
IMPEACHMENT OF WILLIAM W. BELKNAP.

MARCH 30, 1876.—Recommitted to the Committee on the Judiciary and ordered to be printed.

Mr. KNOTT, from the Committee on the Judiciary, submitted the following

R E P O R T :

The Committee on the Judiciary, having had under consideration the resolution of the House directing them to prepare and report articles in support of the impeachment of William W. Belknap, late Secretary of War, for high crimes and misdemeanors in office, respectfully report the following articles and accompanying resolutions for the action of the House :

Resolved, That the following articles be adopted and presented to the Senaté, in maintenance and support of the impeachment for high crimes and misdemeanors in office of William W. Belknap, late Secretary of War :

Articles exhibited by the House of Representatives of the United States of America, in the names of themselves and of all the people of the United States of America, against William W. Belknap, late Secretary of War, in maintenance and support of their impeachment against him for high crimes and misdemeanors while in said office.

ARTICLE I.

That William W. Belknap, while he was in office as Secretary of War of the United States of America, to wit, on the eighth day of October, eighteen hundred and seventy, had the power and authority, under the laws of the United States, as Secretary of War as aforesaid, to appoint a person to maintain a trading-establishment at Fort Sill, a military post of the United States ; that said Belknap, as Secretary of War as aforesaid, on the day and year aforesaid, promised to appoint one Caleb P. Marsh to maintain said trading-establishment at said military post ; that thereafter, to wit, on the day and year aforesaid, the said Caleb P. Marsh and one John S. Evans entered into an agreement in writing substantially as follows, to wit :

Articles of agreement made and entered into this eighth day of October, in the year of our Lord eighteen hundred and seventy, by and between John S. Evans, of Fort Sill, Indian Territory, United States of America, of the first part, and Caleb P. Marsh, of No. 51 West Thirty-fifth street, of the city, county, and State of New York, of the second part, witnesseth, namely :

Whereas the said Caleb P. Marsh has received from General William W. Belknap, Secretary of War of the United States, the appointment of post-trader at Fort Sill aforesaid ; and whereas the name of said John S. Evans is to be filled into the commission of appointment of said post-trader at Fort Sill aforesaid, by permission and at the instance and request of said Caleb P. Marsh, and for the purpose of carrying out the

terms of this agreement; and whereas said John S. Evans is to hold said position of post-trader as aforesaid solely as the appointee of said Caleb P. Marsh, and for the purposes hereinafter stated :

Now, therefore, said John S. Evans, in consideration of said appointment and the sum of one dollar to him in hand paid by said Caleb P. Marsh, the receipt of which is hereby acknowledged, hereby covenants and agrees to pay to said Caleb P. Marsh the sum of twelve thousand dollars annually, payable quarterly in advance, in the city of New York aforesaid ; said sum to be so payable during the first year of this agreement absolutely and under all circumstances, anything hereinafter contained to the contrary notwithstanding ; and thereafter said sum shall be so payable, unless increased or reduced in amount, in accordance with the subsequent provisions of this agreement.

In consideration of the premises, it is mutually agreed between the parties aforesaid as follows, namely :

First. This agreement is made on the basis of seven cavalry companies of the United States Army, which are now stationed at Fort Sill aforesaid.

"Second. If at the end of the first year of this agreement the forces of the United States Army stationed at Fort Sill aforesaid shall be increased or diminished not to exceed one hundred (100) men, then this agreement shall remain in full force and unchanged for the next year. If, however, the said forces shall be increased or diminished beyond the number of one hundred (100) men, then the amount to be paid under this agreement by said John S. Evans to said Caleb P. Marsh shall be increased or reduced in accordance therewith and in proper proportion thereto. The above rule laid down for the continuation of this agreement at the close of the first year thereof shall be applied at the close of each succeeding year so long as this agreement shall remain in force and effect.

"Third. This agreement shall remain in force and effect so long as said Caleb P. Marsh shall hold or control, directly or indirectly, the appointment and position of post-trader at Fort Sill aforesaid.

"Fourth. This agreement shall take effect from the date and day the Secretary of War aforesaid shall sign the commission of post-trader at Fort Sill aforesaid, said commission to be issued to said John S. Evans at the instance and request of said Caleb P. Marsh, and solely for the purpose of carrying out the provisions of this agreement.

"Fifth. Exception is hereby made in regard to the first quarterly payment under this agreement, it being agreed and understood that the same may be paid at any time within the next thirty days after the said Secretary of War shall sign the aforesaid commission of post-trader at Fort Sill.

"Sixth. Said Caleb P. Marsh is at all times, at the request of said John S. Evans, to use any proper influence he may have with said Secretary of War for the protection of said John S. Evans while in the discharge of his legitimate duties in the conduct of the business as post-trader at Fort Sill aforesaid.

"Seventh. Said John S. Evans is to conduct the said business of post-trader at Fort Sill aforesaid, solely on his own responsibility, and in his own name; it being expressly agreed and understood that said Caleb P. Marsh shall assume no liability in the premises whatever.

"Eighth. And it is expressly understood and agreed, that the stipulations and covenants aforesaid are to apply to and bind the heirs, executors, and administrators of the respective parties.

"In witness whereof, the parties to these presents have herunto set their hands and seals, the day and year first above written.

"JOHN S. EVANS. [SEAL.]
"C. P. MARSH. [SEAL.]

"Signed, sealed, and delivered in presence of—
"E. T. BARTLETT."

That thereafter, to wit, on the tenth day of October, eighteen hundred and seventy, said Belknap, as Secretary of War aforesaid, did, at the instance and request of said Marsh, at the city of Washington, in the District of Columbia, appoint said John S. Evans to maintain said trading-establishment at Fort Sill, the military post aforesaid, and in consideration of said appointment of said Evans so made by him as Secretary of War as aforesaid, the said Belknap did, on or about the second day of November, eighteen hundred and seventy, unlawfully and corruptly receive from said Caleb P. Marsh the sum of one thousand five hundred dollars, and that at divers times thereafter, to wit, on or about the seventeenth day of January, eighteen hundred and seventy-one, and at or about the end of each three months during the term of one whole year, the said William W. Belknap, while still in office as

Secretary of War as aforesaid, did unlawfully receive from said Caleb P. Marsh like sums of one thousand five hundred dollars, in consideration of the appointment of the said John S. Evans by him, the said Belknap, as Secretary of War as aforesaid, and in consideration of his permitting said Evans to continue to maintain the said trading-establishment at said military post during that time. Whereby, the said William W. Belknap, who was then Secretary of War as aforesaid, was guilty of high crimes and misdemeanors in office.

ARTICLE II.

That said William W. Belknap, while he was in office as Secretary of War of the United States of America, did, at the city of Washington, in the District of Columbia, on the fourth day of November, one thousand eight hundred seventy-three, willfully, corruptly, and unlawfully take and receive from one Caleb P. Marsh the sum of fifteen hundred dollars, in consideration that he would continue to permit one John S. Evans to maintain a trading-establishment at Fort Sill, a military post of the United States, which said establishment said Belknap, as Secretary of War as aforesaid, was authorized by law to permit to be maintained at said military post, and which the said Evans had been before that time appointed by said Belknap to maintain; and that said Belknap, as Secretary of War as aforesaid, for said consideration, did corruptly permit the said Evans to continue to maintain the said trading-establishment at said military post. And so the said Belknap was thereby guilty, while he was Secretary of War, of a high misdemeanor in his said office.

ARTICLE III.

That said William W. Belknap was Secretary of War of the United States of America before and during the month of October, eighteen hundred and seventy, and continued in office as such Secretary of War until the second day of March, eighteen hundred and seventy-six; that as Secretary of War as aforesaid said Belknap had authority, under the laws of the United States, to appoint a person to maintain a trading-establishment at Fort Sill, a military post of the United States, not in the vicinity of any city or town; that, on the tenth day of October, eighteen hundred and seventy, said Belknap, as Secretary of War as aforesaid, did, at the city of Washington, in the District of Columbia, appoint one John S. Evans to maintain said trading-establishment at said military post, and that said John S. Evans, by virtue of said appointment, has since, till the second day of March, eighteen hundred and seventy-six, maintained a trading-establishment at said military post, and that said Evans, on the eighth day of October, eighteen hundred and seventy, before he was so appointed to maintain said trading-establishment as aforesaid, and in order to procure said appointment and to be continued therein, agreed with one Caleb P. Marsh that, in consideration that said Belknap would appoint him, the said Evans, to maintain said trading-establishment at said military post, at the instance and request of said Marsh, he, the said Evans, would pay to him a large sum of money, quarterly, in advance, from the date of his said appointment by said Belknap, to wit, twelve thousand dollars during the year immediately following the tenth day of October, eighteen hundred and seventy, and other large sums of money, quarterly, during each year that he, the said Evans, should be permitted by said Belknap to maintain said trading-establishment at said post; that said Evans did pay to said Marsh said sum of money

quarterly during each year after his said appointment, until the month of December, eighteen hundred and seventy-five, when the last of said payments was made; that said Marsh, upon the receipt of each of said payments, paid one-half thereof to him, the said Belknap. Yet the said Belknap, well knowing these facts, and having the power to remove said Evans from said position at any time, and to appoint some other person to maintain said trading-establishment, but criminally disregarding his duty as Secretary of War, and basely prostituting his high office to his lust for private gain, did unlawfully and corruptly continue said Evans in said position and permit him to maintain said establishment at said military post during all of said time, to the great injury and damage of the officers and soldiers of the Army of the United States stationed at said post, as well as of emigrants, freighters, and other citizens of the United States, against public policy and to the great disgrace and detriment of the public service.

Whereby the said William W. Belknap was, as Secretary of War as aforesaid, guilty of high crimes and misdemeanors in office.

ARTICLE IV.

That said William W. Belknap, while he was in office and acting as Secretary of War of the United States of America, did, on the tenth day of October, eighteen hundred and seventy, in the exercise of the power and authority vested in him as Secretary of War as aforesaid by law, appoint one John S. Evans to maintain a trading-establishment at Fort Sill, a military post of the United States, and he, the said Belknap, did receive, from one Caleb P. Marsh, large sums of money for and in consideration of his having so appointed said John S. Evans to maintain said trading-establishment at said military post, and for continuing him therein, whereby he has been guilty of high crimes and misdemeanors in his said office.

Specification I.

On or about the second day of November, eighteen hundred and seventy, said William W. Belknap, while Secretary of War as aforesaid, did receive from Caleb P. Marsh fifteen hundred dollars, in consideration of his having appointed said John S. Evans to maintain a trading-establishment at Fort Sill aforesaid, and for continuing him therein.

Specification II.

On or about the seventeenth day of January, eighteen hundred and seventy-one, the said William W. Belknap, while Secretary of War as aforesaid, did receive from said Caleb P. Marsh fifteen hundred dollars, in consideration of his having appointed said John S. Evans to maintain a trading-establishment at Fort Sill, aforesaid, and for continuing him therein.

Specification III.

On or about the eighteenth day of April, eighteen hundred and seventy-one, the said William W. Belknap, while Secretary of War as aforesaid, did receive from said Caleb P. Marsh fifteen hundred dollars, in consideration of his having appointed said John S. Evans to maintain a trading-establishment at Fort Sill aforesaid, and continuing him therein.

Specification IV.

On or about the twenty-fifth day of July, eighteen hundred and seventy-one, the said William W. Belknap, while Secretary of War as aforesaid, did receive from said Caleb P. Marsh fifteen hundred dollars, in consideration of his having appointed said John S. Evans to maintain a trading-establishment at Fort Sill aforesaid, and continuing him therein.

Specification V.

On or about the tenth day of November, eighteen hundred and seventy-one, the said William W. Belknap, while Secretary of War as aforesaid, did receive from said Caleb P. Marsh fifteen hundred dollars, in consideration of his having appointed said John P. Evans to maintain a trading-establishment at Fort Sill aforesaid, and continuing him therein.

Specification VI.

On or about the fifteenth day of January, eighteen hundred and seventy-two, the said William W. Belknap, while Secretary of War as aforesaid, did receive from said Caleb P. Marsh fifteen hundred dollars, in consideration of his having appointed said John S. Evans to maintain a trading-establishment at Fort Sill aforesaid, and continuing him therein.

Specification VII.

On or about the thirteenth day of June, eighteen hundred and seventy-two, the said William W. Belknap, while Secretary of War as aforesaid, did receive from said Caleb P. Marsh fifteen hundred dollars, in consideration of his having appointed said John S. Evans to maintain a trading-establishment at Fort Sill aforesaid, and continuing him therein.

Specification VIII.

On or about the twenty-second day of November, eighteen hundred and seventy-two, the said William W. Belknap, while Secretary of War as aforesaid, did receive from said Caleb P. Marsh fifteen hundred dollars, in consideration of his having appointed said John S. Evans to maintain a trading-establishment at Fort Sill aforesaid, and continuing him therein.

Specification IX.

On or about the twenty-eighth day of April, eighteen hundred and seventy-three, the said William W. Belknap, while Secretary of War as aforesaid, did receive from said Caleb P. Marsh one thousand dollars, in consideration of his having appointed said John S. Evans to maintain a trading-establishment at Fort Sill aforesaid, and continuing him therein.

Specification X.

On or about the sixteenth day of June, eighteen hundred and seventy-three, the said William W. Belknap, while Secretary of War as aforesaid, did receive from said Caleb P. Marsh seventeen hundred dollars, in consideration of his having appointed said John S. Evans to maintain a trading-establishment at Fort Sill aforesaid, and continuing him therein.

Specification XI.

On or about the fourth day of November, eighteen hundred and seventy-three, the said William W. Belknap, while Secretary of War as aforesaid, did receive from said Caleb P. Marsh fifteen hundred dollars, in consideration of his having appointed said John S. Evans to maintain a trading-establishment at Fort Sill aforesaid, and continuing him therein.

Specification XII.

On or about the twenty-second day of January, eighteen hundred and seventy-four, the said William W. Belknap, while Secretary of War as aforesaid, did receive from said Caleb P. Marsh fifteen hundred dollars, in consideration of his having appointed said John S. Evans to maintain a trading-establishment at Fort Sill aforesaid, and continuing him therein.

Specification XIII.

On or about the tenth day of April, eighteen hundred and seventy-four, the said William W. Belknap, while Secretary of War as aforesaid, did receive from said Caleb P. Marsh fifteen hundred dollars, in consideration of his having appointed said John S. Evans to maintain a trading-establishment at Fort Sill aforesaid, and continuing him therein.

Specification XIV.

On or about the ninth day of October, eighteen hundred and seventy-four, the said William W. Belknap, while Secretary of War as aforesaid, did receive from said Caleb P. Marsh fifteen hundred dollars, in consideration of his having appointed said John S. Evans to maintain a trading-establishment at Fort Sill aforesaid, and continuing him therein.

Specification XV.

On or about the twenty-fourth day of May, eighteen hundred and seventy-five, the said William W. Belknap, while Secretary of War as aforesaid, did receive from said Caleb P. Marsh fifteen hundred dollars, in consideration of his having appointed said John S. Evans to maintain a trading-establishment at Fort Sill aforesaid and continuing him therein.

Specification XVI.

On or about the seventeenth day of November, eighteen hundred and seventy-five, the said William W. Belknap, while Secretary of War as aforesaid, did receive from said Caleb P. Marsh fifteen hundred dollars, in consideration of his having appointed said John S. Evans to maintain a trading-establishment at Fort Sill aforesaid and continuing him therein.

Specification XVII.

On or about the fifteenth day of January, eighteen hundred and seventy-six, the said William W. Belknap, while Secretary of War as aforesaid, did receive from said Caleb P. Marsh seven hundred and fifty dollars, in consideration of his having appointed said John S. Evans to maintain a trading-establishment at Fort Sill aforesaid and continuing him therein.

ARTICLE V.

That one John S. Evans was on the tenth day of October, in the year eighteen hundred and seventy, appointed by the said Belknap to maintain a trading-establishment at Fort Sill, a military post on the frontier, not in the vicinity of any city or town, and said Belknap did from that day continuously to the second day of March, eighteen hundred and seventy-six, permit said Evans to maintain the same; and said Belknap was induced to make said appointment by the influence and request of one Caleb P. Marsh; and said Evans paid to said Marsh, in consideration of such influence and request, and in consideration that he should thereby induce said Belknap to make said appointment, divers large sums of money, at various times, amounting to about twelve thousand dollars a year from the date of said appointment to the twenty-fifth day of March, eighteen hundred and seventy-two, and to about six thousand dollars a year thereafter until the second day of March, eighteen hundred and seventy-six, all which said Belknap well knew; yet said Belknap did, in consideration that he would permit said Evans to continue to maintain said trading-establishment, and in order that said payments might continue and be made by said Evans to said Marsh as aforesaid, corruptly receive from said Marsh, either to his, the said Belknap's, own use, or to be paid over to the wife of said Belknap, divers large sums of money at various times, viz, the sum of fifteen hundred dollars on or about the second day of November, eighteen hundred and seventy; the sum of fifteen hundred dollars on or about the seventeenth day of January, eighteen hundred and seventy-one; the sum of fifteen hundred dollars on or about the eighteenth day of April, eighteen hundred and seventy-one; the sum of fifteen hundred dollars on or about the twenty-fifth day of July, eighteen hundred and seventy-one; the sum of fifteen hundred dollars on or about the tenth day of November, eighteen hundred and seventy-one; the sum of fifteen hundred dollars on or about the fifteenth day of January, eighteen hundred and seventy-two; the sum of fifteen hundred dollars on or about the thirteenth day of June, eighteen hundred and seventy-two; the sum of fifteen hundred dollars on or about the twenty-second day of November, eighteen hundred and seventy-two; the sum of one thousand dollars on or about the twenty-eighth day of April, eighteen hundred and seventy-three; the sum of seventeen hundred dollars on or about the sixteenth day of June, eighteen hundred and seventy-three; the sum of fifteen hundred dollars on or about the fourth day of November, eighteen hundred and seventy-three; the sum of fifteen hundred dollars, on or about the twenty-second day of January, eighteen hundred and seventy-four; the sum of fifteen hundred dollars, on or about the tenth day of April, eighteen hundred and seventy-four; the sum of fifteen hundred dollars, on or about the ninth day of October, eighteen hundred and seventy-four; the sum of fifteen hundred dollars, on or about the twenty-fourth day of May, eighteen hundred and seventy-five; the sum of fifteen hundred dollars, on or about the seventeenth day of November, eighteen hundred and seventy-five; the sum of seven hundred and fifty dollars, on or about the fifteenth day of January, eighteen hundred and seventy-six: all of which acts and doings were while the said Belknap was Secretary of War of the United States, as aforesaid, and were a high misdemeanor in said office.

And the House of Representatives, by protestation, saving to themselves the liberty of exhibiting at any time hereafter any further articles or accusation or impeachment against the said William W. Belknap, late Secretary of War of the United States, and also of replying to his

answers which he shall make unto the articles herein preferred against him, and of offering proof to the same and every part thereof, and to all and every other article, accusation, or impeachment which shall be exhibited by them, as the case shall require, do demand that the said William W. Belknap may be put to answer the high crimes and misdemeanors in office herein charged against him, and that such proceedings, examinations, trials, and judgments may be thereupon had and given as may be agreeable to law and justice.

Resolved, That seven managers be appointed by ballot to conduct the impeachment exhibited against William W. Belknap, late Secretary of War of the United States.