

0254

**BOX:**

27

**FOLDER:**

327

**DESCRIPTION:**

Morey, Samuel

**DATE:**

12/03/80



327

0255

Day of Trial,

Counsel,

Filed *3* day of *Dec* 18*80*

Pleads

THE PEOPLE

vs.

*Samuel S. Morey*  
*Postponed.*

BENJ. K. PHELPS,

District Attorney.

A TRUE BILL.

*[Signature]*

Foreman.

*[Signature]*

*[Signature]*  
*[Signature]*

*The People herein as to  
to have done business  
the same used by others  
to sustain the money  
order granted. The  
Comptroller has paid  
under promise of  
money from former  
and therefore has  
The present action  
and the result in the  
multiplication of such persons  
the 1st of the discharge  
in his own money.  
Apr. 28 '81. J.A.  
[Signature]*

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**POOR QUALITY  
ORIGINAL  
DOCUMENT(S)**

0257

77 FULTON STREET, Near York Street, and 551 GATES AVENUE, Cor. Tompkins Avenue

JOHN DETERLING,  
Importer and Jobber of  
Wines, Liquors & Segars,  
Also, Importer & Bottler of  
BEERS, ALES AND STOUT.

B

Brooklyn, N. Y., 187

My dear Mr. Brewster -

Will you kindly say  
definitely whether I can  
make arrangements to go ~~to~~  
on any date before December  
3<sup>rd</sup>? I do not desire to  
embarrass you or Mr.  
Beales, but you will un-  
derstand that I must know  
definitely by Sunday night.  
Yours truly  
John Deterling

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assignments for  
this evening

Mr. Hennebert - Supervisors full as  
possible - sketch incidents.

Mr. Yates - ~~Board of~~  
Com. Council Committee  
Vanderbilt Avenue

Mr. Beebe - Brooklyn Orphan Asylum  
Cumberland St.

Angell - Sale of paintings -  
Doubtful.

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Lying, and Sticking <sup>49</sup> to It (Proved)

The Republican National Committee yesterday held a meeting to consider the best way of appeasing the storm of popular indignation that Garfield's infamous Chinese cheap labor letter has aroused.

Garfield has denounced the letter as a forgery.

He has lied, and the Republican National Committee will stick to the lie.

That was the decision which they arrived at yesterday.

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Lying, and Sticking to It

The Republican National Committee yesterday held a meeting to consider the best way of appeasing the storm of popular indignation that Garfield's infamous Chinese cheap labor letter has aroused. Garfield has denounced the letter as a forgery.

He has lied, and the Republican National Committee will stick to the lie.

That was the deed in a which they arrived yesterday

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In this question of veracity between Garfield's word and Garfield's letter, the people of the United States will know how to decide.

They will not be deceived by the persistent lying of the Republican National Committee.

Garfield's own words  
Garfield's own writing  
Garfield's lie!

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Whether Mexican

to know  
must

so.

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~~For~~

~~to know~~

Whether Mentor is not the  
natural home of a bar.

How Boss McLaughlin likes  
the way his nammations have  
been received.

How ~~many~~ much majority Judge Tray  
will get in his own ward.

When the swallows homeward fly

How many workmen would  
have overcoats this winter if  
Japan's Chinese pets  
let loose in our manufa

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Memo.

The Herald's tender, the Evening  
Telegram, wants to know whether  
the democrats have time to kindle  
a "smudge" out of the Chinese  
issue? We don't know what  
a "smudge" is — that sort of  
patois we leave to <sup>English</sup> Jim Deane  
and his satellites. But if  
by "smudge" the Telegram means  
a popular wave of indignation  
will wipe Fairfield's candidate  
out of existence, we reply that  
there is plenty of time; that  
is done. Set the Telegram <sup>eyes</sup>  
of the fellow who cursed Stow  
and predicted that the delay in  
going to be much of a shower after

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mina.  
"Oh that mine enemy would  
write a book!" has given place  
as a malicious aspiration to  
"Oh that mine adversary would  
write a letter!" Boys of  
ten and twelve, who are being  
brought up by fond parents  
the firm belief that you will  
some day be President, be  
careful; be circumspect; be  
close. Pretend you can  
write, unless you are man  
enough to admit that when  
you write you will stick

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The Republican candidate for  
the Presidency in his desperation  
has tried to be himself out

of a difficulty that will swamp  
him. The Republican General  
Committee, while cursing his  
folly in their hearts, lie for  
him because his swamping  
is their utter destruction.

Pay no heed, voters, to  
what is said ~~by~~ any one side  
or the other!

GO

Examine Fairchild's letter as  
it is laid before you & say  
and Judge for yourselves!

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I  
Yes, true enough, Mr. Turbine.  
"29" did do it. Look at  
the letter.

Greeley said that ~~the~~ although  
people pretend to be unable  
to decipher his handwriting,  
they could make out his  
signature to a check with  
ease. What a pity for a forger  
it is that he writes so  
~~characteristic~~ plain a  
hand!

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to see 2  
humanism of Fairfield's  
friends on seeing his letter  
Truth today.

A good restaurant down town  
that keeps open in the evening.

A Chinese reporter got a  
"beat" on Truth.

Jim Bennett shake 'em  
up ~~with~~ for not getting Fairfield's  
letter in the original.

Chinese play polo.

Fairfield go and Ah  
Sun no more.



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State of New York  
City and County of New York

Joseph E. Paine being duly sworn deposes and says that he resides in the City of Brooklyn in the State of New York - That for some thirty years last past he has been engaged in the study of handwriting and for fifteen years last past or more he has appeared in the Courts of this and other States as an expert in handwriting, testifying in such Courts in many of the most important cases -

And deponent further says that he has this day been shown a Photographic copy of a letter dated Washington, D.C. Jan'y 23, 1880, addressed to H. L. Money, Lynn, Mass., and the two original and two Photo-Lithographic Copies of letters marked, respectively, No. 1 and No. 2. No. 1 addressed to a Mr. Rockwell and dated Dec. 25, 1879 and No. 2 addressed to Hon. Marshall Jewell Chairman, Rep. Nat. Committee, 241 Fifth Avenue, N. Y. and dated Octo. 23, 1880, all of which were signed "J. A. Garfield".

On a careful and critical comparison of the above described papers, <sup>deponent says that he</sup> finds the letter of Jan'y 23, 1880, addressed to H. L. Money was not written or signed by the hand which wrote and signed the Letters marked, respectively, No. 1 and No. 2 addressed as above stated.

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State of New York }  
City and County of New York }

Deposition of

Albert F. Southworth, being duly sworn,  
deposeth and saith:

That he resides in the City of Boston,  
State of Massachusetts, and has there  
resided most of the time since 1844;  
that his employment for more than  
twenty years past has been prin-  
cipally that of an <sup>expert</sup> in hand-writing,  
that is to say, his employment has  
been the examination, analysis and  
illustration of questioned writings;  
that as such expert he has been  
called as a witness in many of  
the most important cases that  
have occurred in this Country with-  
in the period last aforesaid; that  
as such expert he has examined a  
photographic copy of what purports  
to be a letter written by James A.  
Garfield to H. L. Morey, dated  
January 23<sup>d</sup> 1880, which is here-  
unto annexed. That he has also  
examined an original letter

(1)

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Written and signed by the said Garfield, as deponent is informed and verily believes; also a photolithographic copy of the same, said letter being dated "Dec 25<sup>th</sup>, 1879" addressed ~~to~~ "Dear Rockwell."

He has also examined another original letter written by said Garfield, dated "Oct 23<sup>d</sup>, 1880" addressed to the "Hon Marshall Jewell", and also a photolithographic copy of the same. That such photolithographs of the said two letters last mentioned, are herewith annexed.

And deponent further says that, upon a comparison by him made of the two original letters of said James A. Garfield with what purports to be a photographic copy of a letter, purporting to be signed by him and addressed to H. L. Corey, he finds such marked, characteristic and substantial differences between the said original letters and the said photographic copy, that he has no hesitation in declaring that the <sup>said</sup> originals and the original of the photographic copy were not

(2)

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written by the same person. Upon this point deponent has no doubt whatever, and he further states that upon the first presentation to him of the said originals and the said photographic copy, he arrived, without hesitation, at the conclusion thus stated, no corresponding characteristics being discoverable.

Deponent further says that he has carefully examined the papers and the several pieces of editor's manuscript, herewith annexed, and marked respectively ~~to~~ A. B. C. D. E. F. G. H. I. J. and K save and except the last line in the paper marked C; and he has also carefully examined what purports to be a receipt signed by Kenward Philp, a photolithographic copy of which is also herewith annexed marked ~~A~~ A. And deponent has also examined other specimens of handwriting which he is informed were written by the said Kenward Philp, one of which is signed by him in pencil. Deponent has made a most thorough examination of the said several pieces of editor's

(B)

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manuscript and specimen of  
handwriting of the said Philp, and  
he has, after such examination,  
reached the conclusion, concerning  
which he has no doubt, that the  
original of the said photographic  
copy of the letter purporting to be  
written by the said Garfield to the  
said H. L. Moore, was, in truth,  
written by said Philp.

I swore to before me  
this 26<sup>th</sup> day of October 1880

Wm. H. Carr 38

Notary Public in  
City of New York

Albert L. Southworth

(S)

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State of New York  
City and County  
of New York ss. Daniel P. Ames  
being duly sworn says - For the  
last twelve years my place  
of business has been in the  
City of New York although my  
residence has been in the Eliz-  
abethtown, New Jersey - My employ-  
ment for the last twenty five  
years has been that of an  
instructor in Penmanship, al-  
though for the last ten or twelve  
years I have been more es-  
pecially employed as an  
author of various works upon  
practical and artistic Pen-  
manship and also as an  
editor and publisher of the  
Penmans Art Journal, I am  
also an expert in handwriting,  
and as such have testified in  
important causes - I further  
say that I have heard read  
the affidavit of Albert W. Hunt  
with heretofore annexed and

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that - I have made a careful  
and searching examination  
of each and all of the letters  
and papers by him examined  
and referred to in his affida-  
vit. And I fully concur  
with him in the conclusions  
by him in that affidavit  
set forth.

Subscribed and sworn  
to before me this 26<sup>th</sup>  
day of Dec 1880 -  
Wm. H. Con. 38  
Notary Public  
City of New York

Daniel D. Ames

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House of Representatives,

Washington, D. C., May 23, 1880

Dear Sir:

Your in relation to the Chinese  
problem came duly to hand.

I take it that the question of employment  
is only a question of private and corporate  
economy, and individuals or companies have  
the right to buy labor where they can get  
it cheapest.

We have a treaty with the Chinese  
Government, which should be religiously kept  
until its provisions are abrogated by the  
action of our general Government, and I am  
not prepared to say that it should be  
abrogated, until our great manufacturing  
and corporate interests are concerned in the  
matter of labor.

A. S. Mowley  
Employer Union  
Seymour Mass.

Very truly yours  
J. A. Guifford

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A

Monday, Jan 29<sup>th</sup> 1876

Mr. Munro, Family Star Paper, 74 Bealman St, N.Y.  
Please pay bearer, for me, Seventeen Dollars,  
& deduct from my money, and oblige  
Yrs. Kenneth Phelps

\$17.00

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No 1

Dear Rockwell

To me, the  
History of Art - in-  
deed Art itself - is  
not so beautiful,  
as the friendship,  
which, for more than  
a quarter of a cen-  
tury, has known no  
wavering nor shadow  
of turning between you  
to  
John Galt  
Dec 25, 1879 J. Galt

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No 2

MENTOR, OHIO.

Oct 23, 1882

Hon Marshall Jewell  
Chairman Rep. Nat. Committee  
241 Fifth Avenue N.Y.

Dear Sir:

In my dispatch  
of yesterday and this evening (which  
one also sent you by mail) I have  
denounced the Moroy letter as a  
base forgery. Its stupid and bra-  
vial sentiments I never expressed  
nor entertained. The lithograph  
copy shows a very clumsy attempt  
to imitate my penmanship and  
signature. Any one who is famil-  
iar with my handwriting will  
instantly see that the letter is spurious.

Very Truly Yours  
J. A. Garfield.

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State of New York

City & County of New York S.S. }

George Bliss, being first duly sworn deposes and says as follows:-

I reside at No 54 West 39<sup>th</sup> St., in the City of New York and have resided in said City for twenty five years and upwards last past.

I am a member of the Bar of the State of New York and of the Supreme Court of the United States and have practiced in the Courts of this State for over twenty five years, during more than four years of which period I was District Attorney of the United States for the Southern District of New York.

On or about the 20<sup>th</sup> day of October instant there was published in a daily newspaper, printed and published in the City of New York, called "Truth" which purported to be a copy of a letter written and signed by the Hon. James A. Garfield of Ohio, the Republican Candidate for President of the United States.

On the 22<sup>nd</sup> of October instant there was published in said paper call "Truth" which purported to be and was alleged in said paper to be a fac simile

B.

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of such letters, the original of which was  
in said paper stated to be in the possession  
of "Truth"; and in said paper on said  
last mentioned day there appeared an  
article of which the following is a copy.

"Lying and Sticking to it."

"The Republican National Committee  
yesterday held a meeting to consider the  
best way of appeasing the storm of popular  
indignation that Garfield's infamous  
Chinese cheap labor letter has aroused."

"Garfield has denounced the  
letter as a forgery."

"He has lied, and the Republican  
National Committee will stick to the lie."

"That was the decision at which  
they arrived yesterday."

"For this question of veracity  
between Garfield's word and Garfield's  
letter, the people of the United States will  
know how to decide."

"They will not be deceived by  
the persistent lying of the Republican  
Committee."

"Garfield's own words, in Garfield's  
own writing, confront Garfield's lie!"

"The Republican candidate for the  
Presidency, in his desperation, has tried  
to lie"

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"to lie himself out of a difficulty that  
"will swamp him. The Republican General  
"Committee, while cursing his folly in their  
"hearts, lie for him because his swamping  
"is their utter destruction.

"Pay no heed, voters, to what is said  
"on one side or the other!

"Examine Garfield's letter, as it is  
"said before you to-day, and judge for  
"yourselves!"

Annexed is a copy of said "Truth"  
newspaper published on said 20<sup>th</sup> instant  
marked No 1, and also a copy of said "Truth"  
newspaper published on said 22<sup>nd</sup> instant  
marked No 2.

I further state that on the 21<sup>st</sup> day  
of October instant there appeared in the  
principal newspapers of the United States  
as I am informed and believe, a statement  
made by said Garfield in substance denying  
that he ever wrote such letters and declaring  
it to be a forgery, and that on the said 22<sup>nd</sup>  
instant the said paper called "Truth" referred  
to such denials and stated that it had  
been made; that on the 23<sup>d</sup> 24<sup>th</sup> 25<sup>th</sup> and 26<sup>th</sup>  
instant the said paper called "Truth" published  
the said forged letter.

I further state that I have in connection  
with

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with others caused an investigation to be made as to the authorship of said forged letter and said article and as to the use which had been made of the same by the publishers and proprietors of said newspaper, and have ascertained that said proprietors and managers have caused to be issued several hundred thousand copies of said papers containing copies of said forged letter, and a large number of copies of said paper containing said article.

I further state that after careful investigations as to the authorship of said forged letter and said article I am led to believe and do believe and I therefore charge that said letter was written and forged by a person named Kenward Phelps, one of the Editors of or writers for said newspaper, and that having forged said letter that he wrote and caused to be published in said paper called "Truth" the said article referring thereto which is herewith before quoted.

And I further state upon information and belief that the article so published reflecting upon the said General Garfield ~~is~~ <sup>is</sup> false, malicious and wicked libel and that the said article ~~was~~ intended to assert the genuineness of the said forged and fraudulent

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letters which the said Phelps (knew to be so) forged and fraudulent.

I further state that I have seen numerous letters which I am informed and believe were written by the said General Garfield and that I have seen him write and believe I am in that way somewhat acquainted with his handwriting; that the most cursory examination of the said forged and fraudulent letter and its comparison with the handwriting of said General Garfield would convince any intelligent person that he was not the writer of the said forged and fraudulent letter.

I further state upon information and belief that the papers <sup>to the affidavits of Joseph E. Paine and</sup> ~~to the affidavits of~~ <sup>others</sup> and marked D. E. F. <sup>9<sup>th</sup></sup> J. & K. are the original manuscript sheets of said article as published in said paper called "Truth" on the 22<sup>d</sup> instant and of other articles published in said paper on that day and that the same all in the handwriting of the said Phelps.

That subsequent to the said publications in said "Truth", or some of them, the proprietors of said "Truth", as I am informed and believe entered into some agreement with the Democratic National Committee, or some members thereof by which it was arranged

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that large numbers of said forged letters should be circulated and to that end since the knowledge of the denial of its authenticity by said Garfield have delivered or entrusted to said Committee the said forged letters for the purpose of having the same copied and photographed or lithographed, and that in pursuance thereof the said Committee have caused many hundred thousand copies of said forged letters to be circulated in various forms both in the English and German language.

That James A. Garfield is now representative in Congress from the nineteenth district of Ohio and Senator elect to the Senate of the United States from the State of Ohio.

Sworn to before me  
this 28<sup>th</sup> Oct<sup>r</sup> 1880.

George Bliss

Noah Davis  
JL

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Police Court—Third District.

CITY AND COUNTY }  
OF NEW YORK, } ss.

Samuel J. Morry being duly examined before the undersigned, according to law, on the annexed charge; and being informed that he was at liberty to answer, or not, all or any questions put to him, states as follows, viz.:

Question.—What is your name?

Answer.—

*Samuel J. Morry.*

Question.—How old are you?

Answer.—

*49 years.*

Question.—Where were you born?

Answer.—

*Lewell Mass.*

Question.—Where do you live?

Answer.—

*Lewell Mass.*

Question.—What is your occupation?

Answer.—

*Sabuer.*

Question.—Have you anything to say, and if so, what—relative to the charge here preferred against you?

Answer.—

*I have to say to this charge that for the last three years I have been in pretty straitened circumstances. I have been trying to get my pension restored to me. It was taken from me here while I was in South America, because not being here for a direct examination before the Surgeons who examine them every two years. Last winter I suffered severely. I had no overcoat to my back and hardly shoes to my feet, (See the witness weeps) and had nothing in the house to eat you might say. They dropped me from the State aid—they took that from me on account of that they passed a law there in the State of Massachusetts that a man who received State aid*

Taken before me, this

day of

Police Justice.

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must receive it from the town from which he enlisted. I had always received it from the City of Lawrence at ten dollars a month. That is all I had to live. They took that away from me and threw me on the City of Sommerville, where I enlisted from. They kept it pending there for four or five months before I received anything. Then I went before the Overseers of the Poor of the City of Lawrence, and they granted me twenty dollars. They asked me whether I would take that in money or whether I would take it in orders. I was back on my rent two months. I took \$14. for rent and the balance for wood and coal. I worked but little of the time. I was having epileptic fits and liable to fall at any time. People would not hire me because they knew I was subject to those fits, and I only got a day's work now and then. Last winter Mr. Clark helped me considerable.

Q. Who is Mr. Clark.

A. A. G. Clark.

Who was he?

A. The man who was on with me yesterday.

Q. What is his business?

A. He keeps a pool room in Lawrence. When this case came up

they the name of H. L. Morey. I told them I thought I did. Said I, "I think he is an uncle of mine, born in Andover New Hampshire, and he afterwards went from Andover and kept a grocery store in Fisherville. They ran on and kept bothering me, and finally they received a telegraph dispatch from New York, and wanted me to go on. Mr. Clark came to the woodyard where I was splitting wood. Said he, "Will you come on to

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New York?" I said "No, there is no use of my going on. I aint going to get myself into any scrape." Said he, "You had better go." I said, "No, I will not go." Said he, "Will you go up to Mr Sanborn's law office." Said I, "Yes, I will." I hesitated at first, finally I agreed to go. I got up there to Mr. Sanborn's. Mr. Clark <sup>went on foot and I with other</sup> and another man took me in a wagon. The other man's name I do not know. He is a resident of Lawrence. We went to Mr. Sanborn's office, and Mr. Sanborn, Mr. Clark, Mr. Murphy and this man that went with me and another man that I don't know -- he had a crutch-- and they all urged me to go to New York. Said I "I don't want to go." Said he "Why?" Said I, "I don't want to get into any scrape." Said they "This thing will be all settled after election." They all joined in saying this -- said it would only be a political case and so on. I said I had no money to go. They said your expenses will be all paid, and you will be well paid for going. I went to the door and said "I wont go." They called me back again, and said something about going again, why I would not go, and I would not give any reason. Said I "If I go on there, we will be lodged in jail, the whole of us." They said "You need not fear of being lodged in jail, we will stand by you, and we will see you well paid if you go." I <sup>at that</sup> ~~time~~ <sup>Mr. Clark expressed fears that we would not</sup> started to go towards the door again, and got partly out, and they said "Come back." I went back again. They said "Will you go?" I said "No." Mr Clark speaks out and he said "Sam I never asked a favor of you before. This is the first favor I have asked of you. You know I have done considerable for you. Now I want you to go to New York with me." Said I,

X

*In paid and that they would be responsible for the payment of the money.*

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"Mr. Clark, there is not another man in the City of Lawrence with whom I would go with but you, and now I don't want to go." Said he, "If you don't want to go, and wont go, don't you ever speak to me again or look at me on the Street, or ever ask another favor of me." Said he, "You know I have done a good deal for you." I said, "I know you have. You gave me money out of your pocket, you gave me a coat that I have on my back and the pants that I have on now," and says I "I will go." Said I, "Mind before we start that it will bring me into a scrape and you will get into a scrape yourself By being in needy circumstances, not able to work a great deal, more than two or three or four days in the week and sometimes going six or seven weeks without work — the inducement they held me out that this thing would be closed out after election, that i had no need to fear anything — i consented to come. I came on here. I gave <sup>correct</sup> direct testimony as you will see, and only in regard to H. L. Morey was my testimony false. *and also when I stated that I had been offered \$100 by a Republican not to come true.*

Q. That family record is true, except that in relation to

H. L. Morey?

A. Everything is true, except H. L. Morey.

Q. And such a person as H. L. Morey you don't know and never have known?

A. I don't know and never have known.

Q. And you knew at the time you made it that it was a false statement?

A. Yes, sir. I have been abused by the Government by not

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restoring the pension to me. I had a good record - a military record - with my Colonel and all throughout. I served from the beginning of the war in April 1861, and served in different capacities till August 1, 1865. My first enlistment was in the 14th Infantry of Massachusetts, and afterwards changed to the First Heavy Artillery. I stopped in that regiment until I was discharged on the 1st day of September 1861. From the 1st Heavy Artillery I was discharged by reason of a transfer to the Commissary Department. I served in the Commissary Department at first under Captain Briary of the U. S. Infantry. Captain Briary turned the Commissary Department over to Captain Musser. I served with him till the second battle of Bull Run when they captured the Commissary Department and all but three connected with it. I got away and went to Alexandria. From Alexandria I went to Washington, having some money belonging to the Commissary Department in my pocket. I went to the Headquarters of the Commissary Department and turned over what money I had to Mr. Babcock - whether he was Col. Babcock or not I could not say. I then enlisted in the third cavalry, and I served there until August 1, 1865, and I was discharged from the Hospital at Fort Leavenworth for disability. They granted me first a pension of eight dollars a month, and afterwards increased it to eighteen dollars. I went to South America with my brother and they cut off the pension by my not being here to abide an examination. Since which time I have not received any pension - since March 1875. And from being poor and in needy circumstances, having nothing on my feet to wear but a forty

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CENT PAIR OF SLIPPERS WHICH I WORE WHEN I FIRST CAME HERE, AND HAVING NO OVERCOAT. THIS OVERCOAT IS A BORROWED ONE. AND NOT WANTING MY WIFE TO SUFFER DURING THE NEXT WINTER :HERE THE WITNESS WEEPS BITTERLY: I CAME ON HERE AND MADE THE STATEMENT THAT I DID.

Q. HAVE YOU EVER BEEN TO THE TRUTH OFFICE?

A. YES, SIR, THEY SENT FOR ME THE SECOND TIME.

Q. HOW MANY TIMES HAVE YOU BEEN TO THE TRUTH OFFICE?

A. I HAVE BEEN THERE A NUMBER OF TIMES.

Q. DID YOU HAVE ANY INTERVIEWS THERE WITH A PERSON BY THE NAME OF JOSH HART?

A. YES SIR.

Q. WITH ANY ONE ELSE BESIDE HIM?

A. THERE WAS ANOTHER YOUNG MAN WHO WORE SPECTACLES.

Q. A MAN BY THE NAME OF POST?

A. I DO NOT KNOW THE NAME - A SHORT MAN WEARING SPECTACLES AND SIDE WHISKERS. WHEN WE FIRST CAME HERE THE FIRST TIME WE WENT TO THE DEMOCRATIC HEADQUARTERS ON 5TH AVENUE. I GOT HERE AT 11 O'C. AT NIGHT. IT WAS SATURDAY NIGHT AT 11 O'CLOCK -- WE WENT TO THE HEADQUARTERS AT 11 O'CLOCK, RAPPED THERE AND COULDN'T FIND ANYBODY. WE WENT FROM THERE TO THE CONTINENTAL HOTEL, REGISTERED OUR NAMES AND GOT A ROOM.

Q. WHAT DID YOU REGISTER YOUR NAME AS?

A. S. S. MOREY.

Q. CLARK CAME WITH YOU?

A. YES, SIR.

Q. ANY ONE ELSE?

A. NO, SIR, NOT AT THAT TIME.

Q. DO YOU REMEMBER WHAT DAY OF THE MONTH IT WAS?

A. IT WAS THE SATURDAY BEFORE ELECTION.

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Q. DID YOU SUBSEQUENTLY GET INTO THE DEMOCRATIC HEADQUARTERS?

A. ON SUNDAY MORNING WE WENT DOWN TO THE HEADQUARTERS FIRST, AND FOUND NOBODY THERE, BUT SOME WOMEN CLEANING UP. WE WENT THEN AND GOT SOME BREAKFAST, CAME BACK AND THEY KEPT US THERE.

Q. WHO DID YOU MEET THERE?

A. I MET A MAN BY THE NAME OF MOORE FIRST. THEN THERE WAS A NUMBER OF THEM HEADQUARTERS' MEN.

Q. DID YOU MEET MR. BARNUM?

A. NO, SIR, HE HAD RETURNED TO CONNECTICUT, STARTED THE EVENING PREVIOUS. THERE WAS ANOTHER SHORT MAN THERE, I COULD TELL HIS NAME IF I HEARD IT.

Q. DO YOU KNOW WHO THIS MR. MOORE WAS -- WHAT CONNECTION HAD HE WITH THE COMMITTEE?

A. HE WAS SERGEANT AT ARMS OF THE DEMOCRATIC COMMITTEE THERE THEY SAID.

Q. DID YOU SEE THE SECRETARY OF THAT COMMITTEE?

A. YES, THAT I SUPPOSED WAS THE SECRETARY, THE MAN THAT WROTE AND GAVE US THE CHECK WHEN WE RETURNED.

Q. HOW MUCH OF A CHECK DID HE GIVE YOU?

A. \$150 -- \$50 FOR EXPENSES FOR MR. CLARK, AND \$100 HE WAS TO GIVE TO ME WHEN HE GOT THE CHECK CASHED.

Q. WHAT WAS THE \$100 FOR?

A. FOR MY COMING ON I SUPPOSE -- HE DIDN'T SAY WHAT IT WAS FOR.

Q. DID YOU GET THAT \$100?

A. I DID, SIR. WHEN I RETURNED TO LAWRENCE I GOT IT. THAT SUNDAY HE GOT A CARRIAGE AND TOOK US TO THE CENTRAL PARK. FROM THERE WE WENT DOWN TO STATAN ISLAND ON THE FERRY BOAT. WE STOPPED DOWN

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THERE UNTIL FOUR O'CLOCK IN THE AFTERNOON, AND WENT UP TO ST. VINCENT'S HOTEL I THINK, UP IN THE PARK. WE GOT SUPPER THERE AND RETURNED TO THE DEMOCRATIC HEADQUARTERS AND STOPPED THERE ALL NIGHT. THEY SAID IN THE MORNING THAT THEY COULDN'T LET US OUT OF THEIR SIGHT, AFRAID LITTLE DAVENPORT WOULD GET HOLD OF US. THE NEXT MORNING WE GOT BREAKFAST AND WENT TO THE TRUTH OFFICE AND FROM THERE TO THE COURT HOUSE.

Q. WHOM DID YOU SEE AT THE TRUTH OFFICE?

A. I SAW A LITTLE SHORT LAWYER THERE.

Q. FAT FELLOW WITH A MOUSTACHE AND RED FACE?

A. IT WAS NOT HOWE, IT WAS A LITTLE BALD HEADED MAN WITH HOWE I GUESS.

Q. DO YOU KNOW HIS NAME?

A. NO, SIR, I DO NOT; I THINK HIS NAME WAS HUMMEL. WE WENT FROM THERE TO THE COURT HOUSE.

Q. WHAT CONVERSATION DID YOU HAVE WITH JOSH HART?

A. HE WANTED TO KNOW ABOUT THIS MOREY AND I TOLD HIM THE SAME AS I TESTIFIED TO -- AS I HAVE ALREADY TESTIFIED TO. AFTER THE COURT ADJOURNED UNTIL THURSDAY, THEN WE WENT AND GOT SOME SUPPER AND RETURNED HOME ON THE NINE O'CLOCK TRAIN FROM THE GRAND CENTRAL DEPOT.

Q. HOW MANY TIMES DID YOU GO TO THE TRUTH OFFICE?

A. I SUPPOSE I WAS IN THE TRUTH OFFICE A HALF A DOZEN TIMES.

Q. YOU SAID YOU HAD SOME INTERVIEWS WITH JOSH HART?

A. YES, SIR, I HAD ONE WITH HIM AT THE DEMOCRATIC HEADQUARTERS ON SUNDAY.

Q. WHAT WAS THAT CONVERSATION, DO YOU REMEMBER?

A. WITH REGARD TO H. L. MOREY, AND ONE IN REFERENCE TO WHETHER I

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HAD A BROTHER AN ACTOR AND SLIGHT OF HAND PERFORMER. I TOLD HIM YES, AND HE ASKED ME IF I KNOW WHERE HE WAS THEN. I TOLD HIM I SUPPOSED HE WAS IN SOUTH AMERICA, THAT WAS THE LAST I HAD HEARD OF HIM. HE SAID "DON'T YOU SUPPOSE HE IS ON HERE?" SAID I, "SINCE I HEARD FROM HIM HE HAD TIME TO COME ON HERE AND GO BACK AGAIN." HE SAID "I THINK HE IS ON HERE, AND I THINK THIS LETTER WAS WRITTE BY HIM." SAID I, "I DON'T THINK IT IS, FOR I THINK IF HE HAD BEEN ON TO THE STATES HE WOULD COME AND SEE ME." HE TOOK DOWN WHAT I SAID ON PAPER AND SAID HE WOULD SEND A HACK TO THE DEMOCRATIC HEADQUARTERS AT EIGHT O'CLOCK MONDAY MORNING. AT EIGHT O'CLOCK OR A FEW MINUTES PAST WE LEFT THE HEADQUARTERS AND WENT TO THE TRUTH OFFICE AND FROM THERE WE WENT TO THE COURT HOUSE. I HAD NO FURTHER CONVERSATION WITH HIM. HE SHOWED ME A LETTER AND ASKED ME IF I KNEW THE HANDWRITING. I TOLD HIM YES THAT I SHOULD THINK IT WAS MY BROTHER FRANK'S. THE WRITING WAS VERY SIMILAR TO MY BROTHERS. I HAD SEEN MY BROTHER WRITE A GOOD MANY TIMES, AND IT WAS SIMILAR TO HIS.

Q. DID CLARK SAY TO YOU WHO HAD ASKED HIM TO GET YOU TO COME TO NEW YORK?

A. YES, HE SAID THAT SANBORN HAD TOLD HIM TO GET ME TO COME TO NEW YORK.

Q. THIS LAWYER?

A. YES, SIR.

Q. DID HE SAY ANYTHING MORE?

A. HE SAID NOTHING MORE, EXCEPT SANBORN OR SOMEBODY ELSE HAD RECEIVED A TELEGRAM WANTING ME TO COME ON.

Q. DID HE SAY FROM WHOM HE RECEIVED THAT TELEGRAM?

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X

A. FROM DEMOCRATIC HEADQUARTERS.

Q. DID HE SAY ANYTHING ABOUT A FELLOW BY THE NAME OF WILSON?

A. NO, SIR, HE SPOKE ABOUT A LETTER WHICH HE HAD RECEIVED FROM MR. GODDELL.

Q. WHO SAID THAT?

A. HART -- HE SAID THIS LETTER STATED TO HAVE NO FEARS, THAT THE MOREY LETTER WAS GENUINE AND HE WAS ABOUT TO START TO FLORIDA TO FIND MOREY AND BRING HIM ON HERE. THAT WAS ALL THE CONVERSATION I HAD WITH HIM BEFORE I WENT TO THE COURT HOUSE.

Q. HOW MANY TIMES WERE YOU ALTOGETHER AT THE TRUTH OFFICE -- JUST REMEMBER IF YOU CAN HOW MANY TIMES YOU WERE THERE AND ALSO AT WHAT TIMES?

A. WE STARTED FROM THE DEMOCRATIC HEADQUARTERS ON MONDAY I SHOULD THINK ABOUT TWENTY MINUTES PAST EIGHT -- THAT WAS MONDAY BEFORE THE ELECTION.

Q. THAT WAS THE FIRST TIME YOU WENT TO THE TRUTH OFFICE?

A. YES, SIR, THAT WAS IN THE MORNING.

Q. WHEN YOU WENT TO THE TRUTH OFFICE ON THAT OCCASION WHOM DID YOU SEE?

A. I MET MR. HART AND A GENTLEMAN WITH SPECS ON -- MR. POST. THEN THERE WAS A MAN THERE THEY CALLED BOX I THINK -- THAT WAS HIS NICK-NAME.

Q. WHEREABOUTS DID YOU MEET THEM?

A. I WENT INTO THE OUTER OFFICE AND THROUGH AN ENTRANCE WHICH IS ENTERED BY AN ELEVATION OF A PORTION OF THE COUNTER, AND THROUGH THE HALL, TURNING TO THE FIRST DOOR TO THE LEFT WHICH ENTERED A ROOM -- PASSED THROUGH THAT ROOM AND THROUGH A DOORWAY INTO A ROOM IN THE REAR, WHICH I PRESUME WAS THE EDITOR'S ROOM, AND THERE MET

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THE PERSONS WHICH I HAVE ALREADY DESCRIBED.

Q. WHAT WAS SAID TO YOU AT THAT TIME THAT YOU REMEMBER?

A. THERE IS WHERE HE SHOWED ME THE GOODELL LETTER -- MR. HART SHOWED IT TO ME AND SAID THAT IT WAS FROM MR. GOODELL.

Q. WHAT DID HE SAY IN REGARD TO THAT GOODELL LETTER?

A. HE SAID THAT MOREY HAD STARTED TO FLORIDA FOR HIS HEALTH, THAT THE MOREY LETTER WAS GENUINE AND HE WOULD START IMMEDIATELY FOR FLORIDA AND HAVE MOREY IN TIME.

Q. WAS THERE ANY OTHER CONVERSATION AT THAT INTERVIEW?

A. NOT THAT I REMEMBER. OH, I WILL TELL YOU -- THE LITTLE LAWYER WITH THE BALD HEAD -- HUMMEL I GUESS IT WAS -- HE ASKED ME TO BE SURE TO BE ON TIME AT THE COURT HOUSE, AND LOOKED AT MY PAPERS THAT I HAD WITH ME -- MY PENSION PAPERS AND CHARACTER. THAT WAS ALL THAT WAS SAID THEN -- I WAS TO BE ON TIME.

Q. WHEN WAS THE NEXT TIME YOU WENT TO THE TRUTH OFFICE.

A. IT WAS DURING THE RECESS OF THE COURT ON MONDAY.

Q. DID YOU HAVE ANY CONVERSATION THEN?

A. NOTHING, EXCEPT THEY SAID THEY GUESSED THAT WAS A CLINCHER ON THEM -- REFERRING TO MY TESTIMONY. HART SAID THIS. WE WENT FROM THERE AND GOT DINNER. BOX WENT WITH ME.

Q. WHAT WAS THE NEXT TIME YOU WENT TO THE TRUTH OFFICE?

A. THE NEXT TIME I WENT TO THE OFFICE WAS AFTER THE COURT IN THE AFTERNOON WHEN IT WAS ADJOURNED UNTIL THURSDAY. WE HAD SOME CONVERSATION IN REGARD TO OUR BEING WANTED AGAIN. HART SAID HE DIDN'T KNOW -- HE WOULD TAKE OUR NAMES, MR. CLARK'S AND MINE, AND IF HE WANTED US AGAIN HE WOULD TELEGRAPH, AND THAT WAS THE LAST TIME I WENT TO THE TRUTH OFFICE BEFORE I RETURNED HOME. WE WENT DIRECT

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FROM THE TRUTH OFFICE TO THE DEMOCRATIC HEADQUARTERS. WHEN WE GOT TO THE DEMOCRATIC HEADQUARTERS WE STOPPED THERE A FEW MINUTES. MR. MOORE WAS THERE AND THIS MAN THAT GAVE ME THE CHECK, <sup>whose name I think was Smalley</sup> AND ONE OR TWO OTHER GENTLEMEN THAT I DIDN'T KNOW, AND THIS MAN WHO GAVE ME THE CHECK <sup>Smalley I am sure</sup> SAT DOWN AND ASKED MR. CLARK WHAT HIS EXPENSES HAD BEEN. MR. CLARK SAID, "I COUNTED MY MONEY AND PUT IT DOWN ON A PAPER BEFORE I LEFT HOME". AND HE COUNTED IT OVER TO THIS MAN. AND THIS MAN SAID NEVER MIND THE CENTS." SAID HE "WILL \$50 COVER IT?" MR. CLARK SAID YES. SAID HE "WHAT SHALL WE GIVE MOREY???" CLARK SAID "I DON'T KNOW." HE ASKED ME AND I SAID "I WILL LEAVE IT ALL TO YOU, SIR. HE THEN DREW OUT A CHECK FOR \$150. HE GAVE IT TO MR. CLARK, STATING TO MR. CLARK THAT \$50 WAS FOR HIS EXPENSES AND THE \$100 WAS FOR ME. HE WROTE A RECEIPT OUT AND I SIGNED IT FOR \$150 IN MY NAME.

Q. DID YOU GET THAT \$100?

A. WE LEFT NEW YORK AT NINE O'CLOCK FOR BOSTON. WE GOT INTO BOSTON I THINK ABOUT SIX, AND TOOK THE HALF PAST EIGHT O'CLOCK TRAIN FROM BOSTON FOR LAWRENCE. UPON OUR ARRIVAL IN LAWRENCE WE WENT DIRECT I THINK TO THE PACIFIC NATIONAL BANK. MR. CLARK ASKED MR. JAQUIT, THE CASHIER, IF HE WOULD CASH A CHECK FOR HIM OF \$150 -- A NEW YORK CHECK -- AND MR. JAQUIT SAID HE WOULD. MR. CLARK SAID YOU NEED NOT SAY ANYTHING ABOUT WHERE YOU GOT IT. HE SAID HE WOULD NOT. I SIGNED MY NAME ON THE BACK OF IT, MR. CLARK PASSED IT IN, AND RECEIVED THE MONEY. WE WENT FROM THERE TO MR. CLARK'S POOL ROOM CORNER OF ESSEX AND JACKSON STREET. WE WENT UP THERE, TOOK A DRINK AND MR. CLARK GAVE ME \$100. HE STATED AT THAT TIME, "I WILL COUNT MY MONEY WHEN I GET TIME, AND IF I AM A LITTLE SHORT YOU MUST MAKE IT UP."

0299

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I TOLD HIM I WOULD DO SO. HE SAID HE DIDN'T ASK ANYTHING FOR HIS TIME, ONLY WANTED HIS EXPENSES AND ABOUT TWO OR THREE DOLLARS A DAY -- THAT IS ALL HE CARED ABOUT. I TOLD HIM I WOULD MEET HIM THE NEXT DAY. I WENT DOWN AND CAST MY VOTE AND WENT HOME -- NO, I WENT TO TWO OR THREE SALOONS BEFORE I WENT HOME. THEN I WENT HOME, AND DIDN'T GO DOWN AGAIN UNTIL WEDNESDAY ABOUT HALF PAST EIGHT -- I DIDN'T COME DOWN INTO TOWN -- I LIVED A LITTLE WAYS FROM TOWN. FROM THERE I WENT TO THE CITY HALL TO SEE THE AUDITOR. THEN I WENT FROM THE AUDITOR'S ROOM TO THE POOL ROOM TO SEE MR. CLARK, AND CLARK SAID HE WANTED A HALF A TON OF COAL. I WENT TO THE COAL YARD AND ORDERED A HALF A TON OF COAL, AND WENT HOME TO DINNER. IN THE AFTERNOON WEDNESDAY I WENT TO WORK SPLITTING WOOD. THAT NIGHT I WENT DOWN TO SEE MR. CLARK WITH A BILL FOR PAY FOR THE COAL. CLARK THEN TOLD ME THAT HE WAS SOME SHORT, THAT HE HADN'T BUT THREE DOLLARS OVER THE \$50 THAT HE HAD RECEIVED, AND HE SAID "I THINK YOU OUGHT TO GIVE ME A LITTLE MONEY". SAID I "MR. CLARK, I WILL PAY FOR THE COAL". I WENT FROM THERE AND PAID FOR THE COAL, AND WENT HOME AND MY SON WAS WITH ME WHEN I PAID FOR THE COAL. THURSDAY MORNING I WENT TO WORK BUT NOT FEELING VERY WELL. I WORKED TILL NOON TIME WHEN I WENT HOME FEELING PRETTY BAD, AND TOLD MY WIFE THAT I WOULD NOT EAT ANY DINNER BUT WOULD LIE DOWN ON THE LOUNGE UNTIL 8 O'CLOCK TIME. SAID SHE, "YOU HADN'T BETTER GO TO WORK." SAID I "MR. COBURN NEEDS ME", BUT THROUGH HER PERSUASION I RETIRED TO BED. I HADN'T BEEN TO BED BUT AN HOUR I SHOULD JUDGE WHEN SOMEBODY FROM NEW YORK CAME ON -- A PERSON WHOM I DIDN'T KNOW AT THE TIME BUT WHOM I AFTERWARDS LEARNED WAS WARNER. I THOUGHT AT THE TIME WHEN I FIRST SAW HIM THAT HE HAD COME TO ARREST ME, AND

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THROUGH THE EXCITEMENT I WENT INTO ONE OF THESE EPILEPTIC FITS. I HAD A NUMBER OF THEM DURING THE AFTER-NOON. THEY SENT FOR THE DOCTOR, AND WHEN I CAME TOO WARNER TOLD ME HE WANTED ME TO GO TO NEW YORK WITH HIM THAT NIGHT. I TOLD HIM I WOULD NOT GO. THE DOCTOR SAID I WAS UTTERLY UNABLE TO GO. DURING THAT NIGHT I CONTINUED HAVING THESE BAD FITS. ON FRIDAY HE CAME AGAIN AND STILL I WAS NOT ABLE TO GO. SAID HE TO MY WIFE "IT'S \$200 ANY OBJECT FOR HIM TO GO ON TO-NIGHT. MY WIFE SAID, "NO IT IS NOT, HE IS NOT ABLE TO GO AND HE DON'T LEAVE HIS BED NOT YET." WARNER SAYS "THIS MAN HAS COME ON AND WE WANT HIM OUT THERE" AND HE SAID "I WILL GO AND SEE THE DOCTOR." AND WARNER SAID HE WOULD PAY THE DOCTOR. SO THE DOCTOR TOLD ME. THEN ON SATURDAY MR. CLARK CAME TO SEE ME. HE WANTED ME TO GO. I TOLD HIM IF I FELT BETTER I WOULD BE READY TO START ON SUNDAY. SAID HE "WE WILL TAKE A TRAIN CLEAN THROUGH AND YOU WILL HAVE ALL DAY TO REST. SAID HE "I WILL BE AT YOUR HOUSE AT FOUR O'CLOCK, AND BE READY TO START." AT FOUR O'CLOCK I GOT UP, DRESSED MYSELF, AND SAT IN A CHAIR WAITING FOR MR. CLARK TO COME. ABOUT HALF PAST FOUR HE AND MR. WARNER CAME TO THE HOUSE TOGETHER IN A CARRIAGE. I FINISHED DRESSING -- I DIDN'T PUT ON MY SHIRT UNTIL AFTER THEY GOT THERE -- AND TOOK THE CARRIAGE AND DROVE DOWN TO THE FRANKLIN HOUSE. WHEN WE GOT TO THE FRANKLIN HOUSE HE GOT OUT TO GET A BUNDLE HE HAD LEFT, GOT IN AGAIN AND WE DROVE TO THE DEPOT AND WE TOOK THE QUARTER TO SIX TRAIN I THINK FROM LAWRENCE TO BOSTON. ON THE WAY DOWN TO BOSTON HE TOLD ME THAT WE WOULD NOT LEAVE BOSTON UNTIL THE NEXT MORNING. SAID I "I THOUGHT YOU WERE GOING THROUGH TO-NIGHT." HE SAID "NO WE WONT GO THROUGH TO-NIGHT, WE WILL REST ALL NIGHT AT BOSTON."

0301

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WE WENT TO THE UNITED STATES HOTEL AND STOPPED THERE OVER NIGHT.  
CLARK SAID THAT HE PUT HIS NAME DOWN AS 'A. GILLMAN'. WHAT MY  
NAME WAS, I DO NOT KNOW -- IT WAS NOT MY RIGHT NAME. AT 11 O'C.  
THE NEXT MORNING WE LEFT BOSTON FOR NEW YORK. WE GOT IN HERE ABOUT  
FIVE MINUTES OF SIX, AND FROM THE DEPOT WE WENT TO THE TRUTH OFFICE.  
WHEN WE GOT TO THE TRUTH OFFICE I SAW MR. HART THERE, AND MR. HART  
SAID, "HELLO, YOU HAVE GOT BACK" AND HE SAID TO WARNER "TAKE HIM  
TO A HOTEL AND HAVE THE BILLS CHARGED TO ME. HE TOOK ME TO THE  
BELMONT HOTEL. I THINK I REGISTERED MY NAME AS ASA CLEMENTS, AND  
HE REGISTERED HIS NAME AS GILLMAN. WE HAD ANOTHER MAN IN THE PARTY-  
WARNER CALLED HIM MACK. WE WENT OUT AND GOT SOME SUPPER AND WE  
STOPPED AT THE HOTEL ALL NIGHT, AND YESTERDAY MORNING WALKED TO THE  
TRUTH OFFICE. FROM THE TRUTH OFFICE WE WENT TO THE COURT ROOM AND  
AT NOON TIME WE WENT AND GOT A LUNCH, AND THAT WAS THE LAST TIME  
I WAS TO THE TRUTH OFFICE. THEY BROUGHT ME HERE LAST NIGHT. ON THE  
WAY FROM BOSTON TO NEW YORK WARNER SAID "WE MUST KEEP DARK UNTIL  
WE GET INTO COURT. WE PLAYED CARDS MOST OF THE TIME ON THE WAY  
DOWN.

Q. CAN YOU TELL ME ON WHAT BANK THAT CHECK FOR \$150 WAS DRAWN?

A. ON THE PARK NATIONAL BANK.

Q. WHOSE NAME WAS SIGNED TO THAT CHECK?

A. I DON'T REMEMBER.

Q. DID YOU GET ANY MONEY THIS LAST TIME?

A. I WAS JUST GOING TO MAKE A REMARK -- WHEN MR. WARNER CAME TO  
THE HOUSE AND FOUND I WAS IN THE SITUATION I WAS, HE WENT OUT AND  
GOT SOME GIN FOR ME TO TAKE. THEN WHEN THE DOCTOR CAME HE GAVE A  
RECIPE FOR SOME MEDICINE AND WARNER GAVE MY WIFE FIVE DOLLARS TO GO  
AND GET IT WITH. THERE WAS NO MORE MONEY PASSED UNTIL THE NIGHT

0302

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WE CAME AWAY. CLARK SAID THAT WARNER HAD GIVEN MY WIFE FIVE DOLLARS MORE, MAKING TEN DOLLARS THAT SHE RECEIVED FROM WARNER. HE GAVE ME NO MONEY AND I RECEIVED NO MONEY FROM THE TIME I LEFT LAWRENCE UNTIL THE PRESENT TIME -- THAT IS, ON THE PRESENT TRIP. GENTLEMEN, THAT IS THE WHOLE STATEMENT.

Q. WHAT DID THEY PROMISE TO GIVE YOU THIS TIME?

A. THEY SAID THEY WOULD PAY ME WELL FOR COMING ON -- WARNER SAID THIS. NO AMOUNT WAS SPECIFIED.

Q. WAS CLARK PRESENT?

A. I WONT BE CERTAIN, BUT HE SAID IN THE PRESENCE OF CLARK THAT ALL EXPENSES WOULD BE PAID FOR HIS TIME IN COMING ON. THIS WAS THE LAST TIME.

Q. HAD YOU EVER SEEN WARNER BEFORE?

A. NO, SIR, NOT UNTIL I SAW HIM IN MY HOUSE.

Q. DO YOU KNOW WHERE HE LIVES?

A. NO, SIR, BUT BY HIS TALK AND LANGUAGE I SUPPOSED HE WAS CONNECTED WITH THE TRUTH OFFICE. HE HAD A TRUTH BADGE UNDER THE LAPPEL OF HIS VEST. SO MR. CLARK TOLD ME -- I DIDN'T SEE IT.

Q. WHO FIRST SPOKE TO YOU ABOUT COMING ON THE FIRST TIME?

A. MR. CLARK.

Q. WAS WARNER ON THAT TIME?

A. NO, SIR. WHEN WE LEFT HERE TO GO HOME THE FIRST TIME MR. HART TOLD ME IF THEY WANTED US AGAIN THEY WOULD TELEGRAPH US. AFTER THEY GAVE ME THE CHECK AT DEMOCRATIC HEADQUARTERS, THE MAN WHO GAVE ME THE CHECK SAID THAT IF THEY WANTED US AGAIN THEY WOULD TELEGRAPH FOR US, AND TOOK MR. CLARK'S NAME AND MY OWN.

Q. WHO PROPOSED TO YOU FIRST TO HAVE YOU SAY YOU HAD AN UNCLE BY

0303

17

THE NAME OF H. L. MOREY?

A. CLARK.

Q. WHO FIRST SHOWED YOU THE REGISTER CONTAINING THE ENTRY H. L. MOREY IN TWO PLACES?

A. HART.

Q. WHERE?

A. HERE AT TRUTH OFFICE.

Q. WHEN WAS THAT REGISTER FIRST SHOWN YOU.

A. THE MONDAY MORNING PRIOR TO THE ELECTION -- THAT WAS THE FIRST TIME I HAD BEEN TO THE TRUTH OFFICE.

Q. WHEN THAT WAS SHOWN TO YOU WHO SUGGESTED THAT YOU SHOULD SWEAR THAT THAT WAS THE SIGNATURE OF H. L. MOREY?

A. HART ASKED ME ON A SUNDAY WHAT KIND OF A HANDWRITING H. L. MOREY WROTE. I SAID "HE WRITES A VERY COARSE, BOLD HAND. THAT WAS PRIOR TO MY SEEING THE REGISTER. THEN WHEN THEY SHOWED ME THE REGISTER THE NEXT DAY I SAID I SHOULD THINK THAT THAT WAS HIS HANDWRITING.

Q. AS MATTER OF FACT THAT WAS NOT THE HANDWRITING OF H. L. MOREY OR OF ANYBODY ELSE THAT YOU EVER KNEW?

A. NO, SIR. I AM REMINDED OF ANOTHER REMARK CLARK MADE. WHEN I MET MY UNCLE JOHN YESTERDAY HE SHOOK HANDS WITH ME, AND CLARK SAID WHEN WE GOT OUT OF OUR SEATS "WHO IS THAT?" I SAID "THAT IS MY UNCLE JOHN". HE SAID HE "HE WILL TESTIFY THAT THERE IS NO H. L. MOREY." I SAID YES HE WOULD, THEY WILL ALL TESTIFY THAT THERE IS NO H. L. MOREY. HE SAID "WELL, I DON'T CARE, IF YOU GO TO HELL I WILL GO TO HELL WITH YOU."

*Samuel J. Cherry*

*of November 1880  
before one H. L. Morey  
of Michigan*

0304

The People, vs.

vs.

Samuel J. Morrey

Confession

0305

✓ You said something about the base line  
What do you mean by that?

✓ Do you notice anything peculiar with  
reference to the writing upon the base  
line in the Mory letter?

✓ If so, what? — I do not pass him the  
Mory letter unless showing the <sup>variables</sup> ~~variables~~  
of the writing in that respect, and ask  
him to compare with Jewell letter.

✓ Compare with Exhibits especially H + K  
Do you find any co-incidences?

✓ Observe the crosses of the T<sup>s</sup> in the  
Jewell letter. Tell me what you find?  
How is it with the Mory letter?

✓ Now Sir — You have mentioned the C<sup>s</sup>  
and in the Mory letter as being very  
much like those in Jewell letter

✓ Will you now examine the "C" in "Con-  
fidential" top line Mory letter & C in "Con-  
fidential" line five Mory letter — and tell  
me what letter in Jewell letter resembles  
them? — From all your ever for

0306

~~them~~ letters. Do you observe that they have a peculiar initial stroke <sup>or</sup> & somewhat different than others in the same letter? Do you find that in the Jewell letter

Will you look at Ex II line 3 and tell me how that compares — also line 11 — K line 10 F line 8 — F line 13.

Look at C in "Company" line 6 Mary letter and see I line 10

Look at "C" in "Chewsee" line line 10 Mary letter also 2<sup>d</sup> word line 15 and then turn to Ex H line 11 — K line 6 and compare?

You spoke of a peculiar resemblance of the "or" in Mary in the Jewell letter to some word in Mary letter — Now will you look at "or" in <sup>word</sup> "More" Ex K line 12 and say if that is not quite as much like what you find the Mary letter as it is in the Jewell letter. Also see <sup>Ex</sup> F lines 3 & 4

Will you look at "be" line 13 Mary letter and then turn to Ex H line 9 and compare — Also "b" in "by" line 11 Mary letter and compare in Ex H line 8

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Will you look at the words "should"  
lines 10 + 13 Murray letter? Do you note  
the peculiar spacing and grouping of  
the letters — from the "h" to the "o" using  
space then the "ou" close upon each  
other, then a long space, with a very  
small "l"? —

Do not forget a peculiar and rather  
characteristic habit <sup>of the writer of that letter</sup> — see it also in  
"Personal & Confidential" at the top of  
letter —

Now look at the words "would"  
Et "H" lines 10 — F line 11.

Look at word action Murray letter  
line 12 — turn to F line 6 and compare

Look at "tion" in word relation line  
2 Murray letter and the same combination  
in D lines 2 & 11 and 12 — note how the  
the peculiar spacing and form of "ou"

You think the signature upon the  
Murray letter is Spafford — will you look  
at the "f" in that, and <sup>in</sup> the Jewell  
letter and say how near alike they  
are — now look at an f in Et H line 9

0308

Could say how that compares with *f* in  
sig. to Mary letter - also *f* in T line 9

L3

Will you compare the *l* in sig with  
same letter in Garfield - D line 9 +  
E lines 10 + 11 - Is not form and shade identical?

Is not the look peculiar - up & down curves different - angle at top?

L3

How is that with same in Mary letter + R. letter?  
Do you notice the dot of the "i" in  
the sig. ~~where~~ where it is placed?

Would you not suppose ~~that~~ a man  
writing his own name would know  
where to dot the "i" - look at  
Garfield in K line 11 and see  
if you see the same peculiarity

Will you look at the "j" in Mary  
letter lines 4 + 5 and tell me if  
you find any similar in the  
Jewell or Ackwell letter

Then look H line 3 J lines ~~1 + 2~~  
also line 8

Look at word "how" Mary letter line  
6 and then look at same word A  
line 3. Is not the *o* very much of  
the same habit + form

0309

Mr Carvalho - Have you ever before  
been called upon <sup>in any case where</sup> ~~to~~ <sup>where there</sup>  
was an alleged simulation of hand  
writing

Having a piece of simulated writing, and  
the writing of the alleged simulator,  
how would you proceed to ~~confirm~~  
~~or~~ establish the identity of the two  
writings? or to disprove the same?

In such a case would you not ex-  
pect many resemblances, <sup>in forms of letters</sup> in the simulated  
writing to that which was copied or sim-  
ulated?

If the simulator was really skillful,  
would there not be very much more  
resemblance in the simulation to the  
<sup>form of writing simulated,</sup> than to that of the  
simulator?

Will you tell us - to what extent -  
you would expect this to be the fact?

Now are not the resemblances you  
have mentioned between the writing  
of the Murray & Jewell letter just

0310

such as you would result from  
a skillful simulation of the writing  
in  
If they are not <sup>what would, or should be</sup> ~~what would, or should be~~ <sup>or would</sup> they be  
the indications if it had been simu-  
lated.

Do you now believe the body of the ~~body~~  
letter to be in the natural and consistent  
hand writing of Jas. A. Garfield?

Do you believe he wrote it?

And signed it?

0311

I understand you to say that the slope of the writing in the Jewell & Murray letter is substantially the same?

What do you think to be the angle of slope? i.e. how many degrees?

From the horizontal line?

Will you try three ruled lines upon the letter Jewell letter? I mean the top section and say what the result is?

Now try the same upon Murray letter, and say what the result is?

Now try the lower section <sup>of ruled lines</sup> upon the Jewell letter - result?

Then Murray letter in same manner

Now will you place the ~~two~~ upper section of ruled lines ~~and say~~ upon the Jewell letter, and say how many of the extended letters are more upright than the lines?

How many less?

Try same <sup>test</sup> in Murray letter

Now place the lower section of lines

0312

upon the Jewell letter and tell me how many extended letters are more upright than the lines. How many less so? —

Do you still think they both have the same slope?

You think that the Murey letter is written in a natural and consistent-hand? —

Will you look at the four  $t^s$  in the 1<sup>st</sup> line after "Dear Sir" — and say how they compare with each other — and with those in the Jewell letter,

Is such a variation in such close connection natural and consistent —

Will you compare the loops in the first lines of the Murey letter with some in last lines — as regards size and form? — and say if they are consistent —

Compare  $h$  in "Chinese" 2<sup>d</sup> line of Murey letter with  $h$  &  $l$  in "should" lines 10 & 13 Murey letter &c?

0313

The People of the State  
of New York }  
vs }  
Edward Philp }  
Before Hon. Robt Davis,  
sitting as a Magistrate,  
October 30<sup>th</sup>, 1880.

Opening argument of Jm J. Howe, Esq  
on behalf of defendant

Mr. Howe:— May it please your Honor,  
sitting as an examining magistrate, it is a  
matter of congratulation to those connected  
with the defence that the prosecution have  
at last terminated what, in their judg-  
-ment and discretion, is their so-called case  
against this man Philp. We are more than  
delighted that at this moment we have  
the opportunity to prove, on behalf of Mr.  
Philp, and incidentally, of course, on behalf  
of the newspaper called "Truth"

I Mr. Howe was here interrupted in his  
argument.

Mr. Howe:— I was about stating  
to your Honor that incidentally in this defence,  
a defence which we insist at this moment  
will substantiate the letter published as  
a true letter, and bearing the signature

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2.

of James A. Garfield, - I say that, incidentally, it will establish that the newspaper published the truth, and published it from no malicious motive. Whilst we recognize that we have the right at this moment to ask your Honor to dismiss this case upon the testimony which has been adduced; whilst we know and we think your Honor would agree with us that the law would step in if a technical objection were interposed, and your Honor would be compelled to dismiss this case, - whilst, I say, we feel that in an elective government publications concerning a candidate for office, or an incumbent who may be a candidate, appear to be privileged; whilst we recognize that not only the liberty of the Press must be preserved, but liberty of written discourse, as well as oral, in all relations, where there is a duty to speak, whether that duty is to the person speaking or to the public, that upon those grounds your Honor would be compelled to dismiss this complaint. But, sir, we feel that we have a higher duty than that - Your Honor well said at an earlier

0315

stage of this proceeding that it was the magnitude of this case, national in its importance, indeed paramount to any which may have been presented in Court hitherto, which induced your Honor, filling the high office of Chief ~~Magistrate~~ Justice of the Supreme Court, to act as another Chief Justice of a foreign tribunal acted, and become for the moment an examining magistrate, and I do state it publicly on behalf of Mr. Hart, the proprietor of this paper, and my friends will agree with me when I add also on behalf of Mr. Phelps, that your Honor's examination has been fair to all concerned in this case. Now, we propose to prove, first, that the letter and the envelope, in its entirety were received by Joseph Hart, the publisher of the newspaper called "Truth", and Mr. Hart will come forward and prove how he received them, whence they came, and that until after the publication of the facsimile of the letter in the "Truth" newspaper Mr. Phelps's eyes had never beheld them, for they were in the possession

0316

4.

of Joseph Hart. We shall also show, since there has been some doubt attempted to be thrown upon the existence of H. L. Moore, we propose to show who Moore was, where he lived, and by his executor the possession of this letter, and from whom it was received, by a person whom we will call, and to whom it was delivered, by that person; and in inviting your Honor's attention for the moment to the attempt that has been made by some post office officials to throw doubt upon this letter as to the stamps being a forgery, ~~we~~ we shall call in that respect experts, we shall call those connected with post offices who can prove what the stamps upon this alleged forged envelope are; we shall show by other letters received through the post office having the New York stamp at the back both to Brooklyn and elsewhere; we shall show, notwithstanding a large reward has been offered for the production of any steel cut stamp of a similar date at Washington, we shall show not only one but over fifty stamps in

0317

existence within our possession, and, doubtless, within the course of the day, we could obtain hundreds if not thousands. We shall show, also, by persons familiar with the handwriting of Mr. Garfield, as we are instructed, some of them gentlemen occupying high positions, that the signature to this letter is his. We shall also show, beyond a doubt, that that letter is not in the handwriting of Mr. Philp. Having established these facts, and having established, in this Court, and before the world who may learn any of these proceedings, those, in the first place, that Philp did not write that letter, or any part of it; secondly, that the letter is in the handwriting that is, the signature, is in the handwriting of Mr. Garfield, and, thirdly, how it was obtained by Mr. Hart, and kept in his possession, and under what circumstances published, the existence of the person named there a perfect answer to the allegation about the erasure on that post mark, for when it comes to be considered and argued about its absurdity, will be manifest, for if, as they

0318

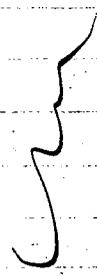
The People of the  
State of New York

Edward Philp.

Opening argument  
of Mr. J. Howe, Esq,  
in behalf of depts.

John J. Conroy,  
 stenographer,

140 Nassau St.



0319

City and County of New York; ss

George Bliss being duly sworn, deposes and says, that he resides at 54 West 39th Street in the City of New York. That on the *First* day of *November* October 1880, there was depending before Hon. Noah Davis, Presiding Justice of the Supreme Court in and for the First Department, and a Justice of said Court, an examination of a certain complaint theretofore made before said Justice by this deponent against one Kenward Philp upon a charge of wilfully and maliciously publishing a certain libel in a newspaper in the City of New York called "The Truth." That upon said examination one Samuel S. Morey was duly called as a witness upon behalf of the said Kenward Philp, and was then and there duly sworn by and before the said Presiding Justice, in substance and to the effect that the evidence that he should then and there give respecting the matter then in issue between the People of the State of New York and the said Kenward Philp should be the truth, the whole truth, and nothing but the truth. That in and upon said examination it then and there became and was material to ascertain whether the said Samuel S. Morey had ever had an uncle by the name of Henry L. or H. L. Morey and whether the said Samuel S. Morey had in the year 1879 or 1880 seen his said uncle in the City of Lynn, State of Massachusetts.

And deponent further says, that the said Samuel S. Morey upon his examination aforesaid, and upon his oath aforesaid, and before the Justice aforesaid, then and there in substance

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and effect deposed and swore that he the said Samuel S. Morey had an uncle of the name of Henry L. or H. L. Morey, and that he saw the said Henry L. or H. L. Morey on two occasions in the year <sup>1878</sup> 1879 <sup>and 1879</sup> at the City of Lynn aforesaid. That deponent has been informed and believes that such

testimony of the said Samuel S. Morey is in every respect utterly false and untrue. <sup>and he bases his belief upon the sworn testimony of other witnesses</sup>

<sup>this has sworn and assumed before the said justice</sup> Wherefore deponent charges on information and belief

that the said Samuel S. Morey hath committed wilful and corrupt perjury, and prays that the said Samuel S. Morey may be apprehended and dealt with as the law directs.

Sworn to before me this )  
9th day of November 1880.)

*George Bliss*

*B. H. Morgan  
Police Justice  
Lynn, City*

0321

City and County of New York; ss

John Woodbury Morey being duly sworn, deposes and says, that he resides in Boston, Massachusetts; that he is well acquainted with Samuel S. Morey of Lawrence, Essex County, Massachusetts, the person mentioned in the annexed affidavit of George Bliss. That the said Samuel S. Morey is a nephew of this deponent, being a son of deponent's brother, Samuel C. Morey, who has been dead for many years past. That there is not, nor has there been any person related to this deponent or to his said nephew Samuel S. Morey by the name of Henry L. Morey or H. L. Morey; and it is not true as sworn by said Samuel S. Morey in proceedings now pending before the said Hon. Noah Davis mentioned in the annexed affidavit that the said Samuel S. Morey ever had an uncle by the name of Henry L. or H. L. Morey; that the only person by the name of Henry Morey related to the said Samuel S. Morey is one Henry Hill Boody Morey, who is the son of this deponent, and who now is and has been for the past ten years a resident of San Francisco, California.

*affirmed*  
Sworn to before me this ) *John W. Morey*  
10<sup>th</sup> day of November 1880.)

*B. T. Morgan*  
*Public Justice*  
*N.Y. City*

0322

City and County of New York: ss

Frank P. Moore of Lawrence, Massachusetts, being duly sworn, deposes and says, that he is a nephew of Samuel S. Morey, the person mentioned in the annexed affidavits of George Bliss and John Woodbury Morey. That deponent knows said Samuel S. Morey his said uncle, and has known him since deponent's childhood; and deponent never heard of any relative of his or of the said Samuel of the name of Henry L. or H. L. Morey, although he has always believed himself acquainted with all the members of the said Morey family.

*Affirmed*

Sworn to before me this )  
10<sup>th</sup> day of November 1880. )

*Frank P. Moore*

*B. L. Morgan*  
*Police Justice*  
*N.Y. City*

0323

The People, or, on the  
Complaint of  
George Bliss

vs.  
Samuel S. Morey

Applicants of

George Bliss

John Woodbury Morey

vs.  
Frank P. Moore.

0324

State of New York  
City and County of New York

In the matter of }  
the People }  
vs }  
Hew and Philp }  
ford } For Misdeemeanor.

Joseph Hart of said City and County  
being duly sworn says. That he  
is the Joseph Hart heretofore  
examined in this case and the  
publisher of the North  
Newspaper. That when the  
witness Samuel S. Corey  
who was examined in  
above case last Monday  
left said Courtroom  
last Monday Evening  
Deppreue gave to said  
Corey explicit instructions  
to return to this City on  
~~Friday~~ <sup>Thursday</sup> morning, and  
that fearing said Corey  
might be induced to

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stay away, Depment on  
the night of Wednesday  
Evening last gave to  
Merritt. Warner the  
Agent <sup>order</sup> took the sum  
of one thousand and  
twenty five Dollars  
with instructions to  
spare no expense to  
bring said money on  
to this City on Thursday  
morning that the said  
Warner, at Depment's  
suggestion passed under  
an assumed name at  
Lawrence Massachusetts.  
That said Warner copied  
at Lawrence and tele-  
graphed to Depment  
under such assumed  
name which telegrams  
have been handed to this  
all honorable Agent.

That the said  
money will prove in  
examination, as Depment  
is informed by said clerk  
before his departure &

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after his examination, that the letter which Mr Blair asserted in Court was in the handwriting of Mr Phelps & which was known as the Goodall was in the handwriting of said Samuel S. Mory who the said relative is the said Samuel S. Mory will prove when he is on the witness stand.

Dependent further says that one Robert Lindsay of Cumberland Maryland is a necessary material and important witness for the defense in this case and that Dependent expects to prove by him that he was present in the City of Lynn Massachusetts in the month of February last when Henry L. Mory exhibited to him (said Lindsay) the letter known as the Mory letter.

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4

together with other letters  
written by James H. Farley.  
That said Sunday cannot  
be brought into this city  
before Monday afternoon  
next and that a messenger  
from Depue has been  
dispatched to bring said  
Sunday to Chicago and  
said messenger has telegraphed  
to Depue that he will  
bring said Sunday with him  
to this city.

I swore before me this } Joseph Hart  
5<sup>th</sup> day of August 1880 }  
J. J. Hart  
Notary Public  
N.Y. City & Co.

0328

City of Canyon vs. S. Millan  
I have being duly sworn  
depose and say that I  
am one of the Amusees  
for the purpose herein.  
That I was present this  
morning when Joseph  
Hart stated the facts  
deposition the annexed  
affidavit of Joseph Hart.  
That I have  
read the annexed affidavit  
of the said Joseph Hart and  
from additional statements  
made me by said Hart  
of & concerning the testimony  
expected to be given by the  
said Samuel C. Hurley &  
the said Robert Lindsay  
that they are each of

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them are necessary, material  
& important witnesses for  
the defense herein & in  
department belief a great  
injustice will be done the  
defense if the defense  
be not permitted to produce  
the said witnesses & have  
the benefit of their said  
testimony

Sworn to before me this 27th day of November 1900  
Wm. H. Moore  
Notary Public  
W. H. Moore

0330

Refine  
Am. Forks

Pelee

—  
Keweenaw

—  
Mounds of

—  
Josephine  
Mills  
—  
Keweenaw

0331

City and County of New York

George Bliss, being duly sworn, deposes and says, that he resides at No. 54 West 39th Street, in the City of New York. That on the 9th day of November, 1880, there was depending before Hon. Noah Davis Presiding Justice of the Supreme Court in and for the First Department, and a Justice of the said Court, an examination of a certain complaint heretofore made before said Justice by this deponent against one Kenward Philp upon a charge of wilfully and maliciously publishing a certain libel in a newspaper in the City of New York called "The Truth". That upon said examination one Robert Lindsay was duly called as a witness upon behalf of the said Kenward Philp and was then and there duly sworn by and before the said Presiding Justice, in substance and to the effect that the evidence that he should then and there give respecting the matter then in issue between the People of the State of New York and the said Kenward Philp should be the truth,

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the whole truth, and nothing but the truth.  
That in and upon said examination  
there and there became and was  
material to ascertain whether a  
certain paper then and there before  
the said Justice had ever been in  
the possession of one H. L. Morey  
or Henry L. Morey, and whether such  
a person as Henry L. or H. L. Morey  
ever existed, and whether such a  
person as Henry L. or H. L. Morey  
had ever resided at Lynn in the  
State of Massachusetts, and especially  
whether he had so resided in the  
year 1879 or 1880. And deponent  
further says that the said Robert  
Lindsay upon his examination aforesaid,  
and upon his oath aforesaid,  
and before the Justice aforesaid, then  
and there in substance and effect  
deposed and swore that he saw  
the said Henry L. Morey or H. L.  
Morey in Lynn in the State of  
Massachusetts in the year 1874 and  
again in the year 1880, and that  
he also saw him the said Henry  
L. or H. L. Morey in the City of  
Philadelphia in the month of

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February 1880, and that at such  
interviews at Lynn in the year  
1880 the said Henry L. or H. L.  
Moore exhibited to him the said  
letter or paper then ~~to~~ before the  
said justice, and read the same  
to him.

That deponent has been informed  
and believes that such testimony  
of the said James Lindsay is in  
every respect utterly false and  
untrue, and he derives such inform-  
ation and belief from other statements  
made before the said justice, and  
from statements made under oath  
before the said justice by other  
witnesses examined before him.

Wherefore deponent charges  
on information and belief that the  
said Robert Lindsay hath committed  
wilful and corrupt perjury, and prays that  
the said Robert Lindsay may be apprehended  
and dealt with as the law directs.

Sworn to before me this 3<sup>rd</sup>  
9th day of November 1880. 3  
R. J. Morgan  
Procurator  
N.Y. City

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The People re  
in the Complaint of  
George Bliss  
175.

Robert Lindsay

==

0335

DISTRICT ATTORNEY'S OFFICE,

New York, \_\_\_\_\_ 188

Philp + Fretta

~~By~~  
Stenographer to prove  
Philp's admissions  
& Hart's

as to publication and  
owners, writing  
Post's admission to same

also Rockwell as to Garfield's  
writing

Stenographer to prove the  
mess to have been ad-  
mitted by Philp or his  
Ames to prove same articles  
& letter written by same  
person

205

0336

2 Bishop on Criminal Law sect 936.  
Held to be a criminal libel to publish of a  
Justice of the Peace and Alderman that he  
was scandalously guilty of telling a lie.

"Killing", says the Court, "tending more to the  
breach of the peace than the word lie"

Reg v Staples Indr. 220

Key v. Broughton 6. Car & B. 184

8 Johnson 356

33 How Pr. 180

King case 4 Crut. 181

§ 2 Str. 898.

Dowdell on Libel 3 Ed. p 264 note

24 Stone 433

27 Comw. 58

0337

The People  
on the complaint of  
George Bliss  
against  
Kenward Philp

Before  
The Hon  
Noah Davis  
a Justice of the Supreme Court.

To the Sheriff of the County of New York -

Whereas on the  
28<sup>th</sup> day of October A. D. 1880 a certain pro-  
ceeding was pending before the undersigned  
Noah Davis a Justice of the Supreme Court  
of the State in which one Kenward Philp was  
charged before me on a complaint made  
under oath by George Bliss with having  
falsely, wilfully and maliciously written and  
published <sup>in the city of New York</sup> a certain libellous article charging  
one James A. Garfield with having lied and  
with being a liar with respect to a certain  
letter alleged to have been written and signed by  
said Garfield, the writing and signing of which  
letter the said Garfield has denied; and

And whereas on such  
proceeding one Joseph Hart having been  
duly summoned and sworn as a witness  
and having in reply to a question stated  
that he appeared in compliance with a  
subpoena served upon him which required

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him to produce said signed letter and having stated that he had had said letter in his possession but that he had delivered it to a friend from whom he could obtain it was thereupon asked

to which question he responded that he declined to answer and being thereupon ordered by the undersigned as such justice of the Supreme Court <sup>to answer</sup> said question, ~~the~~ undersigned as such justice there having decided that said question is a legal and proper one, <sup>he</sup> the said Joseph Hart still declined and refused to answer said question: Now the undersigned as such justice as aforesaid ordering the said Joseph Hart to answer the said question and he the said Joseph Hart still contumaciously and unlawfully refusing to answer the said <sup>question and</sup> interrogatory, the undersigned as such justice as aforesaid doth hereby advise the said Joseph Hart, by reason of the premises aforesaid, guilty of a contempt <sup>committed by</sup> the presence of the undersigned as such justice as aforesaid, and doth further order and advise that the said Joseph Hart, for the contempt aforesaid, whereof he is convicted, be

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imprisoned in the jail of the County  
of New York until he make answer to  
the aforesaid question propounded to  
him as aforesaid, which he has refused  
to answer, <sup>until he</sup> is discharged according to  
law.

Dated New York City and County this  
day of \_\_\_\_\_ in the year one thousand  
eight hundred and eighty



0340

The People's Congress  
of Georgia

craft

Howard Phelps

Warrant of Comm-  
mencement.

0341

My name is Richard <sup>Herry</sup> Wilde. I am  
29 Years old. I reside in New York,  
at 111 1/2 Broadway. I am an ac-  
quaintance of Joseph Hart, the  
Publisher of Truth. I have been  
employed on newspapers work for  
him at various times, and I have  
got news from there frequently  
to telegraph to out of town papers.

On the 3<sup>rd</sup> of November I came  
incidentally into Truth office and  
was told by Mr Hart that there  
was a man in Cumberland Md.  
whom he wanted to procure as a  
witness in the Philip Case, and  
asked me if I would go and bring  
him as a favor as he had no one  
else to send. I consented to go  
and he gave me \$100 for expenses.  
He also gave me a copy of Truth  
of November 2, 1880, containing  
the affidavit of Robert Lindsay.  
He also gave me a letter of intro-  
duction to William M. Price of  
Cumberland, Maryland, which  
was written in my presence by  
Mr Post in Mr Hart's name,  
with instructions to go to Mr Price

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and procure his aid in getting Lindsay to come to New York and testify in the Philp case. There was nothing in the conversation with Mr. Hart or with anyone else to induce me to believe that Lindsay was wanted for any other purpose than to testify to facts within his knowledge.

In order to escape any notoriety it was agreed that I should assume the name of Henry Walton which I did. I left New York by the 4 o'clock train of the Pennsylvania Railroad on the 3rd and arrived in Cumberland, Maryland about 2 o'clock p. m. on the 4th. Immediately I went to Mr. Pricer's office, then to his house, and then to Court where I found him defending a case. I handed him the Truth of Nov 2<sup>d</sup> and the letter of introduction without saying a word. He said "I am very busy, you will have to excuse me until I get through the case." About 3 1/2 p. m. he got through and then he walked

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down with me and I stated that I had come for Lindsay the witness whose affidavit he had read in the paper I had handed him. He said "You will have to excuse me, but as I do not know you, and the letter you handed me may be forged, I will have to have better credentials." I replied "why can't you telegraph to Hart and find out?" He said he would. I presume he did, and I did myself. I went back to the hotel and waited until answers came.

About half past eight Mr. Price came to my hotel (the Queen City Hotel I think the name was) and said I have just received that telegram from Hart, and he says it is all right. I think he said then "I can't find Lindsay to night; the man that knows him is busy, but as soon as I can I will bring him to you." He didn't return until next morning.

When he returned another

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man accompanied him. He said "This is the man" waving his hand at his companion. "He is a detective and will get Lindsay for you." In introducing his companion Price did not give his name nor did I learn it except that he was called "Jim" by people he met. He was a man about 30 or over; he was about medium size; he was in citizens dress and under his coat he wore a policeman's badge. He wore a black patch over his eye held by a band around the head. I think his eye was out.

This man "Jim" told me that we would have to go over the mountains; that Lindsay was at the mines. We obtained a team and drove west over the natural turnpike. I asked him if he thought Lindsay would go with me. He said he would. He thought but we would have to pay him for his trouble. We stopped before we got to

0345

3

Frostburg and "Jim" went into a house which he said was Lindsay's mother's. When he came out he said he had seen Lindsay's mother and that Lindsay had gone to town, and we drove on to Frostburg, he saying that was the town he meant, and that he knew the saloon where he always stopped.

When we arrived in Frostburg we went to a saloon and Jim had a conversation with a man which I didn't hear.

He then said to me "the old woman has lied and I guess he's at the mines". We then started to the mines with one of these men who said he would show us the way. We drove 3 or 4 miles over the mountains further still to what he called the Eckert mine. There he enquired of a foreman in the mine where "the brute" was. I said "who is that" & he said "that is a nickname for Lindsay de Bruck". The foreman an-

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answered "he is not here". We then started back and returned to Cumberland. While returning we passed two coal trains, on each occasion the carriage was stopped and Jim professed to look for him. We arrived at Cumberland about 3 o'clock pm on Friday. When we put up the horses and Jim started out to look in the Saloons for him. I followed him. We were unable to find Lindsay. We then went to Price's Office and Price was not there. I remained there while Jim went up to Court. In a short time I saw Price coming back accompanied by Jim. I then entered Price's back Office with him. He said to me, "Lindsay is in town, you go back to the hotel and I will bring him up there;". I answered, "I can not remain any longer than for the evening train". Price assured me that he would be sure to come up and see me, whether Lindsay was found or not. I went to the

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Hotel and remained there until after 4 o'clock, when Jim came and informed me that Lindsay was in town, and that he and Lindsay had been looking for each other. I requested him to get him before the train started or to send him by the next train as I could not wait. I then came down stairs and found that the train was 1 hour late, and would not leave until 6 o'clock. About 1/2 before 6 o'clock I was standing waiting on the platform, the train being there when Jim arrived accompanied by a man who he said was Lindsay. I had promised him \$10.00 or \$20.00 if he would find Lindsay in time for him to accompany me and that amount I then and there paid him.

I then purchased two tickets to New York. Lindsay asked if I had a return ticket for him. I said no, but I would get him one upon application. I found they did not sell return tickets from New York, so I handed him with

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his ticket "100<sup>00</sup> the price of a return passage. Lindsay then asked me what he was to get. I answered "Your Expenses will be paid too and from New York and you board while there." He demanded "100<sup>00</sup>/<sub>100</sub>". I said whatever was agreed upon in addition for his loss of time would be paid to him in New York.

We then got upon the cars when he asked me if he would get back before the 10<sup>th</sup> of the month because they always got paid off at the mines on the 10<sup>th</sup> of every month. Before the train started Jim came to me and asked me if I had the newspaper "referring to Truth of Nov- 2<sup>nd</sup> containing the affidavit of Lindsay." And I told him that I had left it with Price. He said I will get it for you and left the car returning in about 1 or 2 minutes with the paper which he handed to Lindsay.

The train then left and during the evening Lindsay passed most

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5-

of the time in the smoking appa-  
-riment reading the paper while I  
dozed in my seat. During the entire  
trip to New York we had little or  
no conversation save in relation  
to many working mines, wages &c  
a subject which interested me.  
There was no conversation whatever  
in regard to what he could or could  
not swear to, or in regard to the  
Morey letter, except once when  
he asked me whether he could see  
the Morey letter in New York. I  
then answered that I thought he  
could, as I believed it was at  
the Truth Office. I can state  
most positively that from the  
time I first met Lindsay, until  
the present time, there was no  
suggestion from me as to what  
he should swear to, and that I  
made no inquiry of him with  
regard to what he knew about  
the Morey letter or what he would  
swear to. I fully believed that  
he was Lindsay and that he was  
the man who had made the affir-  
-davit published in Truth and other

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Papers. I would further state that I took no interest in politics this fall, neither registering nor voting and that I knew little or nothing about the facts of the case, and cared nothing further than doing a service to my friends.

On our arrival in New York I took Lindsay to the office of Truth and left him with Mr Hart, since which time I have only seen him once casually and have held no intercourse or conversation with him whatever.

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City and County of New York: ss

The Jurors of the People of the State of New York, in and for the body of the City and County of New York, upon their oath, present:

That heretofore, to wit, on the twenty second day of October in the year of our Lord one thousand eight hundred and eighty, and on divers days theretofore and thereafter, there was printed and published in the City of New York in the County aforesaid, a certain newspaper entitled "Truth"--: that in a certain issue of said newspaper, which issue was published on and bore date of the said twenty second day of October, there was printed and published amongst other things the following:

"GARFIELD'S POLITICAL DEATH WARRANT.

"His infamous letter advocating the increased immigration of Chinese cheap labor.

"Fac simile of the letter in which he declares himself adverse to the laboring man's interest, and in favor of the Employers' Union - advising the employment of the cheapest labor available.

"Personal and Confidential.

"House of Representatives,

"Washington, D.C. Jany 23d 1880.

"Dear Sir:

"Yours in relation to the Chinese problem came duly to hand.

"I take it that the question of employees is only a question of private and corporate economy, and individuals or

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companies have the right to buy labor where they can get it cheapest.

"We have a treaty with the Chinese Government, which should be religiously kept until its provisions are abrogated by the action of the general Government, and I am not prepared to say that it should be abrogated until our great manufacturing and corporate interests are conserved in the matter of labor.

"Very truly yours

"J. A. Garfield.

"H. L. Morey

"Employers Union

"Lynn Mass."

That in the said issue of said newspaper the so called letter above set forth, was produced, printed and exhibited in such wise, as that the same then and there purported and was alleged to be a copy and facsimile of a letter which in said issue was alleged and claimed to have been theretofore written and signed by J. A. Garfield (meaning thereby James A. Garfield) and to have been by him theretofore sent to one H. L. Morey at the City of Lynn in the Commonwealth of Massachusetts.

And the Jurors aforesaid, upon their oath aforesaid, do further present:

That in the said issue of the said newspaper, among other

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things touching and concerning the said letter, and touching and concerning an alleged denial by the said James A. Garfield of the writing or sending of such letter by him to any person named H. L. Morey, there was also printed and published a certain article under the heading of "Lying and Sticking to it", which said article is as follows.

"Lying and Sticking to it.

"The Republican National Committee yesterday held a meeting to consider the best way of appeasing the storm of popular indignation that Garfield's infamous Chinese cheap labor letter has aroused.

"Garfield has denounced the letter as a forgery.

"He has lied, and the Republican National Committee will stick to the lie.

"That was the decision at which they arrived yesterday.

"In this question of veracity between Garfield's word and Garfield's letter, the people of the United States will know how to decide.

"They will not be deceived by the persistent lying of the Republican National Committee.

"Garfield's own words, in Garfield's own writing, confront Garfield's lie :

"The Republican candidate for the Presidency, in his desperation, has tried to lie himself out of a difficulty that will swamp him. The Republican General Committee, while cursing his folly in their hearts, lie for him because his swamping is their utter destruction.

"Pay no heed, voters, to what is said on one side or the other!

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"Examine Garfield's letter, as it is laid before you to-day, and judge for yourselves!"

And the Jurors aforesaid, upon their oath aforesaid, do further present:

That on the twenty-sixth day of October in the year last aforesaid, a complaint was made to Honorable Noah Davis, one of the Justices of the Supreme Court of the State of New York, that a certain criminal offense, to wit, that of malicious libel of and concerning the said James A. Garfield had been committed theretofore by one Kenward Philp; which said complaint, among other things, charged in substance that on the said twenty-second day of October in the year last aforesaid, at the <sup>said</sup> City of New York, he the said Kenward Philp wrote and forged a certain letter purporting to be written and signed by J. A. Garfield and purporting to be addressed to H. L. Morey, to wit, the same letter, the contents whereof have been herein above set forth, and the same letter whereof the newspaper entitled "Truth" did print and publish as aforesaid what then and there purported to be and was then and there alleged to be a copy and fac-simile. And which said complaint among other things, also charged that he the said Kenward Philp at the said City of New York, on the day and year last aforesaid, did write and cause to be published in the aforesaid issue of the said newspaper entitled Truth, which was published on and bore date of said twenty-second day of October, the article hereinbefore particularly set forth, bearing the said heading of "Lying and Sticking to it."

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And the Jurors aforesaid, upon their oath aforesaid, do further present:

That thereupon on the said twenty-sixth day of October at the City of New York aforesaid, the said Noah Davis as such Justice as aforesaid, did examine on oath one George Bliss, Esquire, being the same person who had theretofore on the same day made the above mentioned complaint; and that upon such examination it appeared to him the said Noah Davis as such Justice as aforesaid, that the criminal offense of libel had been so as aforesaid committed, and that thereupon the said the Honorable Noah Davis, as such Justice as aforesaid, on said twenty-sixth day of October issued his proper warrant under his hand, in due form of law, in substance commanding that the said Kenward Philp be apprehended and brought before him the said the Honorable Noah Davis, as such Justice as aforesaid, to answer to the charge aforesaid and to be dealt with according to law.

And the jurors aforesaid, upon their oath aforesaid, do further present:

That an examination was thereupon had by and before him the said the Honorable Noah Davis, Justice as aforesaid, which was continued from day to day, until and including the first day of November in the year last aforesaid, at the City of New York aforesaid, and that on the said first day of November in the year last aforesaid, at the City of New York aforesaid, one Samuel S. Morey appeared at the said examination as a witness for and in behalf of the said Kenward

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Philp, and was duly sworn to speak the truth, the whole truth, and nothing but the truth, of, upon and concerning the matter then depending before him the said Honorable Noah Davis, Justice as aforesaid, he the said Noah Davis then and there having sufficient and competent power and authority to administer an oath to him the said Samuel S. Morey in that behalf. Whereupon it then and there became and was a material question whether he the said Samuel S. Morey had known any person named Henry L. Morey; and whether any uncle of him the said Samuel S. Morey bearing that name had ever lived in Andover, New Hampshire or any where else; and whether he the said Samuel S. Morey had ever seen Henry L. Morey in the City of Lynn in the State of Massachusetts in the Fall of the year of our Lord one thousand eight hundred and seventy eight, or in the Spring of the year last named, or at any other time; and whether he the said Saumel S. Morey at any time in the Spring of the said last named year, or at any other time, went from the City of Lynn in the State of Massachusetts to the City of Boston in the same State with any person named Henry L. Morey and whether the said James A. Garfield had ~~written~~ in truth or in fact written or signed any such letter such as has been hereinbefore set forth, or had sent the same to any person named H. L. Morey; and whether any person named H. L. Morey had ever received any such letter written or signed by said James A. Garfield.

And the Jurors aforesaid, upon their oath aforesaid, do further present:

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That the said Samuel S. Morey being so sworn as aforesaid did then and there, ~~he~~ wit, on the first day of November in the year of our Lord one thousand eight hundred and eighty, at the City of New York aforesaid, as such witness as aforesaid upon such examination as aforesaid, and whilst the foregoing were such material questions and subjects of inquiry so as aforesaid, knowingly, unlawfully, falsely, wickedly, wickedly, corruptly and maliciously say depose and swear amongst other things in substance and to the effect following that is to say: that he knew the said Henry L. Morey, and that an uncle of him the said Samuel S. Morey by the name of Henry L. Morey had lived formerly in Andover, New Hampshire, (meaning thereby in the City of Andover in the State of New Hampshire), that the said Samuel S. Morey in the fall of the year of our Lord one thousand eight hundred and seventy eight and in said last named year in the Spring ( meaning thereby in the fall and Spring respectively of the year of our Lord one thousand eight hundred and seventy eight) saw a person named Henry L. Morey in Lynn, Massachusetts (meaning thereby in the City of Lynn in the State of Massachusetts), and that he the said Samuel S. Morey in the year last named went with a person named Henry L. Morey from Lynn (meaning thereby in the said City of Lynn in the State of Massachusetts) to Boston (meaning thereby the City of Boston in the said State of Massachusetts); whereas in truth and in fact all matters alleged to have occurred between the said Samuel S. Morey, and any person named H. L. Morey or Henry L. Morey and all the several circumstances in connection with the said

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meetings so alleged by him the said Samuel S. Morey to have taken place as aforesaid had no existence whatever; and whereas in truth and in fact the said Samuel S. Morey never at any time knew any person named Henry L. Morey, and whereas in truth and in fact the said Samuel S. Morey never at any time had an uncle named Henry L. Morey living in Andover New Hampshire, or any where else; and whereas in truth and in fact the said Samuel S. Morey did not in the Fall of the year of our Lord one thousand eight hundred and seventy eight, nor in the Spring of the year last named, nor in any other year, see any person named Henry L. Morey in the said City of Lynn and State of Massachusetts; and whereas in truth and in fact he the said Samuel S. Morey did not at any time in the year of our Lord one thousand eight hundred and seventy eight or at any other time, go with any person named Henry L. Morey either being or not being the uncle of him the said Samuel S. Morey, from the City of Lynn aforesaid to the City of Boston aforesaid, or from any other place to any other place whatsoever.

And so the jurors aforesaid, upon their oath aforesaid, do say:

That the said Samuel S. Morey then and there before the said the Honorable Noah Davis, Justice of the Supreme Court as aforesaid, at the said examination and inquiry on the first day of November aforesaid, upon his oath aforesaid, the said the Honorable Noah Davis, Justice as aforesaid, then and there having full, lawful and competent power and

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authority to administer the said oath to him the said Samuel S. Morey as aforesaid, by his own act and consent and by his own most wicked and corrupt mind, in manner and form aforesaid falsely, knowingly, maliciously, wickedly, wilfully and corruptly did commit wilful and corrupt perjury.

BENJ. K. PHELPS,

District Attorney.