THE PACIFIC MAIL.

Testimony of Whiting Before the Ways and Means Committee.

His Employment to Influence Senator Cole.

A SIGNIFICANT CHECK.

Weak-Kneed Answers to Very Hard Questions.

John Roach's Protest to Congress on Behalf of Shipping Interests.

WASHINGTON, Feb. 15, 1875.

The Ways and Means Committee resumed the Pacific Mail subsidy investigation this morning in public.

Moses Dillon, formerly bookkeeper in the Sergeant-at-Arms' office, was recalled, and the official stenographer read to him the full record of his examination by the committee in private session last Saturday. Mr. Dillon thereupon affirmed the correctness of the record and signed it. It appeared that when Dillon was examined by this committee during the last Congress he testified as to the making of memoranda of the initials of several Congressmen who had thousand dollar bills changed in the office about the time of the passage of the subsidy bill, but that he went before the committee the next day and withdrew his testimony and asked to have the proceedings expunged, which, at his request, was accordingly done. When questioned by the committee last Saturday Dillon swore he could not recall any of the names that he then put down on his tablet and subsequently erased excepting Messrs. Voorhees, Storm and Winchester, and they were recalled to his mind only by the fact that they had recently been here and testified on the subject. He swore also that he had an exceedingly bad memory for names and had been frequently under the necessity of asking members their names when they came into the office.

Mr. Kasson corroborated this statement as regarding himself.

Witness continued by saying that he put down the initials of some of the gentlemen who had large bills broken up at that time merely out of a spirit of sport; there were certainly six of them, and probably more; there might possibly have been thirteen or fourteen; he remembered giving the committee of the last Congress the initials of one member only—namely, that of Mr. Voorhees.

Question—Did you not give the initials "J. B. S." and say that you supposed they stood for "John B. Storm?"

Witness—I confess that I was mortified a good deal about it, and after the committee agreed to expunge the whole matter I erased the names from my tablet and from my memory. Witness, continuing, said he put the initials down generally immediately after the bills were changed, but not in the presence of the members. He could not recollect how long this was after the passage of the subsidy.

Q. We would like you to reproduce everything you know about the transaction? A. I have said all that I do know; I have really no personal knowledge of the matter at all.

Q. After you testified before the committee last Congress did you not subsequently appear before the committee and request to withdraw your testimony? A. I did.

Q. What did that grow out of—your satisfaction that you were mistaken? A. No, sir; it grew out of my mortification at having been led on to take those names at all; it was a matter in which I had no business to interfere; I know that afterward it had been the means of depriving me of the good opinion of some gentlemen whose esteem I valued very highly, and I erased the names from my books and from my memory.

A. H. WHITING TESTIFIES.

Mr. A. H. Whiting, a real estate dealer of Bridgeport, N. Y., was next examined. He testified that in January, 1872, he was employed by Richard B. Irwin to give his whole time and energies to the work of promoting the passage of the Pacific Mail Subsidy bill by the use of all proper and legitimate means; Irwin agreed to pay him, if the bill passed, $10,000 per annum every year that the contract might run; subsequently this arrangement was changed, and it was agreed that the amounts for the ten years of the anticipated contract should be capitalized and at $56,500; this was the total amount that witness received from Irwin; the especial object of his employment was to influence Senator Cole to favor the subsidy and remove certain unfriendly impressions that were supposed to exist in his mind against Irwin; witness found, however, when he came to Washington that Senator Cole did not need influencing, being already warmly in favor of the increased subsidy and fully committed to it; witness did nothing to earn the money he subsequently received from Irwin, except to talk with everybody he knew about the national advantages to be derived from authorizing the semi-monthly China mail service and granting an increased compensation.

The witness repeated, in reply to a question, that he did not remember of having spoken to any member of the House, but in accordance with his agreement he was to do anything he could to help the subsidy by speaking favorably of the measure and to act as Irwin desired.

Mr. Kasson—Then what you did was in the Senate and not in the House? A. Yes, as far as I remember.

Q. What were you asked by Irwin to do in the Senate? A. Irwin said he thought a certain Senator was cross toward him personally, and he desired that that Senator should become favorably disposed to the measure; the name of the Senator was Mr. Cole; Irwin was desirous of removing prejudice from his mind, and that he should stand up for the measure heartily; Irwin asked me to see him; I did so and at the first interview discovered there was no such prejudice to remove, and that Cole would support the measure; he could not do otherwise, as it was one in which his constituents were deeply interested.

Q. Were you asked to see any other Senator? A. I do not remember.

THE AMOUNT OF COMPENSATION.

Q. It appears that you received $56,500 for your work? A. I received that amount for the time spent, but not for that particular work; I felt myself entitled to that much money; I was engaged in an extensive business of my own; the business of our commercial house was to the extent of $1,000,000 a year; I was the purchasing and forwarding member of the firm; I came from Arizona to New York, and from New York to Washington.

In further response, the witness said he had been engaged by Irwin to dispose Senator Cole's mind favorably to the subsidy, Mr. Cole having been his counsellor and legal adviser; he had called at his house frequently; he was not connected in consanguinity with Mr. Cole's wife; Mr. Cole's wife and the witness' uncle's wife were sisters; he never told Mr. Cole what he was employed for by Irwin or what money he had received or was to receive; he led Mr. Cole to believe that he was speaking from a Pacific point of view; the witness kept all the money he received for himself exclusively, and was not directed to share it with anybody.

A SUSPICIOUS CHECK.

Mr. Kasson showed witness a check drawn by him for $18,023, payable to Cornelius Cole and indorsed by Mr. Cole and by George D. Krumtnoor, of Philadelphia. The date of the check was November 11, 1872. The witness having been asked to state the facts in connection with the check, said:—Between the 9th and 12th of November he was confined to his home by sickness; he sent the check to Mr. Cole, who was in Philadelphia, and asked him to pay it with the money he owed to Krumthoor, which he did and took a receipt in witness' name; this was altogether a private transaction, in which Mr. Cole had no interest. Witness had become liable for the payment of the debt; the business might be called a transaction in stock; Krumthoor was the Treasurer of the California Construction Company, and the money paid to him was a subscription to stock.

Mr. Dawes asked whether the check itself, payable to the order of Mr. Krumthoor, with the latter's indorsement, would not have been a sufficient receipt, without Mr. Cole's intervention.

The witness replied that it might have been better to send the check in that way; the California Construction Company was to construct railroads in California and Texas; it was his impression that he met Mr. Irwin at a hotel the day after he arrived in New York; the original contract with Mr. Irwin was for $10,000 a year, and the service was to secure a subsidy.

HARD QUESTIONS.

Q. Did you at the time of the contract think it would take ten years to get a subsidy? A. I did not.

Q. Then how came you to fix upon ten years? A. I presumed that the subsidy would last ten years and that my stipend or salary would last that time; my contract with Irwin was the payment of $10,000 a year for ten years, and I was to hold myself in readiness to execute Irwin's orders.

Q. I understand you to say you asked that much money because you thought your services were worth it. If you were employed only two months you had nine years and ten months to spare. Why did you put such a value on your services for only two months' employment? A. I believe that gentlemen making contracts will get what their services are worth if they can.

Q. How came you to settle under the contract for $56,500 for two months' service? You say you saw Mr. Cole only once, and found at your interview there was no use going any further, he being already favorably disposed to the subsidy. A. I have no answer further than that Irwin, as an honorable man, felt bound to settle with me.

Q. But it was not to carry out the contract, but the payment was for services rendered? A. I think the capitalization took place before the work was over.

Q. Then you made a new contract? A. Certainly.

Q. If the object in Irwin's employing you was to influence Senator Cole there was no necessity for doing so, as he was already on the side of the subsidy? A. That was my understanding.

In further reply the witness said Irwin thought that Mr. Cole was feeling very cross toward him personally, and that he was employed to reconcile him and dispose him favorably to the subsidy; he informed Irwin after his interview with Mr. Cole that Cole said he would heartily support the measure; the witness found Cole as well disposed toward it as he could desire.

Q. Instead of Mr. Irwin making a contract with you to pay $100,000 for your interview with Mr. Cole, do you know of any reason why Mr. Cole would not have told Mr. Irwin the same thing? A. No, sir.

The witness, in response to further inquiries, said that Irwin never gave to him a check for a larger sum than $56,500, nor had he received a larger sum from him; he had no doubt Irwin was in error in stating that he had returned Irwin $40,000, as he did not recollect returning any sum. His understanding was that the check for $56,500 was in full settlement, and if Irwin regarded the remainder of the $100,000 as money returned, that was his own way of transacting business; the witness was not apt to forget the actual amount he received; having received a check for the money, he obtained for it a certificate of deposit and passed it to his banker.

A WEAK-KNEED EXPLANATION.

By Mr. Niblack—You say you have nothing to conceal. We have believed you have been reluctant to come before this committee to testify, and have kept out of the way of a subpœna. What have you to say on that point in the way of explanation? A. I have to say, with much chagrin, that I made a mistake; my first absence from home was not to avoid a subpœna; I went to the oil regions of Pennsylvania; I saw in the newspapers my name connected with this matter; I was somewhat appalled by it; not being a lawyer I preferred taking time to consider the subject; another reason was the fact that I saw that Irwin had stated that I had received $100,000, which was an error and which I supposed would be obvious to him, and that he would correct the misstatement before the committee; I was in Canada only six days.

Q. Would it not have been better to come here yourself and see the error corrected rather than trust to Irwin? A. I made a mistake.

Q. Did you not know that by keeping out of the way you were doing injustice to Senator Cole? A. I am very sorry; I did it under a mistaken impression; but I came here voluntarily.

In further response the witness said he received no legal summons until he reached his hotel in Washington; he did not know how the committee came to get a subpœna into his hands in Canada; he arrived in Canada on Wednesday night and telegraphed to his wife on Thursday and then wrote to her, and during Sunday the telegraphic summons was delivered; when witness made his contract with Irwin he severed his connection with the business house of Hooper, Whiting & Co.

Mr. Kasson pointed out to witness the testimony of Mr. Clarke taken in New York, by which it appeared the witness received a check for $100,000.

The witness said his impression was the check was for $56,500, and that this was the precise sum; Irwin was at the bank with him; it was not probable he indorsed the check without knowing the amount it covered.

Mr. Kasson showed the witness Irwin's account book. There were entries of two sums of $100,000, but none of the $56,500. The witness replied the only amount he carried from the bank was a certificate of deposit for $56,500; he was not in San Francisco the latter part of the year 1872.

Mr. Niblack—Did you have any co-operation with William S. King? A. No, sir.

Q. Did you know he was employed in the same business with you? A. I have not the pleasure of his acquaintance.

CONGRESSMAN STORM'S TESTIMONY.

Representative Storm, of Pennsylvania, then appeared before the committee. He said he understood that Mr. Dillon, a former bookkeeper of the Sergeant-at-Arms, had mentioned his name in connection with the matter under consideration; if his (Storm's) testimony given in 1872 could appear in connection with Dillon's testimony he would be satisfied; if not, he was here to testify again. He then repeated under oath what he said in 1872—That Dillon's statement that he noted his initials as to a thousand dollar bill which came into his hands from him was incorrect; he never had a thousand dollar bill in his life; nor did he ever have such a bill charged in the office of the Sergeant-at-Arms; nor was ever a dollar paid to him for his vote or his influence; he never had any money charged there except his own monthly pay; the witness said to Dillon that what he had done was an outrage, as he had consistently opposed the subsidy throughout; Dillon replied that he was going back to withdraw his statement; Dillon was much annoyed on discovering the injustice he had done to Mr. Storm.

Mr. Kelley remarked that Mr. Dillon was very deficient in his recollection of persons and names and did not recollect that he had designated a thousand dollar note with the initials of Mr. Storm.

The committee adjourned till to-morrow at half-past ten o'clock.

MEMORIAL OF JOHN ROACH PROTESTING AGAINST THE REPEAL OF THE CHINA AND JAPAN SUBSIDY CONTRACT—REASONS WHY IT WOULD BE DISASTROUS TO AMERICAN NATIONAL INTERESTS—A FATAL CHECK UPON THE REVIVAL OF SHIPBUILDING.

WASHINGTON, Feb. 15, 1875.

The following is the memorial sent to Congress by John Roach, on behalf of the shipbuilding interest, protesting against the cancellation of the subsidy voted to the Pacific Mail Steamship Company by Congress in 1872:—

TO THE CONGRESS OF THE UNITED STATES—

The undersigned, John Roach, iron shipbuilder, in behalf of himself and American workmen employed in shipbuilding, respectfully and earnestly protests against the cancellation of the contract of 1872 with the Pacific Mail Steamship Company for carrying the mails between California and China and Japan.

1. No bribery of Congressmen has appeared in the pending investigation. After searching inquiry it appears almost certain that not one dollar ever went into the hands of a member of Congress.

It does appear that after the act of 1872 was passed a timid and anxious president of the company, engaged more in speculations in the stock than in the conduct of the affairs of the company, was compelled by its trusted agent, with watch in hand, giving five minutes for decision under threat of preventing any benefit to the company from the act just passed, wrongfully to take from its treasury and deliver to him a large sum of money, to be divided among himself and a handful of adventurers on the false pretence that it had been necessary to promise the same to secure the passage of the bill.

It does not appear that this wasting or arranging to waste the money of the company after the bill passed influenced a single vote. On the contrary, it seems clear that the bill passed on its merits after a full discussion. To repeal it now, on the false assertion of bribery and in the interest of the now enraged and hostile men who wasted the money of the company, would be a confession of bribery which is not proved and did not exist, and an act of folly which the undersigned does not believe Congress will commit.

2. Whatever may be thought of the action of the President and agent in taking this money from the company, neither the company and its present stockholders and officers, nor the interests they represent, nor the builders of their ships, should be held responsible for or be injured by it.

No authority was given by the company or its directors for any illegitimate use or large expenditure of money. The only resolution of the directors was limited to the employment of counsel and agents for proper purposes; and nearly all the directors have testified that it did not contemplate an expense larger than ten or fifteen thousand dollars, and that they never knew the facts until long afterwards. In fact, the President, on his own account and in aid of his stock speculations, first undertook through the agent to procure the passage of the act. Afterward, on being forced by the latter to take the money demanded from the treasury of the company, he directed two subordinate officers, under his complete direction and control, to draw checks for the same. By false entries on the books the facts were kept from the knowledge of directors and stockholders, and were never fully known until the Congressional investigation. Now, when the President, having left the company, evades responsibility for his acts by remaining in Europe, and the other actor in the proceedings only returns to attempt to destroy what he mistakenly claims to have created, to punish the innocent stockholders, and damage the immense national interests involved, would be most illogical and unwise.

3. What has been the effect of controlling in American hands, through the Pacific Mail Steamship Company, the commerce of the Pacific Ocean?

By the war of the rebellion the American flag was driven from the Atlantic Ocean, and 2,642,648 tons of American shipping reduced to 388,133 tons. To retain the control of the Pacific Ocean in American hands, Presidents Lincoln, Johnson and Grant, all the Postmasters General, and several Secretaries of the Treasury and Navy, have urged the fostering of the Pacific Mail Steamship Company's business, and Congress has passed the two acts of 1865 and 1872. Their recommendations and the debates in Congress would fill volumes. As the result of this national desire and assistance the company placed afloat a fleet of about thirty steamships, built in America at a cost of about $15,000,000, eight of them, the largest and finest wooden sidewheel steamships in the world at that time, subject to the call of the United States in case of war. By them the United States has controlled the Pacific Ocean and the carrying trade with China and Japan and kept it from foreign hands at a loss to the company of $6,000,000. To keep progress with modern shipbuilding the company, since the act of 1872, has commenced the construction of iron screw steamers and has built eleven at a cost of about $7,000,000. These are equal in every respect to the finest English ships, and the Peking and Tokio, of 5,500 tons each, have been inspected by the United States and pronounced fitted for naval use in time of war. Of the $7,000,000 not more than $500,000 was expended in raw material, mainly for coal and iron in the mine; while the balance of $6,500,000 has been paid for American labor in a new branch of industry, competing with that of Europe. Shipyards, rolling mills, forges, foundries and heavy machinery have been established and capital invested, so that iron shipbuilding may be maintained as an American industry, not only for the entire reconstruction of the Pacific Mail Company's fleet, but for building ships for placing again, whenever the time shall come, the American flag on the Atlantic Ocean and other waters. All this has been done by reason of the contract of 1866 with the Pacific Mail Steamship Company, and of the new contract of 1872, at a rate of compensation for mail service of $2 95½ per mile, while the French and English governments, in their existing contracts with their Oriental lines, pay respectively $4 48 and $3 20 per mile.

4. What will be the effect of cancelling the contract of 1872 and destroying the credit of the Pacific Mail Steamship Company?

(1.) The blow at the credit of the company will be almost fatal. In November last its shares sold at above fifty, while now they sell at less than thirty-five, and will go lower if hostile action is taken by Congress. Is it wise or just to inflict a loss of from $3,000,000 to $5,000,000 upon innocent stockholders in the interest of stock speculators?

(2.) It will leave the company with many ships on its hands not adapted for any other use. The new iron ships are built for fleet mail service, in order to comply with the contracts with the United States. It will be doubtful whether the Peking and the Tokio and the three ships now building can go into service under the American flag. At all events no other new ships will be built by the company, and as the line to China and Japan cannot be maintained without replacing the wooden ships by iron propellers, that line may have to be gradually withdrawn and surrendered, like all previous American lines, to foreign shipowners and shipbuilders.

(3.) It will deliver maritime supremacy on the Pacific Ocean, now established in American hands at $6,000,000 loss to this company, and with but moderate assistance from the government, completely into English hands.

A company has already been formed for the avowed purpose of running English ships from San Francisco to China and Japan. Its agents and its influence have been and now are at work fomenting hostility and prejudice against the Pacific Mail Company and endeavoring to secure the cancellation of the contract of 1872. By reason of the rebellion American ships were driven from the Atlantic Ocean, and they are now kept therefrom by 170 large foreign built iron steamships running to American ports, worth $140,000,000, employing $175,000,000 capital, and earning $80,000,000 annually, mainly paid by Americans, but expended abroad. Of course, the influence of this enormous capital will be exerted in driving from the Pacific Ocean the only complete American steamship line running to foreign ports. But can the American people and the American Congress afford to allow this to be done on account of any facts yet made to appear?

(4.) It will stop American iron shipbuilding, just now reviving, and destroy the capital which has provided this result. If American pride and American capital will not intervene to prevent English steamships from driving American ships from the Pacific Ocean, no American line to any foreign ports can be established or maintained. The Pennsylvania line will be destroyed by unfair competition and there will be no demand for iron steamships, although it is now established that, spite of disadvantages, ships can be built in America as good and as cheap as any on the Clyde.

The only ships now on the stocks in America for the foreign trade are the three under construction for the Pacific Mail Steamship Company, while in England last year ships were built of the value of $85,000,000.

Can America afford to give up a reviving industry, the expenditures in which are entirely for American labor?

(5.) It will deprive the United States in time of war of a fleet of vessels adapted for naval purposes and already in control of the Pacific Ocean. By the act of 1872 the Pacific Mail steamships are to be so constructed as to be suitable for naval uses and to be subject to be taken by the government in time of war.

On all other waters American ships are now few and insignificant. On the Pacific Ocean American ships have complete ascendancy. Shall they be withdrawn and the United States in case of foreign war find itself on the Pacific, as on the Atlantic during the late rebellion, in the condition narrated by an English statesman in the House of Commons:—"We know, too, what was done in the Trent affair. We know how 10,000 men were sent out to Canada by the Cunard line of steamers and other vessels at almost a day's notice." And this Cunard line was at that very time employed by our government to carry the United States mails! The undersigned desires to submit further facts and arguments against the injury to private and public interests to be inflicted by ill-judged Congressional action in cancelling the Pacific mail contract of 1872. No harm can possibly result from delaying action at this session. If bribery or corruption has been or can be proved, it should be punished if possible; but cancelling the contract punishes no guilty person, it only punishes the innocent at the request and instigation of the guilty, and injures great national interests for insufficient reasons.

The undersigned, in behalf of himself and his workmen, earnestly prays that the ships which he is proud of having built in American shipyards, of American material and with American labor, may not, by the hasty action of Congress, be driven from under the American flag. Very respectfully,

CHESTER, Pa., Feb. 10, 1875. JOHN ROACH.

THE HERALD ALMANAC, 1875.

The "HERALD Almanac" is again presented to the public, this being the fourth year of its appearance. It is a very valuable compilation, far beyond the import attaching to the stereotyped title of almanac, and well deserves its further title of "Financial, Commercial and Political Register." A critical examination of its contents gives the most favorable impression of it as a valuable work of reference. Under the separate heads of its title it presents a compendium of information to bankers, brokers and merchants, to the statesman, journalist and politician, rarely found in so condensed and perfect a form. Under Finance will be found daily quotations of government securities on the New York and London markets; daily quotations of the principal railway stocks on the New York and London markets; daily fluctuations of consols; the highest and lowest price of gold for every day in the year; Bank of England monthly discount, from 1859 to 1873; value of foreign coin in American money, and domestic and foreign arrivals in the port of New York for 1874. Its cotton market returns give quotations of the principal brands on the New York market for 1874—of special interest to the cotton broker and planter.

On its election returns a great deal of labor has been expended, giving the result of the late elections in the different States by counties and Congressional districts, and, wherever procurable, by cities and towns. The returns of the more important elections of previous years are placed in juxtaposition with the vote in the late elections, showing aggregate votes for candidates, majority votes and totals, with the increase and decrease in the vote in each State; also New York city vote by Assembly districts for Governor, Mayor and Register, with the aggregate vote of the State on the amendments to the State constitution. In these returns, under the heads of the several States, are given the capital and population of each. Under the head of Census will be found the population of the principal cities and towns of each State alphabetically arranged. In addition will be found under New York State Ticket Vote the vote for Governor for 1874 and 1872 by counties, with totals and majorities, and the vote for State officers for 1874. Under State and Territorial Governments the names of Governors and State and Territorial officers, and Judges of the State courts, with their political affiliations; also population of each State area in square miles, terms of Governors and expiration of terms, representation of each State in Congress, times of holding elections, &c.; also the popular vote for President from 1860 to 1872. Under the head of Congress, list of Senators and Representatives to the Forty-third and Forty-fourth Congresses, the list of Senators being complete with the exception of three States not decided at date of publication. All the departments of the government, executive, legislative and judicial, with the names of the principal officials in each; Presidents and Cabinets from the formation of the government; the army and navy; Departments of State, Treasury, Justice, Interior, Agriculture and Post Office; Collectors of Customs, naval officers, sub-treasuries, designated depositories of the United States, mints, &c.; United States Ministers to foreign governments and Consuls at foreign ports; inspectors of steamboats, &c. Foreign governments—Rulers, Cabinets, capitals, population, &c. Law—Judges of Circuit and District Courts, United States District Attorneys and Marshals, times of holding court, &c. In addition to the "specialties" of the work of previous years is added the great Creedmoor international rifle match, with diagrams descriptive of the targets, the scores of each contestant in either team, grand total, recapitulation, &c. The Mariner's Guide is replete with valuable information to the mariner and ship owner, with tide tables, the sun's declination and equation of time, daily average of temperature for 1874, life saving stations, &c. Yacht Clubs and Yachts—List of the principal yacht clubs in the United States, with names of the officers of the clubs; names of yachts, dimensions, &c. Missing heirs from 1835 to 1874 inclusive. Its chronological, necrological and political records at home and abroad are very full and complete. Under the head of Miscellaneous is presented additional facts and figures, very interesting and valuable. The foregoing is but a brief review of the contents of the HERALD ALMANAC for 1875, sufficient, however, to convey a pretty adequate idea of its value as a compilation a work of reference. It is sold everywhere at the nominal price of twenty-five cents, postage free.

CONGRESS.

Pinchback's Credentials Debated in the Senate.

Speech of Senator Sargent on Events in Louisiana.

"BANDITTI!" IN PENNSYLVANIA

Death of Representative Hooper and Adjournment of the House.

SENATE.

WASHINGTON, Feb. 15, 1875.

Secretary Gorham laid before the Senate a letter from Vice President Wilson requesting him to inform the Senate that absence from the city for two or three days would prevent him from being present at the session to-day.

On motion of Mr. HAMLIN, of Maine, Mr. Anthony, (rep.) of R. I., was chosen President *pro tem.* of the Senate, and the usual resolution requesting the Secretary to notify the President and the House of Representatives of that fact was agreed to.

Messrs. CAMERON, (rep.) and SCOTT, (rep.) of Pa., presented memorials of the citizens of Pennsylvania in favor of granting aid to the Texas Pacific Railroad. Referred to the Committee on Railroads.

THE STEAMBOAT BILL.

Mr. CHANDLER, (rep.) of Mich., from the Committee on Commerce, reported back the bill to revise, amend and consolidate the laws relating to the security of life on board vessels propelled, in whole or in part, by steam, known as the Steamboat bill. He said the bill now was a mere skeleton of that heretofore before the Senate. He asked Senators to examine it carefully and to see if there was anything in it worth passing. If so he would call it up to-morrow. One or two good things were left in it, one of which abolished the collection of pilotage at Hell Gate, New York harbor, which would save $200,000 or $300,000 annually to the merchant marine service of the New England States. Another feature of the bill was that it struck out all the patent rights granted by the Supervisor.

Mr. BOGY, (dem.) of Mo., hoped the bill would be made the special order for to-morrow.

The bill was placed on the calendar.

Mr. EDMUNDS, (rep.) of Vt., from the Judiciary Committee, reported back the Civil Rights bill as it came from the House without amendments, and gave notice that he would move to take it up at the earliest possible moment, which would be in a day or two.

Mr. CONKLING, (rep.) of N. Y., presented memorials of fifty medical societies and institutions in the State of New York in regard to the proper standard of the medical corps of the army. Referred to the Committee on Military Affairs.

The morning hour having expired, the CHAIR announced the unfinished business before the Senate was the bill to provide a government for the District of Columbia.

Mr. MORTON, (rep.) of Ind., moved to postpone the pending and all prior orders and proceed to the consideration of the resolution reported by the Committee on Privileges and Elections for the admission of Mr. Pinchback as Senator from the State of Louisiana.

Mr. MORRILL, (rep.) of Me, said, in view of the assurances he gave on Saturday, he did not feel himself at liberty to urge the further consideration of the bill to provide a government for the District of Columbia to-day, but before the end of the session he would endeavor to have it considered again.

Mr. THURMAN, (dem.) of Ohio, inquired if the motion of the Senator from Indiana (Mr. Morton) could be divided. He thought the Senate could first vote upon postponing the pending order and then upon what should be taken up.

The CHAIR (Mr. Anthony) replied that the motion was divisible.

Mr. THURMAN, resuming, said:—The Senator from Maine (Mr. Morrill) should not permit his bill to be postponed unless he intended to abandon it. Those who offered a amendments on Saturday did not do so out of hostility to the bill, but to perfect it, and it would not be killed unless the gentleman who had charge of it killed it. He hoped the senator (Mr. Morrill) would not abandon his offspring in this way.

Mr. MORRILL, of Maine, said he had not the slightest disposition to abandon the bill; but it had already consumed a great deal of time and should have been passed. Every proposition in the Committee of the Whole had been overruled; but when the bill was considered in the Senate two or three hours were consumed in offering amendments. He was willing to have the session of Saturday continued till nine or ten o'clock at night to complete the bill. But when a motion to adjourn was made, shortly after six o'clock, his friend (Mr. Thurman) and others went over and voted for the adjournment. He (Mr. Morrill) would not press the bill to-day, but gave notice that he would seek the first opportunity to have it considered, when it could be done without displacing any bill of more importance.

Mr. MORTON said as the Senator from Ohio (Mr. Thurman) desired to divide the motion just made, he (Mr. Morton) would now move to lay the bill to provide a government for the District of Columbia on the table, and he did so for the purpose of then moving to proceed to the consideration of the resolution for the admission of Mr. P. B. S. Pinchback.

The motion to lay the District Government bill on the table was agreed to—yeas 34, nays 23; Messrs. Fenton (lib.), Sprague (lib.) and Tipton (lib.) voting with the democrats against the motion.

THE REPORT ON PINCHBACK.

Mr. MORTON then moved to take up the resolution for the admission of Mr. Pinchback.

Mr. BOGY, (dem.) of Mo., moved to lay that motion on the table and take up the Steamboat bill.

Mr. EDMUNDS raised the point of order that the motion of Mr. Bogy was not in order.

The CHAIR (Mr. Anthony), said he was advised it was.

Mr. CONKLING (rep.) of N. Y., said a motion to proceed to the consideration of a bill, like a motion to adjourn, was not open to a motion to lay on the table.

After some further discussion the CHAIR submitted the question to the Senate as to whether the motion of Mr. Bogy was in order, and it was decided in the negative—yeas 25, nays 29.

The motion of Mr. Morton to take up the resolution for the admission of Mr. Pinchback was agreed to.

Mr. MORTON said Mr. Pinchback had presented his credentials, duly signed by the Governor and countersigned by the Secretary of State, showing that in January, 1873, he was elected United States Senator for the period of six years from March 4, 1873. Upon these credentials he had a *prima facie* case and must be seated, any inquiry as to the character of the body which elected him, or improper means used to secure his election, to be inquired into afterwards. It was no part of his purpose to go over the Louisiana story again, but would content himself with giving a few brief authorities for the admission of Pinchback. The first was that growing out of the admission of Mr. Goldthwaite as Senator from Alabama. The Senator from Ohio (Mr. Thurman) then, in the course of his remarks, said the credentials of a Senator, pro erly signed, made a *prima facie* case, and Mr. Goldthwaite was seated on his *prima facie* case. Mr. Morton next referred to the case of Mr. Robbins, of Rhode Island, in 1834, and said after a long debate he was seated on his credentials. In the case of General Shields, who was admitted as a member of the Senate in 1849, the credentials were referred to the Committee on the Judiciary, and it was claimed that he could not be admitted, not being a citizen of the United States. The debate on the question, when it came up, was participated in by Messrs. Douglas, Walker, Badger, Webster and others, and after a full discussion it was decided that General Shields had a *prima facie* case on the Governor's certificate, and he was therefore sworn in. Afterward the case was examined and he was found not to be a citizen of the United States and was expelled. In the Senate recognized Kellogg as Governor of Louisiana then Pinchback had a *prima facie* case and must be seated, any objection to the character of the body by which he was elected, or the mode or manner of his election, to be inquired into after he was seated. As was said by Mr. Webster, the Senate gets no jurisdiction over that subject unless the person elected became a member. He gave notice that to-morrow he would ask the Senate to continue its session until the case of Pinchback was disposed of.

Mr. HAMLIN, (rep.) of Me., said the Senate would be invited to attend the funeral of the late Hon. Samuel Hooper, in the House of Representatives, at two o'clock to-morrow afternoon, and suggested to his friend (Mr. Morton) to ask for the vote on Wednesday.

MR. SARGENT'S SPEECH.

Before announcing when he would ask for the vote Mr. Morton yielded to Mr. Sargent.

Mr. SARGENT, (rep.) of Cal., said some time since he had prepared a few observations in reference to the employment of military force in Louisiana to put down insurrection. If epithets would convince the Senate and annihilate the administration, this debate would have terminated long since. Democratic Senators had assured the Senate over and over again that the President had been guilty of usurpation, violated the constitution and trampled on the liberties of Louisiana. Such talk is not new. It hailed the outbreak of the rebellion and accompanied it to its close. The language of the Legislature of Missouri, recently read at the Clerk's desk, seemed a plagiarism from the resolves of the same Legislature in 1861. In the rotunda of the Missouri State Capitol, at the election of Cockrill, such cries as, "my dog, we've beat them at last;" "The Gray has scooped the Blue this time;" "Whoop 'er up, boys, and see how Grant likes the rebel yell this time," resounded. We have also learned from democratic Senators their ideas on constitutional law. I impeach the law of these orators. They are mighty in assumpsit and torts, but either cannot or will not construe the constitution. In that respect they have for years been lamentable failures. He cited some of the points of

CONSTITUTIONAL LAW

on which, he said, the democrats had been oracular, and declared that both the courts and the logic of events had refuted them, as the want of power to coerce a State, to call out troops, to cause a draft, to emancipate slaves, to exclude insurrectionary papers from the mails, to issue legal tenders, to arm negroes, were, according to democratic authority, unconstitutional; but by legal decisions they were all constitutional. The same pretences of oracular wisdom are still kept up with unabashed confidence. He argued that it is the constitutional duty of the general government to protect a State against domestic violence whether that violence seizes a Governor's chair or a legislative hall, whether of an organized rebellion or a disorganized mob. He cited the guarantee clause of the constitution and the acts of 1795 and 1807 devolving on the President the duty, when called upon by the Governor of a State, to take measures to suppress domestic violence. He then read the call of Kellogg and argued that it was made under this provision of the constitution when the Penn revolt occurred on the 14th of September. The insurgents had never laid down their arms or relinquished the State arms which they seized at that time. He said there was hardly room for difference about what transpired on the 4th of January. The democratic Senators jested at grave facts, pleaded not guilty for their banditti clients and advocated a cause they must lose if negroes and republicans are allowed to vote freely in Louisiana. Referring to the assembling of the Legislature in New Orleans on the 4th of January, he said there were public and repeated threats of assassination and kidnapping of republican members for weeks before. A man was shot in the street because he resembled a republican member and another republican member was spirited away. Information to the Governor that organized violence was to be used to influence the members of the House caused him to put the State House in charge of the State militia. The State House was surrounded by an excited crowd of thousands. Under these surroundings the Legislature met. By a law of a former Legislature a Returning Board was constituted, with power to pass upon the election of members and certify a roll to the Secretary of State. The Board so acted and certified fifty-two republicans and fifty democrats. They constituted the roll which the constitution required to be called on any question on demand of two members. The Clerk was by law made the presiding officer, as in the United States House of Representatives. Wiltz usurped the chair, filled all the other offices, appointed

WHITE LEAGUE CAPTAINS AS SERGEANTS-AT-ARMS,

and endeavored to prevent the egress of republican members and silence their protests. Mr. Sargent dwelt at some length on the call for military intervention and argued that it was made by the democrats first to maintain the control usurped by fraud and force. They then committed an illegal act by seating new members not on the roll in order to have a majority. The republican majority made a written request to the Governor to invoke military aid to clear the hall of unauthorized persons, which was done, and the military of the United States removed the illegally seated persons and restored the hall to the legally returned members, when the democrats withdrew. These acts of Wiltz and his co-conspirators were revolutionary and a subversion of a republican form of government. This was the desperate act of a despotic and unscrupulous minority. If the halls of a State Legislature are sacred against the protecting power of the United States when rebellion is being made successful there, then the constitutional duty of the United States cannot be performed, and each State is at the mercy of its enemies if they can possess the State Capitol, and in support of this position he cited Madison in the *Federalist* and Alexander Hamilton. He contended that the guarantee clause in the constitution was intended to enable the government to forcibly interfere to prevent the destruction of order and law. He next read from the opinion of the late Chief Justice Taney in the case of Luther against Borden to the effect that the power rests by law in the President to decide when an exigency has arisen who is the Governor and what body of men constitute the Legislature of a State and

THE DUTY OF THE PRESIDENT

to use the military in such circumstances; that the responsibility is well lodged with the President, and that "at all events," says the Court, "it is conferred on him by the constitution and laws of the United States, and must, therefore, be respected and enforced in its judicial tribunals." He said the President had reluctantly used the power, but could not avoid its exercise unless he had been untrue to his constitutional responsibilities. He quoted from Hamilton's opinion to Washington on the constitutionality of the United States Bank to show that the duty imposed by the constitution carries with it the right to employ all necessary means to discharge it. He said democratic sanction to such precedents was recent, and quoted from the order of President Johnson to the military commander in Mississippi after the close of the war to prevent the State Legislature from assembling by military force, and arrest those who sought to do so, and said Johnson's administration was indorsed by a resolution of the following National Democratic Convention. He next referred to the order of McClelland to arrest the Maryland Legislature, and the democrats afterward nominated him for President. Under the constitution the right and duty of the United States to intervene to protect a State against domestic violence cannot be questioned, and there is no limit as to the place of intervention. A legislative hall is not excepted by the constitution, and may be, as in this case, the most necessary place for its exercise. The seizure of the House of Representatives was only part of a plan to seize the whole government of the State. The bogus House was to recognize a bogus Senate and this bogus Legislature was to recognize McEnery. But these events in Louisiana are not to be treated as the whole case. On the 14th of September, after a demand on the Governor to resign, an attempted *coup d'état* took place, in which forty-five persons were killed and wounded, and the city of New Orleans was the scene of a reign of terror. The government was overthrown, but the United States troops restored it and peace. But the object of that insurrection was never surrendered. Democratic Senators had sneered at the idea that the call for troops in September justified their continuance there and use in January. There was a parallel case in Pennsylvania in 1794, under

WASHINGTON'S ADMINISTRATION.

Edmund Randolph was Secretary of State, and, by direction of the President, wrote to Governor Mifflin, of Pennsylvania, stating his intention to keep forces in the insurrectionary districts after the dispersion of the rioters, to guard against further aggressions, and, by orders of Washington, the troops were kept there to act in case of emergency. In a letter of Randolph to Mifflin dated August 7, 1794, he characterizes the actors in the riotous scenes as "banditti." The phrase was not original with Sheridan as applied to lawless men in the United States, though Sheridan applied it, not to men resisting excise laws, but to assassins. But the September insurrection is not all. The State for months had been in confusion, stirred up by McEnery's partisans, to prevent republicans from registering and voting. Large bodies of armed men traversed the republican districts, murdering worthy and inoffensive men, as at Coushatta. Time would fail to recount all the outrages, assassinations and crimes perpetrated for electioneering purposes. The ears of democratic Senators are pained by the cry of "Murder! murder!" Think you that we are not pained by the fact of murder, murder? He cited the testimony of Richard Blunt, who was a State Senator and often slept in the woods to escape murder; of Maxey, who testified that McEnery in a speech, in Homer, said there were too many Maxeys and it would be a good thing to make way with them; to the editor of the *Caucasian*, who justified the frequent atrocities, and said democratic Senators claimed the fruits of elections carried by means like these.

THE FUNERAL OF CONGRESSMAN HOOPER.

Before Mr. Sargent concluded a message was received from the House of Representatives announcing the death of Hon. Samuel Hooper, a member of that body, and inviting the Senate to attend his funeral, in the hall of the House, to-morrow afternoon, at two o'clock.

Mr. BOUTWELL, (rep.) of Mass., said with a deep sense of personal as well as public loss he offered the resolution which duty required of him.