CONGRESS.

Hustling the Finance Bill Through the House.

THE DEPLETED REVENUE

Removal of Limitations from the Circulation of Gold Banking Notes.

SENATE.

WASHINGTON, Jan. 7, 1875.

Mr. INGALLS, (rep.) of Kansas, from the Committee on Indian Affairs, to which was referred a communication from the Secretary of the Interior in relation to the sale of certain Indian lands in the State of Kansas, reported back the same with a recommendation that the committee be discharged from its further consideration, a bill having been passed relating to the subject at the last session. The committee was discharged.

LIMITATIONS REMOVED FROM GOLD BANKS.

Mr. SARGENT, (rep.) of Cal., called up the Senate bill to remove the limitation restricting the circulation of banking associations issuing notes payable in gold, which was reported from the Finance Committee on Tuesday last. Passed.

Mr. WRIGHT, (rep.) of Iowa, from the Judiciary Committee, called up the House bill to abolish the Western district of Arkansas, and offered a substitute therefor, but on the suggestion of Mr. THURMAN, (dem.) of Ohio, the consideration of the bill was postponed until to-morrow.

EXPENDITURE AND REVENUE.

Mr. MITCHELL, (rep.) of Oregon, moved that the Senate take up the bill for the construction of a custom house and bonded warehouse at Portland, Oregon, and appropriating $100,000 for that purpose.

Mr. SHERMAN, (rep.), of Ohio, said he would object to this bill. He was opposed to any further expenditures for public buildings in the present condition of the finances. Until the House of Representatives indicated what it intended to do in regard to the revenue of the government no new public expenditures should be authorized. It would be bad policy to do this until means are provided to meet the expenditures already authorized. It may be said that it is the duty of Congress to levy new taxes. Perhaps it is the duty of Congress to do so, but the Senate was not to judge that. That was the constitutional privilege of the House of Representatives. That body, in its own good time, might do it, but until then, the expenditures should be just within the amount of revenue. He objected to the present consideration of the bill.

The question being on taking up the bill it was decided in the affirmative—Yeas 22, nays 18.

Mr. CONKLING (rep.), of N. Y., opposed the passage of the bill, and said he did not think there was any immediate necessity for the building.

Pending disussion the morning hour expired, and the bill was laid over.

Mr. SCOTT, (rep.) of Pa., presented a memorial of the working men of Huntingdon county, Pa., praying that the application of the Texas Pacific Railroad Company, for the government to guarantee the interest on its bonds, be granted. Referred to the Committee on Railroads.

He also presented a memorial of the citizens of Pennsylvania who were soldiers in the late war, praying that they each be allowed 160 acres of public land, without restriction or limitation. Referred to the Committee on Public Lands.

Mr. FRELINGHUYSEN, (rep.) of New Jersey, introduced a bill to amend the act in relation to the Hot Springs reservation in the State of Arkansas. Referred to the Committee on Judiciary.

PERSONAL EXPLANATION BY SENATOR GORDON.

Mr. GORDON, (dem.) of Georgia, arose to a personal explanation, and said that during the debate of yesterday, in reply to some harsh words addressed to him by the Senator from Vermont (Edmunds), he (Gordon) allowed himself to be betrayed into using the word "irresponsibility," in speaking of the actions of the Senator (Edmunds). By that word he had done an injustice to the Senator from Vermont. The responsibility of that Senator as a statesman, as a jurist and as a member of society was in his (Gordon's) opinion of the highest order and most honorable character. Having done an injustice to him he wished now, in the presence of the Senate, to express to him his sincere regrets. Forbidden, as Senators were, to erase anything of a personal nature, he now made the only reparation left to him.

Mr. EDMUNDS, (rep.) of Vt., said he desired to express his obligation to the Senator from Georgia for the very handsome manner in which he had spoken. He did not intend yesterday to address any harsh language toward the Senator, and if the Senator so understood him he was very sorry for it.

The debate on the resolution of Mr. Thurman, (dem.) of Ohio, in regard to the military operations in Louisiana [which is published in another column], was taken up and occupied the rest of the day.

On motion of Mr. SARGENT, of California, the Senate went into executive session at four o'clock. After a few minutes the doors were reopened and the Senate adjourned until to-morrow.

HOUSE OF REPRESENTATIVES.

WASHINGTON, Jan. 7, 1875.

Mr. BECK, of Kentucky, introduced a bill to provide a uniform currency; for the retiring of national bank notes and for the resumption of specie payments. Referred to the Committee on Banking and Currency.

Mr. KELLOGG, of Connecticut, offered a resolution calling for a report of the surveys for widening and deepening the channel of New Haven harbor, Connecticut. Referred to the Committee on Commerce.

IRWIN DISCONTENTED.

The SPEAKER presented a petition from Richard B. Irwin, the contumacious witness in the Pacific Mail investigation, complaining of the confinement in the common jail, and asking that, on account of his delicate health, his detention may be in some other place, conformable to the precedents of the House.

A discussion arose on the petition, the side of the petitioner being taken by Messrs. MAYNARD, (rep.) of Tenn.; ELDRIDGE, (dem.) of Wis., and BUTLER, (rep.) of Mass.; and the opposite side being taken by Messrs. DAWES, (rep.) of Mass.; E. R. ROBERTS, (rep.) of N. Y.; KASSON, (rep.) of Iowa, and TREMAIN, (rep.) of N. Y.—the latter moving that the petition be laid on the table.

Mr. BUTLER, in the course of his remarks, stated that the Neros of the Old World had never done anything worse than the republican majority was doing in this case. It was setting a precedent which he trusted the democracy, when it came into power, would not follow. He moved that the petition be referred to the Committee on Ways and Means, with instructions to ascertain if Irwin's health will be impaired by his confinement.

Mr. E. R. HOAR, (rep.) of Mass., replied to Mr. Butler and said that this man Irwin was undertaking to set up his opinion and his will against that of the American people, speaking through its constitutional representatives. This man, by submitting to the law, could be at any time free and discharged. There was always, it seemed, a great deal of delicacy where there was a great deal of money.

Mr. KELLEY, (rep.) of Pa., argued in the same direction. This recusant witness held the key to whatever place of confinement he might be in. All that he had to do was to comply with the law, tell what he knows and walk forth free.

Mr. TREMAIN, of New York, said that his motion to lay the petition on the table had been prompted by the sincere and conscientious belief that that course was demanded by a proper regard for the honor, dignity and authority of the House. To discharge this contumacious witness or to enter upon these ameliorating proceedings on his mere statement would be to leave the House with a stain resting upon it. Public virtue rested at the foundation of republican institutions, and that which assailed the integrity of the House struck a blow at public liberty. If this question were to be referred to the Committee on Ways and Means there should be an amendment to it that the prisoner be furnished with quail on toast and other luxuries. He insisted on his motion to lay the petition on the table. The motion was agreed to by a vote of 101 to 61.

THE FINANCE BILL PASSED.

The House then took up the special order of the day, the Senate bill to provide for the resumption of specie payments.

Mr. MAYNARD, (rep.) of Tenn., chairman of the Banking Committee, moved the previous question on the passage of the bill, so as to cut off all debate and amendments, but with the suggestion that members who had prepared any remarks or propositions on the subject would have the privilege of having them printed in the *Congressional Record*.

The previous question was seconded, 100 to 90, and then the yeas and nays were called on ordering the main question to be put. The vote resulted—yeas, 125; nays, 106.

The question was then taken on the passage of the bill.

The bill was passed—Yeas, 136; nays, 99.

THE DETAILED VOTE.

The following is the vote in detail:—

YEAS—Messrs. Albert, Averill, Barber, Barrere, Barry, Bass, Begole, Biery, Bradley, Burchard, Burleigh, Burrows, Butler of Tenn., Cain, Carpenter, Cason, Cessna, Crittenden, Clayton, Clements, Cobb of Kansas, Corwin, Cotton, Crooke, Crounse, Curtis, Danford, Dobbins, Donnan, Duell, Eames, Farwell, Freeman, Frye, Garfield, Gunckel, Hale of Me., Harmer, Harrison, Hathorn, Hawley of Ill., Hays, Hazleton of Wis., Hazleton of N. J., Hendee, Hodges, Hooper, Hoskins, Houghton, Howe, Hunter, Hynes, Kasson, Kellogg, Kidinger, Lamport, Lansing, Lawrence, Loughridge, Lowe, Lowndes, Lynch, Martin, Maynard, McCrary, McDill of Wis., McDill of Iowa, McDougall, McKee, McNulta, Merriam, Monroe, Moore, Myers, Negley, O'Neill, Orr, Orth, Packard, Packer, Page, Parsons, Pelham, Pendleton, Pike, Platt of N. Y., Poland, Pratt, Purman, Ray, Richmond, E. R. Roberts, Robinson of Ohio, Rusk, Sawyer, Sayler of Ind., Scofield, Scudder of N. J., Sener, Sessions, Shanks, Sheats, Schumaker, Small, Smart, Smith of Pa., Smith of N. Y., Smith of Va., Smith of Ohio, Sprague, Stanard, Starkweather, St. John, Strawbridge, Taylor, Thomas of N. C., Thomas of Va., Thompson, Thornburgh, Todd, Tremain, Tyner, Waldron, Wallace, Ward of Ill., Ward of N. J., Wheeler, White, Whiteley, Wilbur, Willard of Mich., Williams of Mass., Williams of Ind., Williams of Mich., Wilson of Iowa, and Wilson of Ind.—136.

NAYS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Banning, Beck, Bell, Berry, Blount, Bowen, Bright, Bromberg, Brown, Buffinton, Caldwell, Clark of Mo., Clark of N. Y., Clymer, Conlinge, Cook, Cox, Crittenden, Crossland, Crutchfield, Dawes, Dewitt, Eldridge, Field, Fink, Giddings, Glover, Gooch, Gunter, Hagans, Hamilton, Hancock, Harris of Mass., Harris of Ga., Harris of Va., Hatcher, Havens, Hawley of Conn., Hereford, Herndon, E. R. Hoar, G. F. Hoar, Holman, Hunter, Kelley, Knapp, Lamar, Lamison, Lawson, Leach, Magee, Marshall, McLean, Milliken, Mills, Morrison, Neal, Nesmith, Niblack, Niles, Parker of N. H., Parker of Mo., Perry, Pierce, Randall, Read, Robbins, Sayler of Ohio, Schell, Scudder of N. Y., Sherwood, Sloss, Smith of N. C., Southard, Stephens, Stone, Storm, Swann, Townsend, Vance, Waddell, Wells, Whitehead, Whitehouse, Whitthorne, Willard of Vt., Willie, Wilson of Md., Wolf, Wood, Woodworth, Young of Ky., and Young of Ga.—99.

After the vote was announced a colloquy took place as to members having the privilege of having printed in the *Record* remarks which were not delivered. In the course of it Mr. RANDALL, of Pennsylvania, accused Mr. Maynard, of Tennessee, with having acted in bad faith.

Mr. MAYNARD expressed the hope that his position in the House or out of it did not depend on that kind of discussion. He had acted on the high responsibility of a member, and he was not to be deterred from a high public duty by talk about bad faith.

Mr. KELLEY, of Pennsylvania, objected to the printing of any funeral services over the bill, the House having passed the bill under the gag of the previous question. He would not consent to the printing of posthumous speeches in the *Record*, which might lead the people to believe that the discussion had been permitted.

The bill now goes to the President for his signature.

THE DURELL IMPEACHMENT CASE.

Mr. WILSON, (rep.) of Ind., from the Committee on the Judiciary, made a report on the impeachment case of Judge Durell, of Louisiana, to the effect that, having received official information of Durell's resignation, the resolutions of impeachment be laid on the table.

A long discussion ensued, partly on the question whether a resignation of office precluded impeachment, and partly on the measure of Judge Durell's culpability in the bankruptcy proceedings in his court, and in the famous midnight order which was characterized as rather a military than a judicial order. In the course of the debate it was declared by Mr. Butler, of Massachusetts, that judges must be taught to keep clear of politics.

Finally the resolutions were laid on the table—yeas, 128; nays, 68.

JUDGE BUSTEED'S CASE.

The same action was taken by the House in the case of the impeachment of Judge Busteed, of Alabama, but not until after another lengthy discussion on the legal question of whether impeachment proceedings can be pressed against a man who, having resigned, is no longer in office, and also on the special charges against Judge Busteed.

THE CIVIL RIGHTS BILL.

Mr. BUTLER, (rep.) of Mass., gave notice that he would, next Monday, offer a resolution that in the consideration of the Civil Rights bill no dilatory motions shall be entertained.

Mr. RANDALL—That is nothing. It is not worth the paper that it is written on.

Mr. BUTLER—Very well; we will see.

The House then, at half-past four o'clock, adjourned.

CUBA AND THE SPANISH CROWN.

KING ALFONSO PROCLAIMED TO THE COLONISTS BY CONCHA—A GRAND RECEPTION, WITH ALLEGIANCE TO THE ROYAL FLAG—SPANISH SOLDIERY RETREATING BEFORE THE INSURGENTS.

HAVANA, Jan. 2, 1875.

There is a good deal of excitement to-day in Havana, it having been announced on December 31, at the palace, that Don Alfonso had been proclaimed King of Spain.

CONCHA PROCLAIMS THE ROYALTY—THE FLAG WITH THE CROWN HOISTED.

On Thursday last, at nine A. M., the despatch was received by General Concha informing him that the army in Spain had declared for Don Alfonso to be King of the Spaniards. A decree was issued by General Concha to the army and navy, at one o'clock, informing them that Spain was again a monarchy, under Don Alfonso, and ordering a *beso manos* (reception) for the officers of the army and navy to take place at the palace at four o'clock. At the hour appointed about 2,000 officers of all grades, together with some 5,000 civilians, assembled at the palace, and, amid the roar of cannon from Fort Cabaños and the frigates Gerona and Arapiles,

THE CEREMONY OF PRESENTATION

proceeded by passing in front of General Concha, and raising their hats to a representation of the crown of Spain.

THE FLAG OF ROYALTY.

The Spanish flag, with the crown in the centre, was immediately hoisted from all public buildings and the naval vessels in the harbor, and also from several private residences. In the evening all the principal streets were canopied with Spanish flags containing the crown, and the houses were illuminated. There was no excitement attending the proclamation of the monarchy.

THE ARMY.

To-morrow there will be a grand review of all the forces in and around Havana, in honor of Don Alfonso XII.

SOLDIERS TENDING TO MUTINY.

In Santiago the Spanish troops are, it is reported, somewhat insubordinate, and the officers in command cannot rely on them to do their duty.

CARE FOR THE CROPS.

It is also reported here that all the mounted troops will be sent to the Cinco Villas district to insure the safe grinding of the sugar crop and other products. Well authenticated reports put the number of insurgents at present in that district as 1,000. Here we have nothing to defend or protect. Everything is destroyed, and if the same fate befalls the Cinco Villas the war in this section will be over.

REBEL INVASION.

On the 21st inst. the Caridad district, only about one mile from here, was invaded between eight and nine o'clock P. M., and the rebels very coolly took all they wanted, stating that they wanted the supplies for their Christmas feast.

The Mambis invited the citizens of the village to Cuba Libre, and offered them as many pigs as they could bring back with them.

A SPANISH SPY ASSASSINATED.

Don Joaquin Santa Cruz, the Spanish spy who caused the arrest and banishment of several persons to Fernando Po four years ago, was assassinated, on the night of the 24th inst., in the Vuelta Abajo district.

THE PUBLIC SITUATION STILL MORE ALARMING.

From a letter dated Puerto Principe, December 23, the following extracts are taken:—

"Affairs are worse day after day in every shape. The Mambis are very near the town and have taken off fifty-eight oxen belonging to private parties. Several of the men employed in the hospital have gone over to the insurgents, taking with them a supply of medicines and other effects. From Las Minas several of the Spanish soldiers and three buglers have deserted, and are now with the Mambis.

SPANISH CAVALRY IN RETREAT.

"On the 17th a force of two battalions of infantry and 300 cavalry, in crossing a river two leagues from here, met the enemy well fortified and were compelled to retreat without firing a shot. The insurgents were supposed to number 2,000 men. The attack will be renewed in a few days with artillery. Of twenty-five contra-guerillas who were sent to reconnoitre the rebel position nine were killed and the remainder had a narrow escape."

EXCITING RUMORS.

At three o'clock to-day there is a rumor on the street that the insurgents had advanced within ten miles of Sagua and had taken the laborers from the sugar estates.

There is also a rumor among the Cubans that 1,500 Spanish soldiers at Manzanillo had revolted. The cause is said to be hard service, without pay or rations.

SMALLPOX IN JERSEY CITY.

The latest report from the Smallpox Hospital at Snake Hill sets forth that twenty-six patients have been admitted to that institution, and that one-third of that number have died. The Board of Health sent a communication yesterday to the Board of Chosen Freeholders, asking that a physician be appointed to take special exclusive charge of that hospital, so that the promptest and most punctual attendance might be given to the afflicted patients. But the Board of Freeholders were so occupied in discussing "jobs" of different kinds that they unceremoniously laid the communication on the table. Dr. Elder, President of the Board of Health, also sent a communication setting forth the extent to which the malady prevails, and suggesting precautionary measures. He says that experience has shown that smallpox prevails in Hudson county only three or four months in the year, and that of the whole number of persons infected only one-third require or consent to be removed from their residences. He then offers suggestions in relation to ambulances and the precautions to be observed during the transit to the hospital.

An ambulance, a horse and a driver have been provided by the county, and another ambulance will be secured if the spread of the disease demands it. Only one of the cases among the prisoners in the County Jail threatens to be fatal. It is the case of a notorious rough, who is awaiting trial for an outrage on an old woman. No new cases have broken out and the most diligent care is bestowed on the sufferers, who are still kept in the upper story of the building. Many of the prisoners have become so alarmed that they demand removal to the Penitentiary, but it has been decided not to remove them unless the disease breaks out anew among the isolated prisoners.

Officer Locke, of the Third precinct, has been pronounced out of danger, his case being of a mild type.

AMUSEMENTS.

ARGUMENT OF THE "VOYAGE EN CHINE."

Mr. Pompery, a retired merchant, testy and obstinate, has two marriageable daughters, whose settlement in life he desires. When the scene opens the younger girl is supplied with an ardent suitor who is acceptable to the family. Pompery, however, refuses to allow his younger daughter to marry until her sister has been provided with a husband. The result is a deadlock, for the lady—Marie the heroine—persistently refuses all offers of marriage. Her indifference is due to the fact that she is already married to a young naval officer who is absent in China. As her marriage with the young officer, Henry, took place in Italy on the eve of his departure for China without the parental consent of Pompery, the obstinate father has had the marriage declared null and void in the French courts. In the first act Henry has returned from China and appears at the house of Pompery, where his entrance is facilitated by meeting an old school fellow in the person of the accepted suitor of his wife's sister. Unfortunately, on the road to the house he has the misfortune to come into collision with old Pompery, whose carriage is damaged and temper soured by the meeting. On recognizing in the suitor to his daughter's hand the man who had damaged his carriage on the road his fury knows no bounds, and he declares that he will never consent to the marriage. In order to render it impossible, he even attempts to provoke a duel. Failing in this, and discovering that his daughter is about to fly with her husband, he contrives, with the aid of another suitor to Marie's hand, to have Henry again ordered to China. In order to defeat this plot Henry sends at once his resignation to the Secretary of the Navy. During the progress of the play the scene has changed from the outskirts of Paris to Cherbourg. Pompery and his friends are congratulating themselves on having disposed of Henry and propose a short sail in a man-of-war. As they have never been at sea they embrace the proposition. Henry, who is kept well informed of their movements by Marie, resolves to play a bold trick on Pompery. He bribes the boatman, who puts the party on board of a merchant ship, whose captain is a friend of Henry's, and resigns to him the command. In the morning, to the dismay of the party, they find themselves on board Henry's ship, bound for China. Pompery demands to be put on shore, but is informed that it is impossible, in view of the strict orders given by the secretary of State, and procured by Pompery and his friends. In his despair Pompery tries to get up a mutiny among the crew, is seized and condemned to death. The rope is about his neck, when Henry offers him his life on condition that he will consent to the marriage of Henry and his daughter. Pompery makes a virtue of necessity and consents. The story is wholly free from any objectionable situations, the language is very sprightly and the situations irresistibly comic. There are half a dozen excellent parts and the music is full of sparkle, with many engaging melodies interspersed.

THE REHEARSAL OF THEODORE THOMAS' SYMPHONY CONCERT.

The public rehearsal given yesterday by Theodore Thomas' orchestra, at Steinway Hall, has prepared the ear of the musical public for the concert which takes place on Saturday evening of this week. The programme includes in its list of composers the names of Wagner and Raff, living celebrities, who give zest and vital interest to a concert; together with Beethoven and Weber, departed geniuses, over whose harmonious glories musicians can linger reverentially and gratefully. We take particular pleasure in recommending the concert of to-morrow evening to all lovers of music.

MUSICAL AND DRAMATIC NOTES.

John Owens has been sick in Texas.

Robert Heller, magician and pianist, is in Liverpool.

The Strakosch Italian Opera Company are in Baltimore.

Mrs. Bowers' Camille is much praised by the New Orleans press.

Colored people are not permitted to sit in the main body of any theatre in Chicago.

Aimée and her opéra bouffers are at the Boston Globe, and will be succeeded by Toole.

The Soldene English Opera Bouffe Company are playing this week at the Chestnut, Philadelphia.

Mr. Jerome Hopkins' concert for the benefit of the Orpheon School Fund takes place this evening at Steinway Hall.

The third band concert of the Twenty-third regiment takes place on Saturday at their armory in Clermont avenue.

Mrs. Scott-Siddons assisted at a grasshopper benefit entertainment at Chicago, on New Year's night. It was for the sufferers in Nebraska.

"The Deluge" will be produced at Wood's Museum, Philadelphia, next week under the direction of the Kiralfys. Miss Seaman continues to play Old Nick.

"The Messiah" was given on Christmas Eve at the Royal Albert Hall, with Mme. Lemmens-Sherington, Mme. Patey and Messrs. Rigby and Agnesi as solo vocalists. Mr. Barnby conducted.

Mr. John T. Raymond will, this evening, receive a benefit at the Park Theatre. There can be little doubt that the public will mark in a generous manner their appreciation of this favorite actor. Colonel Sellers burst on the stage like a revelation and secured at once the popular attention. To-morrow night he will ask for his "appropriation," and we have no doubt it will be voted by acclamation.

A CRITIC'S EAR PULLED.

NEW YORK, Jan. 7, 1875.

TO THE EDITOR OF THE HERALD:—

I enclose you an extract from a contemporary which has naturally transported me with joy. As a marvel of a graceful tribute to art it stands peerless in its wisdom, manliness and truthfulness; indeed, I am not sure but that its author should be tendered the freedom of the city for his bravery. Many are the acknowledged improvements in our social and political government in our great city, but it remained for the defender of the drama to discover that in the heroic exertions of a friendless widow and her child to gain their daily livelihood should be found the germs of all the maliciousness, envious, poisonous, petty malice, spite and contortion of truth that ever emanated from a pen.

Far be it from me, generous gentlemen of the New York press, to associate with your brotherhood the authorship of this attack on me. I but call, through these few words, your attention to the fact that I would as soon compare your minds and pens to this obscure and unconsidered self-important imprint of nothingness as qualify the excellence of the shining moon by its reflection in the stagnant pool. If I did not smile at the "maudlin imbecile" attempt to sting me personally it was because I remembered my recent glories before a New York public, and if I sighed it was because I thought of the equally snakish sting my Bijou may be doomed to bear when she may have no mother's pen or voice to aid or comfort her. But Bijou is brave as she is wondrous, and when I saw her crumbling something beneath her tiny feet, and asked her what she was doing and she answered, "Mamma, I am treading on your enemies!" then I thought, well, so—so be it. And so, while I address thus my friends in public and in private, it is but with the grateful wish to show them and to comfort them with the assurance that my enemies' darts at me or through me at my child, have the same effect as water on the plumage of a duck.

With constant faith in the ever faithful public, I am, as ever, gratefully their obedient servant,

MATILDA HERON.

FIRE IN THIRD AVENUE.

A fire was discovered shortly after one o'clock yesterday morning in the low frame building No. 1,647 Third avenue. The place was occupied by Olaf Wasboe as a feed store, and by George Viering and S. Merritt as a stable. Mr. Benjamin C. Sparks, of No. 202 East Sixty-second street, owned it. The flames found fine material to work upon, and soon made it impossible for any one to enter the building. As a result two horses, one belonging to Viering and the other to Merritt, could not be got into the street and were burned to death. The stock of the feed store and most of the harness contained in the stable were also destroyed. The losses are as follows:—Mr. Sparks', on the building, $500; Wasboe's, on stock, $500; Merritt's, $200; Viering's, the same amount. Mr. Sparks' loss is covered by insurance in the Broadway Insurance Company. Wasboe is also fully insured.

PACIFIC MAIL BRIBERY.

Irwin's Attorney Still Striving to Prevent Disclosures.

REVERDY JOHNSON SUPPORTS HIM.

The Distinction Between Acts Performed and Knowledge Confided.

A RESPITE UNTIL SATURDAY

WASHINGTON, Jan. 7, 1875.

The House having refused to relieve Richard B. Irwin from imprisonment in the common jail, Sergeant-at-Arms Ordway this afternoon went to the jail to make arrangements for his accommodation. Irwin has been assigned the room occupied by General Sickles pending the latter's trial for the killing of Mr. Key, which will be rendered comfortable by the addition of winter furniture. It is expected Irwin will be removed thither to-morrow or the next day.

IRWIN TRIES TO GAG HIS AGENT.

Mr. Charles Abert, the counsel and agent of Richard B. Irwin in his subsidy enterprise, appeared again this morning before the Committee on Ways and Means, when the following proceedings took place:—

The CHAIRMAN—We left off in the examination yesterday at the question whether you would give us the names of the persons to whom you paid the money received from Mr. Irwin. I will repeat the question.

WITNESS—Before proceeding with that branch of my testimony, I desire to submit to the committee the opinion of Mr. Reverdy Johnson. I have said that, had my examination preceded that of Mr. Irwin, I should have felt no hesitancy in answering the question of the committee as to whom, under Mr. Irwin's direction, I, as his attorney, paid certain sums of money intrusted to me by him for the purpose. As now advised, it appears that I would thus unknowingly have violated my duty as counsel or attorney. I have said that I felt a hesitancy in stating to whom the payments were made by me, from the fact that Mr. Irwin had declined to answer to whom he made payments, and I say that he did not direct me to pay any sum or sums to any member of either House of Congress; neither did I do so; nor did I pay any person with the knowledge, understanding or agreement that any sum or sums were to be so paid. Mr. Irwin has not forbidden me to name nor requested me not to name the persons to whom he directed me to make payments, but having requested him to give his consent under the apprehension that with it I might answer fully as desired, he has addressed me the following letter:—

WORMLEY'S HOTEL, WASHINGTON, Jan. 5, 1875.

CHARLES ABERT, Esq.:—

MY DEAR SIR—I have carefully reflected upon your request that I would release you from your obligations as my counsel, so as to enable you to answer any and all questions that may be put to you by the Committee on Ways and Means. I find myself still unable to express such consent; indeed, I doubt whether any action of mine can change those relations. I can only repeat that I must leave the decision of the question to your conscience, your own sense of duty and your own knowledge of the relative rights and obligations of client and counsel. I cannot believe that any counsel has a right, under any circumstances, to give up the confidence of his client. As this is a matter of great importance to you; as your decision may bring you in contact with the physical power of the House of Representatives; as it involves a question of the highest professional ethics, and as it may affect your whole future career one way or the other whatever you decide, allow me to go a step further and most earnestly and respectfully advise you for your own sake, and in order that your course may command the combined confidence of your clients and your professional brethren, that before definitely deciding you consult the highest authority in your profession now available. Should you act either way, under the advice of the Hon. Reverdy Johnson or Hon. J. S. Black or any lawyer of a similar standing, I should feel that you had a protection against criticism, from whatever quarter; and should any lawyer of the standing of these gentlemen advise you to answer all the questions of the committee, I for one would feel that you had exhausted your duty so far as I am concerned. Personally, as you are aware, I should be glad to release you unconditionally, knowing that your evidence could only confirm mine. Very respectfully,

RICHARD B. IRWIN

REVERDY JOHNSON'S OPINION.

It was in consequence of this letter that I wrote to the Hon. Reverdy Johnson, as follows, he being personally well known to me for many years:—

WASHINGTON, D. C., Jan. 5, 1875.

Hon. REVERDY JOHNSON, Baltimore:—

DEAR SIR—I am summoned to testify before the committe of the House of Representatives, now investigating the Pacific Mail subsidy question, and must appear to-morrow. I was of counsel for R. B. Irwin, who had control of the interests of the company before Congress during the session of 1871-72. I was directed in the course of my employment by him to make payments to certain persons not members of Congress of either house for their aid and counsel in the matter. I desire to have your opinion whether, under my obligations as counsel, I have the right to give the names of these persons if called on to do so by the committee. In the course of my examination is it consistent with the relative rights and duties of client and counsel to answer such questions? Please give me your opinion fully on the principle involved. Very respectfully,

C. ABERT.

Here is Mr. Johnson's reply:—

BALTIMORE, Jan 6, 1875.

To CHARLES ABERT, Esq., Washington:—

DEAR SIR—Your letter of yesterday is received. If you were employed by Mr. Irwin as counsel, and in that capacity were directed by him to employ other persons and to pay them out of the funds placed in your hands for the purpose, you cannot legally or morally, without his consent, disclose their names. You tell me, and from my knowledge of you I am sure it is so, that you made no payment to any member of Congress. Yours, with regard,

REVERDY JOHNSON.

A PRECEDENT IN SUPPORT OF THE WITNESS.

The witness here quoted from a ruling of the Committee on Banking and Currency in the Ocean National Bank investigation, which he regarded as sustaining his views, and said, from the indicated opinion of the chairman (Mr. Maynard), his views seem fully to accord with the opinion of Mr. Reverdy Johnson, already given:—"Where a difference in the course of action on the same point by two committees of the House occurs both courses cannot be right, and in my opinion the House itself should decide which is right." There is a recognized difference between the position of Mr. Irwin and myself before this committee, in that he was an officer or agent of the Pacific Mail Company and I was an attorney and counsellor employed by him. "Communications made on the faith of that professional confidence which a client reposes in his counsel, attorney or solicitor, are not allowed to be revealed in a court of justice." (Phillips on Evidence, vol. 1, page 162.)

With respect to the character and situation of the persons receiving the communications, it is to be observed that this professional privilege extends to the three cases of counsel, attorney and solicitor (page 163). Therefore, in the payments made by me, as the attorney of Mr. Irwin, am I not debarred from testifying, especially when, on applying to my client to be allowed to testify on this point, he declines to give his consent? Phillips says:—"An attorney will not be allowed, against his client's will, to disclose matters of professional confidence, though he himself is willing to do so" (page 163).

THE OCEAN BANK CASE.

In the Ocean Bank investigation case, already referred to, the witness was not allowed to answer the question as to whether he knew of any illegal or improper conduct in the management of the affairs of the bank on his (Mr. Davis') part or on the part of any other official in any way connected with the bank, because what the witness knew came from Mr. Davis himself. Having exhibited to this committee an opposite course of action pursued by it from that adopted by the Committee on Banking and Currency on the question of professional confidence, I respectfully contend that the House alone can decide which is the right course, and therefore, before answering the pending interrogatory of this committee, I ask that the committee will obtain the decision of the House on this point as applicable to my case.

THE WITNESS' OWN ACTS.

The CHAIRMAN—I will not ask you just now to divulge any communication made to you by Mr. Irwin; but I will ask you to testify to your own acts, without any regard to any communications. I therefore put the question to you, "To whom did you pay this money?"

WITNESS—It strikes me that is the very question at issue; I made no payments voluntarily; I made them under the direction of Mr. Irwin.

DISTINCTION BETWEEN ACTS AND KNOWLEDGE.

The CHAIRMAN—About communications between counsel and his client the courts say that these communications are confidential, but I never heard of a court saying that a man can conceal his own acts because his client told him to do them. I ask you now about your own acts.

Mr. NIBLACK—I desire to call the attention of the witness to the distinction that exists between communications made by a client to his attorney and disbursements made by the attorney simply as an agent. In other words the duties of counsel do not as a rule, extend to business of that sort, but simply to advice and general direction.

The CHARMAN, to Witness—Do you hold, as a matter of law, that this committee is not entitled to hear any communications made to you by Mr. Irwin, if both you and Mr. Irwin consent to it. That seems to be the doctrine laid down by the Committee on Banking and Currency, in the case to which you have referred.

WITNESS—No, sir; the difficulty in this case is, that Mr. Irwin himself declined to answer. If Mr. Irwin had not declined to answer I should not have considered this a privilege question at all.

Mr. BECK—Let me make a suggestion to Mr. Abert: Mr. Johnson says in his letter, that if you were employed by Mr. Irwin as counsel, and in that capacity were directed by him to employ other persons and to pay them out of funds put in your hands for the purpose you cannot legally or morally, without his consent, disclose their names. You recollect that you said to us yesterday that the payments were made by you to men whom you had never seen before or since in many cases. Does it not occur to you that where payments were made by you to men whom you never saw before nor since the letter of Mr. Reverdy Johnson does not approach that question at all?

WITNESS—It is not a question of employment by me certainly.

The CHAIRMAN—Nobody is more desirous than I am myself to guard jealously the rights of a client in the hands of his counsel. They are considered by the profession the most sacred of its obligations, and I for one would not knowingly trench upon those rights. We desire to get at certain acts of yours which, we believe, we are entitled to without regard to the discussion of this question. As Mr. Niblack has said, these acts of disbursement by you cannot under any construction be considered as confidential communications between client and counsel.

Mr. KASSON—In the very nature of things the party to whom the money is paid is as well aware of the fact as the client himself, and therefore it cannot be a personal secret. I hold, further, that universal law requires a counsel in a case in court to testify to a payment which he has made to another party by direction of his client or not, if that question arises.

Mr. NIBLACK—Under the law of my State a physician is prohibited from disclosing communications made to him by his patient, but that prohibition would not prevent him, if called upon in a proper way, from communicating the fact of what medicine he gave to his patient.

Mr. KASSON—Or, if a suit was brought by the apothecary who sold the medicine, and he should put the physician on the stand, the physician would be compelled to testify that he ordered the medicine.

Mr. NIBLACK—Or take the case of a priest. He may properly refuse to tell what a dying man communicated to him, but that would not protect him from disclosing to the Court what became of the money of the dying man that came into his possession, if that became a material question.

The CHAIRMAN—He might be shielded from saying what the dying man told him, but not from stating what he did with the money.

NOT A PRIVILEGED RELATION.

Mr. BECK—The question here does not raise at all the question between attorney and client. We are investigating now what corrupt means have been used to obtain legislation by Congress. Mr. Irwin is in no sense a party to that matter. He is a witness, and this man is a witness, and they cannot constitute the relations of client and attorney in covering up payments made for corrupt purposes. As we are endeavoring to get at the bottom of the question whether corrupt means were used or not the relations of client and attorney cannot exist in the matter. Congress does not recognize any such thing. It is against public morality for men to come here attempting to influence legislation and spending money for that purpose. Whether Mr. Irwin employed counsel or not he could not constitute a relation which would keep Congress from getting at the facts. I, therefore, go away beyond all this question of attorney and client.

Mr. WOOD—You express my sentiments exactly.

Mr. KELLY—And I concur entirely.

The CHAIRMAN—I do not doubt a word of what Mr. Beck has said, that this matter is distinguishable from the relations of attorney and client.

The WITNESS—I would state that I only want to clear my professional honor and my honor as a man who, up to this time, has passed through life with his character untarnished; I therefore ask that you will decide the question which I have submitted and that then you will allow me until Saturday morning to decide fully on my position; I have been suffering from chronic ozena, which has weakened me very much, and I should like to have rest until Saturday morning; I would feel in a different position if I had the decision of the House; I want to feel fully fortified in the matter.

Mr. BECK—Will you abide by the decision of the House?

WITNESS—Do you mean by that, that if the House decides I shall answer, I will answer?

Mr. BECK—Yes.

WITNESS—I cannot say yes or no to that.

After a short consultation the request of the witness was complied with and he was excused until Saturday morning.

MARRIAGES AND DEATHS.

ENGAGED.

BEHRMAN—VOGEL.—HENRY BEHRMAN to REGINA, daughter of Marcus Vogel, Esq., both of this city. No cards.

MARRIED.

KING—RIVES.—At Grace church, on Thursday, January 7, by Rev. Henry C. Potter, D. D., assisted by Rev. William F. Morgan, D. D., and Rev. Henry Y. Satterlee, ELLA LOUISA, eldest daughter of Francis R. Rives, Esq., of New York, to DAVID KING, Jr., of Newport, R. I.

DIED.

AITKIN.—On Wednesday evening, January 6, HELEN C., wife of James Aitkin.

Relatives and friends of the family are invited to attend the funeral, on Sunday, 10th inst., at two o'clock, from 464 West Twenty-third street.

AVERY.—In New York, on January 7, Mrs. SARAH AVERY, widow of the late John Avery, of Lowell, Mass., aged 75 years.

The remains will be taken to Mount Auburn for interment.

BARRETT.—On Wednesday, January 6, Mrs. HELEN BARRETT, in her 50th year.

Relatives and friends are respectfully invited to attend the funeral, on Saturday, January 9, at nine A. M., from her late residence, 363 Cumberland street, Brooklyn, to St. Joseph's Roman Catholic church, Pacific street, near Vanderbilt avenue, where a solemn mass of requiem will be offered for the repose of her soul; thence to Calvary Cemetery for interment.

Dublin papers please copy.

BLISS.—In Brooklyn, January 7, 1875, at one o'clock P. M., B. FRANK BLISS, in the 30th year of his age.

His relatives and friends are invited to attend his funeral, from his late residence, No. 207 Cumberland street, Sunday next, at two o'clock P. M.

BOORUM.—Suddenly, on January 6, of croup, ALICE CARY, youngest child of William B. and Millie O. Boorum, aged 3 years.

Funeral services at the residence of her parents, 292 Clermont avenue, Brooklyn, on Friday, 8th inst., at four o'clock P. M.

BOYLAN.—MARY, wife of Peter Boylan, daughter of Owen Kear, of Anagh, county Monaghan, Ireland, on Thursday, January 7, in the 39th year of her age.

The funeral will take place on Friday, January 8, at two o'clock, from her late residence, 241 East Twen