

## HOUSE....No. 151.

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### Commonwealth of Massachusetts.

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HOUSE OF REPRESENTATIVES, March 12, 1863.

The Committee on Finance, to whom was referred the Resolve in favor of John T. Foley, have examined the subject, and

#### R E P O R T :

That an examination of the documents connected with the case presents the following features :—

That the name of the petitioner, in connection with *two* others, each of which enlisted as first lieutenants, appears on a roll purporting to be the roster of a company commanded by John A. McDonell.

That the petitioner states in his application, “that he was engaged by proper authority as acting first lieutenant, and that his rights were sold for the sum of one hundred and three dollars. That this assertion is supported by the oath of the petitioner, in which he states that Patrick Donohue and W. M. Walsh, apparently acting as a committee for the recommendation for appointments, proposed to said Foley to recommend his name for said office, on payments by him of one hundred and three dollars to one Michael McGuire, which proposition said Foley declined, as being equivalent to a purchase of a commission. And further, that Nicholas Barrett accepted the same proposition to him made by said Walsh and Donohue, and upon their

recommendation aforesaid, said Barrett has been appointed to said office."

That the oath of said petitioner appears to be corroborated by a certificate signed by John A. McDonell, stating that he "has since been shown the money in an envelope, which was acknowledged to be paid for said commission. And the undersigned do freely acknowledge that the said Foley was the person whom he recommended as his choice for said commission."

That the petitioner presents the certificate of B. S. Treanor, giving him authority to raise a company, with a promise of a nomination for appointment by the governor as first lieutenant; and that he acted in that capacity whilst he had any connection with the regiment.

And a further certificate of Isaac Britton, Captain commanding Twenty-Ninth Regiment, that he acted as first lieutenant in camps "Shields" and "Cameron," from October 9th to November 19th, 1861, and that he was in camp for duty until December 11th, 1861.

In examining these documents your Committee are convinced that, under an assumption of authority to which publicity was given in the newspapers of the day, great injustice has been, or may be done hereafter, in offering inducements in the shape of commissions to persons engaged in the recruiting of soldiers. They cannot too strongly reprobate the appearance of "bargain and sale" in the offices in our armies, even among persons unauthorized and entirely disconnected from any branch of the government.

In the present case they believe the petitioner has a valid claim for military services, and that the Resolve ought to pass, with the following amendment,—To be paid out of the Union Fund.

For the Committee,

A. J. MORTON.

## Commonwealth of Massachusetts.

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In the Year One Thousand Eight Hundred and Sixty-Three.

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### R E S O L V E

In favor of John T. Foley.

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth to John T. Foley, the sum of one hundred and ninety dollars and forty cents, in full for military services, and said sum is hereby appropriated, to be paid out of the union fund.

