LOCAL MISCELLANY.

MRS. BERGMAN SANE BUT OBSTINATE.

Mrs. Elizabeth Bergman, whose flight from Philadelphia to this city caused some interest a month ago, was at Police Headquarters yesterday, and, it is believed, despite the denial of the police, stayed in her old quarters at Matron Webb's over night. In the course of the day she had several protracted interviews with President French, who endeavored to persuade her to return to her home and friends. Subsequently there was a long interview between President French and two men from Philadelphia, one of whom was Mrs. Bergman's guardian. This person insists that his ward should return, and in case of her persistent refusal, threatens coercion. The woman has given up the romantic delusion that caused her to come to New-York, and is perfectly sane. For a week after her departure from Police Headquarters she was a guest at the Park Avenue Hotel; then less expensive rooms were found for her by her guardian at a private boarding-house, No. 110 Fourth-ave., where she remained with her maid until yesterday. She was visited twice by her guardian, who urged her to return to her friends.

After the last interview with him yesterday she packed her trunks and went away, informing her landlady that she would go to Philadelphia with her mother. She sought refuge at Police Headquarters, where it was learned that her mother would arrive to-day. It is said that her husband, grieved at his wife's conduct, has renounced her and is about to return to Sweden alone. Mrs. Bergman's wealth has been greatly exaggerated. According to her own statement her income does not exceed $3,000 a year.

BRINGING THE RAILROADS TO TERMS.

Frequent meetings have been held by the Commissioners of Emigration since June last to devise means to protect the immigrants from being swindled by "runners" employed by the railroads to secure immigrant traffic. The railroad agents have been repeatedly requested to meet with the Commissioners and agree upon a plan which would bring the immigrants entirely under the supervision of the Commissioners. At a meeting of the latter, yesterday, Mr. Ulrich said: "It is time this railroad swindling was stopped. We have been allowing them to fool with us since last June. The railroad companies and the foreign steamship companies have had us in their complete control, and we propose to protect the interests we are charged with." A letter from the Pennsylvania Railroad was read, which said: "As it is the wish of the Commissioners to give immigrants the benefit of commissions paid on this class of business, we will, until further notice, allow 20 per cent, to competing points, from current rates, to all immigrants booked in Castle Garden over our road." A resolution was adopted that, in view of the offer of the Pennsylvania Railroad, the "bookers" be at once ordered to send all cash passengers by such roads only as make a similar discount. A representative of the Pennsylvania Railroad said last night: "We have been conservative too long, and as we cannot secure our quota of passenger traffic at full rates, we have been forced to resort to the proposed scheme. The movement will probably result in forcing the New-York Central and Erie Roads to terms."

ANCIENT RELIGIONS NOT DYING OUT.

The Rev. William F. Bainbridge, of Providence, who has been travelling for two years through the missionary fields of Europe and Asia, gave his views of the progress of foreign mission work in an address before the Baptist Preachers' Conference yesterday. He said that the popular idea that the ancient religions of the East are dying out was erroneous. Lying below the religions of Buddha and Confucius was an ancient superstition, which was almost impregnable. The revival of Buddhism was evident, and they had just erected a marble temple in Kioto, costing $200,000, which would adorn Fifth-ave. The speaker said the idols worshipped in the Hindoo temples were of the most shocking and obscene character. While in Hindostan he dined with several Brahmins of the highest caste who had been converted to Christianity. The English language, he said, was rapidly coming in favor in China and Japan, in which latter country he had addressed over fifty native young men who understood all his words. He said much good was expected by the Christian people of Greece from the introduction of the Bible in the Greek schools. He thought France needed American missionaries on account of the rationalistic and liberalizing spirit of the native Protestants. In conclusion he asserted that Americans, by reason of their training, made the best missionaries. He would not send unmarried men to do mission work, nor inexperienced young women.

STEEL BEAMS FOR THE BRIDGE.

The first shipment of the heavy steel beams to be used in the superstructure of the East River Bridge was received a few days ago. The difficulty encountered by the contractors in making beams of the proper size has greatly delayed work on the structure. In order to reach satisfactory results it has been necessary to make many experiments and to construct a large amount of special machinery. It was said by one of the engineers recently that the contractors, William Sellers & Co., would now be able to produce the beams rapidly, and that they would be made in advance during the winter months and placed at hand ready for use as soon as the weather next spring would admit.

It is expected that the approach on the New-York side will soon be completed, if the weather should permit, there being only 1,000,000 bricks to be laid and several boat-loads of stone. There is no work going on at present except on this approach near where it terminates at Chatham-st. Several of the non-bridges which are to span the breaks in the approach on the Brooklyn side have been contracted for and are making. As soon as the parts are finished they will be put in place. The iron bridge that is to span the gap from the New-York side at Franklin-square is the only piece of work that has not been contracted for. It will be let in a few days and be put in place before the completion of the superstructure. It is thought by the engineers that, barring accidents, the entire structure will be completed by early winter next year.

INWARD BOUND STEAMSHIPS.

The Cunard steamship Arizona, which arrived yesterday morning from Liverpool, made the quickest voyage that has been made for several weeks, being only a few hours over eight days from Liverpool, and about seven days from Queenstown. On no day did she make less than 350 miles, and her longest run to one day was 390 miles. The agents of the White Star Line sent tugs to sea yesterday to assist the disabled steamship Republic into port. She is expected to be signaled about a hundred miles east of Fire Island, and will probably arrive to-day.

The steamship Persian Monarch, from Glasgow, had a tempestuous voyage of eighteen days. Last Friday, while taking in the main topsail, John Whitaker, seaman, while attempting to connect the clew-lines with the steam-winch, was caught by the rope around the body and drawn into the machinery, his body being almost cut in two. Another seaman received injuries that will probably prove fatal.

STEERAGE PASSENGERS COMPLAINTS.

The Commissioners of Emigration have dismissed the complaint made by the steerage passengers of the Red Star Line steamship Switzerland, that the food furnished them was not good, that the quarters were filthy, and that the sexes were not properly separated. In reference to the complaints made by Herman Dupont and 180 steerage passengers who arrived by the steamship Ville de Marseilles, of the French Line, that the food was of bad quality and insufficient, that the sexes were not properly separated, and that the accommodations for steerage passengers were not good, the Commissioners find that the testimony justifies the opinion that the steerage passengers did not receive treatment to which they were entitled.

THE SEVENTH REGIMENT BALL.

The floral decorations in the halls of the 7th Regiment Armory, and the other preparations for the ball to-morrow night are now nearly finished, and the visitor to the building is reminded of the days which preceded the fair of 1879. It is expected that many fashionable and distinguished people will be present at the ball. The tickets have been carefully placed by the officers and members of the regiment. The committee has limited the number to be sold, so that the Armory cannot be overcrowded, and nearly all the seats are free. The entire third floor is in charge of Delmonico. The orchestra band numbers eighty pieces and the military band fifty.

KILLED BY A FALL FROM THE FENCE.

The body of Edward Donohue, a hackman, was found in the rear yard of the house at No. 224 West Twenty-seventh-st., yesterday. On his head were bruises that were at first suspected to have been made with a club. Upon investigation, however, the police became satisfied that he had fallen in attempting to climb over the fence into the adjoining yard, and in the fall had been killed. Donohue was single and of dissipated habits. On Thursday he was put out of his boarding-house at No. 228 West Twenty-seventh-st., and on the following day sold his hack for $20, which he spent in drink. It is supposed that he attempted to reach his old quarters by way of the rear door, when he met with the fatal accident.

THEY SHOULD HAVE BEEN KEPT AT HOME.

The Commissioners of Emigration were enabled to get rid of the burden of supporting thirty pauper immigrants yesterday by paying half their passage to Western homes. Eleven adults and seventeen children were sent to employment at Ironton, Ohio, and two others were sent to the Cameron Coal Company, Cameron, Penn. The Commissioners have a large number of robust destitute immigrants still on their hands at an expense to the State.

$10,000 FOR HELPING THE VICTORIA.

The agents of the Anchor Steamship Line and Funch, Edye & Co. have made a settlement for the services of the steamship Volmer in towing the disabled steamship Victoria from the Banks of Newfoundland to this port. It has been decided heretofore by the Courts that an agreement made at sea under stress of circumstances may not hold good in law. The agreement made between the two captains to pay $20,000 for bringing the Victoria into port was withdrawn by mutual consent, and $10,000 was awarded for the service, and paid.

A PHYSICIAN DIES OF DIPHTHERIA.

Dr. Wilbur F. Sandford, a well-known young physician in the part of Brooklyn known as Greenpoint, died on Sunday at the age of thirty-six, from diphtheria, at his home, No. 122 Oak-st. Thursday he performed the operation called tracheotomy, which consists in the insertion of a silver tube in the throat, for the purpose of relieving suffering, on a little girl sick with diphtheria. The false membrane in her throat filled the tube, and the child would have choked to death had not Dr. Sandford put the end of it in his mouth and cleared it of the obstruction, thus allowing the child to breathe. But the operation did not prove successful and the child afterward died. Friday Dr. Sandford was seized with a chill and symptoms of a malignant type of diphtheria followed. Despite the best medical skill, the sick man gradually grew worse, and died at an early hour Sunday morning.

Dr. Sandford was born in Middletown, Conn. He received his academic education in Wesleyan University, and his medical training in New-York. He was a member of the Kings County Medical Society, in the proceedings of which he took a prominent part. His widow and two children survive him. The body will be taken to Middletown, Conn., for burial. At a meeting of the Greenpoint Congress, a social and literary club of which Dr. Sandford was a member, last evening, appropriate resolutions were passed, and addresses paying tribute to his social and professional qualities were made.

The number of deaths from diphtheria last week in Brooklyn was fifty-one, an increase of six over the number of the week before.

THE ADDITION TO THE ASTOR LIBRARY.

The exterior of the new addition to the Astor Library building presents a finished appearance. With the addition of this wing and the addition of a story to the central part of the building a fine and imposing effect is created. The contract for the new wing calls for its exterior completion by May 1, 1881, but on account of the necessary fitting up within, including the erection of a large central staircase, it is not thought that the addition will be opened to the public until after the next summer vacation. The building then, although it will appear as a completed whole, will be in three sections, the first of which was built by the founder of the Library, John Jacob Astor. The second section was built by William B. Astor, and the uncompleted section is given by the present head of the Astor family.

It is not known precisely how many volumes there are in the Library, although the number is approaching 200,000. There have been no notable additions this year, but there has been the usual steady increase, the extent of which will be determined before the annual report is made at the close of this month.

The additional building is not designed for any special use. It is needed to meet the increasing demand for room, caused by the increase in the number of volumes and of visitors. It will furnish accommodation for 100,000 volumes arranged on the same plan that has been adopted in the rest of the building.

SUSPICIOUS INCREASE IN THE FIGURES.

The taxpayers of the town of Middletown, S. I., are excited over an alleged conspiracy to defraud them out of several hundred dollars. On Saturday the Town Auditor went to finish the work of preparing the abstract containing the claims against the town, so that it could be presented to the Supervisor in the afternoon. The Auditor concluded these labors and ordered the abstract sent to the Supervisors. Thomas Mills, one of the Auditors, was present when the Supervisors received the document, and after looking over the abstract he made the announcement that a number of figures had been altered so as to increase the original total amount several hundred dollars. Mills declared that the change had been made after the paper had passed through the Auditor's hands. The Supervisors at once sent for the duplicate of the abstract on file in the Town Clerk's office. This was found to correspond in every respect with the original. The Supervisors resolved that the town officers be called upon to make an investigation, which was begun yesterday. One of the officers said last evening that there was no doubt as to there having been crooked work and implicated more than one person. He was of the opinion that it would not take long to discover the guilty persons. Whom he suspected he would not state.

ONE RESULT OF A DRUNKEN FIGHT.

Jeremiah Murphy, the sixth of the fifteen men indicted for various degrees of murder or manslaughter, who are being tried at the present term of the Court of Oyer and Terminer, was arraigned before Justice Barrett yesterday. He was indicted for manslaughter in the first degree for killing Michael Acton in front of a liquor store in South-st. September 7, 1880. There was some question whether the prisoner intended to kill Acton, or how far the latter had provoked him to his action. Murphy made a plea of guilty of manslaughter in the third degree, and it was accepted. Justice Barrett said that while the killing seemed to have occurred in a fight, yet as the prisoner had inflicted seven wounds with a pen-knife, the punishment that could be inflicted under his plea would be inadequate for his punishment. He was sentenced to the State Prison for four years. The widow of Acton fainted in the court-room.

ENTERTAINMENTS NOT TO BE GIVEN UP.

It has been reported that the Metropolitan Concert Company had suspended operations. This, the officers of the company state, is a mistake. The orchestra concerts lately given at that place were not as successful as was anticipated, owing to the fact that Theodore Thomas was unable to lead more than three nights each week. His engagements with the Philharmonic Societies of New-York and Brooklyn and his chorus rehearsals made it impossible for him to go there oftener. The company had already rented the hall for several balls before arrangements were made with Mr. Thomas. Hence the regular series of entertainments is temporarily suspended. The company is anxious to secure the services of Mr. Thomas for a series of concerts to begin at an early date; but, owing to his other engagements, it is doubtful whether he can accept the offer. But the company intends in any case to go on with its concerts; and claims that any report of its suspension is without foundation.

A. M. PALMER'S PLANS.

A. M. Palmer, manager of the Union Square Theatre, said yesterday that, notwithstanding all reports to the contrary, he had not yet decided upon a situation for his new theatre. Several good sites have been offered to him, but he does not feel under the necessity of hurrying in his choice. He has made two important additions to his company by engaging Frederick DeBelleville, a California actor, and Kyrle Bellew, of London. Mr. Bellew is an English actor, and played *Orlando* in "As You Like It" with Miss Neilson during her last engagement. He was formerly a member of the Lyceum Theatre company, in which he supported Henry Irving. Mr. Bellew arrived in this city yesterday morning, and will appear in the new play, "The Creole."

NOT GUILTY OF WICKED INTENT.

Christopher Riley, a stage-carpenter, and John O'Callahan, a carpenter employed at the Park Theatre, in July last had some hot words which led to blows. Riley hit O'Callahan twice on the head, when the latter picked up a chisel from a workbench and used it in his defence. The men clinched, fell and rolled over each other several times. In the scuffle Riley was terribly cut with the chisel in ten places. He was in the hospital for six weeks. O'Callahan was tried yesterday in the Court of General Sessions on a charge of assault with intent to kill. He was found guilty of common assault, and the jury recommended him to mercy. Sentence was deferred until to-day.

JUSTICE SMITH'S FIRST PRISONER.

Peter Coyle, of No. 521 West Twenty-third-st., was arrested Sunday night by Officer Clark, of the Thirtieth Street Police, for intoxication, and was the first prisoner arraigned before Justice Solon B. Smith, at the Jefferson Market Police Court, yesterday.

"You are charged with being drunk, Coyle. What have you to say?" said the Justice.

"I cannot deny the charge, Judge, but be easy with me, I have a wife and —"

"Go home," said the magistrate; "you are my first victim, and I will let you go."

ONE POLICY DEALER PUNISHED.

Edward Thompson, a policy dealer at No. 127 East Broadway, pleaded guilty in the Court of General Sessions yesterday to a charge of selling a policy slip to Catherine Kirby for 10 cents. In passing sentence Judge Cowing said it was about time that policy playing was stopped in New-York City, especially among women and children. He sentenced the prisoner to the Penitentiary for thirty days.

SINGULAR TASTE OF THE CROTON.

Complaints have been made of late that there is a peculiar taste in the Croton water. In the Engineer's Office of the Department of Public Works it was stated yesterday that this was caused by the melting of the snow which has fallen in the Croton River watershed, and the washings of the streams which had become very low in consequence of the long drouth of last summer and fall. No serious annoyance is anticipated from this cause.

WORLD'S FAIR MEETING.

The Executive Committee of the United States International Commission held an informal consultation yesterday afternoon. No action was taken. At a meeting to be held Wednesday afternoon the Committee on Subscriptions will report upon a plan of systematic canvassing among the various business interests of New-York, and the Committee on Sites will report the result of its conference with the transportation interests.

EPISCOPAL CONSECRATION.

The Rev. Dr. J. A. Paddock, rector of St. Peter's Protestant Episcopal Church, who was recently elected Bishop of Washington Territory, will be consecrated to-morrow at 11 in St. Peter's Church, at State and Bond-sts., Brooklyn. Among those to participate in the services will be Bishops Smith, Potter and Lee, the Rev. Drs. W. B. Stevens, C. H. Hall and W. A. Suively. It is hoped that Bishops Clarkson, Tuttle, Starkey and Morris also will be present.

THE SILVER COIN COUNTERFEITERS.

CONDITION OF OFFICER SLATER—WHY ROGUES DO NOT LIKE TO SIT FOR THEIR PICTURES.

John Slater, an officer of the United States Secret Service, who was stabbed in a Brooklyn photograph gallery by Andrew Yates, a counterfeiter and ex-convict who did not wish to have his picture taken, was pronounced out of danger yesterday by the physicians in the Long Island College Hospital. Yates will be arraigned before Police Justice Walsh for felonious assault. He will doubtless attempt to justify it as self-defence.

It is denied that officers have any legal right to insist that a man who is under arrest shall sit for his photograph. The practice of the Brooklyn police is to take a man to a photograph gallery to secure his picture. Most prisoners make no resistance, supposing that they must submit; but many assume distorted positions or twist their countenances out of shape. But if a prisoner makes objection, under the instructions of Superintendent Campbell no force is allowed to be used, although the officers frequently attempt to persuade prisoners to have a picture taken. Of several notorious Brooklyn criminals no pictures exist. When the United States officers attempted to force Yates to sit for his picture he declared that he was an innocent man and would not submit. As he has been well known as a criminal his reason for this strenuous objection is not known, unless he fears to be recognized for some crime of more magnitude than the one he is under arrest for.

Yates and Joseph Scinseth, alias Parker, who were arrested in Brooklyn, will be examined in regard to their connection with the counterfeiting scheme before United States Commissioner Allen, in Brooklyn, this morning. It is claimed that positive evidence exists against them, as well as against the other members of the gang arrested in this city.

Barrent B. S. Barnard and William Runyon, two counterfeiters of silver coin, arrested last week by United States Secret Service officers, were before Commissioner Shields, of this city, yesterday, for examination. They pleaded not guilty, and their examination was postponed until to-day.

VOTING REGULARLY, BUT NOT CITIZENS.

The operation of the Registry law in some towns of Westchester County at the last election brought to light some remarkable facts. Frederick Acorn, a German, has been a resident of the Town of Greenburgh for about twenty years, and has voted regularly. He has also held office as Inspector of Election. On March 2 he was elected Receiver of Taxes for the town and duly qualified as such, although he was not then a citizen and did not become a citizen until October, when he took out his naturalization papers in Yonkers. When he applied to be registered as a voter and his naturalization papers were called for, the fact that he had been sailing under false colors for about twenty years was brought out. The town authorities are taking advice as to the proper course to be pursued in the matter. Charles Adams is the present Receiver. His term of office will expire January 1, 1881, but it is probable that he will be permitted to hold over until his successor shall be elected at the ensuing spring election.

John Lee, a native of Ireland, has been for twenty-three years a resident of the Village of Hastings-upon-Hudson, where he keeps a feed store and carries on business as a florist. He has voted regularly, it is alleged, at every election, and at the last charter election he was elected one of the Trustees of the Village, although he did not become a citizen until October, when he obtained his naturalization papers. This fact was also brought to light when he applied to be registered as a voter.

SEEKING THEIR OWN PROTECTION.

At the regular monthly meeting of the Taxpayers' Central Committee, last evening, at No. 340 Third-ave., it was resolved to concur in the action of the Tenth, Eleventh and Seventeenth Ward organizations, recommending members to use their influence with their Senator and Member of Assembly to have a law passed giving the Superintendent of Police power to appoint citizens as vigilance committemen, without salary, to prevent bonfires and thefts of private property on election day and at other times of excitement. A committee was instructed to ask the Police Commissioners to have the policemen detailed on steamboat piers and at stores and depots removed and assigned to the protection of the streets. A committee was appointed to watch the Board of Apportionment and endeavor to prevent excessive appropriations. James E. Serrell said that he had endeavored to speak before the Senate Committee on five different departments of city taxation, but was not allowed to be heard. He consequently sent in a table of city expenses, compared with previous years, but as yet no notice had been taken of it. Dr. M. J. B. Messemer, chairman of a committee appointed to bring certain needed reforms before the Senate Committee, made a report. A committee was appointed to confer with other similar associations, and jointly bring before the Senate Committee the criminal worthlessness of sewers in the new districts, and the needs of reform in the Dock Department.

BURIAL OF PHILIP LEADBEATER FRENEAU.

The funeral of Philip Leadbeater Freneau took place yesterday at St. Thomas's Episcopal Church, at Fifth-ave. and Fifty-third-st. The Rev. Dr. William Morgan, rector of the church, read the service. The pall-bearers were William M. Gawtry, Peter V. King, Floyd Bailey, Alanson M. Wilcox, Francis Bolting, and William A. Hawkins. Many of Mr. Freneau's former friends were present. After the reading of the burial service the remains were taken to the cemetery in Second-st. Mr. Freneau was the head of the firm of P. L. Freneau & Co., woollen merchants, at No. 605 Broadway. He was the son of the late Edward Leadbeater Freneau, and grandson of Philip Freneau, the satirist of Revolutionary fame.

A BROOKLYN CHURCH FREED FROM DEBT.

The amount of the debt resting on the Classon Avenue (Brooklyn) Presbyterian Church, of which the Rev. D. R. Frazer is pastor, was raised by subscription Sunday. It consisted of pew ownership of $35,000, on which interest was paid, and a mortgage of $28,000, to which figure it was reduced from $50,000 during the pastorate of the Rev. Dr. J. T. Duryea, now of Boston. Sunday morning the proposition of the pew-owners to surrender their rights if the congregation would raise the $28,000 was made, and a little more than $29,000 was promptly subscribed, thus freeing the church.

PICTURES OF ENGLISH CATHEDRALS.

A large audience assembled at Chickering Hall yesterday afternoon to listen to the fifth of the course of illustrated lectures by the Rev. Dr. Newland Maynard. The subject was "Northern and Midland Cathedrals of England." The entertainment consisted of an address and stereopticon views showing the exteriors and parts of the interiors of the principal cathedrals. Before displaying the views, Dr. Maynard gave a sketch of the different kinds of architecture. The lights were then extinguished and the pictures were thrown on a screen.

WOUNDED AND ILL WITH SMALL-POX.

Eugene Gordon, a laborer, was found yesterday morning intoxicated and suffering from a scalp wound, at No. 58 Oak-st. An ambulance was sent for and he was taken to the Chambers Street Hospital. In about an hour after he was taken to the hospital an eruption of small-pox appeared on his face and body. The Board of Health was informed and the patient was at once removed to the Small-Pox Hospital. Precautions against the spread of the disease were taken at the Chambers Street Hospital by disinfecting the ambulance and the ward.

Another case of small-pox was reported yesterday from No. 5 Mulberry-st. The case was attended to.

AN IMPATIENT LEGATEE.

John Riegelmann, a builder, worth about $100,000, died a few months ago in this city. His will, made in 1871, gave the use of his entire estate to his widow until the youngest of the four children should reach the age of twenty-one years, then the property was to be equally divided between the widow and the surviving children. John Riegelmann, the oldest child, began a contest of the will, being unwilling to await the time when he could obtain the money under the will. At the hearing before Surrogate Calvin yesterday, testimony was introduced to show that intemperance had affected Mr. Riegelmann's mind. George Schuster, an Avenue-A liquor-seller, testified that about the time the will was made Mr. Riegelmann was accustomed to call at his place to drink nearly every night. He would drink from ten to fifteen half-"schoppen" of Rhine wine, or from four to five bottles. When he was in trouble he would drink still more. Other witnesses gave similar testimony. The case will be continued December 16. Boardman & Boardman appear for the proponents, Cardozo & Newcombe for the contestant.

VALUE OF A BROKEN LEG.

Francis C. Thomas fell down on an icy pavement in front of No. 422 Grand-st., in January, 1877, and broke his leg. He sued the city for $6,000 damages, and on the first trial, before Justice Van Vorst, last spring, the complaint was dismissed on the ground of the plaintiff's contributory negligence; although the plaintiff knew that the place was dangerous he walked over it, instead of around it, or going across the street. There was a second trial yesterday before Justice Donohue. It was shown that the icy place consisted of covered only a small portion of the sidewalk, and that it was possible to walk in safety either between it and the house line or between it and the gutter. On this testimony the complaint was dismissed again. H. J. Appel and J. H. Gross appeared for the plaintiff; Assistant Corporation Counsel Fellows for the city.

Little Boy—"Grandmamma, has my rocking-horse got rheumatism?" Grandmamma—"No, my love. Why?" Little Boy—"Because its legs are stiff like yours."

XLVIth CONGRESS—IId SESSION.

REGULAR REPORT OF PROCEEDINGS.

THE SIGNAL SERVICE TO BE INVESTIGATED—THE SENATE DISCUSSING THE FITZJOHN PORTER BILL—OBJECTIONS TO GENERAL GARFIELD'S SUCCESSOR IN THE HOUSE—THE ELECTORAL COUNT DEBATE.

SENATE.....WASHINGTON, Dec. 13, 1880.

In the Senate to-day the following bills were introduced and referred:

For the erection of a public building at Pensacola, Fla.
For the erection of a Hall of Records in Washington.
To refund fees in cases of void registration of trade-marks.
Making the trade dollar a legal tender.
Relative to conflicting rights on public lands.
To authorize a charge for melting or refining bullion when above the standard.
For the erection of a public building at Denver.
In regard to the suppression of pleuro-pneumonia.

The following resolutions were offered and agreed to:

Directing estimates to be made of the cost of deepening the entrance to St. Jerome's River, Md.
Asking for information in regard to trichinæ in swine.
Directing a report on the feasibility of using electric lights in the Capitol building and grounds.

Mr. HAMLIN (Rep., Me.) was at his request excused from service on the Civil Service Committee.

Mr. VEST (Dem. Mo.) offered the following resolution:

Resolved, That the select committee to examine the different branches of the civil service be instructed to inquire into the propriety of such legislation by Congress as may require the filling of vacancies in the signal corps above the rank of sergeant by promotion from said corps or by appointment to such vacancies of officers from the Navy of the United States, and that said committee report by bill or otherwise.

Mr. EDMUNDS (Rep., Vt.) thought the investigation, if made, should be by the Committee on Military Affairs rather than by the Committee on the subject to the Military Committee. His reason was that Army officers are neither by education nor by their habits of life peculiarly adapted to this service, while Naval officers are. It ought at least to be shown why these appointments must be from the Army. The Committee on Civil Service was the proper one to consider it.

Mr. DAWES (Rep., Mass.) thought a general revision of the Weather Bureau might be advisable.

The resolution was amended to read "from the Army or Navy," and naming the Military Affairs Committee instead of the Civil Service Committee to make the inquiry, and as so amended was adopted.

On motion of Mr. RANDOLPH (Dem., N. J.) the bill for the relief of Fitz John Porter was taken up by a vote of 35 to 15, Mr. LOGAN (Rep., Ill.) calling for the yeas and nays. The vote was partisan, except that Mr. Hoar (Rep., Mass.) voted aye.

Mr. RANDOLPH offered an amendment differing from the one announced by him a few days ago in that it not only authorizes the President to restore Porter to the Army with rank not above colonel on the retired list, but also relieves Porter from the disability of disfranchisement and incapacity to hold office imposed by the sentence of the court-martial.

Mr. EDMUNDS (Rep., Vt.) moved to amend by inserting the words "within one year from the passage of this act and not thereafter." Rejected by a party vote, except that Messrs. Davis (Dem., Ill.) and McDonald (Dem., Ind.) voted aye.

Mr. CARPENTER (Rep., Wis.) argued against the bill on constitutional grounds.

Mr. McDONALD (Dem., Ind.), on the other hand, believed that Congress had plenary power over everything connected with the Army.

Mr. HEREFORD (Dem., W. Va.) regarded Mr. Carpenter's doctrine as subversive of the free government insured by subordination of the military to the civil power. In this connection he referred to the recommendation in the President's Message that the office of Captain-General be created and coupled General Grant's name with the question.

Mr. CARPENTER—Does the Senator say that the recommendation is for authority to make General Grant Captain-General?

Mr. HEREFORD—The language conveys that id a.

Mr. CARPENTER—I should certainly vote against such a bill.

Mr. HEREFORD—It does not mention him by name.

Mr. CARPENTER—Oh, that is the whole point. I do not question that Congress might pass a law saying the President should have power to appoint all officers of a certain grade in the Army, but I say that Congress cannot pass a law saying the President may appoint John Smith a colonel in the Army, for instance. That is exercising the power of appointment; the other is merely creating an office.

Mr. HEREFORD—Congress can authorize the appointment of any public servant by name.

Mr. THURMAN (Dem., Ohio) stated his opinion that the court-martial had no right to impose disqualification to hold office. The power given Congress to maintain an Army and provide regulations for it, covers the power to say who shall or shall not hold offices in the Army. He referred to the case of Surgeon-General Hammond, who was restored to the Army.

Mr. CARPENTER responded that the Hammond bill merely authorized the reinstatement of Hammond if the revising power could reverse his sentence. The case was thus not analogous to Porter's.

Mr. THURMAN then cited the cases of Major Collins, Major Sinclair and others.

Mr. LOGAN (Rep., Ill.) stated that the men mentioned by Mr. Thurman were nominated, and their names sent to the Senate for confirmation. He pointed out in what the cases were not like Porter's.

Mr. CARPENTER said it was dangerous to disregard the Constitution even in small matters. He had been very serious statements to-day. He would ask the Senator from Indiana (Mr. McDonald) if in his opinion Congress could discharge General Sherman to-morrow.

Mr. McDONALD did think so, and not only General Sherman, but every person in the Army, except the President, is Commander-in-Chief.

Mr. CARPENTER remarked that the Senate was then driven to the ground that General Sherman was not one of the "officers of the United States," which, by the Constitution, the President was authorized to appoint.

Mr. McDONALD claimed that he was driven to no such ground. His ground was that the Army was provided for in a totally far part of the Constitution, which gave the whole subject to Congress.

Mr. CARPENTER said that authority was there given Congress to establish an Army, just as authority was given it to establish inferior courts. But no authority was given to appoint officers of the Army or judges of the courts. There was also authority to make regulations for the government of the Army, but no authority to govern the Army. He reiterated his argument that a sentence passed by a constitutional court of final record, including courts-martial, was not reversible. The President can pardon, but this bill would be an usurpation of power.

Mr. VOORHEES (Dem., Ind.) denied the proposition that the sentence of a court martial was a final judgment. He referred to bills formerly passed by the Senate relieving persons from the sentence of courts-martial. One of the bills was signed by Mr. Carpenter as President pro tem. of the Senate.

Mr. CARPENTER remarked that the official act of signing a bill was no expression of opinion. The alien and sedition laws passed Congress, though Mr. Carpenter supposed every Democrat would jump out of his stockings at the idea that they were constitutional. [Laughter.]

Mr. VOORHEES thought it was singular that the unconstitutionality of this kind of legislation had not been discovered until this part-cular case came up. He read a general order of Secretary of the Navy Borie, revoking the sentence of a naval court-martial upon Commander Bacon on the ground that nothing in the record of the court justified the sentence. Bacon's pay during suspension was also allowed him.

Mr. LOGAN said that in the absence of proof to the contrary, the supposition is that the sentence was not approved, and that the revocation was the regular form of disapproval.

At this point a motion for an executive session prevailed, and when the doors were reopened the Senate adjourned until to-morrow.

HOUSE OF REPRESENTATIVES.

In the House to-day the credentials of E. B. Taylor, as member-elect from the XIXth District of Ohio (General Garfield's district), were presented. The credentials having been read, Mr. HURD (Dem., Ohio) objected to Mr. Taylor being sworn in, and moved that the credentials be referred to the Committee on Elections.

Mr. McKINLEY (Rep., Ohio)—On what grounds?

Mr. HURD stated that General Garfield had been elected from the XIXth District as it had been composed under the law of 1878. In 1880 the law of 1878 had been repealed and new district created. The ground upon which Mr. Taylor rested his claim was that the vacancy which had been created by the resignation of Mr. Garfield from the old XIXth District might be filled by the election held within the territory which had formerly composed that district. This claim, he submitted, was without foundation. Let the Legislature of Ohio bear the blame, and let not the House seat a man elected from a district which had no existence.

Mr. McKINLEY argued that, assuming that there was any force in the objection made by his colleague (Mr. Hurd), the member-elect had a prima facie right to his seat. The objection should go to the Committee on Elections; but in the meantime the member-elect should not be deprived of his right to represent the XIXth District. But even on the merits of the case, the House must on a vote award the seat to the member-elect, inasmuch as the law of 1880 had reference merely to the XLVIIth and future Congresses and not to the XLVIth Congress.

Mr. HARRIS (Dem., Va.) contended that the certificate of election presented a prima facie case. He claimed to be a State Rights man, and when a proper officer of a State certified that the law had been complied with, every State Rights man must presume that the law was complied with.

Mr. STEPHENS (Dem., Ga.) trusted that the objection would be withdrawn, and the member-elect permitted to be sworn in.

After some further discussion Mr. Hurd withdrew his objection, and Mr. Taylor, having qualified, moved that the credentials be referred to the Committee on Elections, which motion was agreed to.

The following bills and resolutions were introduced:

To restore to the public domain lands withdrawn for the benefit of the Oregon and California Railroad.
In relation to consular fees and to the immediate transportation of dutiable goods.
Authorizing a charge for refining bullion when at standard.
To equalize the pay of retired rear-admirals.
To provide for the regulation of commerce.
Proposing a Constitutional amendment on the subject of free schools and election.
To amend the Pension laws.
To regulate proceedings in the United States Courts.
To reduce the postage on letters to 2 cents per half-ounce.
To reform the Civil Service.
Imposing a duty on fresh-water fish, imported, when caught in Canadian waters.
Consolidating the Bureaus of Military, Justice and the corps of Judge-Advocates of the Army.
Repealing the laws requiring steam vessels while towing to carry certain lights.
For the erection of a statue to Chief-Justice Marshall.
Providing for a commission to readjust the tariff.
Regulating the export tax on tobacco.
For the construction of a ship canal across Charleston Neck.
Authorizing the retirement of commissioned Army officers who have served fifteen years.
To terminate the existing treaties with the German Empire and providing for a new treaty.
Authorizing the exchange of documents with the French Republic.

By Mr. MYERS (Dem., Ind.)—Calling on the Secretary of the Treasury for information covering all payments of every description made to U. S. Grant by the United States from the time of entering the Military Academy at West Point to March 3, 1877.

By Mr. CRAPO (Rep., Mass.)—A resolution declaring that the construction of an interoceanic canal connecting the waters of the Atlantic and Pacific Oceans by means of foreign capital under the auspices of or through a charter from any European Government is hostile to the established policy of the United States, and cannot be assented to by this Government.

Mr. CRAPO desired to have the resolution sent to the Committee on the Interoceanic Ship Canal.

Mr. COX (Dem., N. Y.) said the Foreign Affairs Committee had reported already a resolution on this subject, and the American Republic was disgraced because the American Congress had not acted on that report.

Mr. KING (Dem., La.), chairman of the Interoceanic Canal Committee, said a resolution similar to that had been reported to the House by that committee, and it was to the shame of the American people that no action had been taken upon it.

The Resolution, by a vote of 94 to 64, referred the resolution to the Foreign Affairs Committee.

Mr. KELLEY (Rep., Penn.) introduced a bill providing for the payment of the bonds falling due in 1881, but subsequently withdrew it, stating that he would offer it as a substitute for the funding bill, when that bill was under consideration. It authorizes the Secretary of the Treasury to issue Treasury notes to the amount of $400,000,000 in denominations not less than $10, bearing interest at the rate of 3 per cent per annum; and bonds to the amount of $237,000,000 bearing interest at the rate of 3 per cent per annum, and redeemable at pleasure.

Mr. CALKINS (Rep., Ind.) offered the following resolution, which was unanimously adopted:

Resolved, That the sympathy of this House is hereby extended to the unhappy laboring class of Ireland in its effort to effect a reform in the present oppressive tenant system prevailing in that country.

Mr. LOWE (Dem., Ala.) asked leave to offer a resolution for the appointment of a committee to examine into matters relating to the exercise of the electoral franchise in certain States, so far as the same may be in violation of the Constitution.

Mr. MORSE (Dem., Mass.) objected.

Mr. CONVERSE (Dem., Ohio), chairman of the Committee on Public Lands, reported a bill for the relief of the bona-fide settlers and preemptors on the public lands. Referred.

Mr. BICKNELL (Dem., Ind.) then called up the "Electoral Count" resolution.

Mr. F. WOOD (Dem., N. Y.) said that seeing that there was no possibility of a speedy termination of the pending debate, he would move that the House go into committee on the Funding bill.

Mr. BICKNELL—I propose to close the debate to-day.

Mr. CONGER (Rep., Mich.) did not know on what authority the gentleman assumed that the debate was to close to-day.

Mr. F. WOOD—I give notice that after to-day I shall insist on the question being taken on my motion.

Mr. REAGAN (Dem., Tex.) gave notice that at the conclusion of the pending discussion he would press the Inter-State Commerce bill.

The House then resumed the consideration of the electoral count resolution, and was addressed by Mr. WHITE (Rep., Penn.), who appealed to the gentlemen of the South to stop this senseless discussion which had been worn threadbare.

Mr. FINLEY (Dem., Ohio) said that he had no doubt that if there was not a Republican in either House of Congress on the 4th of March, 1881, Mr. Garfield would be inaugurated President of the United States, and he therefore could not understand why it was that the Republican party had combined to defeat the passage of the resolution. The Democrats of the House had invariably gone back on their propositions, and made a laughing-stock of the Democratic party. [Laughter on the Republican side.] It was because his side had not the backbone to stick to the right. If he began to fight he was ready to stand here until Gabriel should blow his trumpet, or the resolution should be acted upon if no other business was done in the meantime. Either back out now or start in and stay to the end.

Mr. DAVIS (Dem., N. C.) repeated a statement that the Republican candidate for President in 1876 had been counted in upon a forged certificate from the State of Louisiana.

Mr. REED (Rep., Me.) denied that the vote of Louisiana had been counted on a forged certificate.

Mr. DAVIS reiterated his statement, and after some further debate the subject was dropped, and the House, at 5 o'clock, adjourned