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BABCOCK TRIAL.

EVIDENCE OF GENERAL SHERMAN

EXCELLENT CHARACTER OF DEFENDANT

JOYCE'S LETTERS AS POLITICIAN AND EDITOR

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WHY ARE REVENUE OFFICERS WATCHED

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FULL CONFIDENCE IN DEFENDANT

Upon the resumption of the trial of Gen. Babcock this forenoon, a number of witnesses were upon the stand to testify to the character of the defendant.

Gen. Wm. T. Sherman testified: I have known Gen. O. E. Babcock intimately; I have known him since 1861, but my better knowledge of him dates from the time he brought me a dispatch at Savannah from Gen. Grant; since then I have known him almost constantly. His reputation has been very good; I never heard it questioned until these troubles. I have seen Gen. Babcock a hundred times in the Executive Mansion next to the President's room; it might be called the ante-room. Those who go to the President's see Gen. Babcock first, and perhaps accomplish the object of their visit without seeing the President at all. Gen. Babcock also opens the letters, distributes them and answers all except the most important. He is a kind of intermediator between

THE PEOPLE AND THE PRESIDENT.

Testimony as to good character was also given by Gen. Jas. H. Simpson, of the corps of engineers; Gen. W. S. Harney, Capt. L. S. Babbitt, commander of this post; Hon. E. A. Borie, ex-Secretary of the Navy.

At this point ex-Governor Fletcher was put upon the stand, and identified several letters from Babcock to Joyce as those placed in his possession a few weeks ago by Mrs. Joyce. Only one of these letters was read at this stage of the trial. It was dated March 17, 1874, and directed to Joyce, in San Francisco. It is in reply to Joyce's message to Babcock: "Tell Douglass to call off his scandal hounds, that only blacken the memory of Ford and friends." Gen. Babcock informs Joyce that there are no charges against Ford, and tells him he believes he (Joyce) was sent to San Francisco because of his high standing with the Commissioner.

The defense then introduced two letters from Deputy Commissioner H. C. Rogers to General John McDonald, dated respectively March 3 and March 22, 1875, to show, as counsel said, that as late as the date of these letters there was no suspicion of General McDonald either by Rogers or the Department. The first letter asks in behalf of Rogers and Commissioner Douglass that McDonald will find a place as deputy collector in Arkansas or elsewhere for a young man well qualified for such a position, and states that such a favor on the part of McDonald would be an accommodation to a member of the Cabinet. The other letter refers to the

PROBABILITY OF THE APPOINTMENT

of Mr. Douglass to a judgeship of the Court of Claims, and solicits McDonald's influence in his (Rogers') behalf for the place to be made vacant by the retirement of Douglass. This letter was referred to by Rogers in his testimony.

E. A. Warner, cashier of the Lindell hotel, testified that Hege was at that hotel in November, 1874.

General J. L. Fullerton, a lawyer of this city, testified to knowing Babcock in the army during the late war, and since then in Washington. His reputation was good.

Three gentlemen connected with the post office of this city testified as to the street letter-box system here, stating that it was unsafe to deposit valuable letters in the boxes, and that the public had been repeatedly cautioned against doing so. There was no rule or regulation prohibiting it, however.

The defense then introduced several letters from Joyce to Babcock, written at different times from 1872 to 1875. Some of them enclosed editorials, written by Joyce and published in the St. Joseph (Missouri) *Herald*,

ON SAN DOMINGO AFFAIRS,

and were designed to show his zealousness in political matters. Another, from Little Rock, Ark., apprises Babcock of the election of Powell Clayton as United States Senator, and stated his election would carry Arkansas for Grant; and another inclosed resolutions to the memory of Charles W. Ford, adopted at a public meeting here soon after that gentleman's death. Answers to these letters then were produced and read; also two or three others. All of these letters are of a social character, and indicate that the writers of them were on friendly terms, but contain no allusions whatever to ring matters or anything connected with revenue affairs.

C. C. Dickinson, chief clerk of the First Comptroller's office, Washington, and George O. Benjamin, connected with the office of public buildings and grounds, and under Babcock, were then called to identify for the prosecution the signature of George S. Joyce, doorkeeper at the President's Mansion, to whom the dispatch of April 23, 1875, addressed to Babcock, was traced, but they failed to satisfactorily identify his signature.

THE COURT THEN RULED

on the three dispatches which have been held in reserve two or three days.

The following was admitted:

St. Louis, Dec. 3, 1874.

Gen. O. E. Babcock: Has the Secretary or Commissioner ordered anybody here? J.

The following two were ruled out:

Washington, Dec. 5, 1874.

Jno. A. Joyce, St. Louis: Cannot hear that any one has gone or is going. O. E. Babcock.

St. Louis, April 23, 1875.

Gen. O. E. Babcock, Washington: Tell Mc. to see Parker, of Colorado, and telegram to Commissioner. Crush out St. Louis enemies.

Grit.

Regarding the last dispatch, the Court said, although it was admitted to be in the handwriting of Joyce, and that it had been sent over the wires, there was no proof that the defendant had received it, or, if he did receive it, that he knew from whom it came, and there was no proof that it was ever answered.

James Magill, a letter carrier, then testified that in the latter part of February, 1875, I was coming down Pine street, near Fifth, when Mr. Joyce accosted me and said there were two letters in the street letter-box which he wishes to get back. He pointed to the box on the southwest corner Fifth and Pine. I asked Colonel Joyce to describe the letters before I opened the box. He said one was addressed to W. O. Avery, Washington, D. C., and marked personal in the corner, and the other was to O. E. Babcock, Washington, D. C., also marked personal. I opened the box, although it was off my district, and searched

AMONG THE LETTERS,

and found the two, and handed them to Colonel Joyce.

Mr. Storrs. Did you get a receipt?

Witness. No, sir.

Mr. Storrs. Isn't it customary?

Witness. Yes, it is. I said: "Look here, Colonel, I want a receipt. If you want to put them in the mail again, I will go with you and see it done."

Mr. Storrs. What did he say?

Witness. He said: "Oh, that's all right," "Hunki dori," or something like that. It's only a blind.

Mr. Storrs. Is it frequent to give letters back?

Witness. No, sir.

Mr. Storrs. You sometimes do it?

Witness. On a business route it is frequent that a letter is put in, and the parties forget an inclosure, or something like that, and they are returned to them.

Mr. Storrs. Did you report the matter to the post office?

Witness. No, sir.

Mr. Storrs. Why?

Witness. Well, I thought it was so frivolous there wasn't need of saying anything about it.

Mr. Storrs. Did you usually report?

Witness: I usually carried blanks in my satchel which I had parties to sign who wanted letters back, and then I compared the writing.

Mr. Storrs. How did you happen to remember the time this occurred?

Witness. I was house hunting about that time; I had been looking around four or five days for a house; I had just been to the Polytechnic

LOOKING FOR A MAN

who I had heard had a house; I was on my way down to make a collection. It was my day to collect for seven other carriers.

The cross-examination of this witness was long, sharp and thorough. Witness had been mail carrier five years; never gave letters to Colonel Joyce at any other time. It was a frequent thing to return letters on business routes; recollected circumstances particularly, because it was off his beat; had opened boxes frequently on business streets, and returned letters, but could not recollect the names of any persons for whom he had done it. When pressed very hard witness said he had returned a letter to George W. Fishback; had returned them to

MANY BUSINESS HOUSES

on Main street, but could not swear to any particular firm. He was repeatedly pressed to recollect the name of anybody else for whom he had taken letters out of boxes, but could not remember one. He carried blank receipts; had receipts with him when he gave letters to Joyce; but Joyce refused to give him a receipt, saying, "Oh, that's all right," "hunky dory," or something of that sort; "it's only a blind." It occurred on the last day of February, 1875, about 1 o'clock p. m. I did not tell the postmaster about it, nor any one else about the office; mentioned the matter first last Saturday night to his wife. I had been reading in the papers the testimony of Mr. Everest about putting letters in the letter-box, and recollected he had given Joyce just such letters. I ruminated over the matter, and while there told his wife. The next evening, (Sunday,) after going off duty, went to the Lindell hotel, saw General Babcock, told him the circumstance, and Babcock sent him to Judge Porter, to whom he

REPEATED HIS STORY.

He gave full details of the matter to no one but Storrs and Porter outside of his own family. No one had been to see him about it before he went to the Lindell hotel. He consulted with no one but his wife. He repeated the addresses of the letters given to Joyce as General O. E. Babcock and Colonel W. O. Avery. He would not admit he had talked about the matter to anybody, except some letter carriers at the post office to-day. Colonel Dyer pressed him very hard, but he would not acknowledge he had any intercourse or conversation with any other than those mentioned above. The witness then went into a long account of his various occupations since he had lived in this city, but gave nothing more bearing on the case. It is understood the prosecution will offer testimony in rebuttal of this

EVIDENCE TO-MORROW.

Mr. Storrs then asked for the deposition of the President, which was produced by the clerk, and it was read by Judge Porter. As several objections had been made to questions and answers, Judge Dillon during the noon recess looked it over and marked the objections overruled or sustained, leaving the deposition, however, it is said, very nearly in the same form as it was originally. This document, so far as is now known, was surreptitiously obtained last night and published this morning. It is said no blame can attach to counsel on either side for the publication. It was on file in the office of the clerk of the court, but whether it was procured from that office, or whether a copy had been made which fell into the hands of some

ENTERPRISING REPORTER

is not now known. After reading the deposition Mr. Storrs offered recommendations in favor of the appointment of General McDonald as supervisor of this district, but the Court ruled them out, and the defense closed their case. Adjourned.

THE PRESIDENT'S DEPOSITION.

St. Louis, Feb. 17.—The following is the President's deposition as filed in the United States Circuit Court in the case of Gen. Babcock:

In the Circuit Court of the United States, Eastern district of Missouri, The United States vs. Orville E. Babcock. Transcript of stenographer's notes of the deposition of U. S. Grant, for the defendant, taken at Washington, February, 1876. Direct examination by Mr. Cook.

Question. How long have you known Gen. Babcock, and how intimately? Answer. I have known him since 1863. We first met during the Vicksburg campaign in that year. Since March, 1864, I have known him intimately.

Q. Please state in what various capacities he has been employed, and what positions he has held since 1863? A. From about March, 1864, to the 4th of March, 1869, he was aide-de-camp on my military staff. Since that time, up to the time of his indictment, he has been acting as my private secretary, and in addition to that, for several years, he has been Superintendent of Public Buildings and Grounds.

Q. As your private secretary, please state what were his general duties. A. His general duties were to carry all communications from the President to Congress, to have charge and supervision over all of the correspondence, particularly of official correspondence, and in his capacity of private secretary he received my mails, opened my letters and read them. In regard to many of them he gave directions to the Department without reference to me, and such as required any dictation or answer from me he submitted to me.

Q. His relations with you were confidential? A. Very.

Q. Do you know whether, during the period of time that General Babcock has been your private secretary, he has been frequently applied to by persons throughout the country to lay their special matters before you, or before the various Departments? (Counsel for the prosecution objected to the question as irrelevant and incompetent to the issues in the case.) A. That was the frequent, you might say almost daily occurrence.

Q. In what manner, so far as you have observed with reference to the public interests, has General Babcock discharged his duties as your private secretary? (Objected to by counsel for the prosecution as immaterial and irrelevant.) A. I have always regarded him as efficient and most faithful.

Q. Are you acquainted with the general reputation of Gen. Babcock in the city where he has lived, among his associates in the army and elsewhere for honesty and integrity? A. I suppose that I might say that I have been acquainted with his general reputation in the army and where he is known, where he has lived; elsewhere, I do not know anything about it. But I supposed myself to be acquainted with the reputation he has in the army and in this city.

Q. Now, state, if you please, what his general reputation is and has been. A. I have always supposed it to be good, if twelve years intimate association with a man gives one an opportunity of judging what other people think of him. I certainly had a good opportunity not only of knowing his character myself, but of knowing the reputation he sustains.

Q. And from these opportunities, what has been his reputation? A. Good.

Q. Were you acquainted with C. W. Ford, of St. Louis, in his lifetime, and what position did he hold at the time of his death? A. I was intimately acquainted with Mr. Ford, first in the State of New York. When I was a lieutenant in the army he was then a young lawyer, living in the same town where I was stationed. Then from 1854 to 1860 we were both living in St. Louis county, and our relations were intimate from 1854 up to the day of his death. He was connected with the United States Express Company in St. Louis, and from 1869, but I will not be sure about that, to his death he was collector of internal revenue of the First collection district of Missouri.

Q. State what, if any, applications were made at the time of his decease as to the appointment of his successor? (Objected to by the counsel for the prosecution as immaterial, irrelevant and incompetent.) A. It will be impossible for me to remember all of the applications that were made for the place. I do remember, however, of General Babcock bringing me a dispatch that was addressed to him from John A. Joyce, practically applying for the place. (Objected to by counsel for the prosecution unless the telegram is produced.)

Q. Have you that dispatch? A. I have not.

Q. Do you know where it is personally? A. No, I suppose it could be found. I think very likely either General Babcock's counsel or the District Attorney at St. Louis has it.

Q. Were there any requests or communications with regard to the appointment of Mr. Ford's successor emanating from his sureties? (Objected to by counsel for the prosecution as immaterial, irrelevant and incompetent.) A. When General Babcock showed me that dispatch from John A. Joyce I said to him that Mr. Ford having died very suddenly and away from home I should be guided largely in selecting his successor by the recommendations or wishes of his bondsmen; that I thought they were entitled at least to approval of the appointment of the man who should go in and settle up the affairs of his office. (Answer objected to by counsel for the prosecution on the ground that it is incompetent for the witness to state conversations between himself and the defendant of the nature given.)

Q. What did you ultimately decide to do with reference to the appointment, and to whom, if to any one, did you decide to leave the naming of his successor? (Objected to by counsel for the prosecution as irrelevant and incompetent.) A. That was answered in my answer to the previous question.

Q. Whom did the bondsmen actually recommend? (Objected to as incompetent and irrelevant.) A. Constantine Maguire.

Q. And on whose recommendation exclusively was he appointed? A. I could not say on whose recommendation exclusively; he was well recommended, and satisfactory to the bondsmen of Mr. Ford. (Answer objected to by counsel for the prosecution, unless the recommendations, if in writing, are produced.)

Q. Did Gen. Babcock ever in any way, directly or indirectly, urge or request or seek to influence the appointment of Mr. Maguire, or did he ever exchange a word with you on the subject which indicated that he desired his appointment? (Objected to on the ground of irrelevancy and incompetency. The witness cannot state conversations between himself and defendant.) A. I do not think he ever did; I do not think he was aware of the existence of Constantine Maguire before his recommendation.

Q. Did you inform General Babcock that you intended to leave the name of Ford's successor to his bondsmen, and did you request him so to notify those parties? (Objected to on the ground of irrelevancy and incompetency. The question is answered in a previous answer.)

Q. It embraces, perhaps, this addition. Did you request him to notify the parties? (Same objection as to previous question.) A. That part I don't remember. It was not expected or thought of that this ever would become a matter of investigation, and therefore my memory would not be accurate.

Q. Are the telegrams now shown you the ones received in relation to the appointment of Mr. Maguire? (Objected to as immaterial and incompetent, and because the papers do not purport to be originals.) A. I have no doubt that these are the dispatches, or copies of the dispatches, that I received; or, if not, telegrams similar in tenor to those that were received.

The papers were marked exhibits Nos. 1, 2, 3, 4 and 5.

Q. There is a letter, Mr. President, connected with these telegrams, dated January 4, 1876, from D. D. Pratt, Commissioner. Will you be kind enough to explain how that letter was received by you, and what connection it had with the telegrams? (Objected to as immaterial, irrelevant and incompetent.) A. The note from the Commissioner of Internal Revenue is in answer to a request for me to be furnished with telegrams recommending Maguire to the office of collector. (Answer objected to by the prosecution as incompetent and immaterial.)

Q. Did General Babcock, so far as you know, ever seek in any way to influence your action in reference to any charge made or proposed to be made against Joyce or McDonald, or either of them? (Objected to as incompetent, immaterial, and irrelevant.) A. Do not remember of his ever speaking to me on the subject at all; he certainly took no lively interest in the matter or I should have remembered it.

Q. Did Gen. Babcock, so far as you know, ever seek in any way to influence your action with reference to any investigation of alleged whisky frauds in St. Louis or elsewhere? (Objected to as immaterial, irrelevant and incompetent.) A. He did not. Possibly I might state right here that I remember but one instance of his ever talking to me at all about the matter of investigation, except since he has been indicted, and then it was simply to say to me that he had asked Mr. Douglass why it was that they threatened all their officials, as though they were dishonest persons, by sending spies to watch them, and asking why they could not make inspections somewhat as they do in the army. Send a man of character to their distilleries and take their books and make a report that could be relied on. I believe that he simply told me that he had said this to Mr. Douglass. (Answer objected by prosecution as immaterial and incompetent, in stating conversations between the accused and witness.)

Q. Do you remember the circumstance of Gen. McDonald being in the city of Washington on the 7th of December, 1874? A. I do not remember the particular date. I remember the time in question.

Q. If I understand you correctly, Gen. Babcock's conception was that, in making the investigation, it would be wise to have it done by men of superior character than by men of inferior and suspicious character? (Objected to by the prosecution as immaterial and irrelevant.) A. Yes.

Q. Did you ride with him on or about that date or occasion, and was anything said then by him to you with reference to the investigation of alleged frauds in his district? (Objected to by the prosecution as irrelevant and immaterial. Conversations between John McDonald and witness are not admissible in any theory of this case.) A. I did not pick him up on the sidewalk; as I was taking a drive I invited him to get in and drive with me. I have no recollection of a single word of conversation on any matter touching his official position of business.

Q. Did Gen. Babcock at or about that time say anything, to your knowledge; did he in any way undertake to prevent them? (Same objections as to previous question.) A. I have no recollection of his saying anything about that. He certainly did not intercede with me to prevent them.

Q. Do you remember the circumstance of the promulgation of any order transferring the various supervisors from their own to other districts? (Same objection as to previous question.) A. I do.

Q. State fully with whom the idea upon which that order was based originated, and the particulars of the reasons which induced you to direct it. (Same objection.) A. Some time while Mr. Richardson was Secretary of the Treasury—I think, at all events, before Mr. Bristow became Secretary of the Treasury—Mr. Douglass expressed the idea to me that it would be a good plan to occasionally change the supervisors around from one district to another, and I expressed myself favorably to it, but it was not done then and thought of any more by me, but when it became evident that the Treasury was being defrauded of a portion of the revenue that it should receive from the distillation of spirits in the West, Secretary Bristow called on me and made a general statement of his suspicions and I then suggested to him this idea. On that suggestion the order making these transfers of supervisors was made at that time. I did not understand that there were any suspicions at all of the officials, but I knew that each one of the officials had his own way of transacting his business; that these distillers, having so much pecuniary interest in deceiving the officials, would learn their ways and learn how to evade them, and my suggestion was that by their duties over them their crooked ways would be detected. Those are the views I had, and the reason why I suggested the change. (Answer objected to by counsel for the prosecution as incompetent. The reasons why the order was made are not material.)

Q. Can you state whether Mr. Douglass—at that time Commissioner of Internal Revenue—was aware of the fact that you had suggested or made the order? (Same objection as to previous question.) A. I do not know.

Q. So far as you personally know? A. I don't know that he knew anything about it.

Q. After the order had been finally issued were any efforts made to induce you to direct its revocation or suspension? (Same objection as to the previous question.) A. Most strenuous efforts were made.

Q. Were such efforts made by prominent public men? (Same objection as to previous question.) A. They were.

Q. Did you resist the pressure that was made upon you for the revocation or suppression of the order, and if you finally decided to direct the revocation of that order, will you please state why you were induced to do so, and by whom? (Objected to as immaterial, irrelevant and incompetent.) A. I resisted the effort to have the order revoked until I became convinced that it should be revoked or suspended in the interest of detecting frauds that had already been admitted. In a conversation with Supervisor Tutton he stated to me that if the object of that order was to detect frauds that had already been committed he thought it would fail. He said this order went into effect on the 15th of February this was in January when we were talking; that it gave the distillers who had been defrauding the Treasury nearly three weeks' notice to get their houses in order and be prepared to receive the new supervisor; that the new supervisor would probably go into the district where frauds might have been committed, and he would find everything in good order, and would so report; that the order might possibly and probably would result in stopping the frauds at least for a time, but would not lead to the detection of those that had already been committed. He said if the order was revoked it would be looked upon as a triumph by those who had been defrauding the Treasury. It would throw them off their guard, and we could then send the special agents of the Treasury out to the suspected distilleries. We could send good men. As one such he mentioned Mr. Brooks. He said they could go out and not be known to the distillers, and before they would be aware of it their ways would be discovered, the proofs would be all complete, and then they could seize their distilleries and prosecute them. I was so confident that his argument was good and that it was in the interest of punishing frauds that this order should be suspended that I told him I should suspend it immediately without any further consultation with anybody. I gave the directions for the suspension of the order making the transfers; my recollection is that I wrote the direction for the order on a card with a pencil; certainly before leaving my office that afternoon, and on that the order went to the Treasury signed by one of my secretaries. (Counsel for the prosecution objects to all conversation with Supervisor Tutton, and to the statement of the contents of any written document.)

Q. Did Gen. Babcock ever in any way, directly or indirectly, seem to influence your action in reference to that order? (Objected to by the prosecution as immaterial and irrelevant.) A. Don't think he ever did. I don't remember him ever speaking to me about it or exhibiting any interest in the matter.

Q. From anything he ever said or did, did you know whether he desired that the order should be revoked or suspended? (Same objection as to the previous question.) A. That I think is already answered.

Q. Has Gen. Babcock, so far as you know, or any one for him, undertaken to prevent a full or any investigation of his alleged connection with

General Babcock has been your private secretary, and in intimate and confidential relations with you, any one would voluntarily come to you with statements injurious to his reputation? (Objected to by counsel for defendant.) A. I do not know any such thing.

Q. Perhaps you are aware, General, that the whisky ring have persistently tried to fix the origin of the ring on the necessity for funds to carry on the political campaigns; did you ever have any intimation from Gen. Babcock or any one else in any manner, directly or indirectly, that any funds for political purposes were being raised by any methods? (Question objected to by counsel for the defendant.) A. I never did; I have seen since these trials intimations of that sort in the newspapers, but never before.

Q. Then, let me ask you if the prosecuting officers have not been entirely correct in repelling all insinuations that you ever had tolerated any such means for raising funds. (Objected to by counsel for the defendant.) A. I was not aware that they attempted to repel any insinuations.

Q. Speaking of C. W. Ford, I presume, General, that your confidence in him continued up to the time of his death. A. I never had a suspicion that anything was wrong.

Q. Did you regard his knowledge of men and affairs in St. Louis as trustworthy? A. I had as much confidence in him that way as any man I knew in St. Louis.

Q. When did you cease to reside in St. Louis, General? A. In May, 1860.

Q. From 1860 down to the time of Mr. Ford's death Mr. Ford's residence was also in St. Louis? A. Yes, sir.

Q. Did you have private correspondence with Mr. Ford during the time he was collector? (Objected to by counsel for the defendant.) A. I did.

Q. Did you preserve the correspondence? A. No; I never kept a copy of a letter that I sent to him in my life.

Q. Did you preserve letters that you received from him? A. No, sir; I did not preserve those. We corresponded regularly, because I had such confidence in him that I left him to conduct my own affairs there, and I had to be constantly sending him money. I would send a check of $500, $1,000 and $1,200 at a time, and he would pay out the money and discount to me for it. My confidence in him was such that I did this without even saving the letters. (Counsel for prosecution objects to the latter part of the answer as not responsive to the question.)

Q. Do you remember a letter of Mr. Ford to yourself dated May 30, 1870, in which he spoke of McDonald as a bad egg, and as saying to you that he was a discredit to the Administration? (Objected to by counsel for the defendant.)

Witness. Was that before or after McDonald's appointment?

Mr. Eaton. It was shortly after McDonald was appointed; very early in that year, if I recollect.

A. I have no recollection of such a letter; I have an indistinct recollection that when McDonald was first recommended for the position he told me either in a letter or in a conversation that McDonald would not do; my recollection is that finally he united with others in recommending McDonald; I have a general knowledge that about the time McDonald was being pressed for the appointment Ford thought it was not a suitable appointment, but my recollection is that he afterward acquiesced in it, and possibly either joined in the recommendation, which was a written one and will be on file in the Treasury Department, or else he told me in a conversation.

Q. Do you remember whether John A. Joyce was recommended to you as Ford's successor by General Babcock? A. He was not.

Q. Was anything said to you by General Babcock between the time of the death of Ford and the appointment of Constantine Maguire touching Joyce's fitness for the place? A. Babcock presented me a dispatch that he had received from Joyce, saying that he was an applicant, or making application for it. I do not remember the wording of it. The substance of it was that he wanted to be Ford's successor. My reply to him was that I should be guided largely in selecting the successor of Mr. Ford by the recommendation of his bondsmen, he having died suddenly, unexpectedly and away from home. I thought they were entitled to be at least consulted as to the successor who should settle up his accounts.

Q. Did you advise Gen. Babcock to telegraph to Joyce to get the bondsmen of Ford to recommend Joyce for collector? A. I made the statement in the substance that I have given in answer to a former question. Whether I told him to do so or not it would be impossible for me to say. That might be regarded, at least, as authority to so telegraph.

Q. Did you see any telegram of that character from Babcock to Joyce at that time? A. I don't remember to have seen any.

Q. Did Gen. Babcock at that time show you a dispatch from Joyce in these words: "St. Louis, October 28, 1873: see dispatch to the President; we mean it mum; signed, Joyce?" A. I don't think that my memory goes back to that time. Since these prosecutions were commenced I have seen that—

Q. I am asking you in regard to that time? A. I don't call it to memory.

Q. Did you receive a protest against the appointment of Constantine Maguire signed by J. E. Yeatman, Robert Campbell and others? (Objected to.) A. I do not remember such a letter. If such a one was received, it was, no doubt, on file in the Treasury Department. Such a protest may have been received.

Q. Your purpose of leaving the nomination of Mr. Ford's successor to his bondsmen was because they were liable on his bond for the administration of his office, was it not? A. Yes, sir. Further than that, some of them were men that I knew very well, and had great confidence in.

Q. Speaking of Ford's objection to McDonald, were you aware that in the matter of education McDonald, when he was appointed, was an ignorant man, barely able to write his name? (Objected to.) A. I was aware that he was not an educated man, but he was a man that had seen a great deal of the world and of people, and I would not call him ignorant exactly; he was illiterate.

Q. Did you receive a protest against McDonald's appointment, signed by Carl Schurz, G. A. Finklenburg, R. T. Vanhorn and other men in Missouri? (Objected to.) A. I do not remember if it was received. I do not know that it would have had any particular weight with me if I had received it, his indorsements being good.

Q. Was not that objection based on the ground of his entire unfitness for the place? A. I do not remember if it was received. It is, no doubt, a matter of record, and can be obtained.

Q. Did you ever see the paper now shown you? If so, state in whose handwriting it is? (Counsel for defendant objects to any examination in regard to this paper.) As to the handwriting, I do not pretend to be an expert. I had a great many letters from Mr. Ford. That looks like his signature. I do not remember to have ever seen that before, and I do not think I ever did.

CURRENT CAPITAL TOPICS.

THE NATIONAL WASHINGTON MONUMENT

SHERIDAN ON THE TRANSFER OF INDIANS

CHANGE OF SENTIMENT IN BABCOCK'S CASE

SENATOR WRIGHT'S 3.65 BOND BILL

Judge Kelley "Once More to the Breach"

DIFFERENTIAL DUTIES ON SUGAR PROPOSED

The 3.65 Bond Bill.

The recommittal by the Senate of the conference report on the 3.65 bond bill seemed to be generally and principally upon the single ground that it does not say when the duties of the board of audit shall cease.

The Washington Monument.

A meeting was held last night at the house of Senator Morrill, of Vt., with the view of taking into consideration some means whereby the Washington monument may be completed. A number of distinguished gentlemen were present, and as our report closes the recommendations resulting from a vote of those present are not determined.

Financial.

The balances in the Treasury at the close of business yesterday were as follows: Currency, $10,302,886; special deposit of legal tenders for redemption of certificates of deposit, $44,235,000; coin, $75,855,145; including coin certificates, $34,469,300; outstanding legal tenders, $371,273,140. The receipts from internal revenue yesterday were $284,208.13; and from customs, $494,398.39.

Judge Kelley's Rag Baby Again.

However much we may differ with the Hon. W. D. Kelley on the currency question, we are quite willing to concede to him great earnestness and ability in expressing his views. To-morrow he has the floor of the House for a set speech on this, his favorite, topic, which is sure to be as brilliant as his argument will be fallacious.

Thanks to the Junction News Agency.

The thanks of the newspaper men of the reporters' gallery of the House of Representatives are hereby extended to Mr. McConnell, of the Junction News Agency, for the attention he gives to that body. He sends every day at 1:30 p. m., to the reporters' gallery, free of cost, a copy of each of the New York papers of the day.

Minister Orth to Resign.

A letter from Hon. Godlove S. Orth, Minister to Austria, says: "If I am nominated for Governor of Indiana by the Republicans I shall at once return home to enter vigorously upon the canvass, but I do not want my name presented unless there is a strong probability of my being nominated." Mr. Orth will doubtless be the choice of the Republican convention of Indiana, and if so the Austrian mission will be vacant after next Tuesday.

Assessment for Taxes.

The House Committee on the District of Columbia will begin to-day the consideration of Judge Buckner's bill relating to assessments and taxes in the District. The chairman desires it to be stated that the committee will be happy to have representative citizens of the District in attendance during the consideration of the bill, to aid the committee with any suggestions they may deem advisable to offer. The committee hope to perfect the bill, and report it to the House on Monday next.

The Retrenchment Mania.

The House Committee on Appropriations yesterday, in their consideration of the legislative, executive and judicial appropriation bill, took up the offices of the auditors of the Treasury Department, and taking the Kellogg reorganization bill as the strength of the clerical force now employed, commenced preparations to carry out the twenty per cent. reduction of force and ten per cent. of salaries. Many offices or divisions are to be abolished, if the ideas of the committee prevail. The committee went into the ordnance department and applied the knife acutely.

Was Keim's Report Suppressed?

It appears that Mr. Keim's report, that Mr. Springer quoted so freely the other day, was not suppressed, and if anybody will ask at the House of Representatives for "Executive Document No. 168, 42d Congress, 3d session, House of Representatives," they can either get or see a copy. When a long speech is based upon a suppressed report, that is only suppressed by reason of the fact that it is bidden in the records of Congress, the bottom of the speech is easily knocked out. Newspapers of the country have printed about eighty columns of it to our certain knowledge, and yet they call it a suppressed document.

At the Executive Mansion.

Within the last few days the number of visitors to the Executive Mansion seems to have greatly increased, and the daily petitions for interviews with the President are by no means few. Many ladies are included in the visitors, some of whom are persistent, as only ladies can be, in their appeals for "one moment only." Colonel Crook, the urbane assistant in the outer chamber, hears many of the statements, and reports in brief the facts to the President when the cases are such as

Treasurer as security for their circulating notes in place of the bonds now on deposit. The bill also provides that all dues to the Government, including import duties, may be paid in United States notes or National bank notes; and, finally, to obtain gold with which to pay interest, &c., the Secretary of the Treasury is to have authority to purchase or procure by sale of bonds or otherwise the amount necessary, and such gold or coin must be procured in foreign countries when not obtainable for bonds or United States notes at par at home.

The Case of General Babcock.

A very noticeable change of opinion seems to have taken possession of many in this locality who were inclined to believe that General Babcock would be convicted by the St. Louis court since the opening of the case for the defense. The sparseness of testimony for the Government has undoubtedly been one of the causes that leads to this change of sentiment, while it is not to be denied that the expressed earnest conclusions of the President that General Babcock has been innocent of any conspiracy to defraud the Government have helped to produce a change of mind. The friends of General Babcock have never wavered in their opinion that his innocence will be firmly established. The interest in the case is becoming daily more intense.

The Shipping Commissioners' Act.

Messrs. Beebe & Co., of New York, in behalf of Benjamin J. Wenberg, ship-owner, &c., have applied, through the Secretary of the Treasury, to the Attorney General for dismissal of the libel of the schooner H. B. Griffen, for sailing to the West Indies without having shipped its crew before a shipping commissioner. This brings up the whole question of whether vessels sailing from ports in the United States to the West India Islands, Mexico and the British North American Provinces are exempted from the operations of the shipping commissioners' act. The Secretary of the Treasury has ruled, in a recent circular, that vessels sailing under register to those ports do not need to show papers that they have shipped crews before a shipping commissioner in order to effect a clearance at the custom-house.

Transferring the Indian Bureau.

General Sheridan was before the Military Affairs Committee yesterday, and gave incontestable reasons why the Indian bureau should be transferred to the War Department. He showed, by a calculation he had made from the best authority, that his proposition would save at least $10,000,000 a year to the Government. He proposed that half the military posts of the United States be abolished; that no reduction of force be made in the army; that Indian agencies and superintendencies should be done away with, and that the army, in peace, should act with regard to the Indians as the *gen d'armes* of Paris do with regard to the government of that city. He was very earnest, and made one of the finest speeches that could be imagined. The committee was favorably impressed, and one or two of its members said that they believed the committee would unanimously indorse what he had said. The committee will take the question up in a few days.

The Laramie County Case.

One of the most interesting discussions of this year was in the Supreme Court yesterday. The judges were very intent in listening to the arguments, and seemed to take an extraordinary interest. It was the case of the county of Laramie, Wyoming Territory, against the counties of Albany and Carbon. There was nothing in the case itself to make it very important, but when Mr. A. H. Jackson, the attorney of the counties of Albany and Carbon, stated that the same principles were involved in this case as were involved in the cases between the States of Virginia and West Virginia on the financial question, and cited authorities, there was a disposition among the judges to listen to all he and Mr. Steele, the Delegate from Wyoming, opposing counsel, had to say, and to let the case severely alone if possible. The only point involved in the case is that out of the county of Laramie three counties were made, and that the county of Laramie insisted upon the two new counties paying their proportion of the debt. Though Mr. Jackson has been an attorney in that court for ten years, this is the first time of his appearance, and he made a good impression.

The Kansas Pacific and the Fort Riley Reservation.

The United States Supreme Court yesterday heard the case of the The Republican River Bridge Company vs. The Kansas Pacific Railway Company. Error to the Supreme Court of Kansas. This is a contest concerning the right of way of the railroad through the Fort Riley reservation. The court below ruled that the joint resolution of 1867 conveyed to the bridge company, by virtue of the protest issued in pursuance of it, all the land mentioned therein, except the land conveyed to the railroad company for a right of way by the joint resolution of 1866; but that the joint resolution of the previous year vested in the Union Pacific Railroad Company and its branches twenty acres of the reservation opposite Riley city for a depot and other purposes, and the right of way claimed.

It is here contended that the grant to the State of Kansas for bridge purposes, its acceptance, and the construction of the bridge, and the full performance of all the conditions prescribed by Congress, and the final patent to the bridge company under the grant to the State, vests in the company exclusive title, notwithstanding the claim of the railroad under the joint resolution of 1866. That resolution, it is contended, did not amount to a grant, and has never been followed by a patent. B. F. Stringfellow for plaintiff in error, W. T. Otto for defendant.

Miscellaneous.

Mr. David Ireland was yesterday appointed an internal revenue storekeeper for the Third Maryland district.

Col. Fred Grant, the President's son, acquitted himself creditably yesterday in delivering a message to the House. He is graceful and sensible.

The Senate Committee on Post Offices and Post Roads yesterday discussed the bill relating to third-class matter, etc., but came to no conclusion.

The Senate Committee on Commerce yesterday took up the steamboat bill, and referred it to a sub-committee consisting of Messrs. Boutwell and Dennis.

FORTY-FOURTH CONGRESS.

WISCONSIN WANTS LEVELING INFLATION

PERSONAL EXPLANATION FROM SENATOR SPENCER

PRINTING BUNCOMBE UNDELIVERED SPEECHES

RECOMMITTAL OF DISTRICT INTEREST BILL

MR. COX APPOINTED SPEAKER PRO TEM

Reorganizing the United States Judiciary

SENATE.

Thursday, February 17, 1876.

The CHAIR laid before the Senate a communication from the Secretary of War in reference to the bridge across the North Platte river near Fort Laramie, and asking for authority to use the tolls collected on travel on said bridge for the repair of the same. Referred to the Committee on Military Affairs.

The fortification appropriation bill was read twice and referred to the Committee on Appropriations.

Mr. HAMLIN presented resolutions of

THE MAINE LEGISLATURE,

asking the abolition of compulsory pilotage. Referred to the Committee on Commerce.

Mr. STEVENSON presented joint resolutions of the Kentucky Legislature in favor of the Texas Pacific subsidy.

Mr. HOWE presented memorial, signed, he said, by citizens of Wisconsin, asking the passage of a law providing that the Treasurer of the United States shall pay every Saturday night to every man, woman and child in the United States, without respect to race, color or previous condition of servitude, the sum of $10 each. He said that in order that there should not be an undue expansion of the currency, the petition provided that there should not be issued in any one year more than five thousand million dollars. He was not entirely satisfied that it would be a wise measure, but he asked the reference of the paper to the Committee on Finance.

Mr. McCREERY presented joint resolutions of the Kentucky Legislature in favor of pensions to the soldiers of the Mexican war.

Mr. KELLY introduced bill authorizing the Vancouver Water Company to

LAY WATER PIPES

through the Fort Vancouver military reservation. Referred to Committee on Military Affairs.

Mr. INGALLS introduced bill for the regulation of Indian affairs. Referred to Committee on Indian Affairs.

Mr. WRIGHT introduced a bill to reduce the interest of the public debt, to provide an elastic currency, &c. He said he introduced the bill by request and without committing himself, but if it should do what its title proclaimed he would be in favor of it.

Mr. CLAYTON introduced a bill authorizing the Secretary of War to deliver camp and garrison equipage to the several States for the use of the State troops at the Centennial. Military Affairs.

Mr. BOOTH, from the Committee on Pensions, reported adversely on various private pension bills, which were indefinitely postponed.

Mr. SPENCER said he was not in the Senate yesterday when the

SENATOR FROM MISSISSIPPI

had caused to be read the extract from the Chicago *Times*. He now desired only to say that there was no truth in the statement from beginning to end. He had not approached the Chief Justice in reference to the decision in the enforcement case. In fact he had never had any conversation with the Chief Justice on any subject whatever.

Mr. MORRILL, of Vt., from the Committee on Education and Labor, reported, with amendments, bill to establish an educational board and apply a portion of the proceeds of the public lands to public education, and to provide for the more complete endowment and support of national colleges for the advancement of scientific and industrial education.

Mr. ALLISON called up bill giving the consent of the United States to the county of Dubuque, in the State of Iowa, to construct county buildings in Washington square, in the city of Dubuque, and for other purposes; which was discussed at some length and passed.

Mr. BRUCE, from the Committee on Pensions, reported adversely on the bill for a pension to Jules L. Williams.

Mr. MERRIMON introduced a bill to provide beacon-lights for the inland navigation from the Chesapeake bay to the waters of North Carolina. Commerce.

Mr. SHERMAN presented a memorial asking the United States to interfere to prevent the sale of the

WABASH AND ERIE CANAL,

advertised to take place on the 27th of this month, on the ground that the sale will be in violation of the terms under which the grants of land were made by the United States to the State of Indiana to aid in constructing said canal.

Mr. CONKLING, from the Committee on Commerce, asked that the bill to create the collection district of Arkansas be indefinitely postponed. So ordered.

Mr. SPENCER introduced bill in reference to the names of the avenues of the city of Washington. Committee on the District of Columbia.

Mr. ANTHONY called up his resolution providing that the *Congressional Record* shall contain an accurate transcript of what actually occurs

IN THE TWO HOUSES,

and proceeded to read some remarks on the subject. He held that the *Congressional Record* was worth all it cost, and argued that the record of the debates was of such value that the cost should not be taken into consideration. While maintaining this he insisted that the *Record* should be

to send the report back for this purpose was another thing. He would suggest whether, if the report was sent back, it would meet the views of the Senate if it was provided that after the claims specified were audited—say sixty or ninety days—then the board should be abolished.

He said, in answer to a question of Mr. Allison, that it was understood that all the claims yet unadjusted would, in addition to the bonds already issued, foot up about $150,000 less than the $15,000,000.

The motion to recommit was carried—ayes, 30; noes, 27.

Mr. HOWE introduced a bill to amend the act of Feb. 19, 1875, authorizing the Seneca nation of New York Indians to lease the lands within the Cattaraugus and Allegheny reservations. Referred to Committee on Indian Affairs.

Mr. WRIGHT called up the bill for the relief of John M. Dorsey and Wm. Shepherd. Passed.

Mr. KELLY called up the bill for the sale of timber lands in California, Oregon, and the Territories of the United States.

Discussion on the bill ensued, participated in by Messrs. Booy and Clayton. Mr. Booy, advocating the bill, said let each generation look out for its own supply of wood.

Pending discussion, the Senate adjourned till Monday.

HOUSE OF REPRESENTATIVES.

At 12 o'clock the House was called to order by the Clerk of the House, Mr. George M. Adams, the House having granted leave of absence to the Speaker until Tuesday next just before the adjournment yesterday.

The Chaplain opened the session with prayer, after which Mr. RANDALL offered the following:

Resolved, That Hon. S. S. Cox, a Representative from the State of New York, be, and

IS HEREBY, APPOINTED SPEAKER

pro tempore during the present temporary absence of the Speaker.

Mr. CLYMER, of Pa., moved to substitute the name of Hon. J. C. S. Blackburn, of Kentucky.

Mr. BLACKBURN said, appreciating as he did his want of skill and experience in presiding over a great deliberative body, and contrasting it with the long service and eminent fitness of the gentleman from New York, his selection would be an act of injustice to himself and the House, and he therefore asked the gentleman to withdraw his motion.

In compliance with this request Mr. CLYMER asked leave to withdraw his amendment.

The Clerk then put the question on the resolution offered by Mr. Randall, and it was adopted, there being but three or four negative votes.

Mr. COX then took the chair, and said his occupancy of it was not a subject of congratulation. It was the hope of the House and his own that his occupation of the chair would be brief, and that they would soon see the return of the respected Speaker. It was a part of the refinement of our system of government that the business of legislation was not retarded by absence or sickness. The business of the House would now proceed.

The Clerk then read the Journal of yesterday.

Mr. GARFIELD, of Ohio, to settle a precedent, said he would raise the question whether the Speaker *pro tem.* ought not to take the oath of office before proceeding to the discharge of his duties. There had, he said, been few instances since the formation of the Government where a Speaker *pro tem.* had been chosen. When the Speaker, under the rules, called a member to the chair temporarily it did not involve the signing of bills or several other functions, and a question as to

THE VALIDITY OF LAWS

to be signed by the Speaker *pro tem.* might hereafter arise. He had not looked over the law carefully. Within his memory there had been but one case, and, if he remembered correctly, in that case the Speaker resigned and his successor was elected absolutely. The act of 1862 required every person elected or appointed to an office to take a prescribed oath. It might be said that the incumbent had taken the oath as a member of the House, but that was not the oath of Speaker. He was about to discharge the duties of an office of great importance to the whole people. He had thought that to avoid embarrassments in the future he would raise the question, and to bring the subject before the House he would move that the Speaker *pro tem.* be required to take the oath of office.

Mr. RANDALL, of Pa., sent up to be read the Journal of the House on occasions where a Speaker *pro tem.* had been chosen from April 20, 1798, to the retirement of Mr. Colfax, and the election of Mr. Pomeroy as Speaker prior to Mr. Colfax becoming Vice President of the United States, and contended that precedent was uniformly against requiring an oath.

Mr. KASSON said there were two offices—that of legislator and Speaker—the latter with added duties, such as signing bills, correcting the journal, enforcing order in the House, &c. The House protects itself by prescribing an oath for that particular office. The only instance where the oath had been administered was in the case where Speaker Colfax retired.

Mr. RANDALL said but there the Speaker resigned.

Mr. KASSON said his successor had already taken the oath of office as a member, and this was the point on which the whole question rested.

Mr. JONES, of Ky., contended that he was entering upon the duties of a new and special office, and the Speaker *pro tem.* should take the oath prescribed for that special office.

Mr. GARFIELD said all the precedents cited were before 1862, and in one of them the question was raised, and they made it a matter of record, that the officer had

TAKEN THE OATH OF OFFICE.

He made the point that the act of 1862 cut off all precedents, it being mandatory, and left the House no discretion. Vacancies might occur before the return of the Speaker to make the present incumbent of the chair the chief Executive of the nation. He spoke of this merely to show the importance of the question.

Mr. TUCKER, of Va., argued that the office was not a constitutional one. The President *pro tem.* of the Senate was not required to take the oath. He was not the Vice President. Neither was the Speaker *pro tem.* the Speaker of the House.

Mr. GARFIELD said the "*pro tempore*" was simply a limitation of the term, and for that term he was just as much Speaker of the House as Mr. Kerr would be if in the chair.

Mr. TUCKER said he simply exercised the functions and performed the duties of Speaker and was not required to take the oath. The best thing the House could do was to stick to precedent, for which the Senate furnished a parallel.

Mr. JOYCE, of Vt., said the Revised Statutes