THE FIFTY-FIRST CONGRESS.

SENATOR PASCO SPEAKS AGAINST FEDERAL CONTROL OF ELECTIONS.

Then Senator Chandler Waves the Bloody Garment—Senator Ingalls's Speech Postponed on Account of an Attack of La Grippe—The World's Fair Special Committee Announced.

WASHINGTON, Jan. 20.—Among the petitions presented in the Senate to-day and referred were the following: From the American Federation of Labor in favor of the Blair Education bill; in favor of a service pension law to all surviving soldiers of the late war; for the repeal of the limitation on arrears of pensions; for the free coinage of silver; for a law to prohibit speculations in grain and other farm products.

Among the bills reported from committees and placed on the calendar were the following: To provide for the admission of the State of Wyoming into the Union; to provide a temporary government for Oklahoma.

Mr. Spooner offered a resolution, which was adopted, instructing the Secretary of the Interior to inform the Senate whether it is true that the Indians within this jurisdiction of the La Pointe Agency, in Wisconsin, are in a state of destitution and suffering. Bills were passed increasing to $2,000,000 the amount of cost for a public building in Milwaukee, Wis., (and appropriating $800,000), and to constitute Minneapolis a sub-port of entry and delivery.

Mr. Pasco then addressed the Senate on the paragraph in the President's message relating to Federal control of elections. He said the bill was a scheme to seize the electoral machinery of the States. The power of the general Government over State elections had been sparingly exercised in the past. No political party would have dared before the war to enter on a political campaign with a plank in its platform claiming the right to exercise control over elections in the States. The message of the President contained no syllable in favor of free and honest elections, except as to the suppression of the votes of colored people at the South. There was no evidence before the country of any such suppression. None had been communicated to Congress. It was simply a matter of inference. He presented some election statistics from Eastern, Western, and Southern States to prove that "the silent voter is increasing in every section of the country." In conclusion he said that his voice and vote would be given in favor of standing by the methods of election which had come down from the days of Washington and Jefferson.

Mr. Chandler in reply said that the Senator from Florida had complained of the character of some citizens of the South who had come North as witnesses concerning political outrages, and who might be termed a "silent voter." That man was John Burr, a colored citizen, who in October last, having been to Jacksonville as a witness concerning political outrages, was killed on his return to Madison county by the Democrats of that county, on account of the testimony which he had given.

Mr. Chandler sent to the Clerk's desk and had read statements published in the Jacksonville *Republican* showing a bad state of affairs in Florida, which showed that it was substantially true that throughout nearly half of the State of Florida the United States laws were defied, and that in Madison county it was impossible for the Marshal of the United States to serve the process of United States courts. Mr. Chandler also referred to the driving by masked Democrats from his home in Jefferson county, Fla., of J. G. Cole, because he was a prominent Republican, and he hoped the Senator (Mr. Pasco) would inform the Senate whether he did not consider such transactions as these reasons why it would be wise and judicious for the Government of the United States to pass some law for the protection of Republican voters, and for fair elections in the South for Representatives in Congress.

Mr. Pasco said he would not follow the Senator from New Hampshire through his ramblings from his scrap book; but he expressed the belief that the elections in Florida, ever since the memorable one of 1876, were as fair, as peaceful, and as quiet as they were in New England. It was not surprising that there were some irregularities there, because the Senator (Mr. Chandler) had been one of the principal agents in the Florida election fraud in 1876, and the demoralization resulting from that had not entirely disappeared.

The allusion to his course in Florida in 1876 was taken up by Mr. Chandler, who denied the charge that he then approached the Chairman of the State Canvassers and promised that, if the State was canvassed for Hayes, the majority of the Returning Board would be taken care of. He denied that statement absolutely, and declared that the friends of Mr. Hayes resorted to no extraordinary means on that occasion.

Mr. Pasco said that the charge had been often made and printed and that this was the first time that it had been denied.

Mr. Ingalls said that it had been his purpose to address the Senate to-morrow on the general subject discussed by the Senators from Alabama (Morgan), South Carolina (Butler) and Florida (Pasco), but he was suffering from the prevailing malady to such an extent that he should be unable to do so. He gave notice, however, that on Thursday at 2 o'clock he would move the consideration of Mr. Butler's bill for the purpose of making some observations thereon.

The Senate then went into executive session, and at 4 P. M. adjourned.

House of Representatives.

The Speaker appointed the World's Fair Committee as follows: Messrs. Candler of Massachusetts, Hitt of Illinois, Bowden of Virginia, Belden of New York, Frank of Missouri, Springer of Illinois, Hatch of Missouri, Wilson of West Virginia, and Flower of New York. On the location for the Fair the committee stands as follows: For Chicago, Hitt and Springer; for St. Louis, Hatch and Frank; for New York, Belden and Flower; for Washington, Bowden and Wilson. The Chairman, Mr. Candler, is satisfactory to all the contending parties as one not committed to the interests of any particular city.

Mr. Oates of Alabama offered a resolution instructing the Sergeant-at-Arms to ascertain from the books of the late Sergeant-at-Arms the amount due members of the House for salaries for months prior to November, 1889, and draw from the $63,000 now in the custody of the Treasury of the United States a sufficient amount to pay such undrawn salaries, and requesting the Treasurer to allow the withdrawal of such sum. He asked unanimous consent for the immediate consideration of the resolution, contending that the only money embezzled consisted of the November salaries.

Mr. Payson of Illinois objected, and the resolution was referred to the special Silcott committee.

Mr. Stone of Kentucky offered a resolution for the payment of the special deposits in the Sergeant-at-Arms's office, which was also referred.

The following bills and resolutions were introduced and referred:

By Mr. Butterworth of Ohio—Defining options and futures and imposing a special tax on all dealers therein.

By Mr. Lehlbach of New Jersey—To regulate the coinage of gold and silver.

By Mr. Morrow of California—To prohibit absolutely the coming of Chinese into the United States; also to place the American merchant marine engaged in the foreign carrying trade on an equality with that of other nations.

By Mr. Cowles of North Carolina—Instructing the Ways and Means Committee to report a bill to repeal the tobacco tax.

By Mr. Stewart of Texas—To promote reciprocity between the United States and Mexico.

By Mr. Cummings of New York—To restore certain officials of the House to their former places on the roll.

By Mr. Conger of Iowa—Authorizing the issue of Treasury notes on deposits of silver bullion. (Secretary Windom's bill.)

By Mr. Springer of Illinois—A resolution providing that on Thursday, the 23d inst., the Clerk shall call the roll of members, and each member shall indicate his choice for the location of the World's Fair. If no place shall receive a majority of all the votes cast, the roll shall then be repeated until one place shall receive a majority of the votes cast. The place having been selected, the special committee shall report a bill locating the Fair at the place selected, which bill shall be privileged and shall be considered from day to day until disposed of. Referred to the special committee.

By Mr. Baker of New York (by request)—To organize the Indian Territory.

By Mr. Wilson of West Virginia—The Washington World's Fair bill.

Mr. Boatner of Louisiana offered a resolution abolishing the offices of bookkeeper, cashier, and teller in the office of the Sergeant-at-Arms, on the ground that the House has by vote decided that Silcott was a private agent of members. Referred.

Mr. Kerr of Iowa offered a resolution providing for the disposal of the funds found in the office of the late Sergeant-at-Arms as follows: 1. To pay special depositors. 2. To pay salaries due prior to November. 3. To prorate the balance among the members to whom the November salary is due. Referred.

The House then went into Committee of the Whole (Mr. Burrows of Michigan in the chair) and discussed the Oklahoma Town Site bill.

When the committee rose Mr. Dunnell of Minnesota, from the Committee on the Eleventh Census, reported back the Senate bill increasing the minimum compensation of Supervisors of Census from $500 to $1,000. Passed—Yeas, 105; nays, 88.

Mr. Tracy of New York, from the Committee on Commerce, reported the bill constituting Albany a port of immediate transportation. Passed.

Mr. Hitt of Illinois from the Committee on Foreign Affairs reported back the various World's Fair bills, and they were ordered to the special committee having charge of the subject. The House then adjourned.

LIVE WASHINGTON TOPICS.

Things of Interest In and Out of the Halls of Congress.

WASHINGTON, Jan. 20.—The make-up of the World's Fair Committee announced by Speaker Reed to-day is generally satisfactory to the delegations particularly interested. The interests of the four cities competing for the location of the Fair are supposed to be thoroughly represented on the committee. The representatives of each city were asked to name two members of the committee, and the Speaker named the Chairman. The West did not want the appointment of Mr. Candler, who is supposed to be in favor of an Eastern location for the Fair; but there is no serious objection to the appointment now that it has been made. A proposition will be laid before the committee at its first meeting that a scheme for the organization of the Fair be agreed upon, and the time for holding the Fair be fixed before the question of locating the site is taken up. The fear is expressed that if the site for the Fair is chosen before the appropriation or loan has been agreed upon, the friends of the disappointed cities will put obstacles in the way of the passage of the bill establishing the Fair. It is altogether likely, therefore, that the question of location will be taken up last.

Representative Butterworth to-day introduced a bill defining options and futures and imposing special taxes on dealers. The bill provides that the word "options" shall be understood to mean any contract or agreement made by a party, or in whose behalf such contract or agreement is made, to deliver to another party at a future time any articles of the nature of farm products, such as wheat, corn, pork, lard, &c. The word "futures" is interpreted to mean any contract or agreement whereby a party agrees to sell and deliver at a future time any of the articles mentioned. A special tax of $1,000 is imposed upon dealers in "options" and "futures," together with a tax of five cents per pound for each pound of cotton, pork, lard, or other hog products. Also a tax of twenty cents per bushel is levied upon corn, wheat, cotton, and other cereals. The bill further provides that every such party shall make weekly reports of all contracts entered into with a statement of the articles embraced in the contract, and at the same time shall pay the collector the tax on the articles covered by the agreement. Penalties are provided for transacting business without a certificate of authority from the collector.

The resolution introduced in the House today by Representative Charles Stewart to promote greater reciprocity in the commercial relations between the United States and Mexico authorizes the President to invite the republic of Mexico to designate three Commissioners who shall meet a like number of Commissioners on the part of the United States, whose duty it shall be to negotiate a treaty whereby greater reciprocity in the commercial relations between the two countries shall be established.

In a private letter received here yesterday a neighbor and friend of ex-Senator Riddleberger writes: "Have you heard that Riddleberger is very low? His physicians have little or no hope that he can ever get up again, and he may go at any moment."

Representative Shively of Indiana to-day introduced a bill amendatory of the contract labor law by providing that every person violating the same by knowingly assisting, encouraging, or soliciting the immigration or importation of any alien, to perform labor or service, shall forfeit and pay for every such offence $1,000 and costs.

After consultation with some of his Indiana followers the President has decided to give the fattest office in the District of Columbia, the Recordership of Deeds, to Blanche K. Bruce, according to a statement of receipts furnished by Recorder Trotter this office nets $40,000 a year in fees, one-half of which goes into the pocket of the Recorder. Several Indianians have cast covetous eyes upon this office, but the President was induced to follow precedent and give it to a colored man, in hopes of stemming the tide of discontent among colored Republicans. Bruce is a rich man, and it is the appointment of rich colored men to office and the ignoring of the rank and file that the colored Republicans complain of. Probably the President will not make the appointment until the Senate District Committee decides the question which has been raised of changing the office from fees to salary compensation.

At the Post Office Department to-day an application was received from Jefferson county, Illinois, for the establishment of a new Post Office, to be named La Grippe.

The custom of giving lunches in the handsome committee rooms of the Senate was revived to-day by Senator Hoar, who sent out cards to a dozen gentlemen, inviting them to a luncheon in honor of George W. Smalley of London. The affair took place in the room of the Committee on Military Affairs. Owing to the serious illness of a relative in Massachusetts, the host was compelled to leave the city, and Senator Hawley did the honors in his stead. Among the guests to meet Mr. Smalley were Vice-President Morton and Senators Ingalls, Evarts, Hale, Gibson, Aldrich, Spooner, and one or two others.

Secretary Blaine returned to his duties at the State Department this morning. To a friend who walked over to the office with him the Secretary said: "I shall go to work again at once, as I must not let my private grief interfere with my public duties."

The *Star* to-night says: "The Rev. Dr. Chesser, pastor of the Metropolitan Presbyterian Church, Capitol Hill, announced to his congregation yesterday that Samuel J. Randall and Mr. Randall had been admitted to membership of the church. It was indicated to Dr. Chesser that Mr. Randall desired to join his church, and on Tuesday he went to the house to admit him to membership. Mr. Randall had not yet been baptized, and Dr. Chester performed the rites of baptism and he was admitted to the fold. Mrs. Randall has been a member of the Presbyterian Church, and was admitted to Dr. Chester's church by letter. This action on the part of Mr. Randall does not indicate that he sees approach of death. On the contrary, he is more cheerful and hopeful than he has been for many months. He is not as impatient to get to work as he was, but he is perfectly confident of recovery, and expects to take his seat in the House before the work of the session is over. Whatever anxiety others may feel for him, it does not join in it."

The Secretary of the Treasury has appointed in the internal revenue service C. W. Anderson, wauger, and J. W. Donovan, storekeeper and gauger, Second New York district.

The President to-day sent to the Senate the following nominations:

Collectors of Internal Revenue—Ferdinand Eidman, Third district of New York; Magnus Johnson, district of Minnesota.

United States Attorneys—Lewis Palmer, Western District of Michigan; Patrick H. Winston, district of Washington.

United States Marshals—John P. Tracey, Western district of Missouri; Thomas R. Brown, district of Washington.

Manning M. Rose of Ohio, principal clerk of the surveys in the General Land Office.

Postmasters—James Abbott, Springfield, Ohio; William Kerr Galbraith, Cannonsberg, Pa.

Withdrawn—William P. Roller, Postmaster at Bristol, Tenn.

Senator McPherson and Mrs. Kilpatrick, widow of the late Gen. Judson Kilpatrick, called on Secretary Proctor this morning and presented him with the large cavalry spurs worn by Gen. Kilpatrick during the war. Senator McPherson made a speech of presentation, giving a short history of the sword, and extolling the virtues and record of its former owner. Secretary Proctor, in accepting the sword for the department, said: "I thank you in behalf of the War Department and the people of the country for this presentation of the sword of so brave and gallant a soldier as Gen. Kilpatrick. It shall have an honored place and faithful care in this department, where every soldier who looks upon it will be reminded of the courage and brilliant career of the man who bore it, and be inspired for like deeds of valor in behalf of his country."

Assistant Secretary Batchelder, who is suffering from influenza, was somewhat better today, but was not able to leave his house.

Assistant Secretary Tichenor was also indisposed to-day, and did not come to the department. They were each able, however, to sign that portion of the department business requiring their action.

Appointment Clerk Byrnes of the Treasury Department is confined to his house with serious stomach troubles.

Senator Ingalls to-day introduced a bill providing for the reduction of the fees now paid to the Recorder of Deeds for the District of Columbia. The bill allows the Recorder a salary of $3,000, and provides that any excess in the amount of the reduced fees shall be devoted to the expenses of the office.

The Senate having passed a concurrent resolution requesting the Secretary of the Treasury not to make any new lease of the islands of St. Paul and St. George in the Territory of Alaska for the purpose of taking fur seals thereon, and to postpone all action in relation thereto until after Feb. 20, 1890, Secretary Windom has determined to do nothing further in the matter of said lease until after the time indicated in the resolution, and he will publish an advertisement in the papers announcing his postponement of action until Feb. 21. Secretary Windom said this afternoon that while the House has not acted on this concurrent resolution, and probably could not until after the 23d, which is the day set for the opening of proposals, it is the habit of the heads of departments to regard the opinion of either branch of Congress that may express itself in the adoption of such a resolution, and he based his action upon this custom of respect.

The House Committee on Reform in the Civil Service met to-day to hear arguments on the resolution introduced by Mr. Ewart of North Carolina to investigate the charges against the Civil Service Commission, and the bill introduced by Mr. Houk of Tennessee to repeal the Civil Service law, and to regulate and improve, classify, and properly apportion the offices and employees of the public service to the States and Territories. Messrs. Ewart and Houk and all the members of the Civil Service Commission were in attendance when the committee was called to order. Mr. Ewart was the first speaker. The charges against the Commission which had prompted him to offer the resolution of inquiry were, he said, as follows:

1. It is charged that one Campbell, a brother-in-law of Commissioner Lyman, copied a set of examination papers prepared for examination and gave them to a friend, Mrs. ——, who sold them to one Flynn, the principal of the Ivy Institute in this city, which institute prepared applicants for examinations before the Civil Service Commission.

2. It is charged that after those facts became known to Commissioner Lyman he promoted the said Campbell from a $1,000 to a $1,200 position.

3. That, in violation of the Civil Service law, when there were hundreds of men and women on the eligible list, applicants were appointed in the Civil Service Bureau without any examination whatever.

4. That, in violation of the Civil Service law, messengers on the civil service force have been promoted to clerkships on said force.

5. That appointments in the said force have often been made in utter disregard of the law, and in several instances when the appointee in the capacity in which he was appointed was entirely ignorant of the duties.

6. That there are now on the eligible list names of enough persons to supply all the clerks the departments will need for several years to come.

Mr. Ewart discussed the charges briefly, and Mr. Houk advocated his bill to repeal the law. The Civil Service Commissioners were also heard, and they all united in asking that the charges preferred be fully, thoroughly, and searchingly investigated.

By direction of the President so much of the modified sentence of the general court martial in the case of Lieut.-Col. George A. Forsyth, Fourth Cavalry, as remained unexecuted on Jan. 16, 1890, has been remitted, and he is restored to all the rights and privileges of his grade from that date. As he has been reported unfit for further active service he has been granted indefinite leave of absence.

E. Prentiss Bailey had a long talk with Postmaster-General Wanamaker to-day and will have another talk to-morrow. He found a great mass of testimony against the management of the Utica Post Office, mainly charged to his subordinates. He hopes to convince the Postmaster-General that the charges emanate from his political opponents, men whose actions he has been criticising for years. Representative Sherman will go to the department with Mr. Bailey to-morrow.

THEY'RE AGAINST DEALS.

So Say the Republican Club in Spite of Police Justice Tainter.

The Republican Club at 450 Fifth avenue had it out last night over the resolution stating that the "club as a factor in Republican politics in the city of New York is opposed to placing in nomination any municipal ticket, the result of coalition with any faction of the Democratic party."

Among the silk stockings present were Police Justice Charles N. Tainter, who received his appointment from a Democratic Mayor, and who opposed the resolution bitterly; John F. Baker, the member from the Third district who wanted to be United States District Attorney; George H. Phelps, a member from the West Side Republican Club of which Justice Tainter is President; William Leary, James Jolliffe, Manfred Ely, Col. T. Lyle Leveland, John Wesley Jacobus, and Jacob C. Rose.

The three first named gentlemen ranged themselves against the resolution, while a dozen other orators fought as strenuously for its adoption. Justice Tainter said that when a matter of national principles is concerned, it is proper to take a stand together, but that when it came down to municipal affairs, the members could "resolute" until their hands were paralyzed without effect.

"Tammany Hall," said the Justice, "wants us to nominate a straight ticket. Such a suggestion comes from the camp of the enemy. Let us gather votes, and resolutions are of no value to you unless you get the votes. We will not be well for us if it goes forth that we will not receive or harbor those persons who think differently from us. Unless you get off of this platform you will never grow. I believe if you pass this resolution you will embarrass the Republicans of this club when they go to the ballot box. I believe there are times when we should agree to unite with other parties."

A cloud of big-voiced orators sprang to their feet to combat these statements, and many of the gilt-edged gentlemen showed signs of excitement.

James W. Hawes said that when the Republicans voted with a faction of the Democratic party in 1871 for the downfall of the Tweed ring it was a mistake.

"If the Republicans had nominated a straight ticket then," said Mr. Hawes, "we would have swept the city, and who can say what the after result would have been for the Republican party?"

The resolution was adopted by a big majority. Cephas Brainerd was elected President of the club. Among the new members elected were Dr. Chauncey M. Depew, Col. Thomas P. Ochiltree, and Pierrepont Edwards.

Mr. Loomis Inspects East Side Streets.

The new Street Cleaning Commissioner, Horace Loomis, settled down to work in earnest yesterday. He spent three hours in the morning in traveling through the east side streets from 125th street to the stables of the department in Seventeenth street. Then he came to his office in the Emigrant Savings Bank. He was asked what he thought of the condition of the streets he had inspected.

"Well," replied Mr. Loomis, with deep consideration, "I think there is room for improvement. Everybody knows that the east side streets are not in the best condition, but this is due partly to the carelessness of the people living there." The Commissioner said that there would be no changes in his office staff at present.

Miss Reilly Awakened by a Burglary.

Miss Mary Ann Reilly, the sixteen-year-old daughter of Patrick Reilly, who keeps a livery stable in Jamaica, was awakened from her sleep on Sunday morning by a noise in her room. By the dim light she saw the figure of a man with rubber boots on gliding about the room. Convinced that the intruder was not a member of the family she, threw the bed quilts over her head and screamed. The man in the rubber boots fled. He was pursued by Mr. Reilly, who was aroused from his sleep by his daughter's screams. He escaped. Nothing was disturbed in the house and nothing has been missed.

The New Sub-Postal Stations Opened.

Of the twenty new sub-postal stations in this city all but four were opened for business yesterday. Three of these, District 2, North Moore street and Hudson, District A, Fifth avenue and Sixteenth street, and District 10, at Twenty-first street and Fourth avenue, were not opened, because they were not yet in shape. The other, the Fifteenth district, at Ninth avenue and Fifty-seventh street, will probably have to be transferred, as the proprietor of the store in which it was to be located doesn't want the office. Up to noon the amount of business transacted was one money order and one registered letter at each station.

The New York Hospital Reference.

The taking of testimony by the Referee in the action brought by the New York Hospital against the Assessors of White Plains was finished last Saturday. Martin J. Keogh, for the Hospital offered in evidence a tabulated statement showing the number of patients treated at Bloomingdale, the Chambers Street Hospital, Relief, and the Fifteenth Street Hospital, and the charges made for each.

The Assessors rested their case, and the matter will now come up before Judge Bartlett for final argument, some time this week.

Appeal in Gen. Duane's Case.

Notice of appeal was filed yesterday in the case of The People against Gen. Duane, who, the General Term of the Supreme Court has decided, is entitled to hold the office of Aqueduct Commissioner. The matter will be reviewed in the Court of Appeals.

Fell from the Palisades.

Andrew Burke, a retired seaman, 65 years old, of Porter street, Jersey City, fell from the Palisades south of the Delaware, Lackawanna and Western Railroad tunnel in Jersey City yesterday to the rocks, seventy-five feet below, in Hoboken. He was killed.

Court Calendars This Day.

SUPREME COURT—GENERAL TERM.—Recess continued. CHAMBERS.—Motion calendar. Nos. 1 to 32, called at 11 o'clock. SPECIAL TERM—Part I.—No calendar. Part II.—Adjourned. Jan. 20. Part II.—Clear. Demurrers—Nos. 36, 56, 79 and facts—Nos. 808, 803, 811, 861, 865, 880, 887, 892, 893, 154, 203, 446. Part III.—Case not published. Nos. 1109, 878, 1100, 580, 620, 610, 1204, 1023, 1145, 45, 1091, 1152, 1202, 1095, 812, 1121, 129, 818, 2788, 670, 2390, 2577, 2585, 966, 149, 1212, 1288, 1025, 1292, 1297. Part IV.—Case on D. E. B. and B. R. R. C. No calendar. Part III.—Clear. Nos. 1208, 1154, 1171, 950, 1228, 92, 1287, 1187, 1229, 1231, 1232, 1017, 72, 740, 741, 1170, 2815, 721, 1303, 1343, 1344, 1345, 1346, 1348. Part IV.—Clear. Nos. 1363, 1347, 1348, 2093, 1400, 1240, 1288, 1305, 1307, 1210, 980, 1280, 1302, 980, 1301, 1307, 977, 1187, 485, 1, 1100, 1095.

SURROGATE'S COURT.—No calendar. For probate—Wills of C. A. Milliner, M. M. Goodwin, Paul Hallick and Mary Mason. 10 A. M.: W. H. Danner, James McPyke, Francis Schimmess, Henry De R. Bussell, Elizabeth Solomon, Rosanna Bird, Jane Ann Lee, Anna Cafarella, T. M. Seaver, and Eliza F. Lyon, 10 A. M.

SUPREME COURT—SPECIAL TERM.—Motions. EQUITY TERM.—Case unfinished. Nos. 361, 312. TRIAL TERM—Part I.—Case unfinished. Nos. 1, 9, 980, 984, 1334, 1009, 1334, 1067. Part II.—Clear. Nos. 2, 1041, 1044, 1050, 1041, 888, 1143, 1224. Part III.—Clear. Nos. 723, 998, 1000, 1001, 470.

COMMON PLEAS—GENERAL TERM.—No. 2. SPECIAL TERM.—Motions. EQUITY TERM.—Adjourned for the term. TRIAL TERM—Part I.—Case unfinished. Nos. 1051, 1045, 55, 1155, 65, 1102, 1203, 125, 1461, 171, 708, 1170, 1177, 1406, 332, 1401, 1023, 1034, 42, 1041, 367, 46, 48, 1412, 889, 1197. Part II.—Adjourned for the term.

CITY COURT—SPECIAL TERM.—Motions. TRIAL TERM—Part I.—Case on Sheater set, Murdock. No calendar. Part II.—Nos. 3365, 1791, 387, 138, 240, 82, 354. Part III.—Nos. 1119, 456, 1266, 240, 1028, 425, 44, 456, 2220, 472, 473, 474, 475, 476, 477. Part IV.—Special calendar.

LAROCQUE PAINTS HOLLINS.

HE SAYS THE FISCAL AGENT MADE HIS WIFE A FENCE.

The Pooh-Bah of the St. Louis and Chicago Railway Company and His Dealings with Himself—Close of the Hearing Here.

At last the lawyers have done with their investigations into the transactions between F. C. Hollins & Co. and the St. Louis and Chicago Railway, so far as any public hearings in this city are concerned. Testimony closed at 3 P. M. yesterday in Granville P. Hawes's office at 36 Wall street, and from then until after 6 o'clock the counsel took turns in telling Master Commissioner Binford Wilson how he ought to regard the matter. Some of them will also refresh his memory and information with briefs before next Monday.

Proceedings were begun yesterday with the calling of Thomas W. Smith, cashier and bookkeeper for Hollins & Co. At the Thursday session Mr. Larocque had called for a paper made up from the firm's books that would show the changes in ownership of every bond issued by the St. Louis and Chicago Company. Mr. Smith had spent Friday and Saturday at it, and yesterday he presented a document, which he said was the transcript asked for. Under questions from Mr. Taylor, he read several of the items and explained them. The purport of the testimony was that the books showed that cash or credit was turned over to the company for every bond, as Hollins had testified. The accounts further showed that the railway company had always been in debt to Hollins except on one day, Oct. 31, 1887, when the company had a credit of about $5,000. The balance hopped to the other side again the next day.

Mr. Larocque spent two or three minutes examining Cashier Smith's document, and a cross-examination followed that is seldom equalled for vigor, speedy making of points, and violent personalities. The items on the transcript were long, usually including some such phrases as "bonds owned by F. C. Hollins," or "sold by F. C. Hollins broker." Mr. Larocque wanted to know what book contained these statements, and the cashier admitted that they were not in the books at all, but had been added in order to make the explanation clearer. A similar process brought out the admission that F. C. Hollins & Co., fiscal agents, did not keep an account with F. C. Hollins & Co., brokers.

"Then," said Mr. Larocque, "if there is any entry of individual purchases or sales made by Hollins from or to the railway company, it is to be found in the record of their transactions as fiscal agents. Is that so?"

Mr. Smith thought a while and then answered, "Yes." Mr. Larocque thereupon sprung this: "This is not the first paper you prepared in answer to our call for information?"

The cashier admitted it. He had made another transcript and believed that it had been destroyed. He abandoned it because counsel for Hollins did not approve of it. Mr. Taylor, in Hollins's presence, had instructed him how to draw up the document, and had dictated the phraseology. The main difference between the two documents lay in the use of such phrases as above quoted. Mr. Byrne, Taylor's associate, put in an objection, to which Mr. Larocque responded.

"Then we'll make it clear, if it takes a week, that this bookkeeper, having prepared an honest statement, was compelled to make a dishonest statement, and that his counsel is trying to get it smuggled in here under oath."

Mr. Taylor jumped up with an emphatic denial of any dishonest act or intention, and Mr. Byrne asked if it was not Mr. Larocque retract his words. Mr. Larocque flatly refused to comply, and again characterized Cashier Smith's document as dishonest. Later in the session Mr. Byrne found an opportunity to explain that the entries on the transcript were intended as a clear summary of all the evidence bearing on each separate transaction; that Mr. Taylor would have been childish had he endeavored to smuggle in such a document under the guise of a copy of the accounts.

Mr. Taylor took the witness stand to admit that he had ordered the document to be prepared to present his theory of the case as it flowed from books, letters, and other sources admitted in evidence.

Mr. Safford took the witness in hand to inquire into an item that charged the St. Louis and Chicago Company with $25,213.93 for twenty-five bonds of the Litchfield road. The latter road was bought by the former, and its bonds were evenly exchanged for consols. Mr. Smith had to admit, therefore, that the books showed that Hollins & Co. had made the St. Louis and Chicago Company pay more than par for its own bonds.

Hollins had another hour in the witness chair, in the course of which he said to Mr. Taylor:

"I never issued bonds without orders from Wing, who with me made a majority of the Executive Committee. The writing up of the minutes depended on him, because he was the man who had to do nothing about it. We never sold a single bond as fiscal agents. They were always disposed of as our property in accordance with the rules of the Stock Exchange. The St. Louis and Chicago Railway still owes me $58,000 exclusive of any charges made by me as fiscal agent. As to J. C. Morris, his stock was transferred to me to settle a debt he owed us. It was entirely outside the railroad contracts, and the $76,000 with which we charge the company was expended in drafts drawn by them, and it all went to the company."

Mr. Safford wanted to see these drafts, denying that they were drawn by the company. Mr. Taylor will look them up and send them to the Master in Springfield. A lot of letters and telegrams relating more or less to J. C. Morris & Co.'s contracts were put in evidence, besides other documents to confirm Hollins's statements about Wing's bonds. The witness continued:

"Wing told me the road had been completed, and I believed him. Just before this he agreed to exchange his bonds 1,001 to 1,200 for 1,401 to 1,600. No question was raised about the mileage or these bonds until November, 1889."

Mr. Larocque made the first argument. He said:

"This case is the reductio ad absurdum of railway wrecking. That is a business that has flourished considerably during the past twenty-five years, and some persons have practised it so successfully that to-day they hold their heads very high in the community. As far as Hollins and Wing are concerned, we are bound to accept their characterization of each other. In public prints and elsewhere, such terms as 'thief' have passed between them, and they have known each other so long and intimately that we must believe they know what they are talking about.

"The first legal point I would urge is this: A trustee cannot make a bargain with himself by which he shall make any profit as against the concern that makes the trust. The St. Louis and Chicago Railway Company is like the man that went down to Jericho, and fell among a certain class of citizens. One was President, director, and member of the Executive Committee, and the other monopolized all the dignities which the first failed to appropriate—Vice-President, director, member of the Executive Committee, fiscal agent, and contractor, under cover of J. C. Morris, his cousin. He was the Pooh Bah of the St. Louis and Chicago Railway, adding to his functions that of Lord High Executioner. As long as the bird had fat on its bones these two got on harmoniously. Bonds passed back and forth between them until their relations became inextricably mixed. When the fat was gone they fell to quarrelling over the carcass. It is a pity that the immortal Dickens died before the rise of this railway company. He would have found a fine subject in the meetings of the Executive Committee. President, Dwight L. Wing; President, in the chair; Pooh Bah Hollins on the floor. The President sends a proposition from Frank C. Hollins & Co. to rob the road, and Hollins, on the floor, moves that the company accept the proposition. Passed. Wing and Hollins voting in the majority. And after the proposition has been consummated we find Pooh Bah endeavoring, under cover of his innocent wife, to get what little profit he can out of it. Hollins could not acquire any legal rights whatever by such an arrangement when his own vote was necessary.

"In January, 1887, Hollins & Co., as fiscal agents, sent their man Peabody to solicit subscriptions to the consols. He got 100 from Withers, 100 from Stanland, Phelps & Co., and lesser lots from others. The mortgage was made in April. Payments on account were received before the bonds were issued, and afterward until 10 cents on the dollar had been taken by the fiscal agent. The mortgage provided that after 1,000 bonds had been issued to take up outstanding liens, the rest should be issued only by authority of the directors or Executive Committee, and only up to the limit of 20 to each completed mile of railroad. Now, without haggling, nobody pretends that more than 73 miles were completed. There were certificates for 60, and a doubtful certificate, of which Wing knew nothing, for 13 more. The falsity of this certificate Hollins acknowledges that he knew in 1888. Let us assume that seventy miles were completed; then there was justification for the issue of 1,400 bonds, and no more. Of course these two men must have known the facts. If they did not, they neglected their duty, for they were all the officers of the road, and they cannot claim any rights on the ground of their own neglect. Up to 1,400 the bonds were listed, and the delivery of any number higher than 1,400 would not constitute a valid delivery on contract to sell any of these bonds. Attention has been called to Hollins's peculiar bookkeeping, and it will be observed that wherever there is a good account it is with Frank C. Hollins the individual, and wherever it is bad it is with Frank C. Hollins the fiscal agent.

"It makes no difference what was done with the high-number bonds previous to Jan. 4, 1889, for on that date the bonds had gotten again into the fiscal agent's hands as the property of the railway company. This appears on his own accounts, and he has failed to get rid of the admission. A meeting of the company had been held in December, 1888, at which dissatisfaction was expressed with Hollins's management, and the President called on him for an accounting. In the account he claimed that the company owed him $68,000, but the same account also shows that stock and bonds of the company were held by him for it. He has been unable to find any authority in the records for the issue of a bond above 1,400, not even in the Pickwicklan meetings of the Executive Committee. Therefore, there was no authority to issue the 200 high-number bonds, and the first holders were not innocent purchasers, for they were the men who knew most about the affairs of the road.

"On Jan. 7, 1889, a bill for foreclosure was filed. All negotiability of these bonds, if there had ever been any, disappeared after that date. No one could acquire title after that, yet in the following spring and summer Hollins tried to palm off these worthless, past-due papers. He even lugged in his innocent wife to serve as a fence, a receiver of stolen property. All she knew about it was what her husband told her. The question is, are the bonds 1,401 to 1,600 entitled to share in the proceeds of the sale under the terms of the decree? We contend not. Because, first, there was no authority for their issue; second, no requisite work was done on the road, and third, whatever rights had been acquired prior to Jan. 4, the bonds after that date stood exactly as if they had never been issued."

Mr. Taylor spoke next. He began by warning the Master that if the bonds 1,401 to 1,600 were invalidated all the foreclosure proceedings would be invalidated also, because those bonds were included in the number attached to the bill of foreclosure. There were 580 presented for this purpose, and the subtraction of the high numbers would leave less than the mortgage required for the institution of foreclosure proceedings. Mr. Taylor then referred to the articles in THE SUN as justification for the introduction of much irrelevant testimony to show that Hollins had acted in perfect good faith in all his dealings. He believed that this had been shown, for Hollins had depended upon Wing for information as to the length of the road, and the bonds had been issued by Wing's authority. Assuming his argument proper, Mr. Taylor said:

"The material point is the issuance of the bonds. Now, Maitland, Phelps & Co., and D. D. Withers are no chickens. They knew the terms of the mortgage. They knew that if Wing and Hollins agreed they could pay out the bonds, they admit the validity of the agreement. There was no undue profit to Hollins in selling them at 90. Hollins understood that Wing was the road, and, therefore, ample authority for anything he might tell Hollins to do. On Aug. 17, 1887, Wing authorized Hollins to hold bonds 1,401 to 1,600 in exchange for 1,001 to 1,200, which he owned in his own right. If Wing agreed to take the high numbers, what objection can there be when both Hollins and Wing agreed to it? The bonds were issued on that day. On Dec. 13, 1887, all the bonds were out that the road could stand. Wing said the road needed more money, and Hollins refused to advance more. Then there were various schemes talked up for bridging the difficulty, and, when one of them was ready, Hollins placed 200 bonds to the credit of the company preparatory to receiving in return the same amount of Mount Olive consols. He did not receive them, the measure failed, owing to Wing's bad faith, and the bonds were properly transferred again to Hollins's own account. This was followed by other schemes and confusion in the affairs of the road, which led to the demand of December, 1888, that Hollins render an account, and return to the road all vouchers, drafts, &c. This was perfectly absurd, for it would have left Hollins without protection for his advances, and at that time the road owed him money. Take away all the letters, exchanges, authorizations, &c., and you still have Hollins with all these bonds as a valid claim against the road for he had advanced money. A decision against Hollins will shake the whole stability of the issue of bonds through a trustee."

Mr. Safford followed for the railroad. His argument was confined mainly to the legal points involved. The bonds above 1,400, he said, are to share in the sale. They must be because they are in the hands of bona-fide holders, received for value and before maturity. The Court of Appeals has decided that bonds bought for value pending a foreclosure do not convey a good title.

"Now," said Mr. Safford, "was entitled to bonds 301 to 500, which he weakly consented to transfer to 1,001 to 1,200 and subsequently to 1,401 to 1,600; but the latter block could only be delivered to Wing when the contractors of the road had extended its length to the proper figure. That never was done. In whatever way may have agreed in his dealings with Hollins, he is now fighting the battle of the railway company to strike out these fraudulently issued bonds."

Mr. Safford attacked Hollins's veracity in that part of his testimony where he swore that if it were selling something to another person he would include his client's name in notice of sale to the purchaser, according to the rules of the Stock Exchange. This statement was termed monstrously false by Mr. Safford, for every one knows that if brokers had to give away the names of their clients it would smash the Exchange in a day. He also claimed that the complex deals related by Hollins must be fictions, because, first, the laws of Illinois prevent a railroad from owning coal property, and because in transactions involving more than $50 a written memorandum must be passed. The alleged bargain, if it had not been done, and both Wing and Hollins would have known better than to try to make the St. Louis and Chicago Railroad a purchaser of the Mount Olive Coke and Coal Company.

Mr. Byrne spoke briefly, tracing the title of the high number bonds through the various Exchanges by which they were eventually placed to Wing's account by Hollins, at Wing's written request. Mr. Larocque replied that it was clear that Wing knew the road had not been so far completed as to justify the issue of bonds above 1,400 at the time