

The Intelligencer.

The \$38,000 Matter.

It seems to us that if the Register had really meant business in the \$38,000 deficit matter, it could have manifested it to much better advantage than it did yesterday. And we are not alone in this opinion. As the case stands we hardly know how to take it—whether as an acceptance or declination. It reads both ways, and reminds us of the girl who said she was "sort o' courted and sort o' not, but rather more sort o' than sort o' not."

Our invitation was sort of accepted and sort of not, but rather more sort of than sort of not, and we therefore take for granted that the Register is ready to go into the proposed examination. It objects to it somewhat on the ground of expense, and somewhat also on the ground of publishing for one week the report of the committee when made. We presume the expense will not amount to much, but we will propose to the Register that the loser shall pay whatever there is of it. That is, if a deficit has really occurred in the Treasury of West Virginia under Republican rule, the Intelligencer shall foot the bill, and if no such deficit has occurred the Register shall foot it.

As for publishing the report for one week we will agree to reduce the number of publications to one, which will be no great tax on loser or winner.

If this proposition suits the Register we are ready to name our man. The first letter of his name is S. P. Hildreth, Esq.

The Public Health.

The death report of the Health Officer will be found in our local columns this morning. Notwithstanding the very peculiar winter weather we have had during the greater part of January, as well as in December, and the numerous predictions that have been made that "if such weather continues it will produce sickness," this report indicates a fair state of healthfulness. In January of 1875 there were 46 deaths against 37 during last month. By referring to the report of that year, we find that in January there were four deaths from diphtheria, six from scarlet fever, and seven from pneumonia; while last month there were no deaths from diphtheria, only two from scarlet fever, and two from pneumonia. Both the scarlet fever deaths were on the island, where most of the cases of this disease have occurred during the winter. In January, 1875, which will be remembered as a very cold month, the same number of deaths of aged persons, viz, seven, who were over 60 years old, occurred during the month just ended, which was very mild. It is generally supposed that a severely cold winter ends the lives of many old people who might, if the weather were mild live to a greater age.

The report shows that eleven deaths (nearly one-third of the total number) occurred in the Sixth Ward. We find that during the last quarter of 1875 twenty-one deaths occurred in this ward, while only twelve occurred in the Eighth, which has generally given the highest death rate. This would seem to indicate that some local cause of sickness existed in the former; but upon referring to the Death Registration Book of the city we find that of the deaths in the Sixth Ward in the past month, two were from typhoid fever, two from accidents, two from paralysis, and one each from consumption, pneumonia, old age, pericarditis and bronchitis. None of these diseases, we believe, except typhoid fever, are supposed to depend upon bad sanitary surroundings. The large proportion of deaths in the Sixth Ward is then not a fair indication of the sanitary condition of the ward or the healthfulness of the people. We hope to see a more favorable report next month.

The Wheeling Nail Manufacturers.

The following editorial appeared in the Pittsburgh Manufacturer a few days ago: The nail trade, as noted in our last report, continues in an unsettled and unsatisfactory condition; the efforts made at the last meeting of the Western Association to agree upon a uniform price, failed, and the market is in about the same condition now that it was prior to the conference. It is alleged in some quarters that Wheeling did not intend to act in good faith, and to this may be attributed the failure of the conference to which reference has been made; some makers refused to go into the movement to advance prices, because they had no confidence in the Wheeling manufacturers adhering to it in good faith, and it is said that subsequent events have demonstrated that these suspicions were not entirely groundless. Quotations may be given for one hundred keg lots at \$2.65, 60 days, with 10 per cent. discount for cash.

We should like to see the Manufacturer a question or two in regard to the above paragraph: What does the editor refer to by saying that "it is alleged in some quarters that Wheeling did not intend to act in good faith?" Act in good faith about what? What was Wheeling trying to do? As we understand the case, the Nail Association met for the usual purpose of consultation. Wheeling manufacturers were divided in their views about what was best to be done, and Pittsburgh was not unanimous. Therefore no action was taken. Wherein then arises any cause or provocation for such a comment? Inasmuch as Wheeling had no policy to urge upon the meeting, being divided as to what was best to be done, how could there be a suspicion of bad faith, any more than in the case of Pittsburgh.

The Wheeling manufacturers resent the remarks quoted as an uncalled for aspersion, and as evincing either gross ignorance or gross recklessness, or both, on the part of the writer. The fact that he speaks of the current price of nails as being \$2.65, 60 days, with 10 per cent. discount for cash, would seem to warrant the charitable inference that he is very crudely informed about nail matters.

The Bennett Impeachment.

The court having reassembled the examination of witnesses was continued. E. L. Bill, Clerk in the Auditor's office has called and stated that he knew very little about the insurance transactions, they not coming in the line of his duty. He thought the Auditor kept a private record in his office but that there was no official record.

Mr. Geo. Adams was recalled. He brought the draft of the Auditor on the First National Bank of Wheeling dated the 21st of March 1873 and also a memorandum of his own, showing the amount of the bills to be paid about the 11th of April 1873. The draft of the Auditor came to him through the National Bank of West Virginia, and the money was paid to that bank. He held the money in abeyance until a correct power of attorney was filed in his correspondence in New York.

William A. Cracraft, also a clerk in the Auditor's office, was next called, and stated that more than twenty-five foreign insurance companies were actually doing business in this State in the years 1873, 1874, and 1875. There being no official record he could not tell the amount of fees paid to the Auditor by these companies. Probably forty certificates were issued in 1875. Some of the companies, however, withdrew their agencies from the State. He was of the opinion that the fees were not uniform in all cases. The witness had seen some of the bills to the insurance companies, but did not recollect the amounts of the fees charged. As a rule, the Auditor sent the bills himself.

A conference with the counsel for the respondent being desired by the managers, the relation to certain information which the managers expected to get from the Auditor respecting the fees obtained from foreign insurance companies, the counsel for the respondent agreed that if a correct statement of such fees was presented by the managers, they (the counsel) would counsel in no instance without other proof being required.

Recess was then taken until 2 p. m.

Afternoon.

Manager Stuart stated that in order to facilitate the progress of the trial the counsel on both sides had agreed that certain facts in relation to insurance fees should be received as evidence without controversy, the only thing the summing-up of witnesses.

A list of fees paid to the Auditor by certain insurance companies therein named was presented by Manager Stuart and read by the Clerk, and filed among the documents in evidence. It was an enumeration of the fees received by the Auditor under the retaliatory law and appropriated to his own use.

Manager Stuart also submitted to the counsel for the respondent what is known as the Blue Book for 1874, and obtained their consent that the witness should refer to the bills to the Auditor in relation to the subject of insurance.

The managers then announced that, reserving the right to recall any witness to explain his testimony in case the printed report of the Auditor should be read, they had nothing further to offer in the way of testimony.

After a delay of some fifteen minutes, the counsel for the respondent, Mr. Arnett, opened the case for the defense, saying:

He shall in a brief way indicate the line of defense which we shall adopt. The articles are eight in number. [The counsel here reiterated the charges preferred therein, which are familiar to all our readers.]

As to the first article, we would be led to believe that the Auditor had failed, refused or neglected to make the semi-annual reports as required by law, by which it is meant, we presume, to report that the respondent failed to report the fees received by him from the insurance companies, and also, we failed to make any report of the manner in which these fees were disbursed. The law evidently contemplates only those fees which go into the treasury, and not those fees or moneys which constitute the perquisites of the office. The Auditor undertakes to make the report of the amount of \$2,000, and the law specifies such fees as shall go into the Treasury.

All of the executive officers so interpreted the law as we have construed it, otherwise the Auditor would have had to report the amounts expended by his subordinates. The Constitution provides that the Auditor shall receive a salary out of the Treasury and no other sum shall be paid him out of the Treasury, but it did not provide that he should receive no compensation from other sources.

He then read the Constitution, and the reading of the law that owing to the extra duties imposed by this retaliatory law; that he was entitled to receive the fee provided by the law as his reward for these services. It was understood at the part of the Legislature, at least in private circles, that the intent of the law was that the fees were to be for the compensation of the Auditor for the onerous and extraordinary services imposed upon him by the provisions of this law. This view of the law was the part of the Auditor was sustained by the law officer of the State. But admitting there was a mistake, it cannot be denied that it was a mistake that could be honestly made. There is a method of recovering the money, which is by civil suit and not by a writ of mandamus. The law officer, who was honest in his interpretation of the law.

As to the charge concerning the \$200 transaction on account of the B. & O. R. R. check, we assume that it was in no way an individual, not at all in any man's office. The Auditor disclaimed any power to control State funds. He only claimed that as an individual he could influence parties who had monies to deposit to the credit of the State.

As to the charge of conspiracy there was no evidence brought forward to sustain it. He then considered the charge embraced in the withdrawal of the \$2,100 from the First National Bank of Wheeling and rehashed in general the testimony of the exhibited compendious and vigilance in ascertaining the status of

that particular fund. The evidence sustained the claim of the respondent that the money was never in the Bank of Charleston in the name of E. A. Bennett as an individual, but as Auditor, and that the money drew interest for the benefit of the State from the day that it was placed in the bank.

The counsel then stated that they had but few witnesses and but a few points which they desired to establish.

Counsel Morrow desired to submit some letters bearing upon the third article, after their inspection by the Managers. Mr. Adams was recalled by the defense, to identify the signatures of certain letters said to have been written by himself to the Auditor, which he did with the exception of one, which he said only part was in the hands of the counsel.

The counsel for the respondent stating that the letters of the Auditor which they wished to present to the Court in connection with those of Mr. Adams could not be had before 5 o'clock, the Senate adjourned until the usual hour this morning.

NEW YORK.

Writ of Habeas Corpus Allowed. E. S. Stokes. NEW YORK, February 2.—Judge Dykeman has allowed a writ of habeas corpus in the case of Edward S. Stokes, returnable in White Plains February 5th.

Miss Rowand, daughter of the most celebrated physician of Quebec, has fled with a nobleman, the Earl of Dunraven, to this city. Although the facts have been known in the leading social circles of Canada for some days, owing to the high position of the parties they were suppressed.

NEW YORK TIMES STOCK. Mr. Geo. Jones states that the dispute over the ten shares of stock in the New York Times, included in the estate of the late James B. Taylor, has been settled by Mr. Jones purchasing the entire ten shares for \$150,000. The stock of the Times is now divided as follows: Mr. Jones 50 shares, E. M. Morgan 40, and Mr. Jennings, the editor, nine shares.

HEAVY GALE. A heavy gale prevailed here to-day, and telegraphic communication north and south is broken in many places. In this city signs, hats and veils fly freely through the air. Dispatches from the outside report the tearing away of roofs and steeples.

In Washington the fierceness of the blast awakened many persons, who sought security in the lower rooms of their dwellings. The tower of a Methodist church was blown several feet out of perpendicular, and great crowds are gathered in the neighborhood awaiting its fall.

In Philadelphia much damage was done at the Centennial grounds. The tower of the Agricultural Hall and of the New York State Building were considerably injured. A three-story frame structure at 41st street, and a one-story brick building at 43rd street and Lancaster avenue were blown down. The tin roof of the Transcontinental Hotel, near the Centennial grounds, was partly carried away, as was the roof of the Farmers' Market in Camden. The roofs of six houses on Sixth street were blown a distance of seventy feet. Communication from points south of Philadelphia is very difficult, but the line men expect to re-establish connections everywhere by evening. All along the coast, from Maine to Florida, the danger signal is flying.

MEMPHIS. Memphis, February 2.—Hiram Harkeler, a well known and wealthy planter living twenty-five miles here on the Mississippi river, was waylaid and shot last night near his house, the ball passing through his lungs and inflicting a wound believed to be mortal. A negro recently discharged by Harkeler is suspected.

SNOWED OVER. The train from Louisville this morning was covered with snow. The weather is moderating, but the telegraph is still demoralized by the storm of yesterday.

CHARGED WITH ADULTERY. Dr. D. S. Johnson, a keeper of a private infirmary, was arrested this afternoon on the charge of killing Kate McCormick and her child, in Humboldt, Tenn., in an attempt to produce abortion.

Petition for Bankruptcy. SAN FRANCISCO, February 2.—The creditors of Jas. Dering, wholesale boot and shoe merchant, have filed a petition in the United States District Court that he be declared a bankrupt. The petitioners desire that the debtors be placed under the supervision of the District of Columbia to pay the interest on the bonds issued in pursuance of an act approved June 20, 1874, out of any funds in the United States Treasury subject to the requisition of said Commissioner; the pending question being as to the obligation of the Government to pay the interest on the bonds issued in pursuance of that act.

Snow Bound Trains. SALT LAKE, February 2.—Advices from Toano, Nevada this evening, says the Central Pacific passenger train that left Ogden Sunday evening, is still at Toano awaiting the clearing of the snow. The train is expected to reach Salt Lake on Monday. The train from Reno has been blocked since the 21st of January. From what information can be gained it will probably be some days before the trains will be able to pass the blockade. The mails and passengers are brought over the divide in sleighs.

Whisky Trials. NEW ORLEANS, February 2.—Patrick Harmon, indicted on a charge of falsely inspecting one hundred packages of distilled spirits when a government officer, was arraigned and pleaded guilty. His bail was \$5,000.

It is reported that the government will prosecute the people who are indicted here upon a charge of conspiracy to defraud, where the collusion with the western distillers can be proven, to be taken to St. Louis or Evansville for trial.

Unreassured increases among the crookish whisky people, who until now generally appeared unincreased.

FINANCIAL AND COMMERCIAL. Wheeling Wholesale Market. OFFICE DAILY INTELLIGENCER, Wheeling, February 2. The position of the leading market has not varied much since the date of our last weekly report. Business continues dull, but an early improvement is probable. In grain and flour there is nothing new to report. The market is quiet, and the supply of actual wants, and the same is true of groceries—no quotable change in prices. The hog product has stiffened up somewhat, with the exception of Lard, in sympathy with the sharp advance in hogs. In produce—by which we mean Butter, Eggs, Apples, Potatoes, etc., trade continues to move slowly.

Butter—Apples are scarce, but those left in the market are good; now selling at \$4.25 to \$5.00 per barrel. Lemons at \$3.00 to \$3.50 per box. Raisins at \$3.00 to \$3.50 per box.

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By Telegraph

ASSOCIATED PRESS REPORT.

TO THE DAILY INTELLIGENCER

CONGRESS.

HOUSE.

WASHINGTON February 2, 1876. Mr. Obrien offered a resolution instructing the Committee on Foreign Affairs to inquire into the expediency of requesting the President to negotiate the commercial treaty between the United States and the Republic of France, placing the citizens of the United States on a more favorable footing as the citizens of other and more favored nations in respect to the duties and charges imposed on imports with the Republic of France. Adopted.

The House then took up the bill reported by the Committee on Public Lands, providing for the sale of the Kansas Indian lands in Kansas, to actual settlers. It authorizes the payment by settlers and purchasers under the appropriation already made of the appraisal value of their farms in equal annual installments. It also provides for a new appraisal. After some discussion the bill passed.

Mr. McCrary, from the Judiciary Committee, reported a bill to reorganize the judiciary of the United States, which was made a special order for Wednesday, July 16th.

The bill provides for a circuit court in each judicial district, and establishes in each circuit a court of appeals, which is to have appellate jurisdiction of cases arising in the courts within each circuit. The bill also provides for a new organization of the courts of appeal, which is to have appellate jurisdiction of cases arising in the courts within each circuit. The bill also provides for a new organization of the courts of appeal, which is to have appellate jurisdiction of cases arising in the courts within each circuit.

Mr. Logan said that he did not understand how the Board of Public Works could create a debt of \$18,000,000 when the district was indebted for the year 1875, \$18,000,000. He said that the debt should not exceed \$10,000,000. He did not think the committee should be arraigned for recommending the abolition of that government. The debt of the district was incurred for the year 1875, and the cash value of all the real estate here.

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was to disgrace Mr. Alexander and show that he was privy to this crime of stealing the books. He (Sargent) did not know Mr. Alexander and had not the slightest disposition to do him injustice, but when he was lugged in here, and thieves he (Sargent) thought it worth while to find out who was the thief and who was the Savior.

The subject was further debated by Morton and Edmunds.

Mr. Sherman opposed the amendment submitted by the Senator from New York (Kernan) and argued that it would exclude the certificate which could be converted into 3-65 bonds under the existing law.

Mr. Allison defended the action of the joint committee of which he was chairman, and which made the investigation. He said that the Senator from California (Sargent) had raked up the old dead bones of the defunct government manifestly for the purpose of getting somebody, either Democrat or Republican, on the defensive to the court or to the property of such a course he had nothing to say, but he stood by the report of the committee.

Referring to the letter read by Sargent, he said that it might be the case that he had written letters garbled extracts of which were read by the Senator from California (He Allison) did not make any charge against the District Courts. He had every confidence in them, but believed they had misconstrued the law. Notwithstanding their high character they were public servants, and he had the honor as a Senator to speak of their course.

He then referred to the comprehensive plan of improvement adopted by the Board of Public Works, and said that one of the greatest causes of complaint before the Commission was that a real estate ring had been formed which bought all the real estate in the northwestern part of the city, and improvements were beginning to be made in that section, to the exclusion of Capitol Hill and other portions of the city. The Board of Public Works had incurred a debt of \$18,000,000, when the act of Congress which created them provided that the debt should not exceed \$10,000,000. He did not think the committee should be arraigned for recommending the abolition of that government. The debt of the district was incurred for the year 1875, and the cash value of all the real estate here.

Mr. Logan said that he did not understand how the Board of Public Works could create a debt of \$18,000,000 when the district was indebted for the year 1875, \$18,000,000. He said that the debt should not exceed \$10,000,000. He did not think the committee should be arraigned for recommending the abolition of that government. The debt of the district was incurred for the year