STATE AID TO SCIENCE.

AGASSIZ BEFORE A LEGISLATIVE COMMITTEE.

THE SCOPE AND NEEDS OF THE MUSEUM OF COMPARATIVE ZOOLOGY—ITS ECONOMICAL AND SUCCESSFUL MANAGEMENT—ITS RESOURCES CUT OFF BY THE BOSTON FIRE—HASSLER EXPEDITION SPECIMENS SPOILING.

[FROM AN OCCASIONAL CORRESPONDENT OF THE TRIBUNE.]

CAMBRIDGE, Mass., March 6.—The Museum of Comparative Zoölogy, although it represents a unique and excellent work, is crippled for want of funds. It has hardly money enough to carry on the necessary operations of the institution, and still less to add to its collections and extend its buildings. Prof. Agassiz has applied to the Massachusetts Legislature for State aid. A Committee of the Legislature a few weeks ago made a brief visit to the Museum. This morning a Committee of the House of Representatives took carriages and came over to the Institution to make a more thorough inspection for themselves. Prof. Agassiz received them, and took them through the Museum, and explained to them its history, aims, and wants. His remarks were interesting, as showing how much has been done at Cambridge with a tithe of the means which similar institutions possess abroad. I give his remarks in full:

ADDRESS OF PROF. AGASSIZ.

GENTLEMEN: I wish you to form a correct idea of this Institution and its aims, and to appreciate under what conditions and with what object it has been organized. There is, all the world over, at this moment, a movement tending to introduce into the system of education the result of the progress which the mechanical arts have made in consequence of the great advancement of science since the beginning of this century. All our systems of instruction of past times have been organized on the plan of scholarly education which has been left us by preceding centuries. The progress of chemistry, natural history, geology, and zoölogy has revolutionized the world, has given us the telegraph, steam transportation, and kindred blessings, and it has produced in the aspirations of schoolmen quite new ideas which we would like to see introduced into the schools for the benefit of coming generations. The men that are doing something in that direction are aiming to educate teachers and otherwise prepare for the time when that education will be at the foundation of all public instruction. When I came to this country this movement had begun in Europe, but I saw that very little was doing in that direction here. I proposed to found an institution which should lead the way and lay the foundation for future progress.

COST OF SCIENTIFIC INSTITUTES—EDUCATING TEACHERS.

I do not speak unadvisedly, but would substantiate what I say by the fact that, yesterday, we had a meeting of the Academic Council, which is composed of professors of the different faculties connected with the various departments of Harvard University, for the purpose of discussing the studies of the respective schools, and so to combine them as to lead in the direction to which I have alluded. In New-York, within a week, the same considerations have been brought before the men who are there leading in education. Immense efforts are now making in Europe in this direction. I have collected a few data that you may realize at what expense these things are doing. For one of the greatest difficulties to be contended with in the care and management of such an institution is the expense involves. There are, of course, institutions of the kind most varied in their character. There are those that only aim at teaching and preparing teachers. There are those that only aim at the advancement of science; and there are others which not only aim at the advancement of science, but also at publishing the investigations made. Now the cost of those which are merely educational varies from $40,000 to $200,000 a year. In Leipsic there is the best of these institutions, which is chiefly devoted to the study of physiology. It is an institution preparing students in physiology only. This costs annually $10,000, and admits only 12 pupils a year. That limited number has been found necessary in order that the pupils may receive proper attention on the part of the teachers. It is impossible in that kind of teaching to have large classes and do the work in a wholesale manner.

Now I have organized myself a plan of education for our teachers with a view of giving them a chance to introduce natural history into their schools, which will go into operation next Summer at Nantucket, where the best opportunity may be had. I have engaged about 20 of the leading scientific men of the country to coöperate in this enterprise. They have all agreed to come there without any compensation, simply for the sake of promoting the cause of education in the direction in which it should be promoted. Gentlemen of Boston have promised to help in the way of defraying the necessary expense of the laboratory. The first gentleman to whom I applied wrote me that he would contribute $1,000, merely to defray these expenses. So that those teachers, who are generally of small means, shall be enabled to receive education without cost to themselves. I do not believe that any other institution in the country could have brought about this result. I do not think that the State could have done it, because the moment such an undertaking is made by the State it necessarily involves appointments and compensation. Men would expect pay because they were part of an organized system. Here we are working with a view to advancing the studies to which we have devoted our lives.

A COMPARISON WITH OTHER MUSEUMS.

Just as a library is a storehouse of literature for the scholar, so such an institution as this, with its museum and laboratory, is a storehouse for the naturalist. For philosophy, history and literature we have founded public libraries. Now that science needs to be fostered, there must be some similar storehouse of material on which to base that kind of education. There are no text-books sufficient for that purpose. The study of nature must be based upon specimens. We want to educate men who shall be able to read Nature, not men who shall be able to read books. They learn that in the other schools. To read Nature they must become familiar with natural objects. You have hardly an idea of what are the expenses needful for the maintenance of such collections. The British Museum embraces a variety of things, but for the Natural History department alone it has an income of $100,000. That department corresponds to what is done in this museum here. I do not speak of the expense of organizing or founding the institution; I only speak of the expense incurred in running it and keeping it in its normal condition. The Zoölogical Society in London, which attends only to the keeping of live animals for the sake of studying their habits, instincts, and nature, and investigating the anatomy of dead carcases, has an income varying from $100,000 to $125,000. What the expense of founding that institution was I do not know. The Zoölogical Society of Amsterdam, with a similar object, spends annually $50,000; the Zoölogical Garden in Hamburg, $30,000. The Kew Garden, at London, which does a similar work for botany, $100,000. The Berlin Aquarium, relating to aquatic animals only, has $50,000. The Jardin des Plantes has $125,000; its annual expenditures may be fairly put up to $200,000. In 1858, the zeological department of that institution, which contains the fossils, had not sufficient room for storing and exhibiting its specimens. It became necessary to build new cases and new shelves. Upon that alone the sum of $300,000 was spent, in addition to this annual expenditure of $200,000. The Museum in Edinburgh, with its library, costs annually between $40,000 and $50,000. The College of Surgery, in London, exclusively devoted to human and comparative anatomy, expends annually between $50,000 and $60,000; the Imperial Geological Institute in Vienna, $40,000.

HOW THE MUSEUM HAS BEEN SUPPORTED.

I have alluded to the principal ones. We have thus far with the small means we have at our command been enabled to bring this Institution to a level with those which I have named, so that in many respects we stand on an equal foundation. "How," do you ask, "has this been done?" Simply by frequent private contributions from the friends of science and the disinterestedness of those connected with the Institution. We have 28 persons employed here. Only four of these are workingmen, laborers. All the others do more or less scientific work. And yet our annual income depending upon our funded capital amounts to but $10,500. With that we have run the institution, paid the salaries, bought collections, and built up the institution as it is. Of course $10,000 would not cover the amount expended; there have been friends who contributed privately, and the Legislature has made several important grants; but the sum total of all expenditure thus far, including the building, furniture, and everything, and including the amounts expended from private donations, has not amounted to $400,000. You see that a sum equal to but twice the annual income of the Jardin des Plantes, has put in the United States an institution which rivals that old time-honored institution in the Old World, in such a way that I can say that some of our collections are better than theirs. I want you to know *that*, in order that you may feel that whatever money you may give to this institution will be well spent. If you have the time to look at the accounts, which are kept by Mr. Cary, I think you will be satisfied that the whole concern is run economically.

SCIENTIFIC EXCHANGES.

[Here the Chairman of the Committee requested Prof. Agassiz to state the work which he was doing in regard to the exchange of specimens.]

We have 2,000 correspondents all over the world, and that gentleman who keeps the accounts, Mr. Cary, keeps also that correspondence. There are every day communications going from or coming to the Museum, which establish the most intimate relation with every institution in the world in which science is fostered or studied. We send specimens to them and receive specimens from them. The fact that we can have so large a collection from so small an amount of money arises from this; that the United States contain a variety of specimens of animals and fossils which are not found in other parts of the world. These we collect ourselves, and have collected by our assistants, at the cheapest possible rates. We receive in exchange those which other institutions have in plenty. I can say that there is no institution in which scientific work is done to which we do not contribute important material for their investigations. The late Director of the Museum in Milan published a monograph on reptiles, in the preface to which he acknowledges that the contributions from this Museum to the completion of his work had alone amounted to as much as those made by all other institutions put together.

At this moment the geological survey of Mississippi employs one of the assistants of this institution to prepare a report on fossils collected in Mississippi. We have such a complete collection that to identify specimens they must come to us. We have the standard by which these things are measured. I have here a letter from a Professor of Natural History in a distant State, asking that, though not a Massachusetts man, he might be admitted to the course of instruction at Nantucket. I have received similar applications from heads of institutions nearer home.

IMMEDIATE NEED OF AID.

[One of the Committee expressed a little curiosity to know why Nantucket had been selected.]

Prof. Agassiz—Simply because it is the place where we shall live cheapest. I would gladly have gone to Holme's Hole, but it was not practicable. I would gladly have gone to one of our seaport towns, but the habit of our people of going to those places for Summer resort has made them too expensive. We found that Nantucket was the only place where we could go at an expense of $1 a day. Then there were gentlemen there who said they would do all they could to lessen our expenses; which was an important consideration. It is desirable that the scientific gentlemen who go there should have as many facilities as possible, without paying any of their own money for them. You see, as I have said, I have had to apply to some of my personal friends in Boston in order to obtain means for a laboratory. We shall have need of dredges and boats to obtain animals, and we shall need aquaria to study the growth of the eggs, etc.

I am satisfied, gentlemen, that if by magic I could induce the Legislature to spend $1,000,000 upon this institution, it would be the best investment that could be made. It would secure for generations the intellectual superiority of Massachusetts. All I ask of you is to prevent it from going to wreck and ruin. It has no expectancy of support from its friends, because they are helping others who have suffered by the fire. But for that I should not have made application now to the Legislature. But it is in such a critical condition that, unless you give aid to it, it must go down. I have not money to pay for the salaries of next month. I have not money enough for the work which is going on in this Institution of preparing specimens in alcohol, etc. Its preparations have been suspended because we could not buy alcohol, even with the duty relieved. The valuable collection from the Hassler Expedition, which is in this building, is on the point of being spoiled, because we cannot get money to arrange and preserve it; not to say that, though the capacity of our building is more than double what it was two years ago, we are still so crowded that one of our pressing needs is for more room for specimens.

NANTUCKET SCHOOL FOR NATURALISTS.

Through the kindness of Prof. Agassiz I am enabled to give you the plan of the projected course of instruction at Nantucket, which is now for the first time made public. Prof. Agassiz has had the matter in hand for over two months, but it has just now assumed full and definite proportions. In the middle of December last a circular was issued at the Museum and privately distributed among leading scientific men in various departments, inviting coöperation in this course of instruction. Prof. Agassiz's associate at the Museum and other prominent and experienced scientific instructors cordially lent him assistance. From time to time a name has been added to the list, and the last gap in the programme has been filled to-day. The names of 20 of our most competent men now appear as the corps of instructors.

The object of this course is to give teachers of natural history in our schools, and others who desire to prepare themselves for teachers, a thorough and comprehensive course in the various branches of science comprehended under that name. As much of our study cannot be supplied by books. As Prof. Agassiz said: "Naturalists must learn to read Nature." They cannot read Nature without specimens. It had been a constant aim of the projectors so to arrange the course that students attending it can enjoy its advantages free of charge. It is hoped that the necessary conditions have been secured. The scientific men give their aid freely, and the only necessary expenses will be those incident to a residence at Nantucket for two months.

INSTRUCTION TO BE THE CHIEF AIM.

The time of opening and the terms of admission will be advertised as soon as all the necessary arrangements in Nantucket can be made, including information concerning board and other particulars of expense. If the course is encouraged by teachers and students, and the conditions seem favorable, the course may be lengthened to ten weeks. Those persons who are actually teaching natural history in schools or colleges, and want an opportunity to enlarge their information, will have the preference; next, those who purpose to become special students in natural history. The object is to give increased opportunities to all those to whom it will be of special importance to attend, and not merely to furnish entertainment for those who go there for relaxation and general interest. It is safe to say that such a thorough and unique course of instruction under such advantageous circumstances was never before offered to the student of science. A number of aquariums and the necessary apparatus to dredge in deep water will be provided. The Superintendent of the United States Coast Survey and the United States Commissioner of Fisheries have promised their coöperation to the extent of their ability, without interfering with the regular service of their departments. Excursions will be made frequently to give those present an opportunity of learning now to observe, and also of making collections with which they may teach classes at home. Profs. Shaler, Wilder, and Packard, and perhaps others, may spend the whole, or nearly the whole season in Nantucket, with a view of superintending the laboratory work. The other scientific gentlemen will attend when their courses require. It is but justice to Prof. Shaler to say that the first suggestion of giving such a course in Nantucket was made by him.

DETAILS OF THE INTENDED WORK.

The programme as now arranged is as follows:

(1.) Zoölogy in general and embryology of the vertebrates, by L. Agassiz, Director of Museum. (2.) The extinct animals of past ages compared with those now living, and the methods of identifying them, by N. S. Shaler, Professor of Palæontology at the Lawrence Scientific School. (3.) Comparative anatomy and physiology of the the vertebrates, by Dr. B. G. Wilder, Professor of Anatomy and Physiology at Cornell University, Ithaca, N. Y. (4.) The animals and plants living in deep waters, and the peculiar conditions of their existence, by L. F. de Pourtales of the U. S. Coast Survey. (5.) Embryology of the radiates, by A. Agassiz of the Museum of Comparative Zoölogy. (6.) Natural history of embryology of the mollusks, by Prof. E. S. Morse of Salem. (7.) How to make biological collections illustrative of the history of insects injurious to vegetation, by Dr. H. A. Hagen, Professor of Entomology at Harvard University. (8.) Natural history and embryology of the articulates, by Dr. A. S. Packard, jr., Curator of Articulates at Peabody Academy of Science, Salem, and Lecturer on Entomology at Bowdoin College. (9.) Natural history of the fishes and reptiles, by F. W. Putnam, Director of Museum of Peabody Academy of Science, Salem, and Permanent Secretary of the American Association for the Advancement of Science. (10.) Natural history of birds and mammals, by J. A. Allen of the Museum of Comparative Zoölogy. (11.) On breeding and nests and eggs of birds, by Dr. Thomas W. Brewer, Chairman of Committee on Birds, Nests and Eggs, of the Boston Society of Natural History. (12) Practical exercises in the use of the microscope, by Mr. Bicknell. (13) Instruction in drawing and painting of animals, by Paulus Roetter, Artist at Museum of Comparative Zoölogy. (14) On the preservation of our sea fisheries, by Prof. Spencer F. Baird, United States Commissioner of Fisheries and Assistant Secretary of Smithsonian Institute. (15) On fish breeding, by Theo. Lyman of the Museum of Comparative Zoölogy. (16) The fauna of the North Atlantic, compared with one another and with that of other parts of the world, by Prof. Verrill. (17.) The plants of the sea, by Prof. Eaton. (18.) The physics of the sea, by Prof. Joseph Lovering, Professor of Natural Philosophy, Harvard University. (19.) Physical hydrography, by Prof. Mitchell of the U. S. Coast Survey. (20.) Chemistry of feeding and breathing, by Prof. W. Gibbs, Rumford-professor of Physics, Harvard University. (21.) Chemistry of the sea and air, by Prof. James Crafts, Professor of Chemistry at the Boston Technological Institute.

THE STATE LEGISLATURE.

SENATE....ALBANY, Tuesday, March 11, 1873.

BILLS PASSED.

Amending the laws relative to the incorporation of villages.

Amending the charter of the Home for Aged and Indigent Females in New-York City.

Amending the charter of Whitesborough, Oneida County.

Providing for the election of a Police Justice for Greenport, Suffolk County, on the 1st Tuesday of next April.

Relative to petit jurors in Courts of Record in Westchester County.

For the preservation of wood and stone on the Onondaga Reservation.

Directing the Controller of New-York City to return to James Galaway moneys erroneously collected from him for the improvement of roads at Rockland Lake.

To enable the Commissioners appointed to revise the statutes to incorporate in their report the political and penal codes.

Amending the charter of the Mechanics' Savings Bank of Rochester.

Amending the charter of the Rockland Savings Bank.

Amending the charter of Brockport, Monroe County.

Senator LEWIS offered resolutions calling on the Canal Commissioners to report what legislation was necessary, if any, to clear out the Cayuga, Seneca, Oswego, and Erie Canals, so that there may be seven feet of water in said canals. Adopted.

Mr. WINSLOW offered a concurrent resolution that the Legislature adjourn *sine die* on the 20th of April. Laid over under the rule.

Senator JAMES WOOD introduced a bill extending the time for the collection of taxes in the various towns in Livingston County.

Mr. PERRY introduced a bill providing for the better attention to the financial concerns of the City of Brooklyn.

Mr. MADDEN spoke warmly and bitterly on a bill providing for publishing the election notices every year in newspapers, denouncing the entire method of county printing as a "sap" and swindle on the various county treasuries.

The bill was amended, providing for publishing the election notices in but one paper in each Assembly district, and so amended was ordered to a third reading.

The bill relative to taxation in the City of New-York for the year 1873 was ordered to a third reading, as was also the bill incorporating the New-York and Maspeth Railroad Company.

Adjourned.

ASSEMBLY.

Mr. JACOBS, by consent, introduced a bill relative to local improvements in the City of Brooklyn; also, for the collection of moneys expended for the improvement of Gowanus Creek. Both of these bills have been printed in Brooklyn, and Mr. Jacobs said a Committee from the Board of Aldermen would be here to appear before the Committee on Cities concerning them.

BILLS PASSED.

Making provision for the publication of election notices.

Amending the Mechanics' Lien Law of New-York.

Authorizing the sheriff of Kings County to appoint certain court officers.

Regulating the rates of fare on the Southern Central Railroad.

Amending the Excise laws of 1870.

To organize a police force for the City of Yonkers.

Amending the charter of the Eighth Ward Savings Bank by changing its name to the Fifth-ave. Savings Bank.

Providing for the purchase of a building in Brooklyn for an armory for the 13th Regiment of National Guard.

Mr. WORTH being called upon to vote, asked to be excused in order to make a speech against the bill. He denounced it as a most iniquitous measure, and voted Nay.

Mr. WATT rose to reply, but as his vote had been taken he was not in order.

A large number of members changed their votes to the negative, and the bill was lost by 41 to 45.

Mr. NORTON moved a reconsideration, and that the motion be laid on the table.

On this question, Mr. WATT stated that the remarks of Mr. Worth grew out of a personal animosity of that gentleman against the Colonel of the regiment, and when he says his feelings toward him were kindly he states a falsehood. As to the people of Brooklyn being opposed to this measure, there were people representing $20,000,000 in favor of it. The building this regiment now occupies is totally unfit for military purposes.

Mr. WORTH reiterated his remarks.

The motion to lay the motion to reconsider on the table was carried, thus saving the bill for another trial.

Amending the act relative to the State Reformatory at Elmira, naming a new Commission to superintend the building of the structure.

Mr. WARD moved to recommit the bill, with instructions to amend so that the Governor shall appoint the Commission.

Mr. DRYTER defended the bill, saying the Commission as named in the bill was an entirely proper one.

The motion to recommit was lost, and the bill passed.

To legalize the adoption of minor children by adult persons.

Amending the Elmira Common School law.

To continue the Fishery Commission of the State.

To authorize the County of Greene to issue bonds to pay a portion of its indebtedness.

The Troy School bill was reported from the Conference Committee, and the report was agreed to and the bill passed.

U. S. SENATE—SPECIAL SESSION.

MR. CALDWELL'S CASE.

WASHINGTON, Tuesday, March 11, 1873.

Mr. CLAYTON (Rep., Ark.) asked that the Senate, after the Caldwell case shall have been disposed of, take up and pass upon the question relating to himself.

Mr. WRIGHT (Rep., Iowa), of the Special Committee of the late session, introduced a resolution that the charges against the official conduct of Powell Clayton are not sustained, and that the Committee be discharged from the further consideration of the subject.

John B. Gordon, Senator elect from Georgia, was introduced by Mr. NORWOOD (Dem., Ga.), and took the oath of office.

THE ISLAND OF MACKINAW.

Mr. FERRY (Rep., Mich.) introduced a resolution authorizing the Secretary of War to consider and report as to the expediency of setting apart a portion of the island of Mackinaw for a public park. He addressed the Senate on the subject, alluding to the historic interest and the natural curiosities of the location, and invoked the Federal aid to make free and sacred to the nation this spot for the public good.

Mr. SAULSBURY (Del.) gave notice that he was opposed to all such propositions.

Mr. FERRY said that the resolution merely invited the Secretary of War to report whether in his opinion it would be incompatible with the public interests to make such dedication. Similar propositions had heretofore been considered by the Senate, and he had introduced his resolution in accordance with his right to do so.

Mr. CASSERLY (Dem., Cal.) thought that under proper restrictions there would be no objection, where these reservations were not needed for Government purposes, to converting them into public parks for the benefit of the people, and such, he believed, was the best use to make of them.

Mr. HAMILTON (Dem., Md.) interposed objection to the consideration of the resolution.

Mr. FERRY said this was a mere question of inquiry.

Mr. HAMILTON remarked that there were various other localities just as sacred as the Island of Mackinaw. A National Park was simply a sink hole in which to waste money.

The Senate passed the resolution by a vote of 37 to 13.

TREATMENT OF EMIGRANTS ON SHIPBOARD.

On motion of Mr. CHANDLER (Rep., Mich.) the Secretary of the Treasury was requested to furnish to the Senate at the next session information as to how many superficial feet of clear space is accorded to each steerage immigrant on shipboard, and to have the atmosphere of such portions of the ship to which they are assigned chemically analyzed by proper and trustworthy experts, and to ascertain and report upon the general treatment accorded to emigrants, and suggest such modifications in the existing laws as will secure the better comfort and treatment of such emigrants.

The Senate resumed the consideration of the case of Senator Caldwell (Rep., Ark.).

MR. CALDWELL'S DEFENSE.

His statement was read. He puts his defense upon these grounds:

First: The election of a Senator, like the enactment of a law, is the act of the State in its sovereign capacity, and the motives of the members voting cannot be inquired into for the purpose of invalidating it.

Second: In judging of the qualifications, the Senate cannot add to those prescribed by the Constitution; in judging of the returns, the legal requirements cannot be amplified, and in judging of the elections, the only questions to be considered are: Was it the Legislature of the State that made the election? Was it held at the time and place and in the manner prescribed by the act of Congress, and did the certified person receive a majority? In this case these questions are all answered in the affirmative.

Third: Not a dollar is traced from Mr. Caldwell, or by his authority, or from anybody else to any member of the Legislature, as a consideration for his vote.

Mr. CALDWELL concludes as follows: I beg, therefore, that the Senators will stop to consider well before committing themselves to a precedent which will result in a great wrong to me, and may in the future work great injury to others. When, at the request of hundreds of the most respectable citizens of Kansas, I consented to the use of my name for the place I now occupy, I did so with the most honorable ambition and with the determination that no act of mine should ever bring discredit to me or dishonor on this body. I fully appreciated the dignity of a Senator of the United States, and I am proud to say that not even the Satanic malignity of my enemies has been able to invent a breath of suspicion as to my official conduct; nor have they, after two exhaustive investigations, one at Topeka a year ago and the other here, been able to connect me with one dollar corruptly used to influence any member of the Legislature. They have sought to rely upon their own false statements as to my admissions which I, here before this body and upon my conscience, pronounce wickedly and maliciously false. If I had had any such communications to make is it at all probable that I should have made them to my most bitter enemies. No, never did I make such admissions to any person whomsoever, friend or foe, and I here most solemnly declare that I never did, directly or indirectly, pay or cause to be paid $1, or any other thing of value, or any consideration whatever, for any man's vote for me for the Senate. And then to be the victim of a wicked conspiracy! Are these bold bad men, whose very names are the synonyms of crime and corruption in my own State, to succeed by force of their own false statements in bringing disgrace and ruin upon me, and that too because I chose to cross their political paths and declined to submit to their unrighteous demands! For the past 18 months I have been compelled to submit to misrepresentations and abuse to a much greater degree than usually falls to the lot of one man. My pursuers have been constantly on my track, following me from Kansas to Washington and from Washington to Kansas, and wherever they could by misrepresentations prejudice me in the estimation of newspaper men they have turned upon me the wrath of an all-powerful press. Until the present moment I have not said or written a word in reply, and would not do so now were it not necessary in presenting the case to the Senate. I beg Senators to reflect that it is not alone to retain a seat in this body that I have for the past eighteen months been resisting the wicked designs of these men, but rather to defeat them in their base and infamous attempt to attach disgrace and dishonor to my name. If these men succeed, then indeed will I be forced to admit that the efforts of a lifetime in acquiring an honorable name may be defeated by a wicked conspiracy of two or three bad men.

MR. CARPENTER'S PLEA FOR MR. CALDWELL.

Mr. CARPENTER (Rep., Wis.) said he had occasion, the other evening, to refer to our legislative and judicial functions, which pass so rapidly from one to the other that there is danger of carrying off to the judicial field something which belongs to the legislative. Senators were here on their oaths as judges. They were not here to make law but to administer the law as it is touching Mr. Caldwell. If there is not a more stringent enactment, Congress must supply the deficiency. Senators could do no more than the Supreme Court. The Constitution says each House shall be the judge of the qualifications and returns of its members. This involves calmness and impartiality. With surprise and grief he listened to the argument of the Senator from Indiana (Mr. Morton), yesterday. He had never before seen the Senator in the warmth of political debate, vigorously extending his right hand to support his own views, and bringing it down on the Senator from Kansas with all the earnestness that he would attack a political opponent. When you come to the mere fact of money having been drawn out of a bank at Lawrence, and paid to a party on the same day, you have not proved that money was used to bribe a legislator. The money might have been expended for railroad or other legitimate purposes. The Senate ought to confine themselves to the judicial rules of testimony. In the book he held in his hand there were 460 pages of so-called testimony, but he undertook to say not 25 pages of it would be respected by any court of justice. It was not even respectable hearsay, but consisted of sentiments, first or second hand. As to the transaction between Caldwell and Carney, that was conceded by all; but he dissented from the conclusions of the report. The testimony was not such as would be submitted by a Court to a jury. As to Caldwell's guilt, he should vote against the expulsion of the Senator, and ask Senators, before they cast their votes to disgrace him, at least to read and study the testimony. He would ask for Caldwell what he would ask for any man charged with crime. He would ask the Court to discharge its duty, no matter what might be said by mobs outside.

Without proceeding further in the debate, the Senate, at 2:30 o'clock, went into Executive session, and afterward adjourned.

SALE OF ATLANTIC MAIL STEAMSHIPS.

The Atlantic Mail Steamship Company's vessels Morro Castle and Columbia were sold at auction yesterday at Pier No. 4, N. R., under two writs issued by the United States District Court for the Eastern District of New-York. The vessels were sold free of all liens under title of a Marshal's bill of sale, the Marshal to hold possession until the full amount of the purchase money is paid. The terms were 20 per cent of purchase money on the day of sale, and the balance within three days, the Marshal's expenses and the auctioneer's fees of $50 to be paid by the purchaser immediately after the sale, and the ships to be at the risk and expense of the buyer. The Morro Castle brought $41,000, and the Columbia $27,500. Both vessels were bought by W. H. Starbuck, who would give no information concerning the use to which he intended to put them. It is not definitely known for what trade they are intended, but it is rumored that in a short time they are to be transferred to the old company.

THE COURTS.

A COMPLICATED BANKRUPTCY CASE.

ASSIGNMENT OF A MORTGAGE AND NOTES TO PREFERRED CREDITORS.

In the case of Geo. C. Collins and Harvey Farrington, assignees in bankruptcy of John Murdock Mackay, and John Neilson agt. John Murdock Mackay, John Neilson, Richard Bell, and Frederick Grundy, the substance of the bill is, that prior to Dec. 7, 1860, J. M. Mackay & Co. had in their possession four promissory notes made by Olyphant & Co. of China, amounting in the aggregate to $16,177 40; that prior to Dec. 7, 1868, John Neilson owned certain real estate in Jersey City; that on Dec. 7, 1860, and for some time before, J. M. Mackay & Co. were insolvent; that in November and December, 1868, they were owing the defendants, Bell and Gundy, $73,600 for gold borrowed, and were indebted to other creditors for more than $300,000; that on Dec. 8, 1868, John Maxwell Mackay, who was the partner of John Murdock Mackay, and who managed the property of John M. Mackay & Co., induced Neilson and his wife to execute to him, without consideration, a mortgage on the real estate for $20,000, dated Dec. 5, 1868, and payable five years from date; that the mortgage was duly recorded on Dec. 11, 1868, the elder Mackay acting for the firm, and with its consent knowing, or having reasonable cause to believe that it was insolvent, assigned the mortgage, the bond accompanying it, and the notes of Olyphant & Co. to Bell and Gundy, the mortgage being assigned by an instrument executed by the elder Mackay, dated Dec. 5, 1868, and recorded Dec. 11, 1868; that at the time of the transfer of the bond, the mortgage, and the notes, Bell and Gundy parted with no new consideration therefor, and the transfer was not in the usual course of business of J. M. Mackay & Co.; but the securities were transferred as security in part of the said indebtedness to Bell & Gundy; and that, at the time of such transfer, J. M. Mackay & Co. were insolvent, and the transfer was made with a view to give a preference to Bell & Gundy over the other creditors of J. M. Mackay & Co. The prayer of the bill is, that the mortgage and its assignment may be decreed to be null and void as against the plaintiffs; that the real estate described in the mortgage may be decreed to have vested in the plaintiffs free of the lien of the mortgage; and that Bell & Gundy may be decreed to satisfy and cancel the mortgage of record, or assign it to the plaintiffs, and pay over to them the proceeds realized from the sale of the notes of Olyphant & Co.

The answer sets forth that on Dec. 7, 1868, J. M. Mackay & Co. were apparently, and, in fact, so far as Bell & Gundy then knew, solvent; that the firm was then carrying on its business in the usual manner, and continued to do so for some days thereafter; that during several years prior to December, 1868, Bell & Gundy had large and frequent business transactions with J. M. Mackay & Co., in most of which the elder Mackay had acted for the firm; that Bell & Gundy believed that he was a partner therein, and the principal member thereof, and that the other partner, and the only one, was the younger Mackay, they having no knowledge or suspicion that Neilson was a partner, never having heard so until the filing of the petition in bankruptcy; that the mortgage from Neilson and his wife to the elder Mackay, and the bond accompanying it, were executed with the view that the elder Mackay should dispose of them for the benefit of the firm in its business; that the bond, the mortgage and the notes were transferred to Bell & Gundy for a valuable consideration given by them at the time of the transfer, and in the usual course of business of Bell & Gundy and of J. M. Mackay & Co; that Bell & Gundy had, for a long time prior to Dec. 7, 1868, made to J. M. Mackay & Co. many loans of gold coin to large amounts, for short periods, and on collaterals of various descriptions furnished for each loan; that for some of such loans, J. M. Mackay & Co. gave to Bell & Gundy their check on the bank in which their account was kept for a sufficient amount in currency to secure the return of such gold at its market rates, and the checks were deposited by Bell & Gundy with their bank, and collected, and the amount received therefor in currency retained by Bell & Gundy until the gold coin had been repaid; that on Dec. 7, 1868, the elder Mackay, acting for J. M. Mackay, asked Bell & Gundy to loan to J. M. Mackay & Co. $25,000 in gold coin on the security of current funds; that Bell & Gundy, having no reason to believe that J. M. Mackay & Co. were insolvent, or in pecuniary trouble, loaned to them $25,000 in gold coin, and received as security therefor a check, dated and payable on that day, on the Second National Bank of Jersey City for $35,630, currency; that, about an hour afterward, J. M. Mackay & Co. sent, through the elder Mackay, to Bell & Gundy, the said bond, mortgage, and notes, and stated that they were a little short of money that day and wished Bell & Gundy to substitute the bond, mortgage, and notes as security for the loan in place of the current funds, and represented the bond and mortgage to be good security for the amount thereof, and a first mortgage on the property; that Bell & Gundy accepted them, with the assignment thereof from the elder Mackay, and the notes of Olyphant & Co., and withdrew, canceled, and delivered up to J. M. Mackay & Co. their check for the loan, which had not been presented at the bank on which it was drawn; that J. M. Mackay & Co. had then in their hands current funds, proceeds of the gold that day loaned to them by Bell & Gundy, to a much greater amount than was necessary to make their bank account good for the payment of the check, and would have done so if Bell & Gundy had declined to make such exchange of securities; that during the afternoon of that day, and some time after such exchange of securities had been made, some checks of J. M. Mackay & Co., which had been given by them two days before to Bell & Gundy, drawn on the said bank in Jersey City, and which, on the day of this receipt, Bell & Gundy had deposited in their bank for collection, and which they believed to have been paid, were returned to them unpaid.

In the United States District Court, yesterday, Judge Blatchford directed the entry of a decree for the plaintiffs, with costs.

NEW PHASE OF THE SUNDAY QUESTION.

An argument was had yesterday before Judges Ingraham and Davis, in the General Term of the Supreme Court, on the regularity of the proceedings brought by Matthew Corrigan to have himself restored to the Y. M. F. M. U. B. T. A. B. Society, Branch No. 1, of this city. He was reinstated on a Sunday, and the Special Term held some time ago that the exercises were regular. It was argued, yesterday, on appeal, that the proceedings were irregular because they took place on a Sunday, and it was settled that no work or judicial proceeding, or award in judicial proceedings, or contract even for advertising, was valid on that day, and that as the proceedings of the Society were all held on Sunday, the expulsion was void. On the other hand, it was claimed that as the whole purpose of the Society was charitable, and there was the highest authority for healing the sick on the Sabbath, and as the constitution of the Society provided for the meetings *ex necessitate rei* on Sunday, the law did not apply.

Justice Davis suggested that the Court had no difficulty on that point, but there was an unargued difficulty, that, so far as they could know by the papers, Corrigan was expelled by default, without trial; and it was doubtful whether a benevolent association could do this. On this point the Court reserved its decision.

THE MURDER TRIALS.

In the Court of Oyer and Terminer, yesterday morning, no jury was on hand, and consequently no trials could be had. Some business, however, was transacted in the naming of days for trial. The case of Charles Cordes was set down for to-day, his counsel agreeing to be ready then. Mr. Lyons, Assistant District-Attorney, suggested that Bleakley's case should be taken up immediately afterward. Mr. Howe objected to this, as he was engaged on Monday for the Heggi poisoning case in the Sessions, where the prisoner had been 18 months in the Tombs, and was pressing for a trial. Besides, Bleakley and his counsel were at dagger's points; he insisted he was sane; they were satisfied he was insane. Counsel would suggest an examination by a commission of Mr. Bleakley before they put him on trial. It was, therefore, understood that immediately after the Cordes case some of the older homicide cases would be tried.

CIVIL NOTES.

Judge Ingraham decided, yesterday, in a case brought before him in the Supreme Court on a writ of habeas corpus, that the Court of Special Sessions has no right to commit boys to the school ship.

The Stemmler-McGuire suit, involving the right to the Judgeship of the Seventh District, which has been on the calendar three years, and was noticed for trial on Monday last, has been again adjourned over the week on account of the absence of Mr. Requa, an important witness for plaintiff.

The divorce suit brought against Charles McIntyre by his wife and given to a referee, who decided for the plaintiff, allowing her $1,500 a year alimony, will come up for argument, before Judge Robinson, in the Court of Common Pleas, on the confirmation of the referee's report. The defendant is said to have transferred his real estate to his brother, previous to the trial, as payment of an alleged debt; but this transfer the referee found void.

John B. Leverich brought suit against the City to recover $31,800, being the cost of clearing the ice and snow off Broadway during the Winter of 1869-71 to Feb. 10, 1871. It appears that Leverich had contracted to do the work during the two previous Winters, and had received his pay regularly therefor until February, 1871, when payment was stopped, and this suit begun. It came up for trial before Judge Van Brunt and a jury in Circuit, Part II., of the Supreme Court, and evidence was submitted for the plaintiff disclosing the facts stated above, and that the Commissioners had certified to the correctness of the claim. Counsel for the city put in no testimony, but argued that the Commissioners having an independent statutory duty to perform, could not bind the city in a general liability to pay under the terms of the contract. The Court, however, directed a verdict for the full amount claimed with interest, amounting to $36,049.

DECISIONS—MARCH 11.

Supreme Court—Chambers—By Judge Fancher.—Boulger agt. Williams.—Order of reference granted. In the matter, &c., of J. Jalmerty.—Report confirmed, except as modified by order, and order as to surplus granted. Coe agt. Coe.—Report confirmed and judgment of divorce granted, and amount of alimony decreed, &c.; custody of the infant child given to the plaintiff. Fewan agt. Hull.—The time of the entry of the judgment is not stated, nor whether an execution against the person has been issued or not. The Court wishes to know these facts. Mannheimer agt. Burg and others.—Report confirmed and order granted. Hoffman Fire Ins. Co. agt. Willard et al.—Judgment granted. Underhill agt. Brown.—Same.

By Judge Davis.—Dickie agt. Dickie.—Motion denied in part as marked on the margin of the notice. The People, &c., Cavanagh agt. Board of Apportionment and Audit.—Upon the return herein the writ must be dismissed; let an order to that effect be entered unless relator within 10 days demurs to the last return, or takes issue therein, or both, as he may be advised.

Superior Court—Special Term—By Judge Van Vorst.—Wagner agt. Stoltz.—Order granted. Hassard agt. Hassard.—Judgment of divorce granted in favor of plaintiff. Shepherd agt. Fredericks.—Order denying motion. Lake agt. Elkins.—Ordered that money deposited in lieu of bail to be applied by the clerk toward satisfaction of judgment. Reid agt. Martin.—Order granted. Dougherty agt. Pallaton.—Motion granted and reference ordered. Lord agt. Davison.—Order vacating judgment. Krause agt. Zwinge.—Order granted. Tracy agt. Chaless.—Order granted.

CALENDARS—THIS DAY.

UNITED STATES DISTRICT COURT—In Admiralty—BLATCHFORD, J.

61..Whitney et al. agt. Ferry-boat Sunswick.
172..Lambert agt. Canal-boat Geo. Waring.
62..Brown agt. Lord.

SUPREME COURT—CIRCUIT—PART I.—BARNARD, J.—Opens at 10½ a. m.

453..Shelton agt. O'Brien, Sh'f.
99½..Neeler agt. Speeding, adm'r.
331..Garrison agt. The Narragansett F