Railroad who has been here during the present session of Congress?—A. I know of nobody who has been in that employ, or at least by the company.

Q. I mean connected as an agent or attorney in any capacity?—A. There was one man here two months whom I employed.

Q. Was he an ex-member?—A. Yes, sir. What he did was, of course, not connected with members on the floor.

Q. Will you give us his name?—A. Mr. Dunnell came here with his wife, as he said—

Q. Of Minnesota?—A. Yes, sir; as he said, on account of her health. I had some papers then to prepare, which at one time it was thought would be necessary to be prepared in the interest of the Northern Pacific Railroad. He assisted me in them. He said he should be here whether he was employed or not, and while he was here, for two months or so, he assisted me, but the company did not employ him. I employed him, and he is the only ex-member I know of who has done anything here for the Northern Pacific. There have been ex-members of the Senate, ex-members of the House of Representatives ex-judges, and ex-governors who have been employed by the Northern Pacific; but I have not considered it necessary at all to have anybody to engage in any solicitation for their cause. I do not know what there was to do that the company could not depend upon the strength of their cause to accomplish their object.

Q. Do you know of any ex-delegate of any of the Territories who has been here during the session and connected with any other railroads?—A. I do not know of any ex-delegate, except Mr. Maginnis, of Montana.

Q. He is not connected, to your knowledge, with the Northern Pacific?—A. Not to my knowledge.

Mr. VOORHEES (rising to leave the committee-room). I simply desire to say, in connection with the suggestion of Mr. Sweat, that I can get along just as well without his fatherly care and advice. I shall never call upon him in connection with my interests, and the only intrenchment I shall avail myself of is the righteousness of the cause.

By Mr. McRAE:

Q. You say, Mr. Sweat, that you were a member of is the Thirty-eighth Congress?—A. The Thirty-eighth Congress.

Q. Commencing in December, 1863?—A. Yes, sir.

Q. You were, then, a member of the Congress that passed the Northern Pacific Railroad land grant?—A. Yes, sir; I was on the committee that drew the charter.

Q. The committee that reported the bill, and it was passed by that Congress, of which you were a member?—A. Yes, sir.

Q. You advocated the passage of the bill?—A. I did.

Q. How long have you been in the employ of the company?—A. I have been in the employ of the company for two years.

Q. How old are you?—A. You can judge how old I am; I was as old as the oldest man on this committee when I was here in Congress in 1863. I wish I could make myself young by stating it.

Q. The reason I asked that question was that it occurred to me that as you have made some reference to the age of another witness, it might properly be asked.—A. I have the misfortune of being an old man.

The committee then, at 11 a. m., adjourned until Wednesday morning, June 30, at half-past 9 o'clock a. m.

WEDNESDAY, June 30, 1866.

The committee met, pursuant to adjournment, at 9.30 this morning.

Present: Messrs. Richardson, McRae, Campbell, Guenther, and Lyman.

The examination of Mr. L. D. M. SWEAT was continued and concluded.

Mr. SWEAT. In order to make a definite statement about dates, I wish to state that on February 6, last past, I did make an argument before the Public Lands Committee against the forfeiture of the land grant to the Northern Pacific Railroad Company, which is the only matter seriously interesting that company in the way of legislation before this Congress. April 22 or 23 I appeared, as previously stated, before the Pacific Railroads Committee, or rather a subcommittee, to introduce Mr. Harris, president of the road. There I made no argument, but a slight conversation was entered into between Mr. Voorhees and myself before the committee.

The next day Mr. Voorhees offered his resolution to investigate ex-members who had been coming on the floor of the House, in which he mentioned my name. Finally, for some reason or other, at the suggestion of members, my name was left out of the resolution, and it was made a general inquiry into the conduct of ex-members to see whether they violated the rules giving them admission to the floor.

On April 6 Mr. Voorhees introduced upon the floor of the House a resolution, to answer which Mr. Harris appeared before the Public Lands Committee on the 22d or 23d. I did not hear Mr. Voorhees when the resolution was offered, but I received a dispatch from New York saying that a resolution of a certain kind had been introduced, and asking me to inquire into it. I went down to the seat of Mr. Voorhees—and singularly enough the only seat I have approached this whole session. I went to speak to him without knowing him much; but knowing his father so well, I felt a little at liberty to speak to him, and I said, "Mr. Voorhees, if there is no impropriety in it I should like to ask you, at the request of the president of the road, what the resolution you offered yesterday embraces." He said, "With the greatest of pleasure he would tell me; he had no disguise to make about the matter"; and he then stated

that there were certain allegations of mismanagement or misconduct of the company with reference to changing depots and not running the mails regularly, &c., including various matters, which he explained to me. He made no intimation to me at that time that I was improperly addressing him. If he had done so I should have desisted at once. I made this inquiry, and he answered it. He now appears before this committee, and in order to show that I had been on the floor of the House and had spoken to him at his seat, repeats what there occurred.

I will, in addition, say, by way of conclusion, that it has been the farthest thing from my intention to try to evade, avoid, or infringe upon any rules of the House, and I would join with this committee and go as far as anybody to protect the House from improper interference. What other ex-members have done of course it is impossible for me to say; and I should be unwilling to state anything before the committee, even if I knew it, unless summoned specially for that purpose. The moment that I had an intimation from any source that my presence on the floor of the House was disagreeable—although I believe that I can go there without violating the rules of the House at all, even admitting that I am an attorney, provided that I keep still—yet when the intimation was made that I was improperly going there, as it was in this resolution, I became exceedingly careful, and have not stepped my foot upon the floor of the House except to make a momentary inquiry at the front door.

By Mr. McRAE :

Q. We understand that you are the attorney for the Northern Pacific Railroad Company, and that they are interested in one or more bills pending before Congress?—A. I made an argument for them as attorney, if you please, on the 6th day of February.

Q. We are to understand that you are the general attorney of the road, and the company is interested in a bill pending before Congress?—A. Yes, sir. The company is interested in that bill, on which I made an argument before the Public Lands Committee.

Q. You say that because your compensation does not depend upon the result of any legislation or the success or defeat of that bill, that you are not interested in a bill pending before Congress. That is your position?—A. Well, that would be the practical construction of it if I was to undertake to construe it as a lawyer, to argue it as a case before any court; I am not interested in any claim or directly in any bill pending before Congress; that is to say, I am not interested pecuniarily one cent.

Q. And that, therefore, you say that under the rule you are not interested in the meaning of the rule?—A. Yes, sir. In other words, from conversations I have had with gentlemen of the House, considered good parliamentarians, who say they do not see why an attorney is not permitted to go upon the floor of the House, if he is not interested in a bill or claim, and talk with members; at all events, he is not to be excluded from going on the floor of the House and keeping still.

Q. We understand from your statement that you have your opinions upon the tariff, the bankruptcy, and other such bills pending before the House, and that you also have your decided views upon the land forfeiture bills affecting the Northern Pacific Railroad Company. Now are we to understand from that statement that you feel no mere interest in the Northern Pacific land forfeiture bill than you have in these other measures?—A. I do not mean to say that I do not feel so much interest in that as I do in other matters pending; it would be natural that I should. A mere intellectual conviction upon other matters would not exclude me from the floor of the House. I mean when I say that, that it simply illustrates that everybody would be expected to have formed opinions one way or the other, but that was not intended to be sufficient reason for excluding from the floor.

Q. Then I understand that you construe the rule to mean that it would allow you even as an attorney to make an argument on the floor to a member in behalf of that measure?—A. I do not mean to go as far as that. I think so far as the correct construction of that rule is concerned that, even admitting myself to be an attorney, I should not be precluded from going on the floor of the House and talking with members in reference to the matter.

Q. Presenting the views of the company as to why the forfeiture should not be made?—A. Yes; but that is a point upon which I do not know that I would avail myself of that construction.

Q. We understand you to say that you have not done that?—A. I have kept silent.

Q. We understand you to construe the rule to give you that liberty if you saw fit to use it?—A. I think it might bear that construction; but at the same time, without claiming that the rule would really allow me to do that, I would rather be on the safe side and say nothing. Therefore, when I have gone upon the floor of the House I studiously avoided saying anything in reference to the matter at all. I think that the rule as it now stands does not exclude an ex-member from the floor because he is the acknowledged attorney before Congress and its committees from coming on the floor, provided that he keep silent about matters in which as an attorney he may be interested. That idea I formed from my own perception of the

matter, from conversation with gentlemen whom I know to be well informed on these subjects, and from hearing it discussed last year and this year.

Q. If that construction were to be given to the rule would it not permit a claimant to do through an attorney or agent who is an ex-member that which he could not do himself as an ex-member?—A. Yes, sir; that rule evidently excludes persons who are interested in any claim or directly in any bill.

Q. And it would allow an ex-member to do through an attorney that which he could not do himself?—A. I think that rule was left unfinished. I presume when that rule was drawn it was intended that something should be left to the honor of ex-members who went on the floor. I do not know whether this resolution that was offered by Mr. Voorhees was intended simply to hold up the Northern Pacific Railroad to public prejudice or to pursue the attorney of the Northern Pacific Railroad, or whether it is his object to introduce testimony here to show that all ex-members should be excluded from the floor.

Q. Are there any suits pending in the courts of the District of Columbia for or against the Northern Pacific Railroad Company in which you have appeared for them?—A. No, sir.

Q. Your business is not in the courts?—A. I do not know that they have any there. I helped to prepare an argument which was presented before the Interior Department. Mr. Jenks, then Assistant Secretary, disposed of that some time ago.

Q. No court in the District of Columbia can get original jurisdiction in any suit against the company?—A. No; I think not. The company have resident attorneys at Saint Paul, Minn., and other places on the road, at which suits may arise; but there is a multiplicity of interests that arise here in which questions come up requiring appearance before some one or other of the Departments.

Q. We understand you to say that you are the only resident attorney here?—A. I am the only one that I know of. I am the only person representing the Northern Pacific Railroad Company in Washington, so far as I know.

Q. Do you know a gentleman named Mendenhall, and do you know whether he is an attorney of the Northern Pacific?—A. I do not know that he is an attorney of the company. I met a gentleman of that name and was introduced to him by Mr. Grey, the general counsel of the Northern Pacific Railroad Company, who lives in New York, and who, I think, called upon Mr. Mendenhall; but if he has anything to do with the Northern Pacific I do not know anything about it.

By the CHAIRMAN:

Q. Did you talk to any member of Congress as the attorney of the Northern Pacific Railroad Company in reference to a bill pending before Congress to require that road to pay the fees for surveying, selecting, and conveying their lands?—A. I do not think that I have ever spoken to any member of Congress upon that subject. I know that a bill was introduced, and I have seen a report made by Mr. Richardson (yourself, I suppose), and I have taken pains to send that on to the company; I have given notice myself, personally, to the Commissioner of the Land Office that the company were perfectly satisfied to pay for the land just as soon as they could get hold of it, and I notified them of that fact.

Q. Have you used any effort on the floor to prevent the passage of that bill?—A. No, sir. I never thought of it. I have not thought about it, because I saw that the subject matter was a proper one, and also acquiesced in it, and it was our purpose to submit to it. I think the expense of surveying, selecting, and conveying the land should be paid, and I have taken very decided grounds with the company about that, that the company ought to come up to the requirement and pay the expenses. I do not recollect speaking to any one on the subject.

By Mr. McRAE:

Q. Since you state that you are familiar with the legislation of this company, and have been conversant with it for years, and that you suppose for this reason that the company employed you, I will ask you to state if you would have been employed but for your familiarity with the history of the legislation of the company, and if a part of that employment was not to endeavor to prevent the forfeiture of the lands?—A. I am not employed for any specific purpose—to prevent the forfeiture of the lands or anything particular. What the reasons were for the company employing me it is impossible for me to state, but I have known several of the directors of the company for years; and they made up their minds after looking over the field, I suppose, that I might not be an unsuitable person for them to employ. They have in years gone by employed other gentlemen. I have always told them that if I was employed here I did not want an array of assistance; and I am not aware of any other person here acting in the interests of the Northern Pacific Railroad Company but myself.

By Mr. GUENTHER

Q. Who was your predecessor here as resident attorney of the Northern Pacific Railroad Company?—A. I do not know whether they would perhaps agree to my stating their names; but I have no objection if it is a proper question to put.

Q. My object is to see whether your company has been in the habit of always employing ex-members of Congress in the position you now hold.—A. No.

The CHAIRMAN. I think that is a pertinent question.

The WITNESS. I think they have employed before me ex-members of Congress. In fact I know that ex-members of Congress have been employed in their interests here. I believe years ago ex-Senator B. F. Wade was employed when they had a fight, if you please to call it, for years and years since their charter was granted. I would not undertake to say how many they have had here, but they have had others. Mr. Ramsey, of Minnesota, I believe has had employment by them.

By Mr. GUENTHER:

Q. Do you know the name of your immediate predecessor here?—A. I do not know anyone who had charge or control. In fact, everything was under control of their general counsel in New York, and he employed such persons as he saw fit to do various things.

Q. Then the office you now fill, if I may call it that, is a new one?—A. No, sir; it is not a new one; it is simply doing what they have had two or three do before. I believe they have had one or two, I think two ex-Senators, but not being here myself at the time, or in any way connected with the business, I do not know exactly what their employment was. Mr. Ramsey, Mr. Wade, and several other ex-Senators have been employed; specifically what to do I cannot say, because I was not here.

Q. Was Mr. Windom, ex-Senator, employed by the Northern Pacific Railroad Company?—A. Perhaps he was employed by the company. I cannot say that he may not have been employed here. It would be my impression that he had been; but I think I would not undertake to be certain about that. I know I have had at least a dozen ask me if I had not something for them to do this winter. I have replied that I knew of nothing; that I could not see that they could do any particular good.

Q. You say the only person you employed was Mr. Dunnell, of Minnesota?—A. I employed him temporarily. He came here with his wife, sick, and I gave him employment because he is an ex-townsmen of mine, and used to have an office in the same town with me.

By the CHAIRMAN:

Q. You maintain that under Rule 34 an ex-member, unless directly interested in a measure pending, can go upon the floor of the House?—A. Yes, sir.

Q. For instance, if he was asking relief by a bill which was to give him a pension, or if he had a war claim?—A. I think it was intended to exclude him.

Q. Then we understand you to say that if some man who had an ex-member of Congress as his agent or attorney in this city that ex-member could go upon the floor of the House without violating the privileges accorded him under the rule?—A. Yes; if he did not go up on the floor for that purpose. If a man is an ex-member I think it does not matter whether he is an attorney of a company or not, provided he does not undertake to interfere. I think the rule is incomplete, but I think an ex-member of Congress is not precluded by that rule from going on the floor because he is an attorney, and I have been so informed and instructed by others.

Q. Even if his employment extended to the obtaining of relief under a bill pending for his client, that he could still go upon the floor. I do not mean to go there to ply his vocation, but that he would be allowed the privileges of the floor notwithstanding the fact that he was employed as an attorney, even if he went there for the purpose of advancing their interests?—A. My construction of the rule has prompted me to come to the conclusion that I was not precluded from going upon the floor, and my construction of the rule being as it is, and being sustained by others with whom I have talked and who think like me, I felt that I was not precluded from going upon the floor, provided that I was silent.

By Mr. LYMAN:

Q. Your position is that the fact that you are an attorney does not render you interested in the purview of this rule.—A. I do not think it does, without you were to put it in the way that I was working for a contingent fee; but then I am not interested in that way, and am not interested as a stockholder.

By Mr. McRAE:

Q. I am not entirely satisfied with your answer to the last question I asked you. You say your services were solicited by the company because of your familiarity with the legislation of the company. Has it ever become necessary for you to make a statement in reference to that except before a committee of the House or Senate?—A. No, sir.

Mr. Lyman moved that the chairman be instructed to request Mr. W. D. Price and Mr. Z. Taylor, members of the House, to appear before the committee at its next meeting.

The motion was agreed to.

The committee then adjourned until Saturday, July 3, at 9.30 a. m.

SATURDAY, July 3, 1886.

The committee met in the room of the Committee on Pacific Railroads this morning at 9.30, pursuant to adjournment.

Present: Messrs. Richardson, McRae, J. E. Campbell, Guenther, and Lyman.

In accordance with resolution adopted at the last meeting, Hon. W. T. PRICE, of Wisconsin, and Hon. ZACK TAYLOR, of Tennessee, appeared before the committee and made statements. Hon. POINDEXTER DUNN, of Arkansas, was also invited to make a statement, and did so.

Mr. ZACK TAYLOR, of Tennessee.

The CHAIRMAN. This committee is charged with the investigation of alleged violations of Rule 34 of the House by ex-members. I presume you are familiar with the rule, and I will call upon you to make any statement which you may have to make about any violation of the rule by any ex-member.

Mr. TAYLOR. In the latter part of May I introduced a bill "to authorize the construction of a bridge across the Mississippi River at Memphis, in the State of Tennessee," which is now numbered H. R. 9069. This bill was referred to the Committee on Commerce. Mr. Crisp, Mr. Bynum, and Mr. A. J. Weaver are a subcommittee of the Committee of Commerce on bridges, and this bill was referred to them. On Wednesday a week ago one of this subcommittee informed me that they would call a meeting next morning to consider my bill. Next morning the committee met in the room behind the Speaker's gallery, and Mr. Crisp, the chairman of the subcommittee, informed me that Mr. E. John Ellis, ex-member of Congress from the State of Louisiana, wanted to appear before his committee as attorney for a bridge company, which was chartered under an act of February 26, 1885, to build a bridge over the Mississippi at Memphis. Mr. Crisp showed me a written notice from Mr. Ellis to him asking to be allowed to appear. Mr. Ellis was at the time on the floor, and the House was in session. I went into the House and asked him if he could not appear before the committee then. He said "No"; he did not have some papers which he considered necessary to enable him to properly present his case. He then said to me that he would see that I did not get my bill through this session. That is about all that was said. He was standing near the Speaker's stand.

By Mr. GUENTHER:

Question. Did you reply to him?—Answer. I told him he would see whether I got it through or not.

Q. That was all the conversation?—A. That was all the conversation between us on the subject.

By Mr. LYMAN:

Q. State what, if anything, you know of his having approached other members than yourself in reference to this bill to which you allude.—A. I do not know anything of my own knowledge of his approaching other members. I noticed yesterday that he was very busy on the floor after the committee had agreed to report the bill favorably to the House. I cannot say what he was doing there; I see him there frequently.

Q. State anything you know further than you have stated in reference to Mr. Ellis being interested in this bill to which you have alluded, either as attorney or as representative of the company.—A. I do not know anything except what is shown by the notice that he gave Mr. Crisp that he wanted to appear before the committee as the attorney for this company. It is a company that was organized under the act of February 26, 1885, and he did appear before the Committee on Commerce of the House as attorney for that company, and made a very lengthy argument against this bill being favorably recommended to the House by that committee.

By the CHAIRMAN:

Q. What is the object and purpose of that old corporation?—A. Their bill has exactly the same provisions as this one. It is a copy of the old bill. The organization is called the Tennessee Construction and Contracting Company, and is organized for the purpose of building a bridge across the river. That company has no interest in any railroad, so far as I am informed, and I have investigated the matter carefully. They have no interest in any railroad that terminates in the city of Memphis. My information is that it is merely a speculative concern; and Mr. Weaver said one of these parties who had been working against this bill had stated to him that they were opposed to a general bridge bill which he introduced in the House because they had worked their charter through the House; it had cost them something, and they had never made any money out of it, and they did not want any bill to pass until they got something out of their charter.

Q. Do you know who the incorporators are?—A. The bill does not show. The articles of incorporation, filed at Nashville, Tenn., and Little Rock, Ark., will show. I

know that one Ford—I do not know his initials—is president, and Reese B. Edmondson is one of the attorneys. He is Mr. Ford's son-in-law, as I am informed. They have also employed one E. N. Hill, of Pan Electric and Jeffersonville levee notoriety, to oppose this bill. I have a letter in my drawer that was written by Hill and sent by him to Mr. O. P. Austin, correspondent of the Memphis Avalanche, with a request to have it published in that paper. Mr. Austin turned it over to me, and I have it. In that letter he speaks of what Mr. Ellis did before the Committee of Commerce, and of his perfect familiarity with the subject.

By Mr. GUENTHER:

Q. Have you noticed Mr. Ellis frequently on the floor of the House during this session?—A. Yes; I noticed him yesterday the greater part of the day, and he seemed to be very busy.

Mr. WILLIAM T. PRICE, of Wisconsin, then proceeded with his statement, as follows:

Some two weeks ago my attention was called by some members near me to a crowd moving about in front of the Speaker, just after the Journal was read, who were evidently making an effort to get a bill passed by unanimous consent. Among these members was ex-delegate Mr. Maginnis, who seemed to be very active, and it was to his action that my attention was particularly called as in conflict with the rules of the House admitting ex-members to the floor. I stepped back to Mr. Delegate Voorhees and called his attention to the scene in front of the Speaker. I spoke to him because he was the author of the resolution of inquiry. I did not hear Mr. Maginnis say a word; do not know what the bill was, and do not know that he had any interest in the bill, but have no doubt from his actions and appearance that he was making active efforts to secure the passage of the bill. To this accidental circumstance I attribute my call before this committee.

By the CHAIRMAN:

Question. Can you give the committee the day of the month that this occurred?—Answer. No, sir. It was about two weeks ago; it might have been two or three weeks. I have not looked it up at all. I only supposed it was something in relation to the Territories, but do not know just what it was. I took it to be some bill in relation to the country he had once represented.

By Mr. GUENTHER:

Q. Have you noticed any other ex-members of Congress on the floor of the House during this session?—A. Yes, sir; several of them. I spoke to one of them in relation to a measure, but he declined to say anything to me about it on the floor. That was Mr. Dearing, an ex-member from Iowa. I knew he was very anxious to pass this bogus butter bill, and when I spoke to him about it on the floor he said he would not talk to me about it there, but that if I would go down to the restaurant he would talk to me on the subject. He knew my brother very well, and I frequently shook hands with him and talked with him, but never about any legislation on the floor of the House.

Hon. POINDEXTER DUNN, of Arkansas, having stepped into the room on other business, the chairman explained to him the business of the committee, and informed Mr. Dunn that the committee would be glad to hear what information he had on the subject of inquiry, and that they would take his statement.

By the CHAIRMAN:

Question. Do you know of any ex-member of Congress availing himself of the privileges of the floor who is interested in any claim or directly in any bill pending before Congress?—Answer. Well, what is understood as being interested? My construction would be that he would have to be interested himself, and according to that I know of no one who has any such interest. I know ex-members of Congress who are attorneys-at-law here, but I do not know what their claims are.

Q. Do you know of any ex-member, who has availed himself of the privilege of the floor under Rule 34, being interested as agent or attorney for any railroad or other corporation, or any other interest, in any claim or bill pending before Congress?—A. I do not know who is employed. I know there are attorneys at law here, and I suppose they are prosecuting various claims before this House. Mr. McDonald—he is an ex-Senator—appeared before the Committee on Pacific Railroads, but I do not know that I have seen him on the floor of the House during the sessions of the House. I have met him in the different committee-rooms here. That is the only thing that would lead me to a knowledge that he was employed here. Those who appear before committees, of which I am a member, and prosecuting matters, or appearing to make arguments for or against bills, are all I know of being employed here. Mr. Phil.

B. Thompson and Mr. E. John Ellis were the attorneys of Warder, and issued a printed argument, a copy of which I received. That is the only knowledge I have of what they were employed at. I have seen them on the floor, and I have seen Mr. Eppa Hunton on the floor.

Q. Do you know of Mr. Harris, of Virginia, being an attorney in election cases here?—A. He is attorney in election cases, and nothing else. I have not seen Mr. Harris on the floor of the House this session. He was formerly employed by railroad corporations, and was on the floor of the House frequently, and was before the Committee on Pacific Railroads and other committees in connection with railroad matters. That question came up in a former investigation, and it was not found that he had ever talked to members on the floor of the House. This question is presented in a different form. The abuse then complained of was that of prosecuting claims while the House was in session, and availing themselves of the privilege of the floor to see members and urge their matters. I do not know of any one's employers or their retainers or their interest. I have seen a number of ex-members on the floor, but what they have been employed in I do not know, further than the statement I have made to you.

The committee then adjourned until Wednesday, July 7, at half past 9 o'clock a. m.

WEDNESDAY, July 7, 1886.

The committee met, pursuant to adjournment, in the room of the Committee on Pacific Railroads this day.

Present: Messrs. Richardson, chairman, McRae, J. E. Campbell, Guenther, and Lyman.

E. JOHN ELLIS sworn and examined,

The CHAIRMAN. We will take your statement now if you are ready, Mr. Ellis.

Mr. ELLIS. I represented the second Louisiana district in Congress for ten years, from the Forty-fourth to the Forty-eighth Congress inclusive. I retired voluntarily, for the purpose of resuming the practice of my profession here. I did not come on the floor of the House from the beginning of the session until after our courts all adjourned more than, I should say, six times all told, although I had business before a good many of the committees. After the adjournment of the courts, with a good deal more leisure on my hands, I did come up every day or two, having a great many personal and close friends on both sides of the House with whom I like to associate and talk. I have cases before eight or ten committees of this House: before the Committee on Claims, before the Committee on War Claims, before the Committee on Elections, before the Committee on Commerce, and so on—it is no use to mention them all. In the management of those cases I have kept strictly within the rules of legitimate professional conduct and duty. My uniform course has been to address to the chairman of the committee a request for permission to appear before the committee upon a day to be fixed by him to be heard in such cases. Sometimes I have requested that personally. It was then to appear before the full committee to argue as a lawyer to the best of my ability the question in hand.

As I understand and construe Rule XXXIV of the House, I have never disobeyed or infringed it in the slightest. I think I understand the rule, and I think I construe it properly. As I remember its language, it says: "The following persons, and no other, shall be admitted to the hall of the House and the rooms leading thereto;" it then goes on to recite a number of classes of persons, and then says: "ex-members of Congress not interested in any claim or directly in any bill pending before Congress." As I understand that rule, it refers to an interest, which must be a personal or individual interest, either in a claim or bill, and does not refer in the slightest to any professional interest, which is an indirect interest and attaches by virtue of attorneyship.

I had thought there was no division of opinion about the construction of this rule until this trouble arose and this committee was organized; and feeling some doubt of my own construction by virtue of the organization of this committee, I sought the opinion of members and of a man whom I believed to have the clearest mind in public life or in private life (I mean the present Speaker of the House), and told him what my construction of the rule of the House was in about the language I have given it to the committee. He told me instantly that he thought there was no question as to the correctness of that construction. The rule, from the way it is framed, would seem to put members upon their honor in that respect. It seems to be intended to exclude any who may have claims or be interested in any one; so that the regulation which obliges each ex-member to go and put his name down when seeking to avail himself of admission to the floor is a sort of affirmation upon his honor that he is not directly interested in any claim or personally in any bill pending before Congress. I put my name down, and took upon me, as it were, that affirmation, and it is strictly and entirely true. It means that a man who owns a claim, or has a personal and direct interest in a claim, shall not take advantage of his position as an ex-member to go on the

oor of the House for the purpose of advocating that claim. Indeed it forbids him to go for any purpose if he be interested. "The following persons and no other—"

The CHAIRMAN. I will read from the resolution, so that in further testimony you may give your construction of this resolution. We are instructed to inquire "whether any ex-member who has availed himself of the privilege of the floor is interested as agent or attorney for any railroad or other corporation, or any other interest in any claim or bill pending before Congress," and to report the result of such inquiry.

Mr. ELLIS. I will answer this way, Mr. Chairman: If that clause of the resolution means whether I have taken advantage of my privilege as an ex-member to go on the floor for the purpose of advocating anything in which I have an interest I answer emphatically "no." I would no more do that than I would, at the bar, after I had made my speech to the jury, go off in a corner and talk to a jurymen privately. If it means whether I am interested professionally and indirectly in claims and bills pending before Congress, and have gone on the floor notwithstanding that interest, not for the purpose of advocating them, I answer "yes." I am sorry to confess I am not the attorney for any railroad corporation, but I am the attorney employed for this chartered bridge company of which Mr. Taylor speaks. I am the attorney for a good many people who have claims and bills pending in Congress. I represent the Citizens' Bank here in a case which I argued, Mr. Chairman, before you. I represent some people in their claims which I argued before Mr. Lyman on the War Claims' Committee, and before others.

Now I want to say in regard to this Memphis bridge bill business that I was regularly employed by the president of the chartered company to oppose the passage of a new charter and to prevent the repeal of their charter, which the Senate is trying to do. I made my contract with them for my fee, and then addressed Judge Reagan a notification of my relationship to the company, and requested the privilege of appearing before his committee. I heard no more about it until one day, I think it is two weeks ago to-morrow, or last Thursday week, Mr. Zack Taylor himself approached me on the floor of the House and opened conversation about this matter. He insisted then and there that I should go at once, not to the committee room, but to the lobby behind the Speaker's desk, and make my speech to the subcommittee. I told him I would not do it; that I was not prepared to do it at that moment, and that I had addressed a communication to the chairman, asking him for permission to come regularly before the committee. He insisted that I should go then and there, and then I laughingly told him, "You need not be in such a hurry about this, for I do not intend you shall pass this bill." It was a playful remark, and if it had any meaning at all, it was meant to tease him more than anything else; and if it had any meaning beyond that, it meant that I would use every means within my professional ability to defeat the passage of the bill.

The only other conversation I had with Mr. Taylor upon this subject was the day after the argument before the Committee on Commerce. Mr. Dunn, of Arkansas, appeared before that committee also on the day I did, and made a statement or an argument on the same side that I did, he being opposed to the passage of the bill. Mr. Dunn referred to the promoters of this new charter as being dictated by or in the interest of Mr. Jay Gould, who is held up before Congress as the devil used to be before babies to frighten them, and Mr. Taylor and he had some pretty warm words about it. After the meeting of the committee I went down on the floor, and thinking that probably Mr. Taylor, who is a new member and a young gentleman, might think I sympathized with what Mr. Dunn had said, and should think from my conversation that he was in the interest of Gould, I called on him about the matter and kindly disclaimed any thought of his knowing anything of Mr. Gould in this transaction, and avowing the belief that he was honestly serving to the best of his ability his constituents. These were the only two conversations I had with Mr. Taylor on that subject. One of them was sought by him, in which he insisted that I should break this rule in effect; the other was sought by myself in kindness to him.

Now, gentlemen, I want to pay my respects to a little paragraph that appeared in the New York World yesterday under the head of "Ground-floor lobbyists—How John Ellis engineered against the Memphis bridge bill." It is the special dispatch to the New York World from some nameless correspondent. I judge that he is the tool of a more powerful lobby back of this Kansas City and Memphis Railroad Company that is trying to get this charter. The following is the dispatch:

"WASHINGTON, July 5.—The Committee on Commerce reported to-day the Taylor bill, authorizing the construction of a railroad bridge across the Mississippi River at Memphis."

That is untruth number one. No such bill has been reported to the House.

"The bridge is to be built by the Memphis and Kansas City Railroad Company, and will be under the personal supervision of Mr. E. B. Nettleton, president of the road."

That is purely problematical, and untruth number two.

"Perhaps one of the strongest cases of lobbying by ex-members during this session has been demonstrated in antagonizing this bill."

If that refers to me in the slightest as having lobbied in favor of that measure or against that measure, that is untruth number three.

"In the last Congress there was a bill passed granting the right of way and a charter to what now seems to have been an alleged corporation, composed of persons of a speculative disposition, and it is said the parties interested have been unable to get the bonds upon the market."

That is a mixture of truth and falsehood. The charter was granted but not in pursuance of speculative purposes.

"Mr. E. John Ellis, an ex-member from Louisiana, has been the most prominent in opposing the pending bill, though the corporation he represents merely hoped to sell the franchise to the railroad now asking for the privilege of constructing a bridge of its own."

I have opposed it by arguing against it; but the parties I represent have not hoped to sell their franchise. On the contrary, this charter is sought because they refused to sell to this very corporation.

"Mr. Ellis has appeared on more than one occasion before the committee."

That is untrue; I was before the committee but once.

"And is every day to be seen upon the floor holding conversations with Mr. Dunn, a member of the committee."

This is untrue. Mr. Dunn is not a member of the committee, nor am I seen every day holding conversations with him on the floor.

"Mr. Ellis to-day came on the floor with a minority report opposing the passage of the bill."

That is true.

"It had been prepared by Mr. Ellis at his office, and was taken to the floor of the House by himself."

That is true.

"And presented to Mr. Irion, of the Louisiana delegation, for his signature."

That is true.

"The pending bill grants to all railroads equal facilities for the use of the bridge, and will no doubt be passed if the bill can ever be called up. The friends of the Taylor bill will, it is said, offer a resolution calling for an investigation of Mr. Ellis and his methods of influencing legislation in which he is interested as an attorney."

The insinuation in the end of that paragraph that I was employed in any other way than you, Mr. Chairman, and you, gentlemen, are employed when you are before your courts, is absolutely and unqualifiedly false. As far as preparing the minority report is concerned, I did prepare it at the request of Mr. Irion of my State, and the way that came about was this, and the first conversation I had with him was as follows: When I agreed to go before the committee, the same day that Mr. Taylor wanted to argue the case, I went to Irion, who is from my State, and asked him if he would not be present at the meeting of the Committee on Commerce the next day; that I was going to address the committee by permission, and I asked him to be present. He asked me what I was going to speak about, and I told him I was going to speak about this Memphis bridge. Before he knew on which side I was he told me rather hotly, "I am against your bridge bill," and he said further that he would rather repeal the present charter than vote for it. After that I told him he was on my side of the case; and after we got through the argument Mr. Irion asked me to prepare him a minority report. He said, "You understand it and have the points;" and said, "I am very busy, and if you will draw up that minority report I will be very much obliged." I did prepare it, and gave it to him; what he has done with it or who signed it I do not know, because I have not talked with him. I did not talk to any member of that committee outside of what I have stated. I do not know that there is anything more that I want to state. I will very cheerfully answer any questions that you desire to ask.

By Mr. LYMAN:

Q. Are you an attorney in the election case of Kidd v. Steele?—A. I am the representative for the contestant in that case, from the eleventh district of Indiana.

Q. Who are his attorneys?—A. Mr. Paul Jones is associated with me. I am his chief counsel here.

Q. What, if anything, have you done on the floor of the House in this case?—A. I have done nothing. I have written two briefs that were presented, and then I digested the testimony upon the point of the illegality of voting for non-age, minority voting; voting where there was no proper residence; voting by some paupers and where some Indians voted whom I conceive had no right to vote. I digested that part of the testimony and gave it to one of the members of the committee. And then upon the point of bribery I made a digest, which I caused to be handed to another member of the committee.

Q. Upon the floor of the House?—A. I think that I gave these documents to gentlemen on the floor of the House—I think I did. They were not arguments addressed

to any members of the committee, but mere analyses of the testimony on these two points which entered into the case, and I had digested them for the convenience of these gentlemen.

Q. Have you ever talked to any members on the floor of the House in reference to that question?—A. I have simply asked when it would be reported and if action would be taken soon. I never asked anybody on the floor of the House to do this, that, or the other in the case.

By Mr. GUENTHER:

Q. Were you interested in the passage of the so-called subsidy to the steamship line?—A. No, sir; I was not. I was very sorry it failed, your opinion to the contrary notwithstanding. I had introduced such a measure to assist the line from New Orleans to Brazil, when I first became a member, and supported such a measure in the second, third, fourth, and fifth Congresses, of which I was a member, and about my last utterance in the House was made on that subject; but in the present Congress I have had nothing to do with such a measure.

By the CHAIRMAN:

Q. I believe your name was signed to a brief in the Warder case?—A. Oh, yes, sir; I was counsel in that case with Mr. Phil. Thompson, and, as I supposed, the honorable Joseph McDonald, whose name appeared in the record as counsel, who was present at several meetings, and who counseled with us, and whom I always regarded as counsel. When the committee, much to my astonishment, reported against Warder, I then sat down and briefed his case as best I could, and signed Mr. McDonald's name to it, who was in Indiana at that time, and Mr. Thompson's. There appears to have been some error in considering Mr. McDonald as counsel, and he wrote a letter to me correcting that. I printed his letter and sent it to every member of the House with a brief of the testimony I had prepared. That is not an unusual proceeding, as you gentlemen know. You know that when the tariff bill is up your desks are covered by circulars and statements from men interested or classes interested, and it was the only way that Warder could get his statement into the House; and I did not see any other way to make his case understood.

Q. Had you talked of this case to any member on the floor of the House?—A. No, sir. I talked with the Indiana delegation about it very frequently at Mr. Warder's room on E street. We used to have meetings there and confer about it. I asked Mr. Randolph Tucker to read the testimony; I asked Mr. William C. Oates to read the testimony; I asked Mr. Daniels, of Virginia, to read the testimony, and I suppose perhaps a dozen personal friends I asked to read the testimony, but I never asked anybody anything more than to read the testimony.

By Mr. LYMAN:

Q. Were these requests that you speak of made on the floor?—A. I think so, sir. I think I asked Mr. Tucker, of Virginia, on the floor, to read the testimony. I think I asked Judge Turner, of Georgia, to read the testimony. I may have done so to some other friends; I will not be positive about that, but I know that these two gentlemen I did ask to read that testimony. I did not ask them to do more than simply read the testimony. I may say, Mr. Chairman and gentlemen, that in my experience here, while we have no regular code of parliamentary practice, we have a sort of common law which recognizes a distinct parliamentary practice before the committees of Congress, and within my memory some of the best and ablest lawyers of the Union have been here before committees of Congress. I may mention Judge Dillon and Mr. Fullerton, who was before your committee, and Judge Ashville Green, a very eminent lawyer of New York. Matt Carpenter, when he retired from the Senate, practiced before the committees. Ex-Senator McDonald appeared not long ago before the committee for the Union Pacific, and then came on the floor and laughed and talked with his old friends in the House. Judge Jerry Wilson, one of the first lawyers here; Robert G. Ingersoll, when he was at the bar here, and Dick Merrick, used to appear before committees, and a large number of the best and most eminent lawyers. Mr. Shellabarger is another, and every one of them who gets any case will apply for a hearing and go before a committee; but it does not argue that they are attempting to use infamous or corrupt means, nor does it argue very well for the members of the House that an ex-member of Congress should be supposed to seek the privilege of the floor for the purpose of lobbying some measure.

I conceive there is a vast difference between the term "lobbyist" and "lawyer." The lobbyist is generally conceived to be a person who seeks by undue means, personal means, personal appeals and perhaps corrupt means—means that appeal to the pocket or the stomach or the fancy to influence men to vote for measures in which they are interested. On the contrary, the lawyer takes his time and talent and appears before a committee and makes his argument legitimately. I may have talked with gentlemen, as I have done with a judge after making my argument, and as per-

haps every member of this committee has done after making an argument before a judge. I have talked with a judge as to some point in the case or as to some authority, and where I found this authority, or something of that sort. I have talked with gentlemen after an argument who would ask me, perhaps, some questions, but never for the purpose of influencing them other than in a proper way. I want to say one more word: that if you gentlemen shall not concur with me in construing the rule as I do, I hope you will construe it so that every gentleman can know how it is.

The following letter was subsequently ordered to be made a part of Mr. Ellis's testimony:

WASHINGTON, D. C., ———, 188—.

DEAR SIR: Mr. Taylor testified that Mr. E. N. Hill had written some letter to O. P. Austin in regard to the Memphis bridge bill, and that Austin had given the letter to him (Taylor).

I forgot to add to my testimony that if Mr. E. N. Hill is in any way employed either in the old bridge company or by those now seeking a new charter I am not aware of it. I have not heard of his connection with the matter in any way until I heard Mr. Taylor's evidence read this morning. Please add this letter to my testimony, and oblige,

Your obedient servant,

E. JNO. ELLIS.

Hon. J. D. RICHARDSON, *Chairman, &c.*

MARTIN MAGGINIS sworn and examined.

Mr. MAGINNIS. I will say that I represented the Territory of Montana in Congress for twelve years, advocating many general measures which I was not able to speak for during my incumbency on the floor. I am not the attorney or agent or representative of the Northern Pacific Railroad, or of any corporation, or of any other railroad. I am not interested in any claim or in any special legislation before Congress. I was appointed by the river and harbor convention of Saint Paul as one of the delegates to represent that convention before this Congress. I made a speech in favor of the improvement of the Missouri River before the Committee on Commerce. In response to a resolution of the citizens of Montana, requesting me to do so, I assisted the delegate from the Territory to pass a general right-of-way bill, covering the Indian reservation in Northern Montana, and assisted outside of Congress in other measures to open up that reservation. I will file with you, Mr. Chairman, the resolution of that mass meeting. I have no interest in any bill or other measure before Congress other than any other good citizen of Montana, with the additional desire to serve them, due to the gratitude that I owe them for having sent me to represent them so long.

By Mr. LYMAN:

Question. Are you the attorney for any person, or corporation, who has any claim before Congress?—Answer. No, sir.

By the CHAIRMAN:

Q. You have heard Mr. Price's statement read, in which he says that you were attempting to procure legislation of some kind, or endeavoring to get members to vote for some measure. What measure was that?—A. It was the general legislation to which I refer, and was not a special bill.

Q. The measure referred to in his statement?—A. The measure referred to in the resolution of the citizens of Montana.

Q. Your efforts were to advance that measure?—A. Yes, sir; in accordance with the resolution presented.

By Mr. LYMAN:

Q. Were those efforts made substantially as Mr. Price states?—A. I suppose so, but not in violation of any rule of the House. I have to state that when I first came to Washington I asked the Speaker if I had a perfect right to advance general legislation for the interest of the Territory. He said I had not only the right, but it was extremely commendable in me to do so.

The following is the resolution under which Mr. Maginnis testified he had acted:

"At a meeting of citizens of Choteau County, Montana Territory, held at Fort Benton, on the 3d day of March, A. D. 1886, the following preamble and resolutions were adopted, to wit:

"Whereas the Indian reservation in Northern Montana embraces about one-fourth of the whole Territory, and contains nearly 20,000,000 acres of agricultural land now required to meet the growing demands of the people for homes and settlements; and whereas said reservation is now excluded from settlement for the 'use and occupation' of, nominally, 3,500 Indians, but, as can easily be proved, not more than 2,000 Indians remain upon said reservation, and these Indians do not now, nor have they ever occupied more, if as much as, one-twentieth of said reservation; and

"Whereas the committees of the Senate and House of Representatives have under consideration bills for opening the said reservation for settlement, and it being of paramount importance to the varied interests of this Territory, and especially requisite to the needs of Northern Montana, that said bills be reported to the respective Houses, and that favorable legislation be had thereon during the present session of Congress: Therefore be it

Resolved, That, in view of the facts above recited, Messrs. W. G. Conrad and T. C. Power are hereby appointed a committee to assist Delegate J. K. Toole in promoting the aforesaid legislation; and that Hon. Martin Maginnis, in view of his past services in advancing said measure and his valuable services on the commission to treat with said Indians, and Governor S. T. Hauser, Hon. W. A. Clark, and C. A. Broadwater, esq., be urgently requested to aid, with their influence, and to co-operate with our delegate in Congress and said committee in securing and procuring during the present session of Congress favorable legislation on the measure above mentioned; and be it further

Resolved, That the secretary transmit copies of the proceedings of this meeting to each of the gentlemen above named.

"TIMOTHY E. COLLINS,
"Chairman.

"JON. BAKER,
"Secretary."

The committee then adjourned until half past 9 o'clock on Saturday morning, July 10, 1886.

SATURDAY, July 10, 1886.

The committee met, pursuant to adjournment, in the room of the Committee on Pacific Railroads this day.

Present: Messrs. Richardson (chairman), McRae, and Lyman.

Hon. JONATHAN H. ROWELL, of Illinois, examined.

By the CHAIRMAN:

Question. Do you, as a member of the House, know whether any ex-member who has availed himself of the privilege of the floor under Rule XXXIV is the agent or attorney for any railroad or other corporation or other interest, or in any claim or bill pending before Congress?—Answer. I do not know of any ex-member of Congress being interested in any claim before Congress except the attorneys who appear before committees. There are ex-members who are attorneys in contested-election cases who have appeared before the Elections Committee.

Q. The extent of our inquiry is not to those who have appeared before committees, but to such as have availed themselves of their privileges as ex-members under Rule XXXIV to go upon the floor of the House and violated that rule. If you know of any we would be glad to have your statement about it.—A. I have seen Mr. E. John Ellis on the floor at different times. He is an attorney in a contested-election case. I have seen Mr. Phil. Thompson on the floor; I think he was an attorney in this investigation in the case of the assistant doorkeeper. Mr. Ellis has appeared before the Committee on Elections; but he has never spoken to me on the floor about any case.

Q. Do you know of any other ex-members who have availed themselves of the privilege of the floor?—A. I have seen Mr. Eppa Hunton on the floor.

By Mr. LYMAN:

Q. How about Judge Harris?—A. I do not think I have seen him upon the floor of the House while it was in session. None of them ever spoke to me on the floor in regard to any action of the committee. At one time I saw Mr. Ellis during the session talking to one of the members of the Elections Committee, and somebody directed my attention to Mr. Ellis sitting beside him and talking to him.

By the CHAIRMAN:

Q. Who was that member?—A. Mr. Martin; but Mr. Ellis may have been talking about any other question. Somebody who was present probably called my attention to the fact that he was talking to him.

By Mr. LYMAN:

Q. What case is Mr. Ellis interested in?—A. In the case of Kidd against Steele. So far as I know ex-members have been very cautious about talking about any cases pending on the floor. I know of no one talking in my presence upon any measure when the House was in session. During all the term I think Mr. Ellis has been very cautious about approaching members. Indeed, I have never, since I have been in Congress, noticed ex-members violating the rule; unless it is a violation of the rule for an ex-member having a case before a committee to be on the floor at all. It has

seemed to me during all the Forty-eighth Congress that ex-members have been very scrupulous, so far as I noticed them, in obeying the rule as I supposed it was.

Hon. SERENO E. PAYNE, of New York, examined.

By the CHAIRMAN:

Question. I desire to ask you if you know of any ex-member of Congress (of the House of Representatives) who has availed himself of the privilege of the floor under Rule XXXIV who was interested as agent or attorney in any measure pending before Congress.—Answer. I do not know of any ex-member who has availed himself of the privilege of the floor whom I know to be interested in anything before Congress, unless it is in contested-election cases, and I do not know whether they availed themselves of the privilege of the floor for the purpose of furthering the interest of themselves or clients in those cases.

Q. You do not know that they came upon the floor for the purpose of talking about the interests of those whom they represent?—A. No, sir.

Q. Do you know of any ex-members being attorneys in such cases coming upon the floor?—A. Oh, yes.

Q. If so, name them.—A. Mr. E. John Ellis was the attorney and counsel for Mr. Kidd in the case of Kidd against Steele.

Q. Is that an election case now pending before the House?—A. Yes, sir. The case was argued before the committee some two or three months ago, but no vote has ever been taken by the Committee of Elections in the case. Mr. Ellis was one of the attorneys that signed the brief, and he appeared before the committee, but I think that the argument was made by Mr. John Paul Jones, who was associated with Mr. Ellis. I have seen Mr. Ellis frequently on the floor, but he never said a word to me about the case. Judge John T. Harris, of Virginia, was attorney in several election cases. He was attorney for Mr. Hurd in the case of Hurd against Romeis, and attorney for Mr. Pirce in the case of Page against Pirce, a Rhode Island case, and attorney for Mr. Campbell against Mr. Weaver. I think those were all the cases in which he was attorney.

Q. Do you know of either one of the ex-members mentioned attempting to influence any member of the House in his appearance on the floor and taking advantage of it to advance the interest he represented?—A. I have seen them talking to members of the Committee on Elections, but what they were talking about I do not know. I frequently saw Mr. Hurd on the floor, but he was a contestant.

By Mr. MCRAB:

Do you know of any other ex-member, from your or other State, who had been on the floor being interested in any matter pending before the House?—A. No, sir; I do not know of any other ex-member being attorneys in cases. I had understood Mr. Ellis was an attorney in this case of Warder, the assistant doorkeeper. I have not known of any ex-members being attorneys for any claims or bills before Congress of my own knowledge, or in any case that I now recall.

By the CHAIRMAN:

Q. Nor interested in any bill pending?—A. No, sir.

Q. Nor employed as an attorney in any way about any bill?—A. No, sir; I do not know of any such employment.

Hon. JOHN M. MARTIN, of Alabama, examined.

By the CHAIRMAN:

Question. We are instructed to inquire whether any ex-member of the House, who has availed himself of the privileges of the floor under Rule XXXIV, is the agent or attorney for any railroad or other corporation, or is interested in any claim or bill pending before Congress. If you know of any violation of that rule we would be obliged if you would give us information concerning it.—Answer. All the information I have on the subject is this: As a member of the Committee on Elections, I have heard Mr. J. T. Harris, of Virginia, Mr. Eppa Hunton, of Virginia, and Mr. E. John Ellis, of Louisiana. I have seen also on the floor of the House Mr. Phil Thompson, of Kentucky, whom I think I heard say he was interested in some matters coming before Congress; but what these matters were I do not recollect. I do not know that he ever mentioned what they were. I recollect now the circumstance that he was interested in this matter of Mr. Warder. These are the only persons I now recall who were upon the floor in the capacity of ex-members, who had any connection with any business before the House, so far as I am advised.

Q. Have any of the ex-members that you have referred to approached you on the floor of the House as a member of the Committee on Elections, with a view to discuss with you contested-election cases pending before that committee?—A. I remember that at one time upon the floor of the House Mr. Harris had something to say to me

in reference to Mr. Hurd's case. It was not, however, until he knew what position I took in reference to it, and was advised by me that I had prepared the speech which I afterwards delivered to the House. He had something to say to me on the subject, as I now recollect, in reference to a point which I presented in the case myself. The conversation I allude to was on the floor before the House was called to order.

Q. Was he taking the side of the case you were taking?—A. Yes, sir.

Q. And he knew your position?—A. He knew I had my speech prepared at the time, and he was not speaking to me with a view of influencing me.

Q. Did he know that you had prepared your speech on the side that he was representing?—A. Yes, sir; I told him; and I think I ought to state in candor that the conversation between us was provoked by me, and not by him; and at any rate I may state that neither he nor any other ex-member of Congress has ever endeavored on the floor to influence me as a member to do or not to do anything in reference to any matter coming before the House.

Now, I must make another statement to you in connection with the case of Kidd against Steele, which our committee had postponed from time to time and which has, as I learned at the last meeting, been postponed until the next session of Congress. In this case I provoked a conversation in reference to the matter with Mr. Ellis on the floor of the House. I remarked to Mr. Ellis that the record was very voluminous and that it would be a very difficult matter to sift it as it ought to be without going over a great deal of printed matter which was wholly irrelevant, and I told him I would like him to present me with a brief in the case and to mark the places in the printed matter so as to direct my attention to that which was relevant. Some time after that, when in the House, he handed me a roll which proved to be the first and second briefs he had prepared, and probably also the brief of the counsel of Mr. Steele, which I afterwards found it to be, besides the marking of the matter agreeable to my request. At that time he simply said, "Here are the papers which you asked for." He said nothing more. The papers were not opened for several days afterwards, when I opened them at my house. It seemed to me that these gentlemen scrupulously avoided putting themselves in the category of violating the rule of the House.

The committee then adjourned until Thursday morning next at half past 9 o'clock.

SATURDAY, July 17, 1886.

The committee met at the call of the chairman, at the room of the Committee on Pacific Railroads.

Present: Messrs. Richardson (chairman), McRae, and Lyman.

Hon. H. D. MONEY, of Mississippi, sworn and examined.

By the CHAIRMAN:

Question. Are you an ex-member of the House, and have you availed yourself of the privileges of the floor under Rule XXXVI during the present session?—Answer. I am an ex-member of the House, and have been on the floor frequently during the present session.

Q. Are you the agent or attorney of or for any railroad, or other corporation, or have you any other interest in any claim or bill pending before Congress?—A. I am the attorney in a number of cases before Congress. I have not been on the floor to advocate these cases, and have understood the rule to mean that ex-members could not have the privilege of the floor to urge their business. Since I learned that it was construed by some to mean that an ex-member could not go on the floor if he was attorney for a claimant, whether he went there for business or not, I have not been on the floor. It was about two or three weeks ago that I learned that construction and ceased to go on the floor. I am the attorney of the Illinois Central Railroad for its post-office business. I am looking after a bill providing for a bridge across the Ohio River at Cairo, but it is outside of my contract, and I get no compensation—it is a personal favor to Mr. Sturzevant Frisbe. I have not asked any member on the floor to vote for or against any measure whatever. I have from the beginning of the session sent for members to come out of the House when I had occasion to talk to them about the business of the House in which I was concerned.

The committee then adjourned until Thursday morning, the 22d, at 9.30 a. m.

THURSDAY, July 22, 1886.

The committee met pursuant to adjournment at the room of the Committee on Pacific Railroads.

Present: Messrs. Richardson (chairman), Guenther, and Lyman.

Hon. JOHN T. HARRIS sworn and examined.

By Mr. McRAE:

Question. Are you an ex-member of Congress?—Answer. Yes, sir.

Q. What Congress were you a member of?—A. I was a member of the Thirty-sixth Congress and of the Forty-first, Forty-second, Forty-third, Forty-fourth, Forty-fifth, and Forty-sixth Congresses.

Q. Where do you reside?—A. At Harrisonburg, Va.

Q. What is your occupation, if any?—A. I am a lawyer.

Q. State whether you have availed yourself of the privileges of Rule 34 during the present Congress by being upon the floor of the House during its sessions.—A. No, sir; I have not. Very soon after the organization of the present Congress, and before the House had met, but after the floor had been cleared, I desired to pass through the hall in the rear of the Speaker's chair, and a doorkeeper or messenger asked me for my card. I told him that I had none, and I did not intend to obtain one during the session, nor did I intend to go upon the floor of the House during the session of the House.

By the CHAIRMAN:

Q. Have you not been on the floor?—A. I have not been on the floor, and the messengers at all the doors will sustain the statement. Nor have I obtained a card. I have on several occasions been on the floor of the House just before it came to order, and remember very well my conversation with Mr. Martin, but it was after the committee had voted and reported adversely to Mr. Hurd, and we were discussing the points in his speech that he was about to deliver. I went into the gallery to hear his speech and all the other speeches that were delivered on the same subject. I always left the floor of the House before it was called to order.

Hon. PHILIP B. THOMPSON sworn and examined.

By Mr. MCRAE:

Question. You are familiar with Rule 34?—Answer. Yes, sir; I think so.

Q. Are you an ex-member?—A. Yes, sir.

Q. In what Congress did you serve?—A. I served in the Forty-sixth, Forty-seventh, and Forty-eighth Congresses.

Q. Where do you reside now?—A. I am a citizen of Kentucky, though my present residence is in Washington. I have an office at 1409 F street.

Q. Have you availed yourself of the privilege of Rule 34 during the present Congress?—A. I have been on the floor quite often.

Q. State whether you are interested as agent or attorney for any railroad or other corporation or other interest in any claim or bill pending before the present Congress.—A. I have been employed in matters pending before Congress. I have been before committees of the House and the Senate in divers and sundry matters; before the Committee on Claims, the Committee on War Claims, the Committee on Appropriations, the Committee on Patents, and have made speeches and filed briefs in regard to those matters, not only in the House, but in the Senate also. I have appeared for no corporation for anything.

Q. Were the briefs that you have filed and the appearances that you have entered before committees?—A. Yes, sir; committees of the House and committees of the Senate.

Q. Have you appeared on the floor of the House in the interest of any of those measures?—A. No, sir; not on the floor of the House. I have been on the floor of the House quite often, but not for the purpose of advancing any matter that I had before any committee by word or act on the floor. I consider that members of the House are entitled to full immunity and protection from solicitation or interviews on the floor, and unless a member spoke to me personally I never said anything to any member about any matter in which I was interested as attorney or in which he may have a fee.

Q. Are you interested in any claim except as an attorney?—A. None in the world. I have no private matter before Congress. I was employed by Mr. Donelson, the Doorkeeper, during the investigation which was had before the Committee on Accounts, and during the Stealey and Warder investigation I was employed for Mr. Stealey and Mr. Warder with Mr. Ellis. Those matters brought me to the House quite often. With the best advice I could get, I do not understand the rule of the House to forbid an ex-member who was employed occasionally in matters pending before Congress to go on the floor and spend a portion of the time socially; but that it was only intended to exclude those who were interested, and those who make themselves nuisances to the members by personal solicitation before Congress.

The committee then adjourned subject to the call of the chairman.