

[Document BB.]

BY THE HOUSE OF DELEGATES,
MARCH 29th, 1870.

Read and ordered to be printed.

By order,

M. Y. KIDD,
Chief Clerk.

REPORT

OF THE

Committee of Investigation

ON THE

MILITIA BILL.

MARCH 31st, 1870.

ANNAPOLIS:
WM THOMPSON, of R., PRINTER.

1870.

REPORT.

March 29th.

Mr. Hardecastle of the House after being sworn, testified as follows, viz :

Q. 1.—State what you know about an alteration in the last section of the Militia bill, that was reported by you to the House?

A.—The Speaker sent for me when the Militia bill came back from the Senate, and asked me to examine the amendments ; I was surprised to find an amendment by the Senate to insert the word "thereof" in section twenty-seven, for I felt confident the section read "twenty-five thousand dollars, or as much thereof as may be necessary," in the original bill reported by me. On examination of the manuscript, I discovered the outside sheet on which section twenty-seven is written, as well as the endorsement thereon of the title, was in a different handwriting from the body of the bill reported, and I was satisfied the outside sheet of the bill that came from the Senate had been substituted for the original. I therefore felt it my duty to make a statement to that effect to the House, which resulted in the appointment of the Committee to investigate the matter. Soon after the House adjourned, I went with Mr. J. L. McLane to see Mr. Goddard, the Engrossing Clerk, who admitted that he had re-written the last sheet of the original bill on its engrossment after the second reading, and he produced the original sheet which contained the word "thereof." After examining the manuscript, I opened my file of House bills, to ascertain how the printed bill corresponded with the bill that came from the Senate, I found the sheet on which section twenty-seven occurs pasted to the next sheet, and had some difficulty in tearing the two sheets

apart. My suspicion was not aroused by this circumstance until sometime afterwards, Mr. Moore, the Reading Clerk, came to my seat and asked me if it were true that some one had been pasting up my file of bills. I thought it remarkable that this fact should be known to any one beside myself, as the circumstance had made no impression upon me, and had not been mentioned by me to any one.

Mr. Goddard, Engrossing Clerk of the House, after being sworn, testified as follows :

Q. 1.—Which of the two sheets now shown to you was the outside sheet of the Militia bill, when it was handed to you for engrossment, after its second reading in the House, the torn one or the other ?

A.—The one not torn.

Q. 2.—Why did you substitute the sheet that is now torn for the other ?

A.—I always like to have a clean sheet on the outside of bills when they go to the Senate, and therefore I copied it over.

Q. 3.—Did any person request you to copy said sheet, or did you inform any one you had copied it ?

A.—No one requested me, nor did I inform any one of my having done so.

Q. 4.—Was this sheet torn or soiled in any way, when it went out of your possession ?

A.—It was not either ; it was a perfectly clean sheet when it left my possession.

Q. 5.—Did any one look over this outside sheet with you, to ascertain whether it was correctly copied from the original ?

A.—No, it was not compared ; there was no one in the room with me, and I understood the bill would be wanted in the House to be put upon its final passage, for that reason I hurried through with it.

Q. 6.—How do you account for the omission of the word "thereof" in the copy ?

A.—I left it out accidentally when I made the copy.

Q. 7.—When were you first aware of the omission of the word "thereof" in the copy ?

A.—The Chief Clerk told me about it on the night the bill came back to the House from the Senate, just after the House adjourned.

March 30th.

Mr. Kidd, Chief Clerk of the House being sworn, testified as follows :

Q. 1.—Do you remember when the Militia bill was returned to you after its engrossment for a third reading, and what was its condition ?

A.—If I remember, it was properly endorsed, and presented a correct appearance, otherwise it would have attracted my particular attention ; the outer sheet could not have been torn or soiled, as it now is, without my noticing it.

Q. 2.—Do you recollect when this bill was sent to the Senate ?

A.—I cannot recollect distinctly, but the Speaker requested me to take this bill over the day it passed its third reading, and I have no doubt I did so directly afterwards.

Q. 3.—Was the outer sheet of the bill torn or soiled when you took it to the Senate ?

A.—I think not ; if it had been so, I would have had it engrossed again before taking it to the Senate.

March 29.

Mr. Hiss, Reading Clerk of the Senate, after being sworn, testified as follows :

Q. 1.—Have you any recollection of the Militia bill when it came to the Senate ?

A.—I remember very well when it came to the Senate, but to the best of my recollection, the sheet now shown me is not the outside sheet of the Militia bill when it came to the Senate.

Q. 2.—Why do you say this is not the outside sheet of said bill ?

A.—Because the outside sheet was torn, and I endorsed it on the top. The sheet now shown me, is the one that was the outside sheet of the Militia bill that came to the Senate ; I recognise it by the endorsement, as well as by its being torn.

Q. 3.—Do you recollect whether this outside sheet was defaced or soiled as it now is, when it came to the Senate?

A.—I can't say it was as much torn or defaced as it now is, but it was both torn and soiled, and did not look like a new sheet. It struck me as being as much defaced as the outside sheet of bills usually are, when received from the House; it was soiled about as much as the sheet first shown me, except it was torn in addition, and a string was tied around it.

March 29.

Mr. Moore, Reading Clerk of the House, after being sworn, testified as follows:

Q. 1.—Please state what you know about Mr. Hardcastle's bill file being pasted up?

A.—Mr. Hamilton of the House informed me of it, and I went to Mr. Hardcastle to enquire about it, shortly after he had called attention to an alteration in the last section of the Militia bill before it went to the Senate. I know nothing more on the subject.

March 30.

Mr. Hamilton, Member of the House being sworn, testified as follows:

Q. 1.—Do you know anything of Mr. Hardcastle's file of bills being pasted together; if so, state all you know about it?

A.—All I know about it is, that immediately after Mr. Hardcastle made a statement to the House that a change had been made in the Militia bill, I heard Mr. Stanton, the door-keeper, say that he saw Mr. Hardcastle when he tore open the sheets of his bill file. I mentioned this to Mr. Moore, the Reading Clerk, as a strange circumstance; and then went with him to Mr. Hardcastle to inquire about it.

March 30.

Mr. Jas. Stanton, door-keeper, being duly sworn, testified as follows:

Q. 1.—Did you observe the pasting together of the sheets of Mr. Hardcastle's bill file, and his tearing them asunder?

A.—I did.

Q. 2.—At what time was this?

A.—It was during the session of the House, and when the Militia bill was under consideration after it came from the Senate, that I observed Mr. Hardcastle tearing asunder sheets of his bill file, which were strongly pasted together.

Q. 3.—What attracted your attention to this circumstance?

A.—Knowing that Mr. Hardcastle was Chairman of the Militia Committee, and had this bill in charge, my attention was directed to him. The impression made upon me at the time was, that some one had pasted up the bill file of the Chairman of the Committee purposely.

Q. 4.—Have you any reason to suspect any one of doing this?

A.—My post is very near and slightly in rear of Mr. Hardcastle's seat. Some days before I had noticed General Bier in the seat of Mr. Hammond, looking over a file of bills, which I took to be Mr. Hardcastle's, when the gentleman last named was not in his seat; I had frequently seen General Bier in the same seat in conversation with Mr. Hardcastle, but never before or since in that seat, during Mr. Hardcastle's absence. There is a bottle of mucilage on Mr. Hammond's desk.

March 31.

Gen'l. G. H. Bier being sworn, testified as follows:

Q. 1.—Have you any information or knowledge in regard to the alteration made in the Militia bill; if so, state all you know about it?

A.—The first intimation I had of it was from the Governor, the morning after it was discovered, I then came down to see what I could do in the matter. On my way down I was informed by Mr. Collins of the House, and Mr. Wiley and some others, that it had been discovered how the alteration had been made, that the Clerk (Mr. Goddard) had acknowledged he had made a clerical error in re-copying one of the sheets of the bill. I then spoke to Mr. Webb, of the Committee, and I learned from him, also, that Mr. Goddard acknowledged he had made the mistake. I then went into the room of the Clerk with Mr. Marbury of the House, and asked

if there was a Clerk by the name of Goddard in the room, when a gentleman present stated that was his name. He then acknowledged that he had made the mistake, that it was a clerical error of his. Mr. Marbury then questioned him about the difference in handwriting in the bill, he said that frequently occurred in the hurry of preparing bills, when two or three Clerks were employed, but in this instance he had re-copied one sheet on account of its being torn or soiled. I shortly afterwards communicated to Mr. Hardcastle of the House the substance of Mr. Goddard's statement. That is all I know about it.

Q. 2.—Were you here on the day this bill passed the House on its third reading?

A.— I was in the House when the Militia bill passed its *second* reading, but I was not in the House the next day when it passed its *third* reading, though I was in Annapolis.