

**TRANSCRIPT OF TESTIMONY
TAKEN BY THE BRIBERY
INVESTIGATING COMMITTEE.
PRESENTED TO THE ASSEMBLY,
MARCH 4, 1874**

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Transcript of Testimony Taken by the Bribery Investigating Committee. Presented to the Assembly, March 4, 1874 by California Bribery Investigating Committee

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CALIFORNIA BRIBERY INVESTIGATING COMMITTEE

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action frauds U.S. : California

California Bribery Investigating Committee

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TRANSCRIPT OF TESTIMONY

TAKEN BY

THE BRIBERY INVESTIGATING COMMITTEE.

ASSEMBLY CHAMBER, TWENTIETH SESSION, }
SACRAMENTO, January 15th, 1874. }

WHEREAS, A portion of the public press have made serious charges against the honor and honesty of undesignated members of the Assembly in reference to the late Senatorial election; therefore, be it

Resolved, That a committee of five be appointed by the Speaker, who shall have power to send for persons and papers, and report the result of the statements made to this House at an early date.

Adopted.

(Signed:)

BRUMSEY,

Assistant Clerk.

In pursuance with the above resolution, the Speaker appointed as committee, Messrs. Summers, Chairman; Norton, Freeman, Coggins, and Simpser, to which Mr. Amerman was added by resolution of the House.

(Signed:)

BRUMSEY.

On February fourth, eighteen hundred and seventy-four, Mr. Summers offered the following resolution, which was referred to the Committee on Rules and Employés, and finally adopted:

Resolved, That the Senatorial Investigating Committee be and are hereby authorized to employ a shorthand reporter for such a length of time as they shall deem necessary, said reporter not to receive more than eight dollars per day, including all services rendered in taking and transcribing, etc.

Under the above resolution, H. A. Jones was appointed as reporter of the committee.

Acting under the authority of the first resolution, the Chairman appointed a meeting for Wednesday following.

Wednesday, at seven P. M., the committee met.

At seven o'clock and five minutes P. M. the committee met in the Sergeant-at-Arms room—Present, a full committee.

Mr. Amerman offered the following resolution:

Resolved, That the proceedings of this investigation be had with closed doors, no person being admitted during the sessions excepting the accuser, his counsel, and the witness on the stand; further, that the reporter and all the members of the committee be required to keep still all the proceedings of each session until the investigation is finally concluded.

Mr. Norton said he was opposed to the theory of the resolution.

Mr. Coggins stated that on Friday last some four or five members of the committee had met and decided to have the investigation open to the reporters and to the public.

Mr. Amerman—I will withdraw the resolution and modify it by offering this amendment: That all the witnesses that are subpoenaed in this case be required to keep on the outside until they are called.

Mr. Simpson—I would second that.

Mr. Norton—I would second that to prevent collusion.

Mr. Coggins said that one of the reporters present had been subpoenaed, and he hoped an exception would be made in his case and he be permitted to remain.

Mr. Amerman offered the following written resolution:

Resolved, That all witnesses subpoenaed in the matter of this investigation be excluded from the room during the examination of any witness on the stand.

Mr. Coggins—Until after they have given their testimony.

Mr. Amerman—Yes; until after their evidence has been given.

Mr. Summers—Well, gentlemen, does that resolution meet with a second?

Mr. Simpson—I second it.

The resolution was adopted, and the Sergeant-at-Arms directed all witnesses present, excepting reporters, to withdraw. The names of witnesses were read.

TESTIMONY OF VINCENT RYAN.

VINCENT RYAN called, sworn, and examined:

Mr. Amerman—Mr. Chairman, I understand that the party who makes the accusation in this case is accompanied here to-night by his counsel. I would, therefore, move that the counsel of the accuser be requested to conduct this examination on the part of the prosecution.

Mr. Norton seconded the motion.

Mr. Coggins—I have no objections, Mr. President, but I think it would be only fair that the counsel of the accused, as soon as we catch him, should have the same privilege.

Mr. Amerman—I amend that motion by also including as a portion of it that Mr. Norton, on behalf of the committee, be requested to act as

counsel on behalf of the committee, which, of course, would be on the part of the defense.

Mr. Coggins—I suppose, of course, it is understood that each member of the committee will exercise the privilege of asking any question that he desires.

Mr. Norton—And if the accused, during the progress of the investigation of the charges, should center on some one man, I suppose that he would be entitled to appear by counsel here, the same as the prosecution.

The motion of Mr. Amerman was carried.

N. Greene Curtis appeared as the counsel for M. D. Boruck, and stated that he did not appear to prosecute the case, and was not disposed to take advantage of any one, but merely desired to protect the rights of his client.

Mr. Amerman read the following article from the *Chronicle*, of the 16th of January, 1874:

Mr. Amerman—Now, I would suggest, Mr. Chairman, as preliminary to entering upon this investigation, that as the charges have been made by Mr. Boruck through his paper, and it is understood that he occupies that position here—as a sort of a prosecuting witness—the position a prosecuting witness does in a criminal prosecution; and Mr. Boruck would be a proper person to be first examined. I merely make that suggestion so we can understand what the charges are, and then proceed with the investigation.

Mr. Norton—I would like to hear, Mr. Chairman, read before the committee, the charges made by him, Boruck. They have passed out of my mind, if I ever noticed them. I suppose they are in the paper published by him, *The Spirit of the Times*. Have you a copy of that paper here, Mr. Boruck?

Mr. Boruck—I have not a copy of the paper with me, but I can tell it, Mr. Norton, almost word for word. It was this: that I knew of an Assemblyman who had been offered two thousand dollars for his vote; that the offer was made in gold notes; and that the Assemblyman had spurned it and refused it; and that I could prove it. That is the sum and substance of that article.

Mr. Norton—I suppose the only object in examining Mr. Ryan first, Mr. Amerman and Mr. Chairman, was to allow him to be here, being a reporter; and I suppose parties here would not seek to exclude him if he or Mr. Boruck was examined first. I think it would be proper to examine Mr. Boruck first.

Mr. Freeman—Mr. Chairman, I move that Mr. Boruck be brought on the stand, and examined as to what he knows of the gentleman who was offered two thousand dollars.

The motion was seconded and adopted.

TESTIMONY OF MARCUS D. BORUCK.

MARCUS D. BORUCK, called, sworn, and examined:

On the nineteenth of December, at three o'clock in the afternoon, in this city, I was on my way to Wells, Fargo & Co.'s office, prior to leaving for San Francisco. I also had a telegraphic dispatch to send below

informing my family that I was on my way down. Coming out of the Orleans Hotel, I met the Hon. J. C. Carter, of Yuba, member of the Assembly, who called me to him (the gentlemen of the press will tell me if I go too fast for them; I want to study their convenience in giving the testimony), and he stated that he had something important to impart to me. I asked him what it was. He said the friends of Booth were endeavoring to purchase votes. I asked him how he knew it. He hesitated somewhat in speaking. I told him he had gone so far, he might as well tell the remainder. He said he had been offered two thousand dollars, I think he said in gold notes, to leave Shafter and go for Booth. I hurried him somewhat in his conversation, as the hour for my leaving was approaching. I asked him what he did under the circumstances. He said that he had indignantly refused to entertain the proposition, but finally, for the purpose of consultation with his friends, he had agreed to meet the parties again at six o'clock that evening. I left him then to consult with his friends, and I proceeded to the city, and learned subsequently that there was no further consultation between them. That is all, sir, unless the gentlemen desire to ask me some questions.

Mr. Norton—How long was this before the Senatorial contest was terminated?

Answer—This was on the nineteenth of December. I think the Senatorial contest was closed the next day, Mr. Norton; if I am not mistaken it was, was it not?

Question—On the twentieth? I think it was.

A.—Yes, sir; the day before, it was.

Q.—Where did you say you saw him, Mr. Boruck?

A.—Coming out of the Orleans, I met him; directly in front of the Orleans.

Q.—Was he coming out of the Orleans?

A.—No, sir; he was coming from J street; was coming in that direction.

Q.—Had you had any previous conversations with him about this subject?

A.—No, sir; not a word.

Q.—Had you met him during the Senatorial fight to consult with him?

A.—No, sir; not at all.

Q.—Did he tell you who had offered him two thousand dollars in gold notes to change his vote from Shafter to Booth?

A.—He did, sir.

Q.—Who was it?

A.—I made him a pledge that I would permit him, if necessary, to divulge the name if it ever came to that point, and I would like, if the committee will permit me, to keep my word until he himself is sworn, and if he refuses to give the name I will give the name myself.

Mr. Curtis—I ask the counsel to withdraw the question.

Mr. Norton—How long did this conversation last, Mr. Boruck?

A.—Well, a very few minutes. I was hurrying all the time, as it was nearly the time and I had to go back into the Orleans and get my satchel, and see that it was taken down to the cars.

Q.—What you say you heard subsequently, you learned from hearsay—from what parties told you since your return from San Francisco?

A.—Yes, sir; but I learned from Mr. Carter, himself, that nothing further had took place between them. He didn't see them again.

Q.—Did he tell you when the offer was made?

A.—No, sir, I don't think he did. I wouldn't be positive as to that point. I think not, however.

Q.—Will you give again his language, as near as you can—I have forgotten—that is, what Mr. Carter said to you upon approaching you, as to the efforts—that the friends of Booth—

A.—Were endeavoring to purchase votes.

Q.—Was that the language, or substance of it?

A.—That was about the language.

Q.—First prefacing the remark with saying to you that he had something to divulge to you?

A.—Yes, sir.

Q.—Did he seem excited?

A.—Yes, sir, he seemed excited, very much worried, and very indignant.

Q.—Expressed himself as being very indignant at having been selected?

A.—Yes, sir; and that calls to my recollection a remark he made. He said he had plenty without selling himself in that way.

Q.—You were there with him but a short time?

A.—Oh, yes, sir; of course it was hurried—just between three o'clock and the time I had to go to Wells, Fargo & Co.'s, which I did, and sent a message.

Q.—You say that he didn't tell you where the offer had been made?

A.—No, sir; I think not.

Q.—Who else was present, if anybody?

A.—No one, sir.

Q.—Was it within the hearing of any one?

A.—No, sir; no one except the post, sir, that we leaned against.

Q.—Did he allude to Governor Booth as being connected with the affair at all?

A.—Simply made that remark—that the friends of Booth were endeavoring to purchase votes.

Q.—Had you learned anything subsequently to that time bearing upon this question, Mr. Boruck, except wherein you have stated.

A.—No, sir—as to this particular point?

Q.—As to this particular point?

A.—No, sir; I have not.

Q.—Have you learned anything, subsequent to that time, that would throw any light upon this question?

A.—No, sir; I have not pursued it any further—to make any further investigation into it at all.

Q.—We simply desire to get before the committee, Mr. Boruck, all the facts; and I know you cheerfully would give them. That is, the sole object of the investigation is to get at the truth?

A.—Yes, sir.

Mr. Coggins—Did he say, Mr. Boruck, where this interview had taken place?

A.—No, sir.

Q.—Did he say where the interview in the evening was to take place?

A.—No, sir; he did not.

Mr. Freeman—Mr. Chairman, I move that Mr. Edgerton be now put on the stand, to state what he knows in this case.

TESTIMONY OF HENRY EDGERTON.

HENRY EDGERTON called, sworn, and examined:

Mr. Summers—Mr. Edgerton, this is an investigation of charges of bribery made against the honor and honesty of certain undesigned members of the House of Assembly, in the late Senatorial contest.

Answer—I didn't understand you, Mr. Chairman.

Question—This is a charge of bribery against undesigned members of the Assembly, in regard to the late Senatorial election. Will you please state to the committee what you know in regard to the matter.

A.—I know nothing about it, sir, except what I have seen in the newspapers. On my return from San Francisco, some weeks since, I think within a few days after the election of Judge Hagar—after the whole thing was over—I was coming up on the Vallejo boat, and Senator Spencer placed in my hands an issue of the *Examiner* containing an extract from the *Spirit of the Times*, a paper edited by Mr. Boruck. I read that article, and I have seen various allusions to that article since in the various newspapers. That is all I know about it, unless some person may have called my attention to it and talked about it since. I presume that has occurred, but I don't now recollect definitely of any individual who called my attention to it. I believe, sir, that is all I know about it.

Mr. Curtis—Did you read the *Spirit of the Times* of the twentieth?

A.—I don't recollect the date, Judge Curtis.

Q.—You read the extracts as published in the *Examiner*?

A.—The *Examiner* was placed in my hands by Senator Spencer on the Vallejo boat. I am confident it was the *Examiner*, and that it contained an extract purporting to have been taken from the *Spirit of the Times*.

Q.—Do you recollect whether it was an extract or the article entire, taken from the *Spirit of the Times*?

A.—That I don't recollect. My impression is, perhaps it was the whole article.

Q.—Have you read that, Mr. Edgerton? Did it refresh your mind in regard to any similar charges you had heard made by Mr. Boruck?

A.—That is all I have heard in regard to the matter.

Q.—Then you have heard no persons speak of charges of bribery and corruption made in regard to the Senatorial election?

A.—Since that time?

Q.—Yes, sir.

A.—No, sir. I say I may have talked with persons about it, but I don't recollect of any particular person.

Q.—Have you ever come into the possession of any facts in regard to that matter from persons who professed to know?

A.—I don't know that I ever have.

Q.—You know nothing of any facts?

A.—No facts at all. I never heard any person impute anything of the kind to any person that I remember of. He said that a member, or some member, of the Assembly had been approached. I think Mr. Boruck made that declaration in his issue on the twentieth, and that he stood prepared to prove it; that some man had made a declaration of that sort.

Q.—Did you ever hear a man make a declaration of that sort?

A.—No, sir.