Götterdämmerung in Topeka: The Downfall of Senator Pomeroy

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I

ABOUT seven o’clock in the evening of January 27, 1873, four men hurriedly entered room 107 of the Teft House, Topeka’s leading hotel, and carefully locked the door behind them. One of these men was Col. Alexander M. York, lawyer, ex-lieutenant colonel of the Union army, and state senator from Montgomery county in southeastern Kansas. Another was W. A. Johnson, senator from Anderson county, who, with York, was in town for the session of the legislature which would elect a United States senator from Kansas. The other two were B. F. Simpson, attorney, and J. C. Horton, agent for the Kansas Pacific Railroad at Lawrence. All were prominent in the movement to defeat Samuel Clarke Pomeroy for re-election to his senatorial seat in Washington. York, a thin-faced, full-bearded man in his middle 30’s, spoke in a low tone for several minutes while the others listened carefully. After some discussion, an agreement was reached. The men then separated.

Somewhere around nine or nine-thirty of the same evening York returned to the Teft House. He climbed the stairs to the second floor and knocked on the door to Senator Pomeroy’s rooms. The door opened slightly. After a short conversation, York went back downstairs. He wandered about the town rather aimlessly for several hours, dropping in at various bars, stopping off at an anti-Pomeroy meeting for a quarter of an hour, mixing with the crowds that jammed Topeka on the eve of the senatorial election. At midnight he again went to the Teft House and knocked on Pomeroy’s door. He could hear subdued voices inside the room. The door was partly opened just long enough for a brief exchange of words, then York went away.

In an hour he was there again and this time was admitted. Pomeroy was now alone. For nearly two hours they talked earnestly. About three o’clock Pomeroy rose from his chair, went to a trunk in the corner of the room, unlocked it and took out a package of bank notes which he handed to York. York noted that the money

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was secured with a paper band just as it had come from the bank; on the band was a cashier's notation indicating that the bundle contained $1,000. The senator then took out his wallet and counted another $1,000 in 50 and 100 dollar greenbacks into York's hand. No receipt was asked for or given. After a few more remarks, they separated. York returned to his own hotel and went into W. A. Johnson's room, which adjoined his. He sat by the stove a few minutes, since his own fire had gone out. Johnson, who had been asleep, roused himself and looked up. York pulled out the money he had just got, held it up briefly for Johnson to see, then left. He made his way to the bar of the Tefft House but found it deserted. Climbing onto the bar counter, he stretched himself out and slept there till daylight.

During the next day he unexpectedly moved from his hotel to rooms in a private boarding house. He attended the first balloting for United States senator at the state house and cast his vote for D. P. Lowe. At five minutes to four that afternoon he went to the room of Col. T. B. Eldridge in the Tefft House. The only person there was the colonel's brother, who left immediately after York entered. York, tired after so little sleep the night before, lay down on the bed in his overcoat. Shortly after four, Pomeroy entered from the hall and at once took from his pocket a parcel wrapped in brown paper and tied with twine. He handed it to York, with the remark that it contained $5,000. Again no receipt was given for the money.

A little before ten o'clock the next morning, Wednesday, Johnson stopped in at York's rooms. After York had shown him the $7,000 he had got from Pomeroy, Johnson went on to the ten o'clock meeting of the senate. York followed about 11:30. Both houses of the legislature were to meet in joint convention at noon to take the second ballot for United States senator. The floor of the convention was crowded, not only with the members of the legislature but with lobbyists as well, who were admitted to the floor during sessions. These men were busily engaged, moving about among the legislators and talking with them in confidential tones. At 12 sharp the convention was called to order. The members quickly took their seats; the lobbyists jammed the aisles.

The reading of the senate and house journals occupied the first few minutes of the session, then Senator Guerin of Bourbon county made an attempt to have the lobbyists cleared out. Voted down on this, he proceeded to place in nomination John J. Ingalls, candidate of the anti-Pomeroy forces. Guerin was followed on the floor by Judge Nathan Price of Doniphan county, who nominated Pomeroy.
But before a seconding speech could be made, York rose to a question of privilege and was at once given the floor, as if by pre-arrangement.

"Mr. President and gentlemen of the joint convention," he began, "before I place any gentleman in nomination I desire to make a brief statement." York seemed agitated and had some trouble controlling his voice. The house, sensing something unusual in his manner, quieted down. He continued:

I visited Mr. Pomeroy's room, in the dark and secret recesses of the Tefit House, on Monday night, and at that interview my vote was bargained for, for a consideration of $8000; two thousand dollars of which were paid to me on that evening, five thousand dollars the next afternoon, and a promise of the additional one thousand when my vote had been cast in his favor. I now, in the presence of this honorable body, hand over the amount of $7000 just as I received it, and ask that it be counted by the Secretary.

As York strode to the chief clerk's desk where he placed the money, a murmur arose in the room; it was noted that the faces of many men who had been anti-Pomeroy before the election and who had since defected to the senator's side looked distinctly uneasy. As York resumed his speech, complete silence fell again. "I ask, Mr. President, that the money be used to defray the expenses of prosecuting the investigation of S. C. Pomeroy for bribery and corruption." 2

York then said he realized he was a disgraced man for having thus betrayed a trust reposed in him by a fellow man; but he had done it, he said, "to save my State from sinking still deeper into the quicksands of corruption in which her once fair fame is already almost swallowed up." Then he placed his dilemma before the convention, asking whether he was now in honor bound to vote for Pomeroy. (Cries of "No!" "No!" "D—n Pomeroy and his money!") "I ask you if I am in your minds a disgraced man?" (Cries of "No!" "No!" "You did right!") Thus encouraged, York concluded his speech with a peroration which came close to starting a riot:

I have an aged parent whose life has been spared to bless me with her love and her approval of the conduct of my life. I have a wife and little ones to whom I hope to bequeath a name which, however obscure, they may have no reason to blush to hear pronounced. Yet this corrupt old man comes to me and makes a bargain for my soul, and makes me a proposition which, if accepted in the faith and spirit in which it is offered, will make my children go through life with hung heads and burning cheeks at even mention of the name of him who begot them. Earth has no infamy more damnable than corruption;

And, he added, no criminal is more desppicable than he who corrupts

the people's representatives for selfish ends. Then, throwing his arms in the air, he swore before "the Almighty Ruler of the Universe" that all he had said was God's truth. 3

As soon as he had finished, the uproar broke out. The whole house leaped to its feet and commenced shouting. Some of Pomeroy's men, wearing desperate expressions, were fighting their way through the mob to hold emergency conferences. Others stood on their desks, yelling for the floor; the York forces howled them down. Lobbyists and members were so thoroughly mixed that it was impossible now to distinguish them. It was remarked, however, that the presiding officer of the convention, Lieutenant Governor Stover, an anti-Pomeroy man, sat placidly at his desk wearing a pleased expression and doing nothing to restore order.

Finally Judge Nathan Price, who had nominated Pomeroy, managed to be recognized by the chair and moved for an adjournment till five o'clock to give Pomeroy a chance to defend himself. York bitterly opposed this, saying it would give the Pomeroy forces time to reorganize their strength and pick a candidate who would be Pomeroy's tool. Peculiarly, although Pomeroy's headquarters at the Tefft House were only a ten-minute walk away, none of his friends thought to bring him at once to the state house to defend himself in person. After a good deal of pretty abusive debate, the ballot was finally taken about two o'clock, nearly two hours after York had made his disclosure. Ingalls was elected almost unanimously. Pomeroy, though 50 men had voted for him the day before, got not a single vote.

II

This was the background of one of the most celebrated political scandals of the 1870's—the golden age of political boondoggling. Both sides subsequently agreed on the events just related. Pomeroy admitted that York had called on him, that he had given York $2,000 Monday night and $5,000 the next afternoon. And what happened at the joint convention was pretty much beyond dispute. The only thing that was in doubt was the purpose for which the money had been paid. The matter was finally carried to the floor of the United States senate, where a committee of investigation was appointed. The case aroused great interest throughout the country. For weeks it held the front pages of the newspapers. Later in the same year Mark Twain put it in The Gilded Age, where it was immediately recognized, and made it the climax of his attack on the

corruption of the Reconstruction congress. One reason why it gained so much attention was undoubtedly the dramatic—or melodramatic—way the exposure had been made. But more important, the case was a perfect illustration of the workings of politics under the Grant administration.

Dissatisfaction with congress was universal. Newspapers were constantly filled with charges of corruption, with investigations, with impeachments. At the time the Pomeroy story was running in the New York Tribune, it shared the front page with the Credit Mobilier investigations and with accounts of the deals of the Tweed Ring. At the same time the Chicago Tribune listed by name 12 United States senators whose seats had been bought and added that “these are only those who have been found out.” 4 In the Forty-first congress a house committee had recommended that Rep. B. F. Whittemore be expelled for selling appointments to West Point and Annapolis. In 1869 a house report had been made on election frauds in New York state in which 50,000 fraudulent votes were said to have been cast—thousands of aliens had been illegally naturalized and allowed to vote, and the sound old device of “repeating” had been widely used. At the time of the Pomeroy investigation, both house and senate were investigating the Credit Mobilier scandal as it affected their respective members. Thirty-seven members of the Missouri legislature had preferred charges of vote buying against Sen. Louis V. Bogey of that state. Sen. Powell Clayton of Arkansas, an old Kansas man, was the subject of a 407-page investigation on charges of election fraud. Sen. Alexander Caldwell, who with Pomeroy represented Kansas, had been investigated for buying votes at his election in 1871.

These are representative instances, by no means a complete catalog. And there were dozens of other deals that were public knowledge but which never reached the stage of formal investigation—for instance, Senator Nye of Nevada accepting $50,000 from his successor, Jones, and agreeing not to run against him for re-election. The Boston Post remarked that “the oaths of Congressmen have sadly depreciated in value,” and “a lapse of memory in regard to all matters involving the transfer of money is so general as to suggest caution in trusting any individual recollection unsupported by a memorandum book.” 5 When Caldwell of Kansas chose to make his denial of fraud charges on his honor as a senator instead of on his oath, the New York Tribune commented, “We regret to say that

4. Ibid., February 19, 1873, p. 5.
5. Ibid., March 1, 1873, p. 7.
the honor of a Senator does not rate high in the market this year.”\(^6\)
When the house of representatives passed at this time a bill denying promotion to army officers guilty of intemperate drinking, the Tribune asked: “... is the House just now in a fit frame of mind to enact moral obligations for anybody?”\(^7\)

The only version of the Pomeroy case now familiar to most people is that contained in Twain’s *The Gilded Age*. Far from being exaggerated, this account, savage though it is, actually does not do full justice to the case.\(^8\) The senator and his troubles need to be drawn full length to be properly appreciated.

Pomeroy had been in the senate since 1861, immediately after Kansas had been admitted as a state. He had been in the public consciousness like a sandbur from the time he assumed his seat. The press generally regarded him as a smooth old scoundrel and consummate hypocrite. Yet even York, his bitterest enemy, admitted under oath that he had done much good for Kansas in the way of getting things for the state—grants of public lands for schools, for railroads and pork-barrel measures generally. But York deplored his moral influence on Kansas politics. George W. Glick, Pomeroy’s attorney for many years, said, after the senator’s death, that he was a “good man; honest, kind-hearted, and generous to a fault. He was loyal to his friends and to Kansas, and did more for Kansas in her early days, and for her people in the early ’60’s, than any other man who lived within her borders.”\(^9\) But Samuel J. Crawford, an early governor of Kansas (1865-1868), wrote in his reminiscences that whereas Caldwell “regarded the members of the Legislature as so many cattle to be purchased on the open market, branded and yoked up for his personal use,” Pomeroy on the other hand “looked upon them as so many sheep in the shambles, from which he could make his choice, pay his money, and go on his way rejoicing.”\(^10\)

A few days before the 1873 election, Senator Harlan of Iowa had written a letter of character for Pomeroy’s use in the campaign. “Those who know him intimately and well,” wrote Harlan, “believe him to be one of the truest and purest of our public men, as they know him to be one of the most generous. His benefactions have made hundreds of worthy families rejoice. Those who ought to

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8. An article of mine showing in detail the extent to which Twain used the Pomeroy case in *The Gilded Age* will appear in a forthcoming issue of *Modern Language Quarterly*, Seattle.
know him thoroughly regard him as singularly unselfish, caring only for money as he can use it, not to aggrandize himself, but to accomplish some good.” When the New York Tribune printed this letter shortly after York’s exposure, it added caustically that Pomeroy’s ideas of “good” were probably like those of Oakes Ames, when he gave out shares of Credit Mobilier stock to members of congress “where it would do the most good.” 11 Other uncharitable people recalled that Senator Harlan was, with Pomeroy, Schuyler Colfax and a few others, among the group that were ironically referred to as the “Christian Statesmen.” And Harlan’s senate seat was one of those mentioned by the Chicago Tribune as having been bought.

Both York and Pomeroy were Republicans. But the issue in Kansas in the early 1870’s was not one of party membership but of attitude toward Pomeroy. The members of congress from Kansas were opposed to him, and one, S. A. Cobb, testified against him at the senate investigation. During the election campaign in Topeka in 1873 the Pomeroy supporters set up their own caucus, while the opposition as soon as they got to town organized an “anti-Pomeroy caucus.” York was secretary of this group.

Unsavory rumors were current in Topeka about Pomeroy’s doings, not only about vote buying and stealing of public funds, but about moral lapses that were not becoming to a “Christian Statesman.” Handbills were passed out accusing Pomeroy of having had immoral relations with a certain woman of Baltimore named Alice Caton, and of then trying to buy her off by writing letters to the Treasury Department in Washington asking that she be given a sinecure. During the senate investigation, one of the defense witnesses told of going to see Pomeroy about these reports before the election. Pomeroy picked up a piece of paper from the table and said (prophetically, as it turned out), “If I go back to the United States Senate I shall go back as clear as that sheet of paper or I shall not return at all.” 12

Whether these rumors were true or not, Pomeroy had set himself up as a champion of religion and temperance, so that his known political defections sometimes led to a low suspicion that these professions of godliness were perhaps not wholly sincere. He looked godly enough, however. He was of middle height, portly enough to appear dignified, and had a broad beneficent face. His eyes had a bland, kindly look about them, and his mouth was set in a sort of serene half-smile, as though he had just pronounced grace before a seven-

12. Senate Report, No. 528, p. 128.
course dinner. He wore a beard of comfortable dimensions, full but for a shaven upper lip. The hair that ringed the sides and back of his bald head fell to his collar in saintly gray ringlets. He employed as his receptionist one J. D. Liggett, who, before he entered Pomeroy’s employ, had been pastor of the First Congregational Church in Leavenworth for 11 years. The senator was a tireless friend of Bible classes, Sunday schools and the benighted heathen. As for liquor, throughout his 12 years in the senate he introduced a continuous stream of temperance bills. During the investigation of his re-election in 1867, D. R. Anthony, a Leavenworth editor, testified that Pomeroy had told him his campaign had cost a great deal of money, and that the chief item was the hotel bill, which ran into many thousands of dollars.

Question. Did he explain how his hotel bill came to cost him so much money?

Answer. I think he said he was paying the bills of his friends who were there at the hotel.

Question. He did not treat any, did he?

Answer. I guess he did. I always thought the Senator played the dodge on that; he got John Martin to furnish the whiskey, and I always supposed that he paid the bills, although I could not swear to that; it was done quietly at one side.

Question [by Mr. Pomeroy]. Mr. Anthony does not mean to say that any was drunk in my presence?

Answer. O, no. I could swear that I was invited by Colonel Martin several times, and very good liquors they were.13

The views of Pomeroy’s opposition just before the election of 1873 were suggested by a witness at the investigation who quoted B. F. Simpson. When asked what he thought of the senatorial question, Simpson had said “they would beat the old son of a bitch this time.”14

III

Samuel Clarke Pomeroy was born in Southampton, Mass., in 1816, and was descended from Puritan ancestors who had come to America from England in 1630. He entered Amherst College in 1836, but withdrew a short time afterwards. A little later he was in Onondaga county, New York, teaching school and engaging in business on the side. After four years he returned to Southampton and in 1842 joined the Liberty party, holding a number of local offices and serving in the general court in 1852. Also in 1852 he was elected to the Massachusetts legislature on the Liberty party ticket.

It was in 1854, however, that he began to hit his stride. From this year on, he seemed to gravitate toward jobs that afforded peculiar opportunities. In this year he was appointed financial agent for the New England Emigrant Aid Company. When the second group of emigrants left in the autumn for Kansas he went with them, settling first in Lawrence and finally in Atchison. Some $100,000 of the company’s funds passed through Pomeroy’s hands, and when the company dissolved there seemed to be some uncertainty over where the money had passed to. William H. Carruth, writing some 40 years later of the history of the company, was able to account for all but $88,000 and suggested that a depression in 1858 shrank the value of the money by some 80 percent. He added, however, that just as Wild Bill Hickock was reckless with firearms, “Mr. Pomeroy was reckless with drafts.” The books of the company record drafts in profusion, but there is nothing to show what a great many of them were drawn for.\textsuperscript{15}

Pomeroy, as befitted a good New Engander of religious persuasion, was an outspoken Free-Soil man. Because of the local eminence he had gained as agent of the Emigrant Aid Company, he was named chairman of a committee to defend Lawrence against the armed incursions from Missouri in the border troubles of 1856. While John Brown and his relief force were still on the way to Lawrence, however, the antiabolitionists moved in 800 strong, mounted brass cannon in a commanding position and proceeded on May 21 to sack the town. The defense committee was not in sight. A member of Brown’s party, which arrived the next day, later wrote that the committee had “buried their guns and rifles, and were ready for anything to keep up the speculation in Lawrence town lots.”\textsuperscript{16}

But Pomeroy’s eminence continued to grow. He was mayor of Atchison in 1858-1859, and took a leading part in the organization of the Republican party in Kansas in those years. When a prolonged drought resulted in the famine of 1859-1860, Pomeroy was appointed head of the committee to distribute relief supplies that came pouring in from nearly every Free state. When it was first suggested to Pomeroy that he take the post, his friend George W. Glick reports that he said: “... I mean to be a candidate for the United States senate. If any money is raised for these people here, and you mix me up in it, it will kill my political prospects. They will accuse me of stealing the relief funds.” However, he overcame these selfish

scruples and, according to Glick, "was willing to risk his reputation for the good of the people."  For about five months, beginning in November, 1860, Pomeroy headed the territorial relief committee and distributed something like eight million pounds of provisions and seeds, besides clothing and medicine. Large gifts of money were sent the committee, the New York state legislature voting $50,000 for the drought victims, and numerous other Northern and Eastern states sending smaller sums. Again, at the end of the job there was talk of miscarriage of funds, and of relief supplies being given in largest amounts to those with useful political connections. When Pomeroy finally quit, the other members of the committee found it desirable to issue a resolution commending him for his "ability, integrity, and impartiality" in spite of "the assaults that have been made upon him."  An interesting by-product of Pomeroy's efforts that winter was some useful advertising. Relief supplies that were sacked, such as corn and beans, had "S. C. Pomeroy, Atchison," marked in large letters across each sack. Since cloth of any sort was hard to come by, Kansas wives often made these sacks up into men's pants. A considerable part of the male population that winter was wearing pants with Pomeroy's name on the seat or running down the legs.

On January 29, 1861, Buchanan signed the bill admitting Kansas as a state. On April 4 the new legislature elected Pomeroy as one of Kansas' first two United States senators. His election came as a considerable surprise, since it had not been thought he was popular enough to gain the office. There were consequently some rumors of vote buying. David E. Ballard, a member of that first legislature, wrote many years later that there had been a good deal of vote soliciting in the ten days preceding the election. He was himself supporting another candidate, but remarked that "Pomeroy had some awful good men working in his interests." During the distribution of relief Ballard's district had not fared very well until Ballard himself, known to be active in politics, ordered supplies in his own name from Pomeroy. During the pre-election canvass, therefore, he was pressed to show his gratitude by switching to Pomeroy. When he declined, Pomeroy himself sent for Ballard to visit him. While Pomeroy urged Ballard to remember the aid that had been given his people, a fellow ran in "all out of breath, to report that he could not get a certain man for less than _______ dollars. Whether it was supposed I was on the market for money I do not know, but after

17. Glick, loc. cit., p. 482.
18. Ibid., p. 484.
that I could not have been pulled into the Pomeroy camp with oxen and log-chains.’’ 19 It is interesting also that later in the year a scandal broke involving a fraud in the sale of state bonds. The governor, the secretary of state, and the state auditor were all impeached, and Pomeroy’s name entered rather obscurely into the testimony. In the course of the proceedings, the attorney general said: “The people of the State will gratefully accept, and at the same time earnestly insist upon, a full explanation of Mr. Pomeroy’s connexion with this transaction.” 20

During his first term in the senate Pomeroy distinguished himself by his friendly attitude toward subsidies of whatever sort for whatever purpose—he became known as “Subsidy” Pomeroy—and by his opposition to Lincoln’s administration. In the campaign of 1864 he wrote a widely read campaign document known as the “Pomeroy Circular” urging the candidacy of Salmon P. Chase for President and attacking Lincoln. His efforts were hampered not only because he had not consulted Chase about it in advance, but also because the movement lacked any popular support. It soon collapsed.

On January 23, 1867, Pomeroy was triumphantly re-elected to the senate. On February 9 the Kansas legislature voted to investigate the election for fraud and bribery. On February 25 an investigating committee of the legislature reported:

And while this testimony is not sufficient of itself to authorize your Committee to make special recommendation for definite action on the part of the Senate, they here record their convictions that money has been used for the base purposes of influencing members of the Legislature to disregard the wishes of their constituents, and to vote as money dictated, and regret their failure to procure the evidence necessary to demonstrate the facts to the people of the State. 21

Besides the suspicion of vote buying, there was another deal made during this election that gained public notice. Pomeroy and Sidney Clarke, a candidate for congress, had jointly paid $1,000 to M. W. Reynolds, publisher of the Lawrence Journal, to support them in their campaigns. They gave Reynolds notes for $2,000 more, and Pomeroy gave him another $250 in cash. When Clarke and Pomeroy failed to come through with the promised $2,000, Reynolds was unkind enough to sue. The case at first went against him, but he then prepared to submit it to the state supreme court. Suddenly the suit was dropped without explanation, and shortly thereafter Reynolds

was unexpectedly appointed receiver of the land office at Neodesha. Mr. Pomeroy headed the senate committee on public lands.  

On February 24, 1872, the Kansas legislature, while censuring the election of Alexander Caldwell to the senate in 1871, stated again their thorough conviction that Pomeroy in 1867 had used money “in a large amount and in a corrupt and criminal way.” As a result of this report, the United States senate was finally forced to do something about the charges. An investigation of Pomeroy’s election in 1867 and Caldwell’s in 1871 was authorized. The investigation, however, came so near the summer recess that only Pomeroy’s case was considered, Caldwell’s being deferred till the congress should meet again in the fall. On June 3 the investigating committee reported that it found nothing sufficient to justify the charges made against Senator Pomeroy and therefore asked to be discharged from further consideration of the matter. 

A last item, before returning to the grand climax of Pomeroy’s career, is interesting if only because it reverses what seems by 1867 to have been the natural order of things. Pomeroy, instead of being accused once more of buying votes, was said to have offered to sell his vote—to Andrew Johnson in the impeachment trial. Thurlow Weed and Edmund Cooper, Johnson’s private secretary, were said to have believed a letter containing this proposal was genuine. Pomeroy declared it was forged by a Mr. Luce. It is only fair to add that Johnson’s biographers do not seem to have taken note of it. And when it came time during the trial for Pomeroy to state his opinion of Johnson’s guilt or innocence, he declared, after some pages of very select rhetoric, that “I cannot shut my eyes to the crimes and misdemeanors charged, and proved also, in this the

22. A man of Mr. Pomeroy’s special talents could hardly have asked for representation on more useful committees. Besides being chairman of the committee on public lands (a bonanza in those days), he sat also on the committees for territories, manufactures, post roads, pensions and claims. The last two of these were doing an enormous business in the years following the Civil War.


24. On March 5, 1872, when both Pomeroy and Caldwell were hourly expecting the arrival of a demand from the Kansas legislature that the senate investigate their elections, Caldwell rose on the floor of the senate and delivered himself of a bit of prose that deserves something better than its forgotten grave in the Congressional Globe: “My character has been unjustly, cruelly, outrageously assailed. The foulest scandals of the street have been gathered up and scattered broadcast over the country. I simply desire to say to the Senate now that I shrink from no scrutiny. Sir, I hurl back these charges with scorn and indignation, and I have nothing but contempt for the mean, mercenary, and despicable motives which prompted them. No living man can confront me and say that I have ever doneught to warrant these assaults.” (Congressional Globe, 42 Cong., 2 Sess. [1871-1872], Pt. 2, p. 1416.) On February 17, 1873, the day the Pomeroy investigation opened, the committee which had been investigating Caldwell’s election submitted a report declaring that Caldwell had not been legally elected. A month later he resigned his seat in order to avoid being formally expelled.

25. Wilder, op. cit., p. 484.
eleventh article of impeachment; and with uplifted hand and heart I declare my belief to be that the President is guilty!" 26

IV

The tumult York had raised in the joint convention that afternoon continued unbrokenly for more than an hour and a half. As soon as the motions for a recess had been defeated, A. H. Horton, Pomeroy’s attorney at that time, went immediately to the Tefft House to break the news to “the old man.” Almost at once, Pomeroy left the hotel and removed to a private house where he would enjoy more seclusion. According to Horton’s testimony during the senate investigation, many of Pomeroy’s friends wanted him to make a public denial of having given York money, “because, they said, nobody would believe York if he [Pomeroy] denied it.” But Pomeroy refused. He stood on a principle of the most admirable kind: “I will tell the exact truth; Mr. York has taken the advantage and abused my confidence, but I cannot tell anything but what actually occurred.” 27 He admitted, in short, that the money had changed hands, but he did not reveal at that time, at least publicly, the purpose for which he later insisted he had given the $7,000 to York. That evening he was arrested and charged with bribery under state law.

Right after the election the Topeka Commonwealth, which had been vociferously pro-Pomeroy until that moment, printed an editorial that showed the paper, like the 50 men who had voted for Pomeroy on the first ballot, had suffered a sudden change of heart: “During the delivery of this astounding address [York’s] . . . the audience was deathly still. Every word fell with a thrill on the senses of the packed and spell-bound throng like the dull and startling thud of elods on a coffin. In that coffin reposed the remains of the corruption that since the organization of the state has sat perched upon its back like the Old Man of the Sea.” 28 The New York Tribune gave the election the lead spot on page 1 with the headline: “Senator Pomeroy’s Downfall. His Corruption Overwhelmingly Exposed.” The story, datelined Topeka, began: “Light has at last dawned in Kansas!” and went on to say that for two

26. "Opinion of Mr. Senator Pomeroy," Trial of Andrew Johnson . . . (published by order of the senate, Washington, D. C., 1868), v. 3, p. 347. The 11th article of impeachment centered around Johnson’s disrespect for congress—his arguing that, since it did not represent all the states (members from some of the former Confederate states not having been seated), it was not lawfully constituted and therefore its laws were not binding, specifically the Tenure of Office act.
weeks Pomeroy had kept a lobby in Topeka at a cost of "not less than $1500 a day, and has spent probably $100,000 in the campaign." 29

Perhaps the sprightliest comment on the exposure was a letter to the editor of the *Tribune*, which the paper obligingly made room for on page 1. It was entitled "The Epic of Topeka" and was signed with the pseudonym "J. Hawker."

Sir: I never made a poem before in my life, but on reading in The Tribune this morning the joyful news of the fall of our old friend Pomeroy in Kansas, I found prose utterly inadequate to the expression of my emotions, and burst forth in the following lines, which strike me as evincing great promise:

The subject of this sonnet
   Is a Senator called Pom,
Who in the public pudding
   Put a long and crooked thumb,
And from the same extracted
   A plump and precious plum—
The truth is he had realized
   A very tidy sum;—
But while he cried 'Eureka'
   He found his hour had come,
They scooped him at Topeka—
   This injudicious Pom.

Whatever compensation you may think these verses are worth you may send to Senator York, who by this time probably regrets his $7,000 and feels forlorn.30

The day after the election a Topeka dispatch to the *Tribune* announced that Pomeroy would make a public statement regarding York's charges when his trial came up. The trial was set for January 31, but, the dispatch continued, it would probably be postponed because of the senator's illness.31 The trial was postponed—many, many times, in fact—but on February 1 the Atchison *Champion* in Pomeroy's home town printed a letter which Pomeroy had written the editor:

Dear Sir: When you left Topeka I told you I would employ my first leisure in detailing to you for the public the precise nature of the malicious conspiracy organized for my defeat; but since the parties to this conspiracy have summoned me before the court to answer their charge—that is to say, before the judicial tribunal—I too am desirous and even anxious to appear and have a full investigation and verdict unbiased. I only ask a suspension of public judgment until a fair hearing can be had in the courts. The verdict will decide who has committed crime, and the measure of the guilty.32

The New York Tribune, when it reprinted this letter, remarked that it was hard to see what possible defense Pomeroy could make for himself—"the whole transaction is so entirely in keeping with his reputation that the only matter for surprise is that he was caught at last." 33

A few days later the Tribune printed a rather long editorial on Pomeroy's character. It is interesting to compare this crude estimate by a layman with the more refined conclusions of the Senate investigating committee a few weeks later. Pomeroy, said the Tribune,

was always more or less grotesque. He has made money from his youth up. The beans of the charitable paid tribute to him in the famine days. The seedcorn of the founders of his State was grist to him. In Washington he thrived and prospered beyond his kind. His portly form seemed nourished by subsidies and commissions. He thoroughly enjoyed life, and looked with comfortable contempt on rough rascals like Jim Lane 34 who drank whiskey and spent all they stole. Everybody . . . knew his thrifty ways and smiled in the indulgent way that honest worldlings have, over the wickedness of the prudent. Probably no one . . . ever regarded seriously the comedy of temperance and religion which was part of his system. So there is more amusement than surprise or regret over his downfall . . . .

Concerning Pomeroy's statement that he could explain everything satisfactorily, the Tribune concluded: "He cannot damage himself so much as a better man would do, for he has nothing but his old burlesque character to lose. He still has plenty of money and friends enough of the kind that money buys. . . . we rejoice . . . that no one worse than he can be sent to fill his place." 35

Apparently Pomeroy did not stay long in Kansas after the election. Having got his trial postponed, he headed for Washington and purification. On the third of February the Tribune reported that he had been heard from at Chicago on his way East, and that, contrary to reports which had been circulating, he apparently had not become insane, nor was he so ill that hope for his life had been abandoned. 36 On February 7, a Washington dispatch to the Tribune said that Pomeroy had been in the capital about a week 37 preparing a statement to read to the Senate. 38

33. Ibid., p. 4.
34. James H. Lane was elected with Pomeroy in 1851 as one of the State's first two senators.
36. Ibid., February 8, 1873, p. 1.
37. The train trip from Kansas to Washington in 1873 took three days. More probably, Pomeroy had been in Washington three or four days by February 7.
Meanwhile the senator was getting some badly needed support from another newspaper, the Washington Chronicle—the paper Mark Twain in the Gilded Age refers to as the Washington Daily Love-Feast, run by “Brother Balaam” (Senator Harlan, of Iowa). The Chronicle happily chanced upon a point that was to be made the keystone of Pomeroy’s defense in the coming investigation: York had betrayed Mr. Pomeroy, hence he was an “informer, stool-pigeon, and spy.”

No honorable man would consent to enter into a conspiracy to tempt, seduce, and betray another. Whatever may be established as to Mr. Pomeroy, with one consent men will avoid Mr. York as a leprous scoundrel, whose touch is contamination. Indeed, the impression will instinctively rise in the mind of every honest man that York was paid a higher price than he claims to have been offered by Pomeroy by some other interested party.39

Finally, on February 10 Senator Pomeroy addressed his brother senators, reading from a carefully prepared manuscript—how carefully was to become apparent a few days later. Having been in Washington only about a week he began: “I embrace the first opportunity, after being able to reach my seat in the Senate. . . .” And then he took note of the malicious charges that had been made against him:

Upon the subject-matter of that act of villainy, unparalleled in wickedness, my lips have heretofore been sealed, for the want of a proper place and opportunity to speak. I now propose to break this silence.

. . . I publicly deny the truth of each and every charge of bribery and corruption made by the chief instigator of this conspiracy, or by whomsoever made. I deny each and every statement imputing to me any act inconsistent with moral rectitude and correct conduct, and declare all such statements to be totally, absolutely, and wickedly false.

He then proposed a resolution to authorize the creation of a committee—containing, to insure fairness to the public, Democrats as well as Republicans—to investigate these charges brought against him by Col. A. M. York.40 The resolution was, of course, accepted and a committee of five appointed: F. T. Frelinghuysen, Republican from New Jersey, chairman; William A. Buckingham, Republican from Connecticut; Allen G. Thurman, Democrat from Ohio; James L. Alcorn, Republican from Mississippi, and George Vickers, Democrat from Maryland.

The New York Tribune observed in an editorial on the matter that the committee was sufficiently able to insure a thorough investigation “if that be possible”; but it added that most of the

39. Ibid., p. 5.
committee, regardless of party, were friends of Pomeroy. The Tribune was more concerned with the element of time. The congress was to end on March 3, Grant’s second inaugural to take place the day following. “There are seventeen working days left to this Congress, allowing Saturdays. Mr. Pomeroy is perfectly safe; his case cannot be reached before March 4; and that day will relegate him to private life. Under the circumstances, his denials and protests of innocence are easy, convenient, and cheap.” 41 But six days later the Tribune was cheered. An editorial appeared entitled “Pomeroy’s Ordeal,” and the writer seemed hopeful that there would be time to wash Mr. Pomeroy’s linen after all. “It may be that the fortnight which remains of this session is still enough to send him home in a reputation of many colors, measured and fitted to him by sworn testimony. . . . We suppose we shall now see him working for acquittal or the 4th of March—either will be precious to what shreds of character are left him.” 42

V

Hearings in the 1873 investigation began on February 17 and concluded February 25. On the last day things were pretty hectic, no less than 18 witnesses (including Pomeroy) appearing on the stand. But after this rather breathless finish, the committee proceeded more leisurely. The final report was not made public for almost a week after the hearings ended; it was issued on March 3, oddly enough the last day both of the Forty-second congress and of Pomeroy’s term as senator.

As it progressed, the investigation received wide publicity throughout the country, the more so since it was augmented by an interesting side show on the floor of the senate. On the morning of the second day of the hearings the committee suddenly discovered that, now that York’s testimony had been completed, they were bound by the terms of the resolution Pomeroy had offered authorizing the investigation—and which the senate had unquestioningly and therefore perhaps unwisely adopted—to investigate only the charges specifically brought by York alone, and not those preferred by four or five other members of the Kansas legislature who said that Pomeroy or his agents had tried to buy their votes. These men were already in Washington, enormously eager to unburden their hearts before the committee. B. F. Simpson, counsel for York, discovered a loophole. He had the privilege of petitioning the senate as a whole

42. Ibid., February 17, 1873, p. 4.
to amend the resolution so as to broaden the powers of the committee. In the afternoon session of the senate on the same day, Vice-President Schuyler Colfax reported that he had been handed such a petition signed by Simpson, as authorized counsel for York. Thereupon a fight broke out on the floor of the senate that takes up some 16 columns of the *Congressional Globe*. Most bitterly opposed to changing the powers of the committee were Senators Conkling of New York, Sherman of Ohio, and Nye of Nevada. Nye was especially moved, being particularly concerned about York’s character. “By whom is this charge made?” he asked. “A man [who], if public rumors are true—for it is so recorded in every column of our newspapers—comes before this committee and unblushingly swears himself all covered over with fraud, wrong, and outrage. So much is he imbued with that, that he does not even dare to petition the Senate in his own name, but gets his attorney to come here and petition that he may be allowed to throw his drag-nets wider, and to rake, if possible, within them the honor of an American Senator.” Referring to York then as “this rascal,” he cried “... this is the true way to pull down the dignity of the Senate. Who would arraign an honorable Senator before the public, before the world, upon the petition of a man who, on his own assertion, is steeped in the very depths of fraud? Senators, you have your own reputations to protect, not only severally, but jointly. I ask the Senators to be careful how they trifle with the reputation of a brother Senator, or how they allow outside rascals to trifle with it.” This meddler, he noted, was after all only “a mere outsider,” and then apparently forgetting even York’s name he suggested that “Mr. Pomeroy and Mr. What’s-his-name settle their own difficulties.” In a ringing close that throbbed with high-minded indignation he addressed the chair: “Mr. President, away with these investigations. We have had enough of them. ... Away with such intruders, if you would bear aloft the ancient dignity of this body! ... I feel that there is nothing that the human mind feeds upon like corrupt investigation. Our ears have been saluted with quite enough of it. The public appetite is gorged with investigation.” But despite Mr. Nye and his laudable efforts in behalf of the public appetite the senate voted to broaden the powers of the committee.

This outburst of concern for the senate and the reading habits of the public did not go unremarked by the press. The New York *Tribune* a few days later came out with a stinging editorial. “It was a rather mellifluous debate they had in the Senate the other day,”

it began, "upon the question of whether the committee appointed to try Col. York of Kansas for having been bribed by Senator Pomeroy should have its powers enlarged so as to try other persons who have been bribed by the same excellent person." After some picturesque but essentially small-caliber remarks by Senators Conkling and Sherman,

into the midst of this debate there came with the snort and plunge of a warhorse the Hon. Mr. Nye of Nevada. Stepping briskly to the front he took his mother tongue by the hair. Some men who have strivings with the language are timid about it, holding it at arm's length in a doubtful wrestle. Not so Nye. In defense of a friend he would not shrink from grappling alone an entire vocabulary. He was equal to the occasion. To use a very reprehensible term, but one which seems to be adapted to this emergency, he fairly "slung" it. He called York a "rascal;" worse than that, an "outside rascal." He then said he was a "mere outsider;" that he was "steeped in the very depths of fraud." . . . Warming up to his work he called him a "particeps criminis," and charged him with having a "morbid appetite."

Referring then to Nye's passionate plea in behalf of the dignity of the senate, the editorial continued:

This is the keynote of the character of the great statesman of Nevada. If there is anything he has sat up nights to do for the past eight or ten years it is to "bear aloft the ancient dignity of that body." Very few Senators of the period could bear it so far aloft or so much of it at one time. In all this time, however, he has suffered constant and intense agony from the conviction which he could not dispel that the tendency of the human mind is to "feed upon corrupt investigation." It is not strange that he should cry, "Away with investigation!" The country cannot survive the Republican party, and the Republican party cannot survive investigation. He meant it; and not in this case only. Should anyone set on foot an inquiry into the report that Jones, who shortly comes into the Senate from Nevada, paid Nye $50,000 not to be a candidate, he would doubtless take the same high ground.

But Nye disposed of York's case. It is settled now that any man who makes a fuss about being corruptly approached by a United States Senator is an "outside rascal," a "Mr. What's-his-name," a villain . . . a man in short who has no rights a Senator is bound to respect; while the man who tempted him is a "brother Senator," an "honorable man," and a gentleman to be tenderly dealt with. . . . Well, it seems too bad that we are to lose Nye. He isn't nearly as funny as he used to be, but he "bears aloft the dignity" of the Senate in a most touching and becoming manner.44

Since time was so short, Chairman Frelinghuysen of the investigating committee secured permission to allow the committee to meet during sessions of the senate. The committee met behind closed doors on the morning of the 17th to decide on further procedure. It was decided to have the hearings open to the public and to allow one man from each side to serve as counsel with the right of examination

and cross-examination. B. F. Simpson served as counsel for York, and A. H. Horton conducted most of the questioning for Pomeroy. But since Horton was implicated in the charges as an agent of Pomeroy and had to appear as a witness himself, Pomeroy retained the services of Caleb Cushing, then an old man of 73, one of the sharpest lawyers of the day. Cushing examined Horton and also prepared the summary for Pomeroy’s side.

The hearings began at three o’clock February 17 in the room of the senate committee on patents. In the center of the room was a large table with Frelinghuysen at the head. On his right were Senators Thurman and Alcorn, on his left Vickers and Buckingham. At the foot of the table was a chair for witnesses and another for the shorthand reporter. At a small table on the right sat Pomeroy and his counsel, Cushing and Horton. Near the foot of the table were York and his counsel, Simpson. Chairs were provided for about 50 spectators, and standing room for about 50 more. Most of the spectators were Kansas men, many of them having come to Washington to testify at the Caldwell investigation just concluded. During York’s testimony, Pomeroy kept his eyes on the floor or on a piece of paper which he occasionally made notes on. Once in a while he passed a note to his counsel, but never during the first day of hearings did he look at the considerable audience. This attitude contrasted strongly with York’s, which was confident and open—“brazen-faced,” some said.

VI

As the hearings got underway, it was learned that the plan to trap and expose Pomeroy apparently did not originate with York. James C. Horton, one of the men who with York made the final decision that night in Room 107 of the Tefft House, testified that the first man who suggested the idea was none other than Thomas A. Osborne, governor of Kansas. In a conversation shortly after the November election in the preceding year, Horton had remarked that the legislature seemed then to be largely against Pomeroy. “Yes,” replied the governor, but “the old cuss will use money, and buy his way through.” Then, according to Horton, Osborne said that the

45. Cushing had had a notable career. He had been attorney general under President Pierce, had served as legal consultant to Lincoln, and had been instrumental in settling the Alabama claims. Grant nominated him for chief justice of the supreme court, but because of his former antislavery connections he was not confirmed. He had, incidentally, conducted the unsuccessful defense of Senator Caldwell of Kansas against charges of vote buying; Caldwell’s campaign methods had been too much for even Cushing to surmount.


47. The following summary of the senate investigation is taken from Senate Report, No. 525, 42 Cong., 3 Sess. (1872-1873).
only way to beat Pomeroy would be for some man to take his money and then expose him.

York's account of the events that led up to the disclosure in the joint convention was extremely circumstantial. (His testimony runs 33 pages in the printed report, compared to Pomeroy's eight.) He, Simpson, Johnson and J. C. Horton had become convinced that Pomeroy was buying votes, and since York was a strong anti-Pomeroy leader it was expected that Pomeroy would make overtures to him; the testimony of other witnesses on both sides bore out the fact that York was respected as a solid man, and if he voted for Pomeroy others would probably follow because of his example. Late in the afternoon of January 27 York was approached by Asa Hairgrove, former state auditor, who said that Pomeroy wanted him to come to his rooms in the Tefft House for "a business interview." The conference of the four "conspirators" followed at once. York went to see Pomeroy shortly afterwards and was asked to return about midnight. When he returned at this time, Pomeroy asked him to come back in an hour, when he would be alone. When the conversation finally took place, Pomeroy immediately urged York to vote for him and showed him lists of the men who would give him their votes on the first and second ballots. York held off, whereupon Pomeroy said "he was too old a politician to bribe votes, but said that if I would say that I would vote for him I would then be one of his friends and he could then aid me, or that it would be right, perfectly right, to aid me the same as he would any other of his friends." York gave a little ground then and said he was committed to another candidate for Tuesday; he finally agreed that he might be able to vote for Pomeroy on Wednesday. When York refused to say how much he wanted, Pomeroy offered $5,000 which was indignantly refused as being too little. York demanded $10,000. Pomeroy agreed to this figure if York would wait 90 days for the last $5,000. York, however, wanted cash, and the deal was finally made to give York $2,000 that night, $4,000 the next afternoon and a final $2,000 after York had cast his vote for Pomeroy. The $2,000 was then handed over, and Pomeroy remarked that York had made a good start in politics—he was on the right side now and had a splendid future. He talked of seeing to it that York would be the next member of congress from southern Kansas. He added that he wouldn't think of giving so much for one man's vote if he didn't know that York had a reputation for being a truthful man and that if he rose in the legislature to say he had investigated the charges made against Senator Pomeroy and had found them false, many more votes would
come Pomeroy's way. Before York left Pomeroy got him to agree to take private lodgings the next day; York and Johnson had been sharing rooms in a hotel, and Pomeroy was concerned lest the money he had given York be discovered by someone else. York promised also not to bank the money but to keep it in his trunk till he got home to Independence, when he would lock it in his safe. The next day at four in the afternoon York and Pomeroy met by previous agreement at Col. T. B. Eldridge's rooms and a bundle of $5,000, instead of the $4,000 previously agreed on, was handed to York. The senator wanted York to attend the Pomeroy caucus that evening to lend the boys a hand, but York begged off on the plea of needing some sleep so he could give the senator better service on the floor of the joint convention the next day.

The senators of the committee took some pains to establish that York had accepted Pomeroy's money with the specific intention of exposing him. Senator Alcorn asked, "Then you went there in order to win his confidence by what you would say . . . ?" "I intended to deceive him," answered York. Alcorn continued: "Did you not hold out the inducement to cause him to place that confidence in you—" York: "I did; most emphatically, I did." Alcorn: "—which a man dealing with a customer of this sort would be disposed to place—" York: "Yes, sir." Alcorn: "—believing he was reposing trust in a man that would not betray him?" York: "Yes, sir." Alcorn: "You state that after that you did betray him?" York: "Yes, sir; I did." Plainly, York was unregenerate. In answer to a question by Senator Vickers, York declared: "It was my purpose, if Mr. Pomeroy would offer me an opportunity of taking money to take it, and then I would expose him; that was my intent; that was my object."

William A. Johnson, York's erstwhile roommate in Topeka, testified that when he arrived in the state capital he found it very difficult to get lodgings. He did not stay in the Tefft House because the landlord had told him Pomeroy had rented almost the whole hotel for "the use of his lobby and his friends." He testified also that between 90 and 100 members of the legislature came to Topeka pledged against Pomeroy; 64, in fact, attended the first meeting of the anti-Pomeroy caucus. But as the days wore on, it was found that "men who had been the fiercest and bitterest against Mr. Pomeroy's reelection" were deserting to the other side, and "we would hear from them in his rooms, and around his headquarters. . . ."

Four other men were brought to Washington to testify that as members of the legislature they had been offered bribes by Pom-
eroy’s agents. W. M. Matheny said Milt Reynolds (the newspaper editor who had dropped his suit against Pomeroy some years before and had then been appointed to a land office job) urged him to vote for Pomeroy and assured the incredulous Matheny on Tuesday evening that York “is ours, and he will vote to-morrow for Mr. Pomeroy.” A few minutes later a man named Dean S. Kelly offered Matheny a $1,500 piece of property in Baxter Springs, Matheny’s home town, for $25 if Matheny would vote for Pomeroy. B. O’Driscoll, a member of the lower house, was twice offered $2,000 by Asa Lowe if he would vote right. He refused. A man named David Paine next approached him and said there was plenty of money in Topeka for those who would vote for Pomeroy. Paine said that “it was Government money, or money that had been stolen from the Government, as he stated it, and that I had just as well have it as anybody else.” After O’Driscoll had turned this down too, he was approached by two other men; when he said to the last that if any more of Pomeroy’s bummers came to him with offers he would publish the fact to the town, he was finally left alone.

Frank Bacon, also a member of the lower house, was propositioned several times by Christian A. Rohrabacher, who was working for Pomeroy. Finally at Rohrabacher’s invitation Bacon went to a room in the Tefft House where A. H. Horton, Pomeroy’s attorney, met him. Horton introduced himself as attorney for the Atchison, Topeka and Santa Fe Railroad and said that this company was very anxious to see Mr. Pomeroy re-elected. If Bacon would vote right, Horton said, Pomeroy would pay his campaign expenses. Bacon suggested that some $2,000 would be needed for this item, but Horton said Pomeroy couldn’t pay more than $600 to $1,000. On Wednesday, however, just before the joint convention was called to order, Rohrabacher came up to Bacon on the floor and told him that the $2,000 was ready for him if he’d give his vote to Pomeroy. Bacon refused.

The case of William H. Bond, an idealistic but needy young man representing Leavenworth county, was especially dramatic. He was persecuted for days, he said, by Pomeroy’s agents. Everywhere he went, a Pomeroy man materialized before him and began making lewd offers for his vote. One gathers that the attrition was telling on him, for when the senator’s lead-off man, A. H. Horton, cornered him in a hotel room on Wednesday morning, the day of the joint convention, Bond said he fled in desperation to the state house, where he “went into the water-closet, and staid there till the house was called to order.”
Christian A. Rohrabacher, the man Bacon said had offered him $2,000 in Pomeroy's interest, had a rather bad time of it before the committee. In the course of testimony it developed that before the legislature's investigation of the election, he had written a letter to Alfred Ennis of Topeka saying he had just learned he would be summoned to appear before the legislature's committee: "It is not best that I should go there," he wrote, "it is not best that I should be called. I want $50 for expenses, so that I can go away." On the ninth of February he wrote Pomeroy, however, saying that he had read of the proposed senate investigation, and that he had evidence that would confound the opposition. He suggested that Pomeroy have him summoned to Washington and ended his letter encouragingly with the assurance that "I start to-morrow for Shelbina, Mo., to look up York's antecedents." When he heard nothing from Pomeroy, he wired him urgently two days later: "You had better have me summoned to Washington." But Pomeroy did not summon him; the other side did. When he was asked before the committee about his making offers to Bacon, he agreed with Bacon's version of the affair. Then, under cross-examination, it became apparent why the defense had not called him for their side. The unfortunate Rohrabacher had a rather picaresque past, it seemed. A. H. Horton not only got him to admit that he had come to Kansas from the state penitentiary in Iowa, where he had served two and a half years for burglary, but even got the entire court records of his trial and conviction read into the committee's minutes. Thus the defense was later able to point to "the convict Rohrabacher" as an example of the type of witness the prosecution had relied on.

VII

Pomeroy's attorneys called a swarm of witnesses, all of whom testified with remarkable unanimity that, first, it was a gross insult even to intimate that Mr. Pomeroy would buy a vote or that he would have others do it for him; and second, that Topeka, like the New Jerusalem, was free from taint or blemish. John McDonald's

48. This was the town where York had lived before moving to Kansas after the war.

49. There are a couple of passages in the records of the trial and conviction that, if correct, may force literary critics to reevaluate the dime novels of the period and put them among the early pioneers of realism. Rohrabacher was convicted with a fellow named Knight. "One Yates, of the Chicago detective force, came to Iowa and had reason to suspect the defendants. Unknown to them, he followed Knight and the others to different places. Himself invisible, he pursued Knight like a shadow; noiselessly but certainly, with or after him." After the capture of Knight, a trap was set at the Montour House, Independence, Iowa, for Rohrabacher. He was sharing a room there with a police stooge named Pollard who had been planted with him. A detective moved into the next room and removed a strip from the bottom of a connecting door so that he could overhear their conversation. He reported: "Pollard says to Rohrabacher, 'Knight has blown on us;' Rohrabacher says, 'Gad d—n Knight, he never could be trusted.' Pollard says, 'We are salted this time.' Rohrabacher says, 'That d—n detective is sharper than a cut rifle.'"
testimony is typical. Mr. Horton: "General McDonald, do you know of any improper influence being used there during that canvass, to your knowledge?" McDonald: "Not at all, sir." Every statement by the other side involving attempts to bribe were categorically denied. And Perry B. Maxson declared that York had told him on Tuesday he was going to vote for Pomeroy, although York and his friends had sworn that only six men including himself were in on the secret until the exposure was made in the convention.

Judge Albert H. Horton, as Pomeroy's intimate friend, was allowed to speak at some length. Only 35 years old at this time, he had already come far. For two years he had served as city attorney of Atchison, then for five years was district judge; in the fall of 1868 he was elected to the legislature, then was appointed United States district attorney, which position he still held at the time of the investigation. He also claimed to be attorney for the Atchison, Topeka and Santa Fe Railroad, and was in effect Pomeroy's campaign manager. Horton made sweeping denials of all the allegations made by York's side. He had been "distinctly informed by Mr. Pomeroy that he desired his re-election in this instance as a justification before the people of Kansas, on account of the calumnies that had been uttered against him, and that he would not use a dollar or a cent illegitimately or improperly to secure that result. . . ." He denied also that he had himself made offers of bribes to anyone. As for the charge that he had offered Bacon money, the latter had come to Horton and offered to sell his vote to Pomeroy for $2,000. "I indignantly refused it," said Horton. He added that he had been told by Mr. Pomeroy that York had as early as Saturday been telling people he was going to vote for Pomeroy, notwithstanding his role in the anti-Pomeroy caucus.

Pomeroy's main testimony was given in a thoughtfully prepared statement which he was allowed to read. Since no other witness had been given this privilege there were several half-hearted protests from members of the committee, but he was allowed to proceed without hindrance. If Horton's denials were sweeping, Pomeroy's were annihilating. He denied either that he had ever given authority to anyone else to bargain for votes for him, or that he had paid for votes himself. He swore that York had told at least three men (all Pomeroy supporters) on Saturday that he would support Pomeroy's candidacy; this was two days before Pomeroy and York met in the Tefft House at night. He did not deny having given York the $7,000. But he had a different explanation from that of York for why he had paid the money. Some days before the election, he said, he had
agreed to aid a young man, John Q. Page, in establishing a national bank at Independence. Page was already operating a private bank there. In order to make the conversion, Page had to buy 25 $1,000 government bonds, which were then selling at a premium of $12 or $14 dollars per $100 of face value. Page could raise $25,000 himself, but he needed somewhere between seven and ten thousand more in order to get the bonds.\textsuperscript{50} Pomeroy had agreed to lend him this amount, whatever it should prove to be. Page wanted the money before he left Topeka, but Pomeroy said it wasn’t convenient then for him to get this sum but that he would get it soon, and Page could count on it.

Shortly after this interview, on Friday or Saturday, Pomeroy met W. P. Boreland of the Leavenworth Second National Bank who asked him solicitously if he wouldn’t be needing some cash before he left for Washington. Boreland observed that Pomeroy’s hotel bills would probably be quite large. At this time, Pomeroy declined the offer with thanks, but when he happened to meet Boreland again the next day he said he would like to have $5,000 for 40 or 60 days since he had promised to help a young friend start a national bank in Independence. “He then brought me a package, said to contain $5,000, which I never opened or counted, or even gave a note or receipt for at the time, and I put the same in my valise.” Meanwhile York had been pestering Pomeroy for an interview and finally came to see the senator on Monday night; he told Pomeroy what had been going on in the anti-Pomeroy caucus, and Pomeroy patiently “heard him through.” Before he left, he thanked Pomeroy for the favor the latter had done their mutual friend Page, and said that Page had asked him to get the money and convey it to him at Independence, where both lived. Pomeroy was at first rather reluctant, but finally gave $2,000 to York that night and the next afternoon gave him the package of $5,000 that he had got from Boreland. Pomeroy took no receipt.

After he had given York the $5,000, Pomeroy sent two men out to look for Page and tell him that the money had been given to York, but both returned saying they had been unable to find him. “. . . I rested in the belief that the transaction was all right until I heard of the misrepresentation of the facts by Mr. York upon the floor of the joint convention. I then denounced it as a conspiracy, a plot. . . .”

\textsuperscript{50} Actually $25,000 worth of bonds selling at a premium of, say, $14 per hundred of face value, would cost $28,500. In other words, the premium would amount not to $7,000 or $10,000, but to $8,500. It is strange that no one seems to have mentioned this during the hearings.
Senator Thurman was the only member of the committee who took pains to ask his colleague about certain discrepancies in his testimony. Why hadn’t Pomeroy given York the whole $7,000 on Monday night, since the package of $5,000 was in his valise in a corner of the room? There were two reasons, said Pomeroy. First, he wanted to check with Page before giving the last $5,000 to York, and second, “I had not the $5,000 accessible at that time.” But hadn’t Thurman understood that the $5,000 was in a valise in the same room? Yes, but the valise was locked and the senator’s clerk, Lemuel Pomeroy, had the key. Then where was Lemuel Pomeroy? “He was in the reception-room, or abed. He was about the hotel.” Then Thurman wanted to know if Pomeroy had thought it entirely safe to give that much money to York with no receipt of any kind. Pomeroy admitted that it was perhaps a little irregular, and that it was not his usual way of doing business. Had the banker, Boreland, been summoned to Washington as a witness? Yes, but by the other side, Pomeroy answered. He had had a subpoena made out but tore it up when he learned that Simpson had summoned him. (Boreland, by the way, had vanished shortly before the investigation began; he could not be found and hence the subpoena was not served.) Had Pomeroy ever said anything since to Mr. Page about what had happened to the money that had been promised him? Well, Pomeroy had written him a letter from Washington, but he had since learned that Page had never received it. The money, however, was Page’s, and Page had a right to it. Thurman got in one parting shot at the bank deal. Thurman: “Nothing was said about the interest you were to have in the bank or on the money?” Pomeroy: “I was to have no interest in the bank.” Thurman: “And nothing was said about the rate of interest on the money?” Pomeroy: “Not at all.” Thurman: “Or whether he was to pay interest at all?” Pomeroy: “Nothing at all.”

Page’s testimony, although it preceded Pomeroy’s, I have put last because it was the fullest testimony of any defense witness. He was a young man of 33, originally from Missouri but had lived in Kansas for 20 years. For the last two years he had been in the banking business in Independence. He first met Pomeroy in the fall of 1871 when the senator had come to Independence to make a speech. This meeting consisted of shaking hands with him and of engaging, together with many other people, in a general conversation with him afterwards in the lobby of a hotel. The next time he saw Pomeroy at all was on January 21, 1873, shortly before the senatorial election. They had had no correspondence in the interval.
Page got to Topeka in the afternoon of January 21 and went to see Pomeroy after dinner with a petition from a group of Independence citizens endorsing Pomeroy's candidacy. Some days later Page again called on him to ask for help in converting his bank. "He told me he had helped a great many young men in Kansas, and was willing to help me. . . . I told him I would give him any security he might require. He said he did not require any." Pomeroy said he didn't have the money with him at the time but would probably have it before the election and would give it to Page as soon as he got it. In the event he could not get the money before Page left for Independence after the election, Pomeroy said he would send it to him.

On Saturday, January 25, Page saw Pomeroy and asked him whether the money had come yet. No, Pomeroy said, not yet. On Monday, January 27, Page met York and told him that Pomeroy would probably give him a package of money and asked York if he would bring it to him at Independence when the convention was over. York agreed, said Page. (York and Page were neighbors in Independence and were on friendly terms, though not intimate.) Nothing was said to York, however, about the fact that Page intended to start a national bank at Independence, or that the money he was to convey to Page was to be used for this purpose. Subsequently to seeing York, Page called on Pomeroy to see if the money had come and to tell him that he was leaving for Independence on the five A.M. train the next day, Tuesday. He asked Pomeroy at this meeting to send the money, when it did come, with either York or Mr. Bell, a member of the lower house from Independence. But after leaving Pomeroy's rooms, Page said he ran into Asa Hairgrove, who persuaded him to stay on in Topeka until after the senatorial election had been decided. Page did not finally leave Topeka for Independence till the noon train on Thursday, January 30. During all this time, Page had no further conversation with Pomeroy. He did not inquire either of York or of Bell whether they had the money for him from Pomeroy. After both Page and York were back home in Independence following the election, Page did not speak to York about the money, nor did he mention the matter to Bell. Page even saw York on the train on the way home, but kept silent, though he was conscious of what York had done with the $7,000 which he knew was intended for him. Page had no correspondence with Pomeroy about the money after the election. He said it was not till he himself got to Washington as a witness for the investigation that Pomeroy told him the money intended for the bank had been
given to York, who had made it exhibit A in the exposure. Page swore further that he had told no one of the true extent of York's duplicity—doublecrossing not only Pomeroy but Page himself—until he made the statement under oath before the senate committee. He had kept this private wrong locked in his own bosom. He declared that he had frequently stated to others that he thought York's betrayal of Pomeroy was "a villainy unparalleled in the history of this country"; but at the same time he admitted that immediately after the exposure in the joint convention he had told S. A. Cobb, member of congress, that he believed what York had just said: "I told him that Mr. York was a man that stood well in my county; that I could not dispute his statements; that if Mr. Pomeroy had positively paid him $7000 for his vote, that I was no longer for Mr. Pomeroy."

The last item of testimony taken during the investigation was a statement made by York, who was recalled to the stand to say whether he had ever had any conversation with Page regarding money for Page's bank. "I will state most emphatically," he said, "that I never did, directly or indirectly; that he never upon any occasion, either at Topeka or before or since, made the most indirect allusion to establishing a national bank at Independence, and I also state most emphatically that in none of the interviews I had with Mr. Pomeroy was the matter of his paying me money for Mr. Page ever referred to in the most distant manner."

VIII

Simpson's summary of York's case began by pointing out that it was not York who was on trial, but Pomeroy. "It is immaterial," Simpson declared, "whether York is a gentleman of high moral character or not. Did Pomeroy pay him for his vote? If he did, whether York is a saint or a villain is of no consequence. Honest men do not pay bribes to saints, conspirators, villains, or any one else." Pomeroy had every reason to buy York off, Simpson argued. York had been elected state senator on an anti-Pomeroy pledge; he made repeated promises during his campaign to work for Pomeroy's defeat; he attended all the meetings of the anti-Pomeroy caucus and was its secretary; he spoke publicly against Pomeroy from the floor of the legislature before the senatorial election. Then Simpson began picking holes in the defense's testimony. He pointed out that the statements of Pomeroy's friends show that they did not say York was going to vote for Pomeroy till after the time when York had been given the money—that is, these rumors were circulated on
Tuesday. The only one who could have supplied the information to start these rumors was Pomeroy himself, for York's confederates were sworn to silence.

Why, Simpson asked, did Pomeroy arrange to meet York the second time in Colonel Eldridge's room? Why not meet in his own? Or why wasn't the money sent to Page by Colonel Eldridge himself, who was from Page's county? For that matter, why didn't Pomeroy merely mail Page a check or draft? Why was currency used? Then he called the committee's attention to the confidence Pomeroy had in Page. He had seen Page once before, and then in company; he had had no previous business relations with Page; he had had no correspondence with him; yet he agreed to lend Page $7,000 without interest, without security, without receipt. "Is not this a remarkable business transaction? At the same time, does it not demonstrate the trusting and confiding nature of short friendships formed in the midst of a senatorial strife?" Simpson observed that when Page went to see Pomeroy on Monday evening, January 27, Pomeroy told him the money was not there yet. But Pomeroy testified he got the money the previous Friday or Saturday from Boreland. And although on Tuesday Pomeroy had two men trying without success to find Page, the latter did not leave Topeka until Thursday. Another point of Pomeroy's testimony seemed out of line; Pomeroy had said that when York came to see him on Monday night he thanked him earnestly for helping Page in his efforts to start a national bank. Yet Page testified that he had never told York he planned to convert his bank.

In arguing his contention that it was not York who was on trial Simpson said:

... the man who exposes the villainy is denounced as a Judas, while he who attempts to defile is the sympathetic subject of a "conspiracy." What possible motive could York have but an honest one? By silence, he could have procured money and official promotion; by exposure, he meets vituperation in our public press, censure in the council chambers of the nation, and the muttered threats of the pensioned hordes of the fallen. When the Post-Office Department suspicions a thieving postmaster of larcenous propensities, they send out a decoy letter to detect the scoundrel, and yet the official perfidy of the act of detection has never been so manifest that a joint resolution has passed both Houses denouncing the governmental Judas.

The friends of Mr. Pomeroy, in their holy horror of Colonel York's deception, are never weary of applying to him the name of the disciple who betrayed our Savior. But we beg to remind the committee, and the gentlemen whose susceptibilities have suffered such a shock, that Judas accepted the money and carried out the contract!

Old Caleb Cushing summarized for Pomeroy. Amply shrewd to
see that Pomeroy's case was weak on facts, Cushing surmounted this obstacle merely by ignoring the facts. He concentrated all the power of his formidable rhetoric on the characters of the witnesses for the other side, and for sheer virtuosity in the handling of invective, Cushing was hard to beat. He disposed first of the charges brought by Bacon, Bond, Matheny and O'Driscoll. York and Simpson, he said, had brought to Washington "a number of witnesses, trashy persons like Bond and Bacon, to testify to the low gossip of Topeka at the time of the senatorial election. . . . The convict Rohrabacher is a fair type of the set." The lot of them, with York and Simpson, were involved in a deal which combined "private cheating, political fraud, and moral assassination." In the first place, Pomeroy had no reason to try to buy York's vote: "His election was already certain. That is proved incontrovertibly by the testimony of various persons before the committee." But these conspirators, during Mr. Pomeroy's absence in Washington, had been busy in Topeka digging up dirt and wallowing in it: "Mr. Pomeroy was not there to defend himself." Nonetheless, the prosecution, said Cushing, had utterly failed to prove that bribery had been committed, and therefore it would surely be safe to assume that as far as Mr. Pomeroy was concerned the election "was absolutely pure, and without a taint or spot of corruption or bribery." Consequently, Cushing invited the committee "to stigmatize with their censure the flagrant injustice of Mr. Simpson in presenting these false charges to the Senate; in subjecting the United States to so much expense without cause; in abusing the confidence of the committee, to bring forward witnesses incompetent, as he did, or should know; and in thus bearing false witness against his neighbor, in violation of the law of man and of God."

Then Mr. Cushing turned his attention to Colonel York, "a person of credulously jealous temperament," a man cursed with "a mind cankered by constitutional suspiciousness." York had three motives: "1. To cheat Mr. Pomeroy out of an election for Senator. . . . 2. To cheat the legislature itself out of the free choice, either of Mr. Pomeroy or anybody else. 3. To cheat Mr. Pomeroy out of his money." As for York's statement that when he and his three friends met on that Monday evening they decided that whatever money Pomeroy might give him they would contribute to the state school fund, Cushing became classical: "When Vespasian exhibited to Titus the new coin obtained from the tax on cloacae, he said, 'My son, non olet.' What sort of smell would belong to a
school-fund augmented by money which Mr. York should have obtained from Mr. Pomeroy by conspiracy, falsehood, and fraud?"

Observing then York’s “sallow complexion, his sunken eyes, his hollow cheeks, his somber air and manner,” Cushing concluded that he was a political fanatic like Clement, who assassinated Henry III, Fenton, who assassinated the Duke of Buckingham, Booth, who assassinated Lincoln, and Payne, who tried to assassinate Seward. These men felt any wrong they performed was justified by the ultimate good they intended to achieve. The whole class were a poor sort of heroes. Moral assassins like York could claim only “The heroism of lying! The heroism of cheating! The heroism of professing friendship in order to betray! Pah! All these persons belong to a vocation which Macaulay characterizes as ‘a vocation compared with which the life of a beggar, of a pickpocket, of a pimp, is honorable.’ God have mercy on her, if such is the timber of which they construct heroes in the State of Kansas!” Postwar amendments to the constitution forbade selling black men, Cushing declared. “It is to be endured that we are to have distinction of color against white men? An ex-lieutenant-colonel, an actual State senator, . . . sells in Kansas for $7000, cash on delivery. . . . But how the price of slaves has risen! Seven thousand dollars for Mr. York! Why, a better man could be bought in the bagnio for tenpence! says Anastasius.”

But, said Mr. Cushing, York did not go to Pomeroy and offer himself for sale at $7,000, nor did Pomeroy “purchase for $7,000 a piece of chattels which would have been dear at 7,000 cents.” Instead, Pomeroy received assurances from York that he could be trusted to convey the money to Mr. Page. As to why Page did not remonstrate at the joint convention and declare publicly that he knew how York came by the money, “It would have been absurd for Mr. Page, a quiet banker, to plunge into that mad scene, and charge York with thus misapplying his money. . . .”

In conclusion, Cushing declared that Mr. Pomeroy did not choose to oppose his word against the mere word of York, although “He might well do that, seeing that the statement of Mr. York is incredible in itself, contrary to all the probabilities, and even possibilities, of human action, unsupported by a tittle of evidence except his own word, and that word the word of an avowed falsifier, deceiver, and betrayer.” Pomeroy, he said, contradicts “peremptorily” York’s charges, and “appeals from the calumnies of such a man to the consideration and estimation which he has the right to claim at the
close of an honorable career of twelve years in the Senate of the United States."

IX

The investigating committee concluded its hearings on February 25, yet its final report was not released until March 3, the last day of the Forty-second congress. On March 1 the New York Tribune ran an article on the hearings with the headline "Pomeroy to Be Whitewashed. . . . Pomeroy's Defense to Be Accepted, in the Face of General Disbelief in Its Truth." 51 The committee's report was expected that day, but it was not forthcoming. Two days later the Tribune ran a dispatch from Washington dated March 2 which reported that the reason for the committee's delay in making its findings public was that Pomeroy's friends had been trying to get the committee to include some recommendation for refusing to seat the newly elected Senator Ingalls, Pomeroy's successor, since the Kansas legislature in putting Ingalls in office had acted on false information—namely, that Pomeroy had tried to bribe Senator York. 52

When the report finally appeared, it was found that a majority opinion had been signed by Frelinghuysen, Buckingham and Alecorn, and minority opinions by Vickers and Thurman. The majority report held, first, that the charges of bribery preferred by Bacon, Bond, O'Driscoll and Matheny were not clearly cases of bribery, and even if they were there was no evidence to connect them with Senator Pomeroy. Second, with regard to York's charges, the majority took pains to point out that there were "circumstances that legitimately affect the credibility of Mr. York": specifically, that York had admitted planning the exposure in advance with the express purpose of securing Pomeroy's defeat; that York fought down a motion for recess in the joint convention after the exposure had been made; and that "when a line of deception has been entered upon, no one can say when it is dropped and the golden thread of truth adopted." The majority further noted that all of York's witnesses were flatly contradicted by Mr. Pomeroy's.

But it was mentioned that there were a few unanswered questions, such as why Pomeroy didn't give York the whole $7,000 the first night; why no one else happened to be present at either of York's two interviews during which he received the money; why Page and Pomeroy didn't manage to meet in Topeka after Monday; why Pomeroy didn't give Page the money when Page called on Monday, and why the money wasn't given in a sealed package, the usual pro-

52. Ibid., March 3, 1873, p. 5.
procedure in such cases. The majority also admitted there were some discrepancies between the testimony of Page and that of Pomeroy, but added kindly that “perhaps they are not other than such as show the absence of arrangement between them as witnesses.” Consequently, the majority took the view that the whole affair was “the result of a concerted plot to defeat Mr. Pomeroy, and remembering that the burden of proof is on the party making the accusation, [the majority] have come to the conclusion that Mr. York has not sustained his charge by sufficient proof, contradicted as it is by the evidence of Mr. Page and Mr. Pomeroy.”

Senator Vickers’ minority report differed from that of the majority only in that it placed even greater emphasis on York’s treachery and the inevitable effect that fact must have on the reliability of his evidence. Hence Vickers could not “decide that the guilt of Mr. Pomeroy is established beyond a reasonable doubt.” Senator Thurman, however, came out boldly and said that he believed Pomeroy to be guilty on both counts. Pomeroy’s testimony, he stated, contradicted Page’s, and besides, Pomeroy’s reports of the affair were “so opposed to the usual circumstances attending a business transaction, and are so improbable, . . . that reliance cannot be placed upon them.” He added that he would make a fuller statement of his dissent, but this was the last day of the session, and of Pomeroy’s term as senator, so that the senate would not have time to consider his objections even were he to give them. He has stated briefly, therefore, “the conclusions to which my mind has, reluctantly and painfully, been brought.”

Next day the New York Tribune, with an I-told-you-so attitude, ran its story of the report under the headline “Pomeroy White-washed. The Coat Not Considered Very Effective. General Belief in His Guilt. . . .” In the course of the article, which contained the majority and minority reports, the Tribune urged its readers to give especial thought to Thurman’s opinion because of his reputation for thoroughness and fairness. The Annals of Kansas, a book containing a day-by-day history of the state from its beginnings until 1875, when the book went to press, gave the verdict of the investigating committee, then referred to Mark Twain’s version of it in The Gilded Age, which came out shortly before Christmas of 1873. “The book containing this investigation,” the author of the Annals says, “is a Senate document, Report No. 523, Forty-second Congress, Third session, pp. 270. —Mark Twain’s book, published

53. Ibid., March 4, 1873, p. 1.
this year, contains 574 pages. It is a work of fiction. ‘Anything but history,’ says Robert Walpole, ‘for history must be false.’ 54

Pomeroy’s subsequent career, though characteristic to a degree, is not as exciting as that part of it which preceded the exoneration of 1873. Cleared or not, the affair ruined him politically. He stayed on in Washington for a few years, then returned to Massachusetts. But first the state of Kansas had not finished with him. On March 6, 1873, the Kansas legislature’s committee of investigation issued its final report and found Pomeroy guilty of bribery. Meanwhile, the ex-senator had a bribery suit pending against him in the courts of Kansas. The trial was originally set for January 31, 1873, immediately after the exposure had been made. At that time, Pomeroy had gained a postponement on the grounds of illness. On June 16 of the same year the trial was due to come up again, but once more it was postponed, this time till the next session of the court. It was set again for the first Monday in January, 1874, but the Leavenworth Times had written in December there was a rumor that United States Attorney Sciofield had agreed privately not to prosecute Pomeroy. In any event, the trial did not come up in January. On February 10 the Kansas legislature voted to urge a speedy trial, and finally Pomeroy appeared before Judge Morton at Topeka on June 8. Both sides agreed to go to trial on July 27. On July 27 Pomeroy’s attorney made application for a change of venue, and the case was sent to Osage county. On the tenth of November the trial was set at Burlingame before Judge Peyton, but a continuance was asked for and granted. The trial then was to be held April 5, 1875, but on March 12 the county attorney agreed to enter a nolle prosequi, thus ending the case.

In 1884 Pomeroy ran for President of the United States on the ticket of the American Prohibition party. Grover Cleveland and the Democrats won out, however, and Pomeroy retired to Whitinsville, Mass., where he died in 1891.

The story of the $7,000 that Pomeroy gave York is worth telling by way of a postscript. At the original conference among York, Simpson, Johnson and James Horton, it was decided to give the expected bribe to the state school fund. When York actually made his disclosure in the joint convention, though, he apparently forgot this agreement and asked that the money be used to defray the costs of investigating Pomeroy on charges of bribery and corruption. York left the money on the desk of the secretary of state (or, some

54. Wilder, op. cit., p. 610.
said, on the desk of the chief clerk of the state senate) in the Kansas state house. The money was placed under seal by resolution of the joint convention and made a special deposit with the state treasurer. During the legislature's investigation, Sen. William E. Guerin, chairman of the investigating committee, was briefly given custody of the money to use as evidence. When he was through with it, it was returned to the state treasurer. In the late stages of the senate investigation, the New York Tribune remarked that Senator Guerin had arrived in Washington with the $7,000 to use as an exhibit before the committee. But when Guerin testified on February 24 he denied having the money, and said that it was on its way to Washington by express. When it had not appeared by the next day, Guerin was recalled to the stand to explain. He testified that when he left Topeka the chief clerk of the state treasurer had assured him the money would be sent on the same train to Washington that Guerin himself was taking. At this point, Pomeroy's counsel, A. H. Horton, interrupted to remark that he had just been talking with a Kansas legislator lately arrived from Topeka who informed him that the legislature had recalled the money after it was on its way east. Horton felt sure that the money would be sent at once if the chairman of the senate committee would wire for it. But this was the last day of the hearings and the money could have been of no use then if it had been sent for. In any event, it never seems to have arrived in Washington.

During the last days of the investigation, Page brought suit against York for the $7,000; but, as the Tribune observed, the effort was probably aimed at supporting Pomeroy's and Page's testimony before the committee. The suit, in any event, was unsuccessful.

The final chapter in the history of this elusive bundle of greenbacks is noted in the Annals of Kansas:

Topeka, Kansas, March 12, 1875.

Received of A. M. York the sum of seven thousand dollars, less the amount of costs in the case of The State of Kansas against S. C. Pomeroy, now pending in the District Court in and for Osage County, Kansas, in full of amount paid by me to said A. M. York during the session of the Kansas State Legislature, in the year 1873.

S. C. Pomeroy.

By Albert H. Horton, his attorney.

So the wheel comes full circle. The $7,000 that had got Pomeroy into trouble in the first place, was finally used to expunge nearly the last official traces of corruption from his name; the money remaining after court costs was divided among his lawyers. Artistically, such a conclusion is very satisfying.

55. Ibid., p. 606.