THE DAILY RECORD-UNION.

TUESDAY.....APRIL 13, 1880.

## THE KANE INVESTIGATION.

### Speech of the Hon. Grove L. Johnson, in the Senate of California, Friday Evening, April 9, 1880.

The question being on a resolution offered by Senator Enos, to suspend Senator Kane for the remainder of the session, Mr. Johnson said:

Mr. President, I regret that I am not well enough to speak upon this matter as I would like. I regret that I am compelled to speak at all, but I do not propose to sit still and permit the Senator from the Tenth (Mr. Dickinson) to be the only Senator on this floor to raise his voice in favor of equal and exact justice. In listening to the speeches of the Senator from Plumas (Mr. Cheney), and from the Thirteenth (Mr. Enos), and the Senator from Marin (Mr. Sears), I had almost thought, sir, that this Senate had been turned into an amphitheater in which to utter fulsome eulogies of Ireland and the Irish people.

I, sir, live in America; I am an American citizen; I drank deep of the pure waters of American law, and follow American customs, believing them to be better than any other. This, sir, is a question that interests legislation. It is a question not merely between Thomas Kane and this Senate, but between all legislation that may be attempted at this session, or that may be attempted at any subsequent session of the California Legislature. If this Senate says by its cowardice in this matter; if it says by its vote in this matter that a Senator may be permitted to cast wholesale reflections upon any bill, or upon any measure—if this Senate says by its vote to-night that a Senator may be permitted to defeat such legislation as he thinks is wrong by such means as were adopted by Senator Kane, then, sir, the end of law, the end of discussion, the end of wise legislation has been reached in California, and it will only need for a Senator to rise in his place and say "some friend offered to bribe me," and the bill fails, and the Senator receives the plaudits of an admiring public, and is complimented on his devotedness to the customs of the old world.

I recognize no such law; I believe in no such custom. I believe a man must be judged by his acts—not by his words. The defense is made upon the right hand, by two Senators who have spoken, that Senator Kane is a fool or next to it; the defense is made upon the left hand that Senator Kane deserves well of the State because he has "put up a job," and because he was smart enough to invegle a lobbyist into circumstances such that he might be able to expose him. Upon which side of the question will the friends of this substitute place themselves? There is this proposition very plainly stated—either Senator Kane lied, or he has been bribed. If Senator Kane lied he ought to be expelled; if Senator Kane was bribed he ought to be expelled. This question has that appearance and none other. There can be no other legitimate deduction from his speech and from his testimony than that. The Senator from the Thirteenth (Mr. Enos) alludes to the fact that Senator Kane took the oath of office here with uplifted hand. He did. We all did it; yet Senator Kane comes before this Senate with that oath fresh upon his conscience—with that oath recorded by the God that rules the world—and asks this Senate to excuse him from fulfilling that oath because he does not like to violate his word. Are we prepared to say by our votes that we regard a man's word more than we regard a man's oath? Gentlemen, if we support the resolution of Senator Enos, backed by the defense made for Senator Kane, we do say so by our votes; for the only defense made for Senator Kane being that he does not wish to break his word, but is willing to break his oath. Is that the custom of the country that the Senator praises? Is that the custom we wish to see established in this land—that a man's word is better than his oath? I do not believe in such sophistry; I will not bow the knee to any such Baal as that. I, for one, sir, regard this not as a case of sympathy. I am not one of those to be led aside from the path which I deem to be right and just by any florid or rhetorical appeals to my sympathetic feeling, especially when I can look back in the past and see that this is the third time that Senator Kane has upon this floor made these same insinuations, and given utterance to this same kind of talk.

Twice the Senate passed it over, and the newspapers of the State (I beg pardon for mentioning them), abused this Senate, and some of them—one in particular, said the Senate was afraid to investigate this matter. Now, for the third time, Senator Kane makes these charges upon the floor, they are investigated, and we are asked, in the name of sympathy, to pass them idly by, because Senator Kane reverences some Old World superstition. Sir, allusion has been made to husbands and wives refusing to testify; allusion has been made to fathers refusing to testify. My reading of Roman history teaches me that there was a father in Rome who killed his son because he did wrong. My reading of Irish history tells me that a father there hung a son who was guilty of a crime. Which precedent will you follow? They are both before you. I do not blame Senator Kane so much in this matter as I do the unclean ingrowth of this unlicensed abuse of public men and public measures that is becoming almost a disease in California. Men without warrant, men without learning, have abused people; newspapers destitute of principle and character, as some are in this State, have abused public men and public measures, and it was not to be wondered at that a Senator who had filled himself at such a fountain should have been guilty of such remarks as Senator Kane has been guilty of. But ignorance of the law excuses no man, and a man should be judged by his acts, and his acts should be judged by their consequences. I submit to this Senate—I submit to the people of California, if it is right, if it is proper, to leave it in the power of one Senator to defeat, or attempt to defeat, any measure, by being permitted to use such expressions as were used by the Senator from the Eleventh District (Senator Kane).

Charity, sir, or sympathy; which is it? To be charitable is the duty of all mankind; but have we no charity for ourselves? Have we no charity for the law? Have we no desire to protect ourselves, our people and our legislation? If we have we will do what I will do—vote for the resolution introduced by the Senator from the Tenth (Mr. Dickinson), which is, in my judgment, the only manner in which we can protect ourselves, protect our legislation and protect the State. I am not here as an enemy of Senator Kane; I am not here flaunting my own purity; I am not here parading my own sympathies or charities. I am here to do that which I think is right; to do that which I think the law and the facts of this case demand. I am here to say for one that a man's oath should be regarded more than a man's word under any such circumstances as these.

The President—Your time has expired. [Cries of "Leave, leave!"]

Senator Johnson—Mr. President, the Senator says, Shall we send him forth branded to go among the people as Cain of old did? I ask, Shall we send him forth triumphant? Shall we send him forth boasting? Shall we send him forth at liberty to say, "I defied the Senate"? Shall we send him forth to go to any part of the State and boast that "honest Tom Kane did not give a man away"? Shall we send him forth to be permitted to say, "I told them I had been offered a bribe. I told them a man had offered me $1,000, and I would not tell them who the man was, and they did not do anything to me"? Shall we do that? Recollect that we must protect ourselves. We must protect our dignity and our rights. We must have sympathy for ourselves. We must see to it that this man is not permitted to go forth like Coriolanus of Rome to boast of the wounds he received, but branded—branded because he has disobeyed the Constitution he was sworn to support—because he has violated his duty as a Senator; because he has violated his oath as a Senator.

Upon the adoption of the substitute the ayes and noes were demanded by Messrs. Enos, Sears and Johnson, with the following result:

Ayes—Messrs. Anderson, Carlock, Chase, Cheney, Enos, Glascock, Gorman, Harlan, Hill, Kelly, Lampson, Langford, Nelson, Pool, Rowell, Ryan, Satterwhite, Sears, Watson, West—20.

Noes—Messrs. Baker, Burt, Brown, Byrnes, Conger, Davis, Dickinson, George, Hittell, Hudson, Johnson, Johnston, Moreland, Neumann, Nye, Pardee, Traylor, Zuck—18.

Substitute adopted.

Mr. Johnson—I desire to say, in explanation of my vote, that I vote no upon the proposition because I do not propose, so far as my vote is concerned, to make this a farce. I regard this as the broadest farce ever perpetrated in this State, or that will ever be perpetrated here. I shall not vote for it, and would rather let the man go without punishment than to inflict such rosewater punishment as this.

Mr. Watson moved a reconsideration of the vote whereby the substitute to the original resolution was adopted.

Upon which the ayes and noes were demanded by Messrs. Enos, Dickinson and Watson, with the following result:

Ayes—Baker, Burt, Brown, Byrnes, Carlock, Conger, Davis, Dickinson, George, Hittell, Hudson, Johnson, Johnston, Moreland, Neumann, Nye, Pardee, Traylor, Watson, Zuck—20.

Noes—Anderson, Chase, Cheney, Enos, Glascock, Gorman, Harlan, Hill, Kelly, Lampson, Langford, Nelson, Pool, Rowell, Ryan, Satterwhite, Sears, West—18.

Carried.

Upon the adoption of the substitute the ayes and noes were demanded by Messrs. Enos, Dickinson and Brown, with the following result:

Ayes—Anderson, Carlock, Chase, Cheney, Enos, Glascock, Gorman, Harlan, Hill, Kelly, Lampson, Langford, Nelson, Pool, Rowell, Ryan, Satterwhite, Sears, West—19.

Noes—Baker, Burt, Brown, Byrnes, Conger, Davis, Dickinson, George, Hittell, Hudson, Johnson, Johnston, Moreland, Neumann, Nye, Pardee, Traylor, Watson, West—19.

Substitute lost.

Mr. Dickinson offered the following:

"Resolved, That Senator Thomas Kane, by reason of his refusal to obey the orders of this Senate, and to divulge the name of the person who attempted to bribe him, is guilty of a contempt of this Senate, and that he be and he is hereby committed to the custody of the Sergeant-at-Arms of this Senate, to be by him held in custody and confined in the county jail of Sacramento county until the further order of this Senate."

Mr. Enos proposed an amendment suspending Senator Kane from the privileges of the Senate, and said: "I would like to ask what man wants Senator Kane sent to jail?"

Mr. Johnson—I do.

Mr. Enos—I have the floor, and when I get through you can talk.

Mr. Johnson—Then do not ask questions in such a theatrical manner.

Mr. Enos—I have not said the Senator was theatrical. There may be Senators who want to imprison him, but I do not want to imprison him. I desire him to be suspended until Friday. I have not that inhuman brutality to want to imprison Senator Kane in the Sacramento County Jail. I want any Senator to show me where the power is to send him to jail. We can suspend him, we can turn him out of the Senate, but I hope the Senate will not ask that he be put in jail. That he should be put into the custody of the Sergeant-at-Arms I have no objection.

Mr. Johnson—Mr. President, I have not any inhuman brutality in me, and I have not the fear of Thomas Kane before my eyes either to make me to vote against sending him to jail. The Senator may perhaps understand that. I say I know that there is—that there is plenty of law to send this man to jail, and if the Senator knew as much law as he thinks he does, he would know it. If he knew as much about parliamentary law as he ought to, he would know it had been done in the past. The Supreme Court of the United States decided in the case of Mr. McCarty, editor of a paper, that a Senate could do it. I am willing to vote for him to go to jail because he ought to go to jail. As representing the views of the Senator I have drawn a resolution which I will send to the Secretary's desk—a resolution of thanks.

Mr. Enos—Is it in order to read that?

The President—Yes, sir.

The Secretary read:

*Resolved*, That the thanks of this Senate be and are hereby tendered to Tom Kane for keeping his word with a criminal at the expense of the Senate. [Laughter.]

After some further discussion Senator Enos said: "I will withdraw my resolution of suspension and vote for the other."

Mr. Johnson—Mr. President, not to be outdone in generosity I will withdraw mine. [Laughter.]

Mr. Dickinson's resolution was then adopted by the following vote:

Ayes—Baker, Burt, Brown, Byrnes, Carlock, Cheney, Conger, Davis, Dickinson, Enos, George, Hill, Hittell, Hudson, Johnson, Johnston, Kelly, Lampson, Nye, Pardee, Ryan, Sears, Traylor, Watson, Zuck—25.

Noes—Anderson, Chase, Glascock, Gorman, Harlan, Langford, Moreland, Nelson, Neumann, Pool, Rowell, Satterwhite, West—13.

The Secretary was ordered to instruct the Sergeant-at-Arms to take Senator Kane into custody and execute the order of the Senate.

SENATOR JOHNSON'S REMARKS SATURDAY EVENING, APRIL 10, 1880, ON RESOLUTION RELEASING KANE FROM COUNTY JAIL AND SUSPENDING HIM.

Mr. Johnson—Mr. President, I do not arise to a question of privilege. I have not read the article in the newspaper of which the Senator made mention. I arise, however, to offer a resolution in reference to this matter, and I respectfully ask the indulgence of the Senate while I preface the resolution with a few remarks. Last evening, sir, I voted in favor of punishing Senator Kane, believing that he deserved punishment; believing that he deserved punishment of the highest kind. Last evening, sir, I voted to expel him, believing he deserved to be expelled. Last evening, I voted to imprison him in the County Jail, believing that he ought so to be imprisoned. I then voted without sympathy; I then discussed the matter without sympathy, I then asked no sympathy for him, but for justice. I then asked to protect the dignity and the honor of this Senate, and its individual members. But, sir, in my judgment, the honor of this Senate has been sufficiently protected, and the dignity of this Senate has been sufficiently maintained. For the first time in the history of California a Senator has been imprisoned in the County Jail by order of the Senate. But, sir, the Senator was in contempt of the Senate, and it could punish him by higher kinds of punishment, or it could show its power by simple imprisonment. Our power has been shown by the Senate in reaching forth its arms of iron and seizing one of its own members—one of its equals—and placing him in the County Jail. Sir, I think we have done that which justice, that which law, demands. To-night I am ready to answer the call of sympathy, and without consultation, save with my colleague—and right here let me say that during the session of this Senate I have always consulted my colleague before acting upon measures—I desire to present a resolution for the release from imprisonment of Senator Thomas Kane. I do it, sir, not by reason of any article in the newspapers, for I have not read them, not because I have changed my views as to the gravity or extent of the offense, or the necessity for or severity of the punishment deserved by Senator Kane, but because I now recognize the pardoning power. I now recognize a claim for mercy and sympathy which last night I felt it my duty to resist and repel from my bosom. To-night I find that we stand in the same position as that occupied by the Governor of the State, when a felon has been confined in the State's prison, and an application is made to him to pardon that felon. We should exercise the pardoning power for charity's sake and for our own sake. I am informed, by those who claim to know, that Senator Kane has not manifested any anger at the Senate at the position it was forced to assume. That he has, so far from entailing any lawsuit or proceedings upon us, so far from filling the air or the papers with reproaches or malediction, quietly, and I may add, manfully, submitted to what has followed his actions, and as a man should who recognizes the fact that he is accepting the punishment of his crime, and is willing to bear that punishment, realizing that it was not inflicted in malice or in haste. Sir, under circumstances such as these I believe we would be acting as honest men and wise legislators to extend the pardoning hand, and, metaphorically speaking, strike the shackles that bind the body of Thomas Kane in the County Jail of Sacramento. Therefore, sir, I have prepared a resolution looking to that end. I think, after examining the matter, that it is right, and I shall vote for it. I have carefully and candidly considered the sentence and the charge, and I ask Senators now, to do that which in their and my opinion we could not do last night—listen to the cry for sympathy and the appeal for mercy; to give weight to the tears and sorrow of his sick wife and the appeals of his children. I ask you now to extend mercy to the culprit. I ask you now to extend to the one sentenced to punishment—and to just punishment—that mercy which could not be given last night. I ask you now to unite with me in throwing open the prison doors, and permitting Thos. Kane once more to walk as a free man in the land. I believe that he has been punished sufficiently for his sins. I believe that this has taught him a lesson, which will ever be engrafted on his heart. I believe that the people of this State have been taught a lesson. I believe that the body of men who fill the lobbies and interest themselves in legislation have been taught a lesson. I believe we have maintained our honor and dignity, and now I ask you that we prove our manhood by extending sympathy and pardon and mercy to the offender. [Resolution introduced and read.]

Mr. Burt—Has Senator Kane decided to divulge the name of the man who tried to bribe him?

Mr. Johnson—Mr. President, I desire to say that I have had no communication, directly or indirectly, with Senator Kane. I have not seen him or spoken to him, nor to any one representing him, nor have I written to him or to any one for him, nor received any word from him, or any one representing him, at all. I know not his views.

[These remarks were made after Mr. Dickinson had offered an amendment, and Messrs. Dickinson, Traylor, Sears and Zuck had spoken.]

Mr. Johnson—I was well aware, sir, when I introduced this resolution, that my action might be criticised. I accept that responsibility, and I propose to abide by the resolution. I have nothing to retract of what I said last night. I thought then that Senator Kane was guilty. I thought then that Senator Kane ought to be punished. I have not changed my views since last night upon that subject. I argued as strongly then as I do now that he should be punished; that he should be punished in the severest manner known to law. This Senate by a majority vote decided otherwise. It was stated and cited last night that the only method of handling the matter was to adopt a resolution imprisoning Senator Kane. Still I did not at that time agree with that punishment, not thinking it severe enough, but I voted for it rather than have no punishment inflicted upon the Senator. I am not sorry for my action, my vote or my word. I have nothing to apologize for. I am exceedingly sorry that language of that kind has been used this evening. The question before us tonight, it seems to me, is not whether Senator Kane was or was not guilty of the crime—whether he was guilty or was not guilty of contempt of the Senate. We have settled that matter; we have decided those propositions, each and all, adversely to Senator Kane. We have said by our votes that he was guilty of contempt of this Senate. We have said by our votes that he should be punished. We have inflicted upon him some punishment. The question now before us, as I look at it, is, Has that punishment gone far enough? Have we sufficiently punished Senator Kane to vindicate ourselves, and to teach him that he has made a mistake? I am well aware, sir, that every parent has a moral and a legal right to punish his children, but I never knew of a parent that refused to stop punishing his child when he thought the punishment had gone far enough. It is good, Mr. President, to have a giant's strength, but it is wrong to use that strength like a giant. This Senate has that giant strength. This Senate has used that strength in vindicating itself, and in punishing one of its members. The question for us to decide now, is, Have we used sufficient of that strength to warn others against infringing on our privileges or committing a contempt of our authority? If in the punishment that we have meted out to Senator Kane we have sufficiently complied with the law; if by that punishment we have erected a warning-post sufficient to give understanding to all in the future that they must not in any manner offend against our privileges or offer any insult to the representatives of the State, have we not done enough? This is not a reopening of the case; it is not a technicality, nor, in the language of the Senator from Alameda, is it an application for a new trial. It is simply an application to this Senate for pardon to a criminal. It is claimed by the opponents of this resolution that Senator Kane can purge himself from his contempt by divulging the name of the party. I have naught to say in reference to that save that it is true, and that he should divulge the name of the party seeking to bribe him. But granting all that, it yet remains that Senator Kane has sinned and has suffered punishment, as he should, and hears that deserved punishment as a man should. Our vote, then, to be willing to make the first advances towards closing this unhappy and unpleasant gap in his life and his connection with this Senate? Blessed is he who forgives when asked; blessed is he who accepts advances made in charity and peace, but thrice blessed is he who, believing himself in the right, extends the hand of charity and friendship to him who has done wrong. I believe this Senate has done right. I believe that this Senate ought to have inflicted a severer punishment upon Senator Kane. But having inflicted the punishment that a majority of the Senate deemed proper, and he having, I think, been sufficiently punished, all we need at this time to do is, I think, to say to Senator Kane, we will forget this, Senator Kane. We will let you go from the prison house. The resolution introduced by the gentleman from the Tenth, Mr. Dickinson, and afterwards withdrawn, and then again offered by my colleague, will perhaps meet the views of a majority of this Senate. I have no desire to influence any Senator's vote upon that proposition. As I stated at the outset, I introduced this resolution without consulting any Senator save my colleague. I introduced it without having read any of the newspaper comments upon our action of last night. I introduced it without consulting with Senator Thomas Kane, directly or indirectly. I introduced it believing now just as strongly as I stated last night, that Senator Kane was guilty and should be punished. But I thought it was wise for us to show that we could forgive as well as punish. I introduced the resolution for that purpose. I trust that the resolution will be adopted. I trust that will end the matter. I am exceedingly sorry that some Senators have called question and time, not, however, during my remarks, and have intimated that we ought not to discuss this matter again, for I regard it as a very important epoch in the history of our State. I apprehend that there is not a Senator here upon this floor that would change places with Senator Kane for all the gold locked up in the State Treasury. Has not the punishment been sufficient? Last night, in the heat of excitement of the debate I did not think that imprisonment in the County Jail was sufficient punishment. To-day, while thinking the matter over, it seemed to me such punishment was sufficient. I would not have received it for worlds. I had rather die first. Rather would I have promptly left the Senate by my resignation than to have received the punishment inflicted upon Senator Kane. And I wish again to be understood that I believed last night, and believe now, that he deserved the punishment, but I think we have punished him sufficiently. I do not desire to appeal to your sympathies for Senator Kane. I do not desire to say anything out of keeping with the argument advanced upon that proposition—but I ask the Senate, carefully, to say upon this proposition whether or not it is best for the Senate to be charitable in this matter, not because the culprit is Senator Kane or because he is not, nor because of his intelligence or foolishness, nor because we have exercised our power, nor because we have punished the offender, but because it is always wise to listen to the voice of charity after having satisfied the demands of justice and the claims of law. I am informed by a Senator upon this floor that it is the intention of Senator Kane not to return again to this Senate this session, no matter what our votes to-night may be. Therefore, while I am willing to accept the amendment offered by my colleague, which is the same as that offered by Senator Dickinson, it would be accepted only as a compromise. I do not desire to take up the time of this Senate, but will accept the amendment offered by my colleague, and hope the resolution as amended will be adopted.

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LEGAL NOTICES.

NOTICE TO CREDITORS.

ESTATE OF NELLIE MARGARET CROCKER, deceased.—Notice is hereby given by the undersigned, Administrator of the estate of NELLIE MARGARET CROCKER, deceased, to the creditors of, and all persons having claims against the said deceased, to exhibit them with the necessary vouchers, within ten months after the first publication of this notice, to the said Administrator, at his place of business, Room 1, Railroad Building, corner of Fourth and Townsend streets, in the city and county of San Francisco, California.

Dated at Sacramento, Cal., March 5, 1880.

JAS. O. B GUNN,

Administrator of the estate of Nellie Margaret Crocker, deceased.

T. B. McFARLAND, Attorney. ap6-1aw4wTu

Notice to Creditors of Insolvent.

IN THE SUPERIOR COURT OF THE COUNTY of Sacramento, State of California. ERASTUS PARSONS vs. HIS CREDITORS. Pursuant to an order of S. C. Denson, Judge of the said Superior Court, notice is hereby given to all the creditors of the said insolvent, ERASTUS PARSONS, to be and appear before the Superior Court, at the Court-room of said County, the city of Sacramento, in the county of Sacramento, on the 10th day of MAY, A. D. 1880, at 10 o'clock A. M. of that day, then and there to show cause, if any they can, why the prayer of said insolvent should not be granted, and an assignment of his estate be made, and he be discharged from his debts and liabilities, in pursuance of the Statute in such case made and provided; and in the meantime all proceedings against said insolvent be stayed.

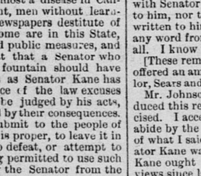
Witness my hand and the seal of said Court, this 5th day of APRIL, A. D. 1880.

[SEAL.] THOS. H. BERKEY, Clerk.

By J. H. PARNELL, Deputy.

ap6-1aw5TUs*

THE GREAT ENGLISH REMEDY

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NOTICE TO CONTRACTORS.

SEALED PROPOSALS OR BIDS WILL BE received at the office of the Board of Regents of the University of California, No. 310 Pine street (room 35), in San Francisco, at any time from this date, until 12 o'clock M. of SATURDAY, the 8th day of MAY, 1880, for performing the labor and furnishing the materials necessary to the erection of a Library and Art Gallery, on the State University grounds at Berkeley, in Alameda county, upon which said sealed proposals or bids a contract will be made for the erection of said building.

The plans and specifications for said building can be seen and are open to public inspection from and after the date of this notice, during business hours, at the office of J. A. Remer, Architect, No. 230 Montgomery street, San Francisco.

No proposals or bids will be considered unless the same are accompanied with a good and sufficient bond of said proposer or bidder, payable to the Regents of the University of California, equal to 1 per cent. of the amount proposed or bid, with good and sufficient sureties, upon the condition that said proposal or bid shall be accepted the party proposing or bidding will duly enter into a proper contract, and faithfully perform the same in accordance with said proposals or bids and the plans and specifications herein referred to, which said plans and specifications shall be a part of said contract, as provided by an Act of the Legislature, entitled "An Act to regulate contracts on behalf of the State, in relation to erections and buildings, approved March 23, 1876," to which the attention of bidders is directed.

The right to reject any and all bids is reserved.

The said sealed proposals or bids will be publicly opened at the office of the Board of Regents aforesaid, on SATURDAY, the 15th day of MAY, 1880, at 12 o'clock noon, at which time and place bidders are requested to be present.

By order of the Building Committee of the Board of Regents. R. E. C. STEARNS, Secretary.

Dated San Francisco, April 3, 1880. ap5 td

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DISSOLUTION OF PARTNERSHIP.

THE COPARTNERSHIP HERETOFORE EXISTING between HARLY & LAUCHLAN, doing business on K street, between Ninth and Tenth, has been dissolved by mutual consent. James Harley will continue the business, to whom all accounts due the late firm will be paid.

ap7-1w4p JAMES HARLEY.

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