GAIL HAMILTON—MR. SCHURZ.

THE STATESMANSHIP OF GEOGRAPHY.

DISCOURSE DELIVERED BY THE REV. JAMES FREEMAN CLARKE, FAST DAY, APRIL 11, 1878.

The patriot who will devote a second week of close scrutiny and earnest contemplation to the stately and majestic step of Mr. Schurz's Foresters going forth their princely way among the trees in slow and solemn brightness, according to the wonderful bill for such case made and provided by Mr. Schurz, will be pained to see that the whole sixteen sections and nine octavo pages contain no provision for one of the most essential duties of the sonorous and regal office of the Forester,—the care and preservation of game. While Mr. Schurz has taken the utmost pains to have every tree in North America measured within an inch of its life, and while he has charged his Foresters vigilantly to instruct the frontiersman into which particular pine or hemlock he may strike his axe, the inexplicable Secretary has suffered the long procession of prairie-dogs, panthers, coyotes, wild-cats, raccoons, opossums, wolves, foxes, mountain-lion, lynx, deer, elk, moose, bear, buffalo, rattle-snake and sea-serpent to pass by on the other side? Why has he made no effort to preserve from the advancing rifle of civilization this shy and graceful game? What is the use of preserving a tree unless you preserve also the gentle jaguar crouching in its branches to dart down and break your neck with one stroke of his swift caressing paw? In this grand uprising to preserve the timber of a Continent—from the mammoth pines of the Sierras down to the sage brush of the Eternal Plains—Mr. Schurz will fail to read his title clear to the name of the great Reform Forester if he permits these wild rovers to rove without tax and to be slaughtered without pay. The danger is not only vast but imminent. Already the bison can barely keep their engagements with European Princes who come over to hunt them. We are certainly running short of jaguar, and threatened every day with a corner in catamount. Mr. Schurz cannot be an hour too soon in taking their linear feet and cubic contents; and as they have been old settlers ever since Columbus discovered America, and might have a prejudice in favor of local self-government, and resent even the friendly intervention of Mr. Schurz's wandering carpet-baggers, would it not be wise for him to add to his bill for the protection of game, a Section 17, that the Beasts shall not put themselves into the false and unpatriotic attitude of attacking Mr. Schurz's foreign extraction by making game of his Foresters!

But with all these unaccountable omissions, the poor Foresters will have a hard enough time of it unless a considerable part of the population of this country take to the woods. How many Foresters at an annual compensation of $2,500 each does Mr. Schurz think it would require to cover the area embraced within the public timbered lands of the United States? If there were 400 such Foresters, costing, as they would, by Mr. Schurz's bill, $1,000,000 a year, no one of them could properly travel his beat oftener than once a year! So that even if Mr. Schurz had his Foresters all drawn up in line and on duty, like woodpeckers pecking the hollow oak trees from the everglades of Florida, through all the States and Territories where there are public lands till the end-man is feebly heard as he

"Pipes on his pastoral hillock a languid note"

among the dwarfed pines of Northern Alaska or the gelid coast of Behring Straits, where the last foot-passenger was Eugene Sue's Wandering Jew, and where I doubt not Mr. Schurz's fast following Forester, whipping his tape-measure out of his chilled pocket to see if the "linear feet" are up to the "given diameter," would find the print of the Jew's shoe nails under one of those very trees and reckon it quite sociable-like—[TRIBUNE, please send the bill for printing this sentence to the State Department.]—even then Mr. Schurz would still be disappointed in the operation of his law; for a single Forester in such a district could only annoy and hinder and harass and irritate a very small proportion of the settlers, while a Modoc might be scattering sparks from his pipe in front of our Forester, and a Nez Percé could be shooting grizzlies among the dry leaves in his rear, and a Maine lumberman hewing in pieces Agag to right of him, and the germ of a Puget Sound steamer carving up the skeleton ribs of its keel to left of him, and none of all this busy hum of industry, or this busy crackling of mischief penetrate the solitude where the Forester aforesaid is plunging through the woods six months away!

But if the Forester's visits must be like angels', few and far between, how welcome would they be when they did come! The growth, the development, the strength of our new Territories lie dormant—waiting the vivifying footsteps of these Foresters. Tramp, tramp, across the land they go, measuring out, as they tread, boards by the thousand feet to the incipient householder, wood by the cord to the squatter broiling his breakfast on a forked stick also bought by the cord at a price fixed by a cultivated gentleman, highly accomplished in music, who never saw America till he was a grown man, was always a resident in cities, is now on duty in Washington, and in every way, therefore, eminently fitted to estimate correctly the price of all kinds of timber on the remotest frontiers of the Republic. It is, indeed, a rather appalling interpretation of Mr. Schurz's idea of fitness that his own Foresters whom he has directed in Section 4 of his bill to "be appointed with reference to their fitness by education and occupation for the duties of the office," are not to be allowed to fix the price of unhewn timber or cord-wood on the ground in Arizona or Idaho, but that Mr. Schurz, of course, on account of his own superior fitness, reserves that function specifically to himself in the seventh section of his bill! Nathless though held in leash, he is still a Forester, and as sweetly along the gay mead the daisies and cowslips appear, so sweetly would this debonair Forester glide up to a miner's camp in the Rocky Mountains, or arrest the unlifted axe of the woodman felling the timber for his first rude cabin, till the "fit" Forester at $2,500 "per annum" should have brought out his yard-stick to ascertain beyond a peradventure that by linear measure these endangered trees are a given number of inches in diameter at a point on the trunk which shall be exactly two feet from the ground; and until the Forester shall further have pulled out his memorandum-book from his waistcoat pocket and read out to the woodman aforesaid the list of prices attached by the Secretary of the Interior to timber by the acre, by the thousand feet, board-measure, by the cubic foot, by the linear feet of trees of a given diameter, or by the cord, or by the beanpole, or by the fishing-rod, or by the skewer, or by the shoe-peg, or by the toothpick, according to the statute for such case made and provided. Oh! I fear that many a miner would wield his trusty pick the wrong way; that many a rude hut would be tapestried with a dapper suit of Lincoln green, and many a Forester's bones would bleach upon the mountain sides among trees that were not of the given number of diameters by the thousand cubic feet, linear measure.

But no pent-up Utica contracts Mr. Schurz's powers. Neither a continent nor a hemisphere limits this Secretary of the Exterior as well as the Interior. Having made our American wildernesses alive with the voice of the Forester, he apparently contemplates sending over the surplus population to vocalize the wastes of the Old World. Senate Bill No. 284 contains a measure of his to "authorize and *require* the appointment of a commission to visit Europe to examine and report upon forestry and tree-planting." These two commissioners are to rove over Europe for two years. They are each to have a salary of $3,000 in gold. They shall be furnished with a secretary, who shall receive $1,800 a year in gold; and the two commissioners and their secretary are to be supplied with the frugal sum of $15,000 for travelling expenses for the two years—more than $20 a day the whole time besides their salary, which is certainly making a good beginning—especially in that well-known species of forestry and tree-planting known as sowing dollars and raising dimes. On the whole, by the time the woods of America are swarming with Mr. Schurz's Foresters at $2,500 a year each, and the woods of Europe well scoured by his commissioners at $3,000 a year salary and $20 a day travelling expenses, perhaps even our flighty and irresponsible clergymen will begin to reflect that under our great Secretaries of the Treasury, who had so long our public lands in charge, under our able and patriotic Secretaries of the Interior, to whom the trust was transferred, the great Northwest grew and enlarged her borders, and strengthened herself exceedingly with no Foresters save those whose cubic feet were in their stout brogans, and whose linear measure was in their strong right arms! I think even the Rev. James Freeman Clarke would then admit that it is not a Senatorial slur, but a National fact that Mr. Schurz seems not to have informed himself of the very first element of the problem he set himself to solve—I mean its size!

Mr. Clarke treats geography as a mere luxury of the boudoir. It is, on the contrary, the first necessity of statecraft. Mr. Schurz's wild and disastrous dabs at legislation made it the imperative duty of Senators to put upon his unlawful and reckless intermeddling the curb of geography; to acquaint him that the single Territory of Montana, which he was doing his best to injure and retard, is larger than the entire Kingdom of Prussia, which was evidently his mental unit of measure; and that the attempt to apply to Montana the land laws of Prussia, with its fifteen thousand square miles of territory less and its twenty-five millions of population more than Montana, was the impracticable and intolerable empiricism of a political quack, and not the just, intelligent, and patriotic policy of a practical statesman.

But very droll it is to see Mr. Clarke mounting that one little splinter, and disporting himself as if he doth bestride the whole timber tract of the United States like a Colossus. The slight rap which a Senator or two gave to the Secretary on account of his foreign birth, and rather by way of excuse than of attack, was but a love-pat compared with the thumps administered on the score of law and justice, precedent and principle, and the final knock-down dealt by both Houses. But Mr. Clarke, oddly enough, has singled out for animadversion perhaps the most respectful allusion that was made to Mr. Schurz; perhaps the most respectable defence that could be made for him. I do not remember that any Cabinet Minister in this country ever received such a rebuff as Mr. Schurz received in the restrictions placed upon him by the amendment. I do not remember that any previous Cabinet in our entire history ever contained a member who would cling to his position after such a rebuff.

Mr. Schurz, however, judged from and by his public utterances, holds his office on the ground that the Executive Department should administer the Government independently of the will and wish of Congress, which, after all is said, is every two years a fresh expression of the will and wish of the people. Secretary Schurz holds, as Lord Bute held, that party should be abolished and that the Sovereign should be freed from Parliamentary tyranny, and reign by his own will. If I could by any means avert the tranquil infallibility of Mr. Clarke's priestly malediction upon all reference to Mr. Schurz's nativity, I should suggest that the distinguished reformer draws his model of administration from the Teutonic rather than from the Anglo-Saxon standard, and that he has yet to learn that he does not bear quite the same relation to the Congress of the United States that Prince Bismarck bears to the Parliament of the German Empire. In fact, the dazzled and jaundiced American eye finds it difficult to discern any resemblance at all between Bismarck and Schurz, except the tabooed fact that both were born in Prussia.

Nor can our reformers derive countenance from England, of whose ways they are so violently enamored. England would rock on her waves to upset a Cabinet Minister who should hold on to his seat after a vote of want of confidence. MacKnight well describes in its duplicate application the recognized and time-honored principle of English government, which "pronounces not more emphatically that the King can do no wrong, than that a Minister, without being subjected to the jealous vigilance of Parliament, will seldom do any right."

GAIL HAMILTON.

CINCINNATI'S MUSIC HALL.

A TALK WITH REUBEN R. SPRINGER, THE LEADER IN THE ENTERPRISE.

Reuben R. Springer, to whom Cincinnati is mainly indebted for its new music hall, is visiting this city, being a guest at the Windsor. He is a slight gentleman of medium stature, and considerably bent with the weight of years. In appearance and conversation he is quiet and thoughtful. He was faultlessly but plainly dressed in black. He has sharp, prominent features and keen grey eyes. In his manners he is self-poised and gentlemanly. Mr. Springer, in conversation, showed much enthusiasm for the arts, and avoiding mention of himself except when questioned, talked as if the accident of his having had the means and the will to aid such an art enterprise was of little consequence as compared with the importance of a great music hall and art culture to Cincinnati.

"How did you happen to do so much toward building the new Music Hall?" asked the reporter.

"It was just after the festival of 1875. That was given in the old Saengerfest Hall, built for the festival of the German musical societies; where the industrial exhibitions had been held for six years; where Horace Greeley was nominated for the Presidency in 1872 and President Hayes in 1876. The hall was to be torn down, and our citizens had no proper place for holding the next musical festival. It seemed necessary for some one to lead. I offered $125,000 on condition that the citizens would subscribe an equal amount. They responded with spirit, and by adding a moderate sum to my first subscription, we were able to complete the new Music Hall, which in all its appointments is the finest in the world. The acoustic properties are perfect and there were excellent means for disposing of the large orchestra and the immense chorus, which took part in the recent festival."

"We were not dependent on the Germans," he added, "for the success of this festival. Out of about 300,000 of population, between 80,000 and 100,000 are Germans. They like to have their own way, and in many respects their ways are different from ours. There was a little feeling among them that some of their leading musical spirits were not chosen to organize the festival; to select the music, etc. For that we engaged Theodore Thomas, paying him $5,000. Each member of his orchestra above 100 pieces was paid $80 and his expenses from and to the East. Altogether, the outlay aggregated $42,000, but the receipts reached between $72,000 and $73,000, a most encouraging success. The chorus was perfect and could not be excelled."

"In 1875 did you foresee Cincinnati's possible supremacy in musical festivals?"

"Yes; it was plain that we only had to be liberal in fostering music, and in providing a suitable place for National festivals to secure the honor of being the musical centre of the country. Our citizens fully realize now the great value of this movement to Cincinnati, in bringing her business and fame. We expect that all the great conventions of the country will be held in our city. Although the Music Hall was built by a corporate body, the city in giving the site, secured the hall for all kinds of public assemblies free of charge, except the expense of lighting and keeping the hall in proper order."

"Are your citizens as attentive to literature as to music?"

Not to the same extent, though good schools are growing up. There is an active and growing interest in the fine arts, and there are several creditable collections of modern pictures in the city. Mr. Longworth has done much for art—the school which he founded supplying competent art teachers to that part of the West. Mr. Groesbeck has a fine collection of paintings. I have been a collector for forty years. After my first visit to Europe I found that the collection I then had, and which I had regarded as being rather fine, needed to be disposed of;"

"You have been long a resident of Cincinnati?"

"For fifty years. I went out of business in 1840, thirty-eight years ago. I have felt that I ought to spend my money where I succeeded in making it."

"Have you a special fondness for music?"

"Not in a scientific or cultured sense, but I take an interest in musical culture, and find great enjoyment in music."

"There is much wealth in Cincinnati?"

"There are a few wealthy men among our citizens, who do not spend their money, as New-York men do, in making a display on the avenue. Cincinnati men are social in their tastes, but they do not try to be fashionable."

TENNESSEE STEEL WORKS.

CHATTANOOGA, Tenn., June 6.—The first open-hearth steel ever made in the South was turned out to-day by the Roane Iron and Steel Company, of this city, by the Stevens-Martin process. The cast, an experimental one of six tons product, is a perfect success in quality. The metal from which the steel is made is manufactured in this city from specular ore found in Georgia, near Cartersville. The company's steel plant cost $250,000, and will, when in full operation, produce 150 tons per day.

In a provincial theatre, where Macbeth was being recently played by a clever man, who was also a very great favorite with the audience, in the banquet scene he had delivered his words to the ghost of Banquo, "Hence! hence! hence!" when he dropped on his knees, covering his face with his robe, and shuddering convulsively. Just as the applause was over, a youth in the gallery, carried away with the intensity of the acting, cried out, "It's all right now, Smith; *he's gone.*"

THE INDICTED OFFICIALS.

A DECISION BY JUDGE BARRETT.

HE HOLDS THAT HE HAS JURISDICTION IN THE CASE OF THE ALDERMEN—A MOTION TO QUASH THE INDICTMENT OF THE BOARD OF HEALTH ARGUED BEFORE JUDGE SUTHERLAND.

Judge Barrett decided, yesterday, that he could try at this term of the Court of Oyer and Terminer the indictment against the fifteen Aldermen. It was arranged that a motion to quash the indictment should be argued next Thursday. A motion to quash the indictment against the Board of Health was argued before Judge Sutherland, who reserved his decision. Colonel Prentice and A. J. Vanderpoel spoke for the defendants, and District-Attorney Phelps for the prosecution.

THE ALDERMEN AGAIN IN COURT.

JUDGE BARRETT'S DECISION CONCERNING JURISDICTION—INTENTIONS OF THE DEFENDANTS' COUNSEL.

At the opening of the Court of Oyer and Terminer yesterday, the indicted Aldermen were nearly all present, though it was known that only the preliminary skirmish would be decided. John D. Townsend, A. J. Dittenhoefer, John M. Weed, Elihu Root and Dudley Field were present, but David Dudley Field was absent. For the prosecution, District-Attorney Phelps and Mr. Russell appeared.

Mr. Dittenhoefer said that he wished to call attention, if Judge Barrett had not already decided the question, to the marked difference between the language of the act permitting transfers from the Courts of Oyer and Terminer to the Courts of General Sessions, and that permitting transfers from the Courts of Sessions to the Oyer and Terminer. In the latter act the words "next court" were used; in the former the word "next" was omitted.

Judge Barrett said that he had considered that point and was prepared to give his decision on the question now before him, whether he could try this case at the present term, or defer its trial to the next term in November. He took up several lines of reasoning, and on all determined that the present term of the Court of Oyer and Terminer could try this case.

First:—The Court of Oyer and Terminer had the full powers of the English Courts of Assize to hear and determine all cases, whether brought originally in them or in other courts, and to try all persons in jail; in technical words, make a "general jail delivery," and a person under bail was constructively in jail, his bondsmen being his jailors. The case was therefore triable in the Oyer and Terminer without any formal order removing it.

Second—The power was conferred by the order of the Court of General Sessions. The statute gave power to the Court of Oyer and Terminer to try all cases sent by order of the Court of Sessions, and received by the Court of Oyer and Terminer.

Third—The statute says the "next Court," not the next term of the Court. The word term cannot be interjected in the act. The Court of Oyer and Terminer is a continuous Court though it has its terms. The act was drawn advisedly, certainly not to promote dilatoriness in trials. In Dolan's case the question was raised on appeal and Judge Daniels overruled it, and the Court of Appeals affirmed his decision. As the question was jurisdictional, the decision cannot be said to be *obiter*.

Fourth [Under the statutes, Circuits and Courts of Oyer and Terminer may be adjourned to a future day, not the ordinary adjournment from day to day; and on these adjourned days new juries may be summoned and new cases set down. In other words, they are treated as new terms. In this case, when the order was made the Court was not in session, but was adjourned to a future day, in effect to a new term, and the argument of defendants' counsel fell on this ground also. On both principle and authority the objection should be overruled and the Court should proceed, according to law, to the trial of the indictment.

Mr. Townsend asked permission to enter an exception, which was granted. He then said: "I understood on Tuesday that while we were to come here to-day, we were not to be required to proceed until Tuesday. Owing to Mr. Field's engagement, it will be more convenient to have the case go over to Thursday, though it would be still more convenient to have it go over to the following week. Still I understand that the District-Attorney's office will make no objection to Thursday. I place the matter on the convenience of the counsel."

Mr. Phelps—"I understand that to-day I was to be informed what course the counsel would take—whether to move to quash or demur or plead."

Mr. Townsend (smiling)—"I think you may rely on it that we shall not plead guilty, and may conclude we shall make some time a motion to quash."

Mr. Phelps—"I simply want to know so that I may be prepared, and no have to bring my witnesses down. As to the adjournment, it is asked as a matter of convenience to counsel. It would be very inconvenient to me, both individually and as a public officer, to have this case postponed beyond next week, but I shall not object to its going over to Thursday, if the motion to quash will be argued then."

Dudley Field—"We don't want to be shut up to that motion; we may have other motions to make."

Mr. Phelps—"As many as you please, only I want you on the record."

Mr. Root—"I ask the District Attorney formally in open Court, and for the purposes of our motion to quash, to inform us which of the two indictments was first found. He of course knows that of two indictments relating to the same matter the last supersedes the first. I also ask a list of the witnesses before the Grand Jury."

Mr. Phelps—"Counsel have the same sources of information that I have—the records—and can examine them."

Mr. Dittenhoefer—"Do I understand that the record will show which indictment was first found?"

Mr. Phelps—"I do not say more than that the record will show all that is to be shown about it."

The Court then adjourned.

It is reported that Recorder Hackett's charges to the Grand Jury will be relied on as one ground for quashing the indictment.

THE HEALTH BOARD INDICTMENT.

ARGUMENT ON A MOTION TO QUASH IT—REMARKS OF COLONEL PRENTICE, DISTRICT-ATTORNEY PHELPS AND A. J. VANDERPOEL.

The indictment against the Health Board has been re-transferred to the Court of General Sessions, and yesterday a motion to quash it was made before City Judge Sutherland. The indicted members of the Board are Professor Charles F. Chandler, Dr. Edward G. Janeway, General William F. Smith and Health Officer S. Oakley Vanderpoel. Colonel William P. Prentice presented the motion in their behalf. He said that while the Commissioners were eager to meet the issue on the merits at a trial, their counsel had felt it their duty to advise them that if the indictment was clearly defective, it should not be permitted to interfere with their duties, important at all times, but especially so at this season of the year. The Court would notice that no corruption or intentional wrong doing was charged in the indictment, and the question was whether, in the absence of such charges, an indictment for neglect to abate a nuisance was valid.

There is no duty enjoined on the Board by statute, said Colonel Prentice, to abate and suppress such nuisances as those mentioned in the indictment. The indictment charges that having the power and duty to suppress certain nuisances, and knowing of them, the Commissioners wilfully and contemptuously neglected and refused to abate them. There are two counts in the same form, one referring to a fertilizer factory in East Forty-fourth-st., the other to the ship Algonquin at the foot of West Thirty-ninth-st. The Board of Health was created by the charter of 1873, by sections 80, 81 and 82, but in them nothing was said of the Commissioners' powers or duties. The amendatory act, section 12, gave them the same powers as those conferred on the Metropolitan Health Board by chapter 74 of the laws of 1866, and the acts amending the same, and directed that they be exercised in the same manner as prescribed in that act. By that act it appears that the powers are to be exercised within certain limitations, "to such extent and in such manner" as prescribed. The fourteenth section of the act prescribes that if buildings, excavations, vessels, etc., are, in the opinion of the Board, dangerous to life or injurious to health, it may take proof and issue an order for the abatement of the nuisance, to be served on the offender, who is to have three days to appeal to the Board, and after hearing him the Board may modify its order. The only section containing a prescription of duty is the sixteenth, which directs the Board to use all reasonable efforts to protect the health of the city. It is permitted to execute its orders through its own officers, but section 89 of the charter prohibits any expenditure by any department without an appropriation for the purpose. So that if the Board had gone through all the forms to declare these establishments nuisances, it would have been powerless to abate them without an appropriation. The Court of Appeals had decided that the Board could not enforce penalties for a violation of its orders by suit.

All the powers given to the Board were discretionary and judicial. How they should be exercised could not be determined by the Court, and for even a mistaken exercise of their discretion, the Commissioners could not be prosecuted if there was no corruption. So far as the indictment showed, they might have used every power given them, and yet failed to abate the nuisance. The case of the Harlem flats was a signal instance of their want of power, and yet according to the theory of this indictment, the continuance of that nuisance was a crime in the members of the Board. It does not follow from the existence or continuance of a nuisance that the Board has neglected its duty, and the only offence charged is that it has not abated two nuisances.

But the indictment is defective in form. It does not set out what particular acts the Commissioners should have done and did not do. The indictment does not say that the nuisances were deleterious to health at the time, but that they were such as were deleterious. It does not say they were so in the opinion of the Board. It charges no corrupt motive. The Grand Jury has no power to review the discretion of the Board of Health and substitute its judgment for that of the Commissioners. The opinion of the Board is the foundation of all its right to act.

The District-Attorney in reply said that the theory of the indictment was that the present Board of Health succeeded to all the powers of the former Board. Among these powers was the power to abate all nuisances, at least all nuisances deleterious to life and health. So the Commissioners had the power to abate these nuisances. Every power entrusted to public officers for the benefit of the public carried with it the duty of using it whenever the circumstances arose calling for its exercise. In this case the Grand Jury had found two nuisances dangerous to life and health within the power, and therefore within the duty of the Board of Health to suppress. If the Commissioners failed to suppress them, they were chargeable with neglect. If they knew of the nuisances then neglect was intentional and wilful, even though not corrupt. All these things the indictment charges. The only question is, Was it the duty of the Board to abate these nuisances?

Judge Sutherland—"In the absence of any complaint?"

Mr. Phelps—"Yes, sir. If not, there was no offence. If there was a duty, then there was neglect."

As to the question of what the Commissioners had done, Mr. Phelps continued, whether they had exhausted their powers, that was matter of affirmative defence. The indictment charged not only that they had neglected their duty, and refused to abate the nuisances, but also that they had permitted and encouraged them. How could the indictment set out the acts, when the very gravamen of the charge was non-action? The indictment sets out that the defendants knew of the nuisances; that certainly includes their opinion, as the greater includes the less. The case of Gardner and Charlick settles that no corrupt motive need be alleged where there is a violation of official duty.

Mr. Phelps quoted a number of cases to sustain his propositions.

A. J. Vanderpoel replied at some length, urging that the statutes imposed no peremptory duty on the members of the Board of Health, but at most a judicial duty. Judge Sutherland reserved his decision.

THE POTTER COMMITTEE.

ONE WITNESS ONLY YESTERDAY.

A BUDGET OF LETTERS FROM THE PRESIDENT—ONE THAT THE REPUBLICANS GREATLY ENJOYED—THE RETURNS UNDER CLOSE INSPECTION.

WASHINGTON, June 7.—The Investigating Committee was late in throwing open its doors to-day, although the members were in attendance at the usual hour of 11 o'clock. The time intervening between that and 3 o'clock was spent in secret session, and it was understood that the business on hand was the critical examination and comparison of the electoral returns from the State of Louisiana.

On motion of Mr. Potter a subpœna *duces tecum* was ordered to be issued to the Apointment Clerk of the Treasury Department for all the recommendations on file in that department for the appointment of Anderson's brother to a position in Baltimore, and the Secretary of State was requested to supply the committee with all the original communications, whether printed or telegraphic, on file in his office or under his control, purporting to come from one or all of the members of the Harlan-MacVeagh Commission sent by the President to New-Orleans in April, 1877, together with certified copies of all communications written, printed or telegraphic, delivered to such commission, or any member thereof, from the State Department or from the President, and that passed through the State Department.

The chairman then presented the following communication and documents received from the President:

EXECUTIVE MANSION, WASHINGTON, June 6, 1878.

SIR: I am in receipt of your note of yesterday, including the following preamble and resolution adopted by the Committee of Investigation of the House of Representatives, namely:

"*Whereas*, James E. Anderson swears that between May 25 and June 1, 1877, Hon Stanley Matthews told him, 'I have just to-day had a letter from the President in regard to your case, and I have written him such a letter as will secure your appointment to some position,' and that, on or about June 2, the President said to the witness he had received the letter from Mr. Matthews, requesting him to give me a place, therefore,

"*Resolved*, That the President be requested to furnish to the Committee all the original letters above mentioned which he has received, if any, or certified copies thereof, as he may prefer, in order to an intelligent cross-examination of the witness on the subject matter thereof."

In complying with the request of the Committee, I have the honor to say that I have no recollection of receiving any such letter from Senator Matthews as the one described in the resolution, and that I find no such letter among my papers. The only letters relating to the subject, received within the period, are on file in the Department of State. Copies of the same, and of all other communications on the subject, which are in my possession or control, are herewith transmitted. I have the honor to be, very respectfully, your obedient servant,

R. B. HAYES.

Mr. IRWIN R. LINTON, *clerk of the Committee of Investigation, etc., House of Representatives.*

The papers accompanying the letter of President Hayes were eight in number. The reading of them excited the greatest interest in the committee, and one of them caused amusement. They were as follows:

I.

WASHINGTON, D. C., March 13, 1877.

His Excellency, the President:

The undersigned respectfully recommend for appointment as foreign consul at either Callao, Belfast, Canton, or any place of the same importance, Mr. James E. Anderson, of Louisiana. This has the approval of the whole Louisiana delegation, and we ask that the appointment be made at an early day. Respectfully, etc.,

C. B. DARRALL.
C. E. NASH.

II.

WASHINGTON, D. C., March 19, 1877.

SIR: The undersigned, representing (with one exception) the entire Republican delegation in Congress from Louisiana would respectfully urge the appointment of James E. Anderson as consul to either of the following points: Callao, Demerara, Canton, Hau Kow or Bradford. Very respectfully

J. E. LEONARD, M. C., VIth. District, La.
W. P. KELLOGG.

III.

NEW-ORLEANS, April 8, 1877.

Hon. STANLEY MATTHEWS.

DEAR SIR: When in Washington I filed an application for a Consulship, signed by the Republican delegation from this State, together with a written request from the President (Mr. Hayes) to have me appointed. Mr. Evarts said no vacancy existed, and for the present he could make none. The morning papers announced the death of Mr. Clayton, Consul at Callao, Peru, the place to which I desired especially to go. This creates a vacancy, and there would be no impropriety in Mr. Evarts giving me the appointment. I write you at General Harlan's suggestion, that you secure the appointment or hold it open until his arrival in Washington. Truly yours,

JAMES E. ANDERSON.

"For important reasons I specially request that this request be complied with.

STANLEY MATTHEWS."

[Indorsement on the envelope of the above letter.]

"Executive Mansion—Anderson, Jas. E. (of La.) Application for appointment as U. S. Consul at Callao, Peru. Senator Matthews requests that this appoint be made for important reasons. Respectfully referred to the Secretary of State. By direction of the President.

April 14, 1877. W. K. ROGERS, Secretary.

IV.

CINCINNATI, May 14, 1877.

MY DEAR SIR: The bearer, Mr. James E. Anderson, of New-Orleans, is the gentleman in reference to whom, when last in Washington, I had a private conversation with you, urging his appointment to a consulship. Mr. Anderson has had until now a subordinate clerkship in the Custom House at New-Orleans, which has been always unsatisfactory to him, and his residence there has become so unpleasant that he has abandoned his clerkship. The circumstances in which Mr. Anderson has been placed, and in which he has been compelled to act a very difficult part, are such as to give him very strong claims upon the Administration in the public interests, and I do most earnestly urge that some satisfactory public employment may be found for him at once. Very truly,

STANLEY MATTHEWS.

Hon. WM. M. EVARTS, *Secretary of State.*

V.

WEST FELICIANA, LA., May, 17, 1877.

Hon. WM. M. EVARTS, *Secretary of State*, Washington, D. C.

SIR: Understanding that Mr. James E. Anderson (carpet-bagger), of New-Orleans, is an applicant for a consulship, and that he would like letters from those who know him, I take the liberty to enclose this to you. I am the person who attempted to rid the State of him last Fall (see his testimony before the Congressional Committee in New-Orleans). Being unfortunately unsuccessful in my attempt, the people of this State look to you for relief and with one voice implore you, if you have any vacant consulship at any earthquake shaken point, any cholera infected city, any yellow fever point, or any small pox ridden community, or any vacant commissionership to the fiercest of our Indian Bureaus, to send him to one of those places at once, because we consider the said Anderson a person who has just sufficient character to serve the party that pays the most money, and of the class of patriots who can best serve their country by dying for it. Hopeful of an affirmative response, I subscribe myself,

Indorsed 25th May, 1877. JOHN W. BULLDOZER.

Charges against James E. Anderson, of Louisiana, preferred by John W. Bulldozer.

VI.

GOVERNMENT PROOF-ROOM.

WASHINGTON, D. C., May 26, 1877.

Hon. R. B. HAYES, *President:*

As a friend of yours, and one who earnestly desires that your whole administration may be eminently successful, I ask you to withhold the appointment of James E. Anderson as Consul to Funchal, who falsely represents himself as coming from Ohio. He is blowing around among his acquaintances, in my presence, that he will "feather his nest" while he is in office. The general reputation he has among all that know him is that he is totally lacking in one redeeming quality. Whoever recommended him didn't know him, evidently. His testimony before the Louisiana Committees is sufficient condemnation of the man, as he tried to sell out to the Democrats, and did everything that was low and dishonorable. I will see you further about it if you wish, and show you, and give proof of what I say. Yours truly,

J. A. STRAIGHT.

[Indorsed.]

Executive Mansion.—Anderson, J. E.—J. A. Straight protests against his appointment as Consul to Funchal, and states that his reputation is not good. Can furnish proofs of what he asserts.

Respectfully referred to the Secretary of State.

By direction of the President.

May 28, 1877. C. C. SHIFFIN, Secretary.

VII.

EXECUTIVE MANSION,
WASHINGTON, May 26, 1877.

DEAR MR. SECRETARY: It the commission which the President signed on the 24th inst. for James E. Anderson as Consul for the United States at Funchal, has not been delivered to the appointee, the President will be pleased to have you retain possession of it until further inquiries as to Mr. Anderson's character are instituted.

Very truly yours, W. K. ROGERS,
To the Secretary of State. Private Secretary.

VIII.

STEUBENVILLE, Ohio, March 6, 1877.

To His Excellency, RUTHERFORD B. HAYES.

DEAR SIR: We have known for a series of years the bearer of this letter, Mr. James E. Anderson, as a journalist, and, so far as our personal knowledge extends, can indorse him as a worthy young man and a staunch Republican. You doubtless are aware that he served in the capacity of Supervisor of Registration in the East Feliciana Parish of Louisiana at the November election, and we are informed was in a great measure instrumental in saving us the State. We would add that we believe him to be needy and deserving of some position. Hoping that you will favorably consider his claims, and accord him such aid as you consistently can, I am, yours truly,

P. B. CONN.

Office of *The Steubenville Daily and Weekly Herald.*

During the reading of the letter signed by "John W. Bulldozer," and the indorsement, the Republican members of the committee indulged in a laugh of satisfaction, and even the chairman and the Democratic members smiled as if in sympathy with the sentiments expressed by the anonymous correspondent.

A MYSTERY ENTIRELY CLEARED UP.

Mr. James McKinney, deputy-clerk of the Supreme Court of the United States, was then sworn and examined with regard to the identity of the envelopes and their contents (already received and examined by the committee), being the Electoral returns and papers connected therewith, which had been before the Electoral Commission. Mr. McKinney had been the secretary of that commission. He recognized and identified the envelopes and the indorsements thereon, some of the latter having been made by himself, and others by Mr. B. Cottell and Mr. George A. Howard, who had been his first and second assistants. The letters "N. C.," which had been a puzzle to the committee, were explained by him to be the initials of Nathan Clifford, president of the commission. The papers were all returned in the envelopes by him to the President of the Senate.

Mr. Blackburn (who had been absent from the executive session) desired to be informed about what had been done there. The chairman (having first received the consent of the committee) stated that the original election returns, so far as they professed to be original, had been compared with each other, and with the copies printed in the volume known as the "Count of the Electoral Vote," and that it had been found that the certificate which had been before Congress and before the Electoral Commission and which was called "No. 1," was the certificate first executed and bearing genuine signatures (where there was only one list of Electors and not two), that is, where they voted at the same time for President and Vice-President; and that it was also found that the certificate which contained two sets of Electors (that is, where the President and Vice-President were voted for separately), and to which, as Levissee testified yesterday, Levissee's name was forged, had not been printed in the "Count of the Electoral Vote" under the head of certificate No. 3 (which was its number), but that No. 1 (with some trifling alterations) had been printed as No. 3.

Mr. McMahon—You discovered in addition that the original paper, No. 1, had but one list of Electors?

The Chairman—I so stated.

Mr. McMahon—Whereas the improper returns had two lists, in accordance with the constitutional requirement?

The Chairman—The fact is that the certificate called No. 1 (printed on page 205 of the "Count") is the certificate that is admitted to be genuine, and that the certificate called No. 3, to which Levissee testified that his name was forged, is not a copy of No. 1, the difference between the two being that the one contains the vote cast for President and Vice-President (in the one form of certificate), while the other has them separately (in two forms).

Mr. Cox—That certificate No. 3 has been before the Electoral Commission, and has been printed as part of its record. It does not appear to have been objected to by anybody throughout that proceeding.

Mr. McMahon—That was because nobody suspected at that time that they were bogus or forged, and because there was no use in making the objection.

Mr. Cox—Mr. McMahon ought to withhold his conclusions about forgeries and everything else at a time when the testimony is incomplete. That is a matter which I suppose the committee will pass upon some day.

Mr. McMahon—I thought it had been agreed upon among members that the signature of Levissee in that certificate was not his handwriting.

The Chairman—Mr. McMahon spoke merely for the purpose of distinction when he called them bogus.

Mr. McMahon—That covers all the ground reached in the executive session.

The Chairman—Yes, that covers it entirely.

Mr. McMahon—I wanted our friends outside [meaning the reporters of the press] to get it in mass without getting it from members in detail.

Mr. Cox—I would state, however, that if that practice is to be allowed—of a member asking in open session what took place in secret session—the usual understanding of secrecy might as well be dispensed with altogether.

Mr. Reed—I shall understand, of course, that it is dispensed with.

Mr. McMahon—The proceedings of the secret session are all spread on the record, and will be printed to-morrow, so that there is no secrecy about them.

Mr. Blackburn—I saw that the stenographer was taking notes, and therefore I assumed that it was not properly the work of an executive session.

The Chairman announced that he had sent a message to Senator Ferry asking him to come before the committee, and that Mr. Ferry had sent word that it was not convenient for him to attend at present.

The committee thereupon adjourned to 11 o'clock to-morrow.

THE PARTISAN INQUIRY SOUTH.

MR. HISCOCK APPLIES TO HAVE REPUBLICAN WITNESSES SUMMONED AND IS REFUSED—YESTERDAY'S TESTIMONY.

JACKSONVILLE, Fla., June 7.—At the meeting of the Congressional Committee yesterday, Mr Hiscock offered a resolution that J. B. Bryant and J. W. Howell be subpœnaed to appear before the committee. Rejected, by the votes of Mr. Hunton and Mr Springer, the latter alleging that the testimony would relate to questions not within the jurisdiction of the committee. Mr. Hiscock also offered resolutions asking that several hundred persons in Alachua and Baker Counties be summoned. Rejected by the votes of the two Democrats of the sub-committee.

The testimony of William Green and Elisha W. Driggers was taken in regard to the canvass of Baker County. Driggers related the circumstances of his organizing a board to make the canvass. He said he had a right to do it. He told about throwing out the Johnsville and Darbyville Precincts, and said that the reason was that in the former the Inspectors had refused to allow a man to vote, and in the latter several illegal votes had been cast. Driggers denied that he was in collusion with any State officers. The members of the committee carried the questioning of this witness to a point of great minuteness.

The session this morning was unimportant. Bloxham was recalled and the returns of counties read, showing on the face a majority for Tilden Electors. Bloxham said he never was in telegraphic communication with Hewitt, Pelton or Havemeyer, and sent no dispatches in cipher to them, but if Raney or Pasco sent any in witness's name it was all right. He said he did not know who telegraphed under the name of "Max" or "Fox" or "River."

Samuel Pasco, late chairman of the State Executive Committee, testified to proceedings before the State Board of Canvassers in regard to the Baker County returns. He said he sent no telegrams in cipher out of the State. He did not know who Max, Fox