RECONCILIATION.

What the State Democratic Leaders Say to Arbitration of Differences.

CONFIDENCE IN HORATIO SEYMOUR

Men Who Seek "the Good of the Party"—Mr. Seymour's Views.

In Sunday's HERALD appeared a despatch from Syracuse disclosing the existence of an endeavor to reunite the democratic party in this State by submitting the differences to the arbitration of ex-Governor Horatio Seymour. To ascertain if such a plan would be acceptable to Mr. Seymour and to the other democratic leaders the following despatch was sent by the HERALD to those gentlemen named in our Syracuse correspondent's letter:—

NEW YORK, Nov. 16, 1879.

It is stated here that an attempt is about to be made to effect a reconciliation of the democratic factions in this State. It is proposed to refer the disputes or disagreements between the Tilden and anti-Tilden parties to Governor Seymour as arbiter. Would you favor such a plan for the good of the party? An early answer by telegraph will oblige.

That sent to Governor Seymour was, of course, varied in the wording to ask if he would consent to act in the capacity of arbiter.

THE REPLIES.

To the above despatches the following replies have been received:—

CHIEF JUSTICE CHURCH FAVORS IT.

ALBANY, Nov. 16, 1879.

To the Editor of the Herald:—

Yes, I favor the proposed plan or any other which will unite the democratic party in the State.

SANFORD E. CHURCH.

MR. MOSES' UNBOUNDED CONFIDENCE.

AUBURN, Nov. 17, 1879.

To the Editor of the Herald:—

I have such unbounded confidence in the wisdom, integrity and purity of Governor Seymour that I should be willing to submit to his decision any question of disagreement either within the party or out of it. WILLIAM J. MOSES.

MR. PURCELL AGREES.

ROCHESTER, Nov. 16, 1879.

To the Editor of the Herald:—

In answer to your inquiry I would say generally that I favor any plan that gives promise of harmonizing and uniting the democratic party of this State, and particularly any proposition that looks to Governor Seymour as an arbiter in the matter of existing disputes and disagreements. At the State Convention a year ago I suggested and urged that Governor Seymour be placed upon the State Committee as a member at large, with the very object in view indicated by your inquiry, but other counsels prevailed.

WILLIAM PURCELL.

SYRACUSANS HEARTILY FAVOR IT.

SYRACUSE, Nov. 17, 1879.

To the Editor of the Herald:—

Yes, heartily. D. PRATT.

SYRACUSE, Nov. 17, 1879.

To the Editor of the Herald:—

I am in favor of referring the matters of disagreement in the democratic party to Governor Seymour.

N. F. GRAVES.

MR. WRIGHT'S EMPHATIC ASSENT.

GENEVA, Nov. 17, 1879.

To the Editor of the Herald:—

In response to your despatch announcing efforts to reunite the democratic party of New York through the intercession of Governor Seymour and asking my views thereon, I reply yes, by all means. The party can and should be solidified in time to reclaim the State for 1880, and no other man living can, in my judgment, accomplish so much in that direction as the statesman you name.

WILLIAM W. WRIGHT.

MR. PARKER THINKS IT PREMATURE.

ALBANY, Nov. 17, 1879.

To the Editor of the Herald:—

I think it is too soon to move in the matter and that it will be accomplished best by the democracy in their primary assemblies in choosing delegates.

AMASA J. PARKER.

GOVERNOR SEYMOUR'S OPINION.

UTICA, Nov. 17, 1879.

To the Editor of the Herald:—

In answer to your despatch just received, asking if I would act as an arbiter to settle controversies in the democratic party, I must say that I am not aware of any movement to harmonize the democratic party in this State by a reference of matters in dispute to myself or to any other person. Neither have I the influence, wisdom or impartiality which would be needed for such office. I have taken no part in politics during the past two years; nor can I do so in the future beyond voting for candidates who represent my political principles. I feel an interest in the success of the democratic party, and I believe that will be best promoted by referring all questions to the conventions which will represent the views and feelings of the active members of that organization. They have the deepest and most enduring interest in harmony and success. They are not divided by prejudices against each other, but with regard to the candidates at the late election. They will act harmoniously in their towns at the spring meetings to choose local officers. When the next State Convention shall be held the delegates will have in view the facts and views of the last canvass, which will enable them to decide upon a wise policy, and they will have the strongest motives for acting with wisdom and patriotism. I believe that convention will be the best tribunal to which all matters of controversy can be referred. HORATIO SEYMOUR.

SENATOR KELLOGG'S SEAT.

TESTIMONY BEFORE THE COMMITTEE OF INVESTIGATION.

NEW ORLEANS, La., Nov. 17, 1879.

The Senate sub-committee investigating the Kellogg-Spofford case met this morning in Parlor C at the St. Charles Hotel. They have decided to hold a daily session from ten A. M. to four P. M. No witnesses were present and a recess was taken until two P. M., when Henry Howser, night watchman at Governor Kellogg's residence in 1876, took the stand and testified regarding visits of Returning Board officials to Mr. Kellogg's home. He heard a good deal of talk, but the only conversation to which he could swear positively was that he heard Kellogg say the House of Representatives of the State of Louisiana had gone democratic; Blanchard and Jewett visited Kellogg frequently, and Blanchard told witness they were working on election returns; these parties usually came in the back way.

The cross-examination showed that the Governor and all who came in carriages came in the same way, the Governor's office being the most accessible by this entrance. Witness admitted that he had tried to get a place in the Custom House, and a friend of his had written a letter to Senator Kellogg, to which witness' name was signed, threatening to go before the committee and testify unless witness got a place.

(Blanchard was at this time a clerk in Kellogg's office.)

Louis F. Garrick testified that a few months ago P. G. Deslond, Secretary of State in 1876, told him that the Legislature that elected Kellogg to the Senate had no quorum; if he (Deslond) was not a poor man he would make a clean breast and tell all he knew about the matter; witness advised Deslond to do so; witness wrote to Senator Gordon about Deslond's disaffection to the republicans, repeating in the letter what Deslond had said; Deslond seemed sore because he could get nothing to do; all he had was a clerkship in the Post Office, which only paid about $50 per month.

Senator Kellogg objected to the admission of this testimony on the ground that the United States Senate had decided that the Packard Legislature was the only legal Legislature of Louisiana, and the question could not now be reopened.

Messrs. Hill and Vance, a majority of the committee, decided the testimony admissible.

(Both the above witnesses were called by Spofford.)

Senator Kellogg will not offer direct testimony.

THE PRESIDENTIAL QUESTION

A COLLECTION OF BOOMS AND COUNTER BOOMS—GENERAL GRANT RUNNING BEHIND WITH THE STALWARTS—MR. BAYARD AND THE GERMAN VOTE—WHO IS MR. TILDEN'S CHOICE?

In the Cincinnati *Gazette* of the 15th inst. there is printed a Chicago despatch from its editor, Mr. Richard Smith, in which, speaking of General Grant, he says:—

Throughout since Grant's arrival here his popularity with the great mass of the people was fully demonstrated. It is true the movement was professedly non-partisan, but it is equally true that Grant as a soldier, an ex-President and a prospective candidate for re-election was the central figure. Had the convention to nominate for 1880 been held here, he would have been chosen with a shout. The politicians hold back or quietly oppose his candidacy, but the people are for Grant, without qualification. Everybody but Grant himself talks about it: but it is a singular fact that no one has approached him on the subject, and absolutely nothing is known as to his opinions on the subject. Hon. E. B. Washburne and General Sherman are nearer to Grant and share his confidence more fully than any other men; but when I say this subject has not even been mentioned between them I speak advisedly. It may be said that Grant is not a candidate to the extent of saying a word or giving a sign; but whether he would accept, if nominated, no one knows. It is safe to say, however, that Grant would not permit himself to be made a party to a contest for the nomination, nor would he accept a nomination that would result from a contest in the National Convention. The opinion of those nearest to Grant is that his reticence may be interpreted as meaning that he considers it time enough to speak when authoritatively approached; that future events may lead him to a different conclusion from what he might reach now, and that he would not, under any circumstances, permit his name to be used unless it should seem to be the substantially unanimous desire of the republican party to nominate him, as it was in 1868 and 1872, and that even in that case he would express his firm purpose not to serve more than one term. In fine, Grant's purpose, as interpreted by those nearer to him, is to keep silent until future events shall seem to demand from him an expression.

NOTICE SERVED ON GENERAL GRANT.

In the Cincinnati *Commercial* of the 16th Mr. Halstead, in commenting upon the above despatch says:—

We have to remark of this that the politicians who are for Grant all assume that the people are driving them. This we believe to be a great folly and delusion. The silence of Grant on this subject does not seem to us so impressive as to others. Indeed, it is a farce that will soon be laughed at. If Grant's friends suppose that he will get the nomination without a contest they are foolish. Do they suppose Sherman and Blaine will put their hands on their mouths and their mouths in the dust before Grant, and that the whole American people will bow down in abjectness in the presence of his glory? If General Grant is wanted for the third term by nearly everybody but a few politicians jealous of his overshadowing prestige, and the country needs him, as the one strong man, it would be sheer perversity in him not to consent to hold the office of President, or whatever we might name it, for life. We have not heard just now of his intense indifference to the Presidency for the first time. He is the only man who ever esteemed it a sacrifice to take that place.

GENERAL GRANT AND THE SOUTH.

The Springfield (Mass.) *Republican* of the 17th, under the caption of "General Grant as a Conciliator," says:—

The fact that there is a strong Southern sentiment for Grant destroys the basis of the stalwart position, so far as it rests on the "unrepentant" brigadiers. The South in fact is no fonder of the sectional issue than the North, and if the South takes up Grant it is as a way out of the suspected attitude in which it is placed by Northern distrust. If Grant affords a common ground of reconciliation, the need of reconciliation at all cannot be so terrible as the stalwarts would have us believe. On the other hand, the South should realize the absurdity of its own position. They take to Grant as a refuge from whom? Hayes? When they are indebted to Hayes for the removal of the last discrimination which differenced a Southern from any other State? Hayes carried out a degree of conciliation which Grant had steadily withheld, although he may have approved of its adoption by his successor. If the South really thinks oblivion of sectional differences a good thing, it has only to break from the leadership of the men in the democratic party who magnify these differences for party capital.

A STALWART PROTEST.

Mr. Alexander McClure, of the Philadelphia *Times*, believes General Grant is losing ground with the stalwart wing of the republican party. He says:—

There is a movement against Grant all along the stalwart line. It has been telegraphed from Chicago more than once during the past three days that there is appreciably less third term talk than there has recently been, and that while everybody is willing to get excited over Grant as a great soldier and distinguished citizen, he isn't running for the Presidency as well as he did. Whether this is true or not it is very significant, coming as it does along with the open expressions of some of the stalwart organs that Grant isn't giving voice to as much stalwart sentiment as was expected of him. He seems to have an idea that the South is still a part of the Union, with a right to representation at least in the legislative branch of the government, and several times he has indirectly, although with decided emphasis, rebuked the sectional feeling which clearly inspires the republican politicians. It has dawned upon those who are nursing sectionalism as the issue for next year that Grant will hardly be a suitable candidate on a platform like that unless he changes some. As this is not likely, the boom has encountered a murmur of opposition which is growing day by day. The stalwarts are beginning to find out that they want a different kind of strong man than Grant appears to be since he has travelled around the world.

MR. BAYARD AND THE GERMAN VOTE.

The St. Louis *Post-Dispatch*, a democratic organ, is of the opinion that Mr. Bayard can carry the German vote. It says in its issue of the 15th inst.:—

The highest compliment yet paid to Senator Bayard is the substantial agreement of all four German editors in this city—who never before agreed except to strongly disagree—that so far as the German vote is concerned Senator Bayard would unquestionably be the strongest candidate who could be put into the field next year by either party. Also that while Bayard would be the strongest, Grant will be the weakest possible candidate before the Germans.

This is the opinion of Dr. Preuss, the able editor of the German democratic organ, the *Amerika*.

This is the opinion of Dr. Daenzer, the profound editor of the independent *Anzeiger*.

This is the opinion of the good Dr. Preetorius, who is the partner of Carl Schurz and editor of the organ of the German republicans.

This is also the emphatic and tersely expressed conviction of the editor of the *Volksstimme*, the organ of the German socialists.

Here are four different German papers, each representing a radically different class, who yet perfectly agree that Senator Bayard would receive the largest German vote of any candidate who could be possibly nominated.

We consider this a most significant sign.

Let it be remembered that in Indiana, Ohio and New York the German vote is absolutely decisive.

Bayard means the German vote. The German vote means Indiana and New York certain, and probably Ohio, too. But we do not need Ohio. We only need to preserve what is fairly our own—New York and Indiana. Senator Bayard will prove himself the preserver of these States, the life-preserver, as it were, of the democracy and—if Grant is put up against him—the Republic.

HOW MR. TILDEN FEELS.

The New York correspondent of the Springfield (Mass.) *Republican* says:—

It has been closely kept in the inner circles of the clique that Mr. Tilden after all has other views and may evade the hardships and the turmoil of another canvass for the Presidency, which in his case has now reached a span of one full term of the office. When approached about the time that Thurman listened to the seducing voice of the "Ohio idea," and when the most active and influential political manager of that mystery told Mr. Tilden that it was high time he had qualified himself for a new canvass by declaring his conversion to the great heresy of inflation, the old man replied that he had other views and could not entertain a canvass which stood back behind two or more elections yet to come. He said that the drift of party management and its discussions threatened to leave so little of the party that it might go to beg acceptance for its nomination, as in Greeley's time. It was not his fashion to forestall events by speculations; nor would he seek renomination. He would keep his friends together and hold a place with others in the rank and file just now, mainly aiming to help those who had aided him when he was at the front.

It is certain that he makes a candid indication of his reluctance to run again, and that of those who know this each is seeking to advance, like Robinson's friends, to grasp the vacancy. Although he favored Robinson by not objecting, and the latter was in no sense party to the plan, yet his choice would now be Charles Francis Adams. Of course, as you will infer from former facts, this preference is personal. Some distant Western propositions he has entertained. This known Western tendency of his choice brought up the claim of Justice Field, of California and of the United States Supreme Court. * * * I repeat and know that Tilden's choice since Robinson's defeat would first be Charles Francis Adams. The Butler vote, with that of Adams, Jr., being within but a few thousand of that of Governor Long, shows that Charles Francis Adams as democratic candidate for the Presidency, with Butler or anybody for Governor, would sweep Massachusetts. Such a nomination for the approaching contest would resolve all question of sectionalism and a solid South, while bloody shirts could find no market. Bayard would be acceptable, and Tilden would support him if the South advanced him. Tilden would sit down with Hendricks for a new ticket with Adams and with Bayard on it. This is not mere speculation; and it should be understood that Robinson and the State government swept aside sends Tilden into the next year's Convention heading the untrammelled delegations of this State, unshackled as an organization either by exploded Tammany Hall or the obtrusive officeholders.

CANVASSING THE VOTES.

LIVELY TILT BETWEEN GEORGE BLISS AND PETER MITCHELL.

The Board of Canvassers yesterday completed the count of the Twelfth, Thirteenth, Fourteenth, Fifteenth and Sixteenth Assembly districts. The proceedings were monotonous in the extreme, no changes being observable in the figures published after election. A protest was received from Alderman Kavanagh against canvassing the vote in the Twenty-second election district of the Thirteenth Assembly district on the ground that the inspectors closed the polls for half an hour on the day of election. In the evening the Committee on Corrected Returns, which consists of Supervisors Sauer, Kiernan and Perley, heard arguments from Mr. Peter Mitchell, counsel for Mr. John W. Browning, and Mr. George Bliss, counsel for Mr. Robert H. Strahan, candidates for Senators in the Eighth district, as to the powers of this body in rejecting or receiving returns understood to be fraudulent. In one of the districts the returns, it is said, were not fully canvassed until the Sunday following election. Mr. Mitchell contended that these returns should not be received; that the Board of Inspectors had no authority under the law to reconvene after their powers had ceased on election night. Mr. Bliss argued that there was no evidence before the committee to prove that the canvass of the district was not completed upon the night of election. It was a fact that the ballots were then counted and the vote announced. The only thing that was not attended to was the making out and filing of the returns. The inspectors, through ignorance, failed to comply with the law in this respect. After somewhat lengthy, dry arguments of this character on both sides the debate became suddenly interesting by a fiery attack made by Mr. Mitchell upon the character of the alleged conspiracy to "count in" Mr. Strahan and "count out" Mr. Browning.

A LIVELY SCENE.

During this attack Mr. Strahan sat at the end of the table, within a few feet of Mr. Mitchell. He glared fiercely across at the counsel, turning livid with suppressed rage. "That won't do; you are going too far, Peter," muttered the ex-Assemblyman and contesting Senator in a stage whisper, while he made a movement as if to rise and walk over toward the attacking lawyer.

"I will say that there has been chicanery here," reiterated Mitchell. Mr. Bliss here came to the rescue of his client by saying in an excited tone of voice:—"I submit that no man, be he truckman, lawyer or ex-liquor dealer, has a right to come here and blacken the character of four respectable citizens and impugn the reputation of my client." Mr. Mitchell stated that he did not intend to convey any personal affront to Mr. Strahan. "I wish to say, however," continued Mr. Browning's counsel, "that I am not afraid of any man, even a colonel, and that I have as good blood in my veins as that of which Mr. Bliss can boast. The committee room is not the place to issue challenges to combat to lawyers or to engage in excited altercations." The audience applauded Mr. Mitchell as he sat down.

After presenting some further law points the lawyers concluded their business, and the committee ordered an adjournment.

THE BROOKLYN CANVASS—THE VOTE FOR MR. SCHROEDER.

The Kings County Board of Canvassers met yesterday, President Moran in the chair. The returns of the Third district of the Eighteenth ward were so incorrectly made out that they could not be comprehended. They were sent back to the canvassers for correction. In the Second district of the Nineteenth ward the vote for Senator was returned in writing and in figures, as 190 for "W. W. Goodrich" and 253 for "Frederick Schreder." It was so read by the chairman. It was moved that the returns as read be entered by the clerk and adopted. The printed ticket pasted on the return in question read, "Frederick A. Schroeder." The motion to adopt the return was opposed by the republican members, on the ground that it was a weak attempt to deprive Mr. Schroeder of 253 votes, which, if successful, would place that candidate in the minority. An amendment was then made to the motion by which it was proposed to send the return back to the canvassers for correction. The amendment was lost by a party vote, 6 voting in the affirmative and 7 in the negative. Supervisor Ormsbee then took up the returns in dispute, and after examining the writing he stated that the words were "Frederick Schroeder," which name was correct, and not "Schreder," as had been read. The 253 votes should be, he contended, credited to "Frederick A. Schroeder," for whom they were intended. A vote was then taken on a motion to postpone action on the question, but it was lost by a tie vote. The motion to adopt the return as read was adopted by a vote of 10 in the affirmative and 9 in the negative.

When the Fifth district of the Nineteenth ward was reached it was stated that the name of "C. L. Robinson" was the only one on the back of the return, signed to it as canvasser, and that the gentleman who signed the return was not appointed by the Board of Elections. After some debate the chairman, Supervisor Moran, ruled that the return was not regular on its face. The return was sent back for explanations. Before adjourning Supervisor C. C. Bennett moved that the action of the Board in adopting the returns from the Second district of the Nineteenth ward be reconsidered. The motion was adopted by a vote of 14 to 4. Counsel for Mr. Schroeder had obtained a mandamus from Judge Gilbert, of the Supreme Court, to compel the canvassers to reconsider their action in reference to that return.

The Board of City Canvassers resumed their labors in the Common Council Chamber, and canvassed the returns as far as the Twenty-first ward. Many returns were sent back to the canvassers for correction. There has been no change so far in the result in the canvass of the city ticket.

A CIVIL JUDGESHIP IN DISPUTE.

Judge Donohue, of the Supreme Court, has issued an order on the application of ex-Assemblyman Leo C. Dessar, who was a candidate for civil justice at the last election, directed to the Board of Canvassers, and ordering that body to show cause before him to-morrow why Mr. Dessar should not be declared elected. Mr. J. C. Julius Langbein received a majority of the votes cast for the office, but Mr. Dessar claims that, as he is a member of Assembly, he is ineligible for a civil judgeship. The canvassers will be served with a copy of the order to-day.

SEVENTEENTH DISTRICT REPUBLICANS.

The friends of Colonel Joel W. Mason, the republican leader in the Seventeenth Assembly district, some time since charged that about forty fraudulent votes had been cast at a primary convention for the election of delegates to the various conventions. These votes, it is alleged, were cast in the interest of what has come to be known as the Simonson faction, the leader of which is ex-Alderman S. N. Simonson. Colonel Mason's friends sought to have an investigation set on foot in the matter, and after some delay a committee of five was appointed for this purpose. Only two members of the committee were present last night when it was proposed to "ventilate" the charges, both of whom are adherents of the Simonson party. Mr. Frank Ethridge acted as chairman and instructed the Secretary to read the minutes, remarking at the same time, "But don't call the roll." The minutes were read and a little preliminary skirmishing was indulged in. Then Mr. Charles A. Grant was called and asked whether he knew of any frauds having been committed at the primary referred to. Mr. Grant, in reply, said that a quorum of the committee was not present and that everything was all on one side. He thought Colonel Mason should have a show. He knew of frauds having been committed but would keep his information to himself until some future time when a fair investigation could be had. Only the Simonson faction was represented on the committee, and that, in his judgment, was not fair. Motions of various kinds were put by the Chairman at this point, and were, upon being seconded by his colleague, duly declared carried amid the laughter of those present. Judge Flammer, who was in the room, was here asked if he had any evidence to give in support of the charges of fraud. In reply the Judge said that inasmuch as the Chairman had at a previous meeting implied that he was not telling the truth he should refuse to have anything more to do with the subject.

"If Judge Flammer thinks that a simple request to tell the truth is an insult, all right," began Mr. Ethridge, in reply. "If he can tell the truth let him do it now."

Judge Flammer replied that his sense of self-respect would not allow him to give further evidence, and closed by saying that a man who did not respect himself would not be respected by others. He then left the room and Mr. Ethridge examined a number of other "witnesses." The report on the subject will be presented at the next meeting of the District Association.

THE MAINE PANIC.

Ridiculous Excitement of Mr. Blaine and His Friends.

A REPUBLICAN BUGABOO.

Governor Garcelon and the Council Refusing To Be Bulldozed.

[BY TELEGRAPH TO THE HERALD.]

AUGUSTA, Nov. 17, 1879.

Everywhere in the State of Maine to-day there was an extraordinary amount of excitement. The groups of men who assembled at the depots, the grocery stores and the post offices discussed in loud tones the prospects of a small sized revolution which most of them believed was about to deluge the Commonwealth with blood. It reminded one very forcibly of the days of the rebellion when news of a decisive battle was received.

A COCK AND BULL EXCITEMENT.

What was the cause of the commotion? The Governor and Council had assembled in the State House to transact ordinary business and to receive the report of a sub-committee to whom were referred the returns of the last election for State officers. Several articles were published in various newspapers in and out of the State alleging gross frauds in several Senatorial districts, and on the strength of these and some statements made by Mr. E. F. Pillsbury, chairman of the Democratic State Committee, a belief was entertained that the Executive department would manipulate the returns, so that the two houses, whose duty it is, owing to the failure of the people to elect, to choose a Governor, would be given over to the democratic-greenback coalition. The agent of the Associated Press here and the fiery Captain Boutelle, of the Bangor *Whig*, were largely responsible for the panic which ensued from the publication of these rumors. It was a panic of the worst kind, and the leaders of the republican party are liable to become the objects of considerable ridicule.

BULLDOZING REPUBLICANS.

Mr. Blaine called the State committees of 1879 and 1880 together first. They met to-day. Then the ex-Governors of the State and all the republican members of Congress were ordered to Augusta by telegraph. The local politicians of Augusta and vicinity, such as Joe Manley, Colonel Osgood, ex-United States Marshal S. S. Marble and others, with leading republicans from all parts of the State, such as Lewis Barker, of Bangor, and ex-Attorney General Emery, of Ellsworth, Eugene Hale's partner, all flocked up to Senator Blaine's house. At four o'clock the Governor and his council went into session at the State House, and soon after a committee of sixteen republicans, one from every county in the State, headed by ex-Governor Nelson Dingley, Jr., of Lewiston, knocked at the door and made a formal demand for admission to supervise the count. Several questions were asked of Governor Garcelon as to the date of opening the counting of the vote, and whether the republican party, through its representatives, would be admitted to look after the interests of their candidates for Senators and Representatives. When the Governor came out to reply he found the corridors filled with a crowd of politicians, loudly discussing the duties of the council and going so far as to threaten violence in case any adverse decision were rendered. To ex-Governor Dingley's question he replied in effect that he did not propose to turn over the returns to a mob until he had a chance to look at them himself.

THE COUNCIL INDIGNANT.

The Council remained in session two hours and a half and only heard and accepted the report of the Committee on Election Returns, which stated that the votes had been tabulated according to usage and would be footed up at the leisure of the committee.

This evening the Augusta House is overrun with politicians, while Senator Blaine's house is literally packed. Senator Hamlin, Congressmen Reed and Lindsey and the two State committees are in conference. The excitement still runs high, but it is uncalled for at present. The Council will go on with routine business to-morrow, considering pardons, &c. The day after they will hear various petitions, and then will either adjourn or go on a visit to the public institutions. They are very much incensed at what they regard an indignity heaped upon them by Mr. Blaine and his republican allies. They will not, therefore, touch the returns till the crowd leaves town. Mr. Moody, the chairman of the committee, said to-night to a HERALD correspondent that he had the returns locked in the safe. "And here," he said, "is the key," exhibiting a safe key. "Mr. Blaine cannot see those returns until we get through with them."

UNCERTAINTY, BUT NO DANGER.

Two prominent republicans said this evening that they were disgusted with the exhibition made by their party. "We have no reason," said one, "to believe that the Governor and Council contemplate any violation of the law, and the demand made on them to-day and the collection of a crowd of politicians in the corridors of the State House and the lobbies of the hotels are very indecent and discreditable. It looks too much like bulldozing. We were all at sea when the Governor firmly exercised his privilege and showed our committee to the door."

There will be an exodus in the morning. The excitement will keep up for a while to-morrow, as the Council may determine by vote what course it will pursue in the matter of handling the returns. They will in all probability count according to the letter of the law, something which has not been done by the republicans, and let those suffer who are improperly reported by the town officers. No effort will be made to gain control of the Legislature by any unfair or arbitrary methods. Of this I am assured by a majority of the Council, and whether democrats or republicans suffer, the law is liable to be enforced. At present there is no appearance of bloodshed, and, although there is uncertainty, men laugh at the idea that anything revolutionary would be attempted.

A RUMOR ABOUT THE MAYOR.

A rumor prevailed in political circles last evening that Mayor Cooper was about to be removed by a superior authority. A HERALD reporter called on the Mayor, at his residence on Lexington avenue, to learn what he knew about the truth or falsity of the rumor. "I don't know anything about the rumor," the Mayor said in reply to the reporter's query. "When I heard of it I sent out to some of my political friends to learn what they knew of it, but they gave me no information." While the reporter was talking to the Mayor ex-Senator Fox passed out and was asked for information. He heard of the rumor, he said, but did not believe there was any truth in it.

SENATOR CHANDLER'S SUCCESSOR.

DETROIT, Mich., Nov. 17, 1879.

The Hon. F. C. Beaman, recently appointed United States Senator to fill the unexpired term of the late Senator Chandler, has declined on account of ill health, and Governor Croswell this afternoon appointed ex-Governor Henry P. Baldwin, of this city, to fill the vacancy.

VIRGINIA READJUSTERS.

PETERSBURG, Nov. 17, 1879.

The readjusters had a grand demonstration here to-night, consisting of a torchlight procession, pyrotechnic display and firing of cannon, in honor of their success in the recent election. Some of the private residences were illuminated. The procession halted at the Centre Market House, where Captain J. H. Neilie, colored, was called to the stand and introduced the speakers of the evening. General William Mahone, Colonel William E. Cameron and others spoke in congratulatory terms of their victory in the late contest.

FALL OF MONTGOMERY'S ROCK.

QUEBEC, Nov. 17, 1879.

About two o'clock yesterday morning several large blocks of rock from the cliff immediately above the spot where General Montgomery fell, loosened doubtless by recent heavy rains, came down into the street below with a crash, completely demolishing a fence which had been erected there. There are no buildings in the locality in question. At eight A. M. a mass of earth fell at the same place. The scene of the slide was visited by a large number of people.

THE TRADE MARK LAWS.

DECISION OF THE UNITED STATES SUPREME COURT ADVERSE TO THE CONSTITUTIONALITY OF THE STATUTE—OPINION OF THE COURT AS DELIVERED.

WASHINGTON, Nov. 17, 1879.

The following were among the business transactions in the United States Supreme Court to-day:—

No. 705. The United States, plaintiffs, vs. Emil Steffens, and

No. 711. The United States, plaintiffs, vs. Adolph Witteman. On certificates of division from the Circuit Court of the United States for the Southern district of New York, and

No. 759. The United States, plaintiffs, vs. W. W. Johnson, et al. On certificate of division from the Circuit Court of the United States for the Southern district of Ohio.

These three cases are prosecutions for violations of what are known as the trade mark laws embodied in sections 4,937 to 4,947 of the Revised Statutes. The question upon which the judges of the lower courts were divided in opinion is, "whether the acts of Congress on the subject of trade marks are founded on any rightful authority in the constitution of the United States."

THE DECISION.

It was maintained here by counsel who sought an affirmative answer to this question that there are two clauses of the federal constitution which furnish a sufficient warrant for the legislation in dispute. The first is the eighth clause of section 8, article 1, which provides that Congress shall have power to pass laws "to promote the progress of science and the useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries." With regard to this point the Court holds that the ordinary trade mark has no necessary relation to invention or discovery. It is generally the outgrowth of a considerable period of use rather than of sudden invention, and is often the result of accident rather than design. The attempt to classify a trade mark with the writings of authors is open to objections equally strong. The latter involve an element of originality, as do also inventions, while the trade mark is generally nothing more than an adoption of something already in existence as the distinctive symbol of the person using it. It does not depend upon novelty, invention, discovery or any work of the brain, but is founded simply upon priority of appropriation. The Court is therefore of the opinion that while such legislation as that in question may be a judicious aid to the common law on the subject of trade marks and may be within the competency of legislatures, whose general powers embrace that class of subjects, it is not authorized by the constitutional provision concerning authors and inventors and their writings and discoveries.

THE POWER TO REGULATE COMMERCE.

The other clause of the constitution relied on to support this legislation is the third of the same section, which provides that Congress shall have power "to regulate commerce with foreign nations and among the several States and with the Indian tribes." The argument is that the trade mark is used to identify a particular class or quality of goods, and that as so used it is a valuable aid or instrument of commerce, and so comes within the scope of the constitutional provision cited. With regard to this point the Court observes:—First—That the clause quoted does not bring within the control of Congress every species of property which is the subject of commerce or which is used in commerce—(Wallace vs. Louisiana, 8 How., 73; Paul vs. Virginia, 8 Wall., 168), and second, that the legislation now in question does not limit the use of trade marks to interstate or international commerce, as it should do if it be based on the constitutional provision now quoted in its support. If it refers to all trade and to commerce between all points, it is obviously the exercise of power not conferred upon Congress. That this is the purpose of this legislation seems, in the opinion of the Court, to be evident. It contemplates the establishment of a universal system of trade mark registration for the benefit of all who have already used a trade mark or who wish to adopt one in future, without regard to the character of the trade to which it is to be applied or to the locality of the owner. Such legislation is, in the opinion of this Court, in excess of Congressional power. It has been argued that if Congress have power to regulate trade marks used in commerce with other nations and among the several States, its legislation, so far as it relates to that class of cases, should be held valid; but to this the Court holds there are two objections. First, that there is nothing to show that the trade marks in the three causes now under consideration were used in that kind of commerce, and second, that it is not within the judicial province to give the words used by Congress a narrower meaning than they are manifestly intended to bear. To do so would be virtually to make a law which would be only partial in its operation, and which would complicate the rights which parties would hold in some instances under the act of Congress and in others under State laws.

TREATY QUESTION.

The Court wishes, however, to be understood as leaving the whole question of the treaty making power of the general government over trade marks and the duty of Congress to pass any laws necessary to carry such treaties into effect untouched. The question in each of these cases—viz., whether these statutes can be upheld, in whole or in part, as valid and constitutional—must be answered in the negative, and it will be so certified to the Circuit Courts. Opinion by Justice Miller.

Under the provisions of the Federal Trade Mark law thus pronounced unconstitutional about eight thousand trade marks have been registered at the Patent Office, and about two hundred applications for registry are now pending.

BALTIMORE AND OHIO RAILROAD.

BALTIMORE, Md., Nov. 17, 1879.

The annual general meeting of the stockholders of the Baltimore and Ohio Railroad Company was held at Camden station to-day, Archibald Sterling, Sr., presiding. John W. Garrett submitted the annual report of the president and directors for the fiscal year ending September 30, 1879, which was read and unanimously accepted and approved, after which the old Board of Directors was unanimously re-elected to serve the ensuing year. Representatives of 63,066 shares voted. The aggregate earnings, working expenses and net earnings of the main stem and all branches and divisions are given as follows:—

	Earnings.	Expenses.	Net Earnings.
Main stem	$8,864,827	$4,523,581	$4,341,245
Washington	285,007	61,332	223,674
Parkersburg	634,915	439,336	195,578
Chicago	1,153,852	659,321	494,530
Central Ohio	846,51[illegible]	573,812	272,700
Lake Erie	639,82[illegible]	450,706	189,114
Pittsburg	1,598,113	865,831	732,282
Wheeling	41,193	33,594	7,598
Newark	129,739	84,077	45,661
Totals	$14,193,980	$7,691,595	$6,502,384

Increase in the earnings, compared with 1878, of $428,700.

The report states that the payments made and increments in the several sinking funds during the fiscal year for account of the respective debts amount to $648,584 35.

The subjoined exhibits show the reduction of the indebtedness stated during the fiscal year:—

REPORT OF OCTOBER 1, 1878.

Sterling debentures due in 1880 and 1881	$2,420,000 00
Bills payable	2,563,302 29
Sterling obligations and loans	2,554,959 33
Total	$7,538,261 62

REPORT OF OCTOBER 1, 1879.

Sterling debentures due in 1880 and 1881	$2,420,000 00
Bills payable (for the payment of which the money is on hand)	539,000 00
Sterling obligations and loans	620,507 94
Total	$3,579,507 94
Showing a reduction during the year of	$3,958,753 68
Add payments on account of the principal of debt and of the sinking funds during the fiscal year	648,584 35
Aggregate reduction	$4,607,338 03

FATHER SYNNOTT'S DEFENCE.

To the Editor of the Herald:—

You recently published an outline of the petition of Miss Susan McCabe in relation to the "will" of the late Vicar General of the diocese of Hartford. Now, as I was administrator of the estate, my name is introduced in a manner seriously damaging to me, if what is stated in that petition was true. But, it seems to me, the object of Miss McCabe is to create a prejudice in the minds of those who are not favorable to the Catholic Church and its clergy and also excite a sympathy for herself as one unjustly denied by me her rights under the "will" of her late uncle. Now, the facts in the case are simply and briefly the following:—Miss McCabe took the position that she ought to have the total disposition of her uncle's affairs, and that the others should have no say in the matter. She invariably instructed me to comply with the request; otherwise she would expose me publicly. Of course, I had no choice in the matter; my duty was marked out for me that I should perform, or commit myself. Miss McCabe stated in the petition that I did not acquaint her with the amount of her portion. The "will" stated that to her. I went with her to Judge Robinson's office in New Haven. He took great pains to explain to her the amount which she had a right to receive and presented her with a check for the same, but failed to make her sensible of what her rights were. I have frequently explained to her the provision made for her by her late uncle. Some time after Judge Robinson explaining all to her she came to me and said she desired to have the matter settled by a referee. I said I was quite pleased, and added that she might select any persons she approved of; that she might first go and consult them and be satisfied that they were friendly to her cause. I pledged myself not to see or speak with the referees in relation to her case until I met them in the place of consultation. She made her selection and appointed the time and place, which was at the Bishop's residence in Hartford. The referees drew up a document to be signed by Miss McCabe and myself, so that their decision would be binding on both of us, but Miss McCabe refused to sign the document and talked extravagantly, so the case was left unsettled. Miss McCabe says that her uncle at the time of his death was the possessor of a large fortune—from $70,000 to $75,000. Now, I give her timely notice, so that she may prepare her evidence and be able to show where and how her uncle amassed this fabulous fortune, when the Court sits. It is quite bad enough to defame the living, but it is much worse to disgrace the dead.

T. J. SYNNOTT.

ONCE TOO OFTEN.

ARREST OF A YOUNG MAN WHO PRESENTED TWO FORGED CHECKS AT THE BANK OF THE STATE OF NEW YORK.

A young man presented himself on Saturday morning last to one of the tellers of the National Bank of the State of New York, at the corner of William street and Exchange place, and, representing that he was a messenger from one of the bank's customers, purchased a check book. About three o'clock the same afternoon he again appeared and handed to Paying Teller Duer a check for $900 drawn by Barclay & Livingston, importers, at No. 24 Beaver street, to the order of Samuel Ogden, whose name appeared on the back of the check as indorser. The paper was promptly cashed, but after business hours a messenger was sent to Barclay & Livingston, and Mr. Robert Mackie, of that firm, pronounced the check a forgery. He admitted that the signature was perfect, having even the firm's private mark, which was known only to themselves and the bank. A few minutes after one o'clock yesterday the same young man reappeared with a check for $1,800, drawn by Barclay & Livingston to the order of Mr. Lyman. The paying teller, excusing himself for a moment, stepped into the office of Mr. R. L. Edwards, the cashier, and informed him of the fact. Mr. Edwards told the teller to pay $500, which was done, and as the young man proceeded slowly to leave the bank, pretending to count the money as he walked, the cashier politely requested him to walk into his office. There the stranger claimed that he had passed the $500 to a confederate, and, persisting in his denial, he was locked up in the strong room of the bank. Detectives Dunn and Radford were summoned. They asked the man to give up the money, but he again denied that he had it and requested the officers to search him. They found the money between his shirts.

ARRAIGNED IN THE TOMBS.

The prisoner, who refused to say whether or no he had any accomplices, was driven to the Tombs, where he arrived shortly after two o'clock in the afternoon and was taken up stairs into the court room. Justice Morgan had just commenced the afternoon session. The forged check was produced, and the detectives asked that the prisoner be remanded until this morning. The magistrate thought it proper to comply with their request, and the prisoner was accordingly remanded back into the custody of his captors. He was then taken to the desk of the record clerk, and gave the name of Charles Walker. When asked where he lived he said in Bleecker street. Several court policemen said that they recognized him as an old offender. One member of the squad said that he was lately tried in the Court of General Sessions, but had then a different name. About a week ago, the same policeman said, Walker was released from Blackwell's Island. The prisoner kept up his appearance of unconcern throughout the court proceedings.

Cashier Edwards said that usually a stranger has to be identified when presenting a check to be cashed, but in this instance business was so brisk and the signature of Barclay & Livingston was so perfect that the money was paid without hesitation. Mr. Robert Mackie, of the firm of Barclay & Livingston, said he never was more astonished in his life than at this clever forgery. He was dumfounded when he saw the private mark of his firm in the signature. He has been accustomed to sign checks with copying ink and thinks the forger must have taken the impression of the signature from some other check. He admitted that the man might have traced the signature or obtained it by the photographer's art. At any rate, he said, the forgery had taught him never to use copying ink again on checks. It seems that the last genuine check drawn by Barclay & Livingston was numbered 1,339 and the number on the forged $900 check was 1,341, but Mr. Mackie could not account for this knowledge on the part of the forgers. He said, however, that the lettering of the forged check was in green, while of late his firm has been using checks with red lettering. He added that this is the second time within three months that forgers have attempted to pass worthless checks with his firm's purported signature. Two months ago a young man was sent to State Prison for four years for that offence. The prisoner is a young man about twenty-five years of age, of medium build, about five feet seven inches in height, has dark complexion, with a slight black mustache, and was neatly dressed in a dark suit of clothes, heavy winter overcoat and Derby hat. Detectives Radford and Dunn did not recognize him and thought he was a new offender, but Detective Shelly, who saw him after his arrest, thinks that he has seen him doing service on Blackwell's Island. He believes he was simply the tool of bold and experienced forgers.

STRUCK WITH A WATER PITCHER.

PROBABLE MURDER AT THROGG'S NECK—TRAGIC SEQUEL TO A YOUNG MAN'S SPREE.

At Throgg's Neck, Westchester county, on Sunday afternoon Patrick Collins, who is about twenty-three years of age, was struck on the head by George Douglas, a former schoolmate, only three years his junior, and he is now lying at home in a very dangerous condition. The facts in the case, as gathered from people residing in the place, are as follows:—Collins left his home on Saturday night and went on a spree. On Sunday morning he visited several drinking saloons in the village and imbibed pretty freely. After a tour of Westchester he crossed the bridge on his way home and reached the saloon of Charles Walsh, opposite the new Catholic cemetery. Those who were in the saloon, aware, it is said, of the quarrelsome disposition of Collins, went back to a rear room to avoid him. There was an exception—George Douglas—who lived in an adjoining house, was sitting on a barrel reading a newspaper. He bore the reputation of being temperate, peaceable and well behaved in every sense of the word. Collins insisted upon Douglas drinking with him, but the latter refused. Whereupon Collins struck the other young man in the face, following up his assault by snatching a mineral water bottle and hurling it at him. Douglas retreated behind the bar, caught up a heavy pitcher of water and struck his assailant full in the face with it. The effect of the blow was terrible. The man fell to the ground as if he had been struck by lightning, and the blood gushed in a stream from his head. Douglas, alarmed at the consequences of his deed, fled at once, and has not been seen since by his family or neighbors.

RECOVERY DOUBTFUL.

The barkeeper, Clinton, raised the prostrate man, and with the assistance of others carried him out to a walking rink attached to the house and left him there to bleed or recover as he might. On the other side of the street the sisters were engaged at Sunday school, and their attention was called to the suffering man, who by this time was literally covered with blood. Rev. Father Hurley was in the school at the time, and he at once went to his assistance. Dr. McDermott was summoned, and the man was conveyed home to his aged mother, of whom he is the sole support. Here he received the proper medical care and the rites of the Church. On examining his head the physician found that one of the principal arteries was cut, and that the loss of blood had been so great that the chances of recovering were very slim. A HERALD reporter saw Collins yesterday and found him in an almost unconscious state. The doctor entertains grave fears that erysipelas may set in, in which case his recovery is hopeless.

The feeling in the village is very strong against Douglas, as all the neighbors say that he could easily have avoided the quarrel, by following the example of the other young men, who left the barroom when Collins put in an appearance. All agree that on this occasion he was entirely sober and that Collins was the opposite. Both parties went to school together and have been always fast friends. The grief of both mothers is uncontrollable, especially that of Mrs. Collins, who says that she has lost her only support in her old age. She sobbed at the bedside of her groaning son yesterday as if her heart would break, and prayed to Heaven that he should be spared to her.

THE CANNON STREET FIRE.

The investigation into the cause of the fire in Cannon street was resumed yesterday by the Fire Marshal, but the evidence elicited revealed nothing calculated to aid the authorities in discovering the origin of the fire. Heinrich Pfaff, a baker, residing at No. 291 Rivington street, testified that he sent out two alarms from the box and made every effort in his power to stay the progress of the flames. Policeman Moran described the struggles of Fireman Patrick Lynch, whom he found staggering on the roof, and who was so burned that the flesh was peeling off his hands. Fireman Fisher, of Engine No. 11, testified that he entered the burning building with a hose, and that the hall of the second floor was in such a blaze that he had to halt about four steps from the top of the stairs. The fire was checked in about twelve minutes. He found the bodies in the hall bedroom of the fourth floor.

"PHOTO-GRECIAN" PAINTING.

The examination in the case of Henry F. Herr, professor of the "Photo-Grecian" art, who is charged by his former partner, Warren C. Kellogg, with defrauding him out of $300, and with cheating a number of girls out of smaller amounts, was ended yesterday in the Essex Market Court. Justice Duffy said that as far as Kellogg was concerned the charge was not proven, and the testimony of the girls, who said that Herr had defrauded them, was offset by the contrary testimony of witnesses offered by the defendant. He therefore dismissed the case.