# National Republican

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TUESDAY.....JANUARY 23, 1877.



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### Judge Edmunds on a Fair Thing.

Mr. Edmunds said in his labored and forced explanation of the "Compromise" bill, No. 1153—the bill of surrender—the astute terms of capitulation to the rebel yell on last Saturday, that—

"We endeavored to be so careful to injure no man's rights under the Constitution even in the courts of law afterwards, by any declaration that might be made pursuant to this bill of who is President, as to provide, with the universal assent of all the gentleman, as I have said, of all parties, that after all this has been gone through with, and we have found who, apparently, and so far as our executive or ministerial or *quasi* judicial functions may go, is the President of the United States, if there be now under the Constitution and the laws, the right of a true President to question, in the courts of an inferior rank, the one, that right shall exist unprejudiced by any inference that might be drawn from the passage of this bill, and the action under it."

Shades of justice, what Solons exist in our day! "The right exist *unprejudiced!* After a majority of the Supreme Court have already passed upon the case in the commission, or as the Senator says, "*quasi* judicial" commission, then, after that, the right to contest his election remains "unprejudiced!"

Before what tribunal could he go, the majority of the highest in the land already having decided against him in their "*quasi* judicial" capacity? Does the learned Senator from the Green Mountains suppose that these five judges, after having degraded their official station by stepping down into the arena of politics, and lent their decision in conjunction with partisans on the case, will, afterward, sitting with their associates in the minority on the full bench of the Supreme Court, reverse their decision, and thus restore to the injured party his "unprejudiced" rights, thus stultifying themselves and making the unconstitutional tribunal, of which they were a part, a by-word and a farce? Or does the legal lore of the Senator rise so far? He concludes that the dear people will expect the injured claimant to demand his rights "unprejudiced" at the hands of Justice Snell! Perhaps the idea is, however, that in the next Congress a similar commission may be constituted with the balance of the Supreme Court—the untarnished ones—as a party to the tripartite agreement, who will oust the seated President and place in power the other aspirant whose rights had been "unprejudiced" by the mixed tribunal, the immaculate commission, the fifteen partisans wiser than our fathers, the statesmen and heroes of the past, in whose estimation precedents and Constitution are Mother Goose tales—fit only for children in the nursery.

### Interpreting the Constitution.

Hon. Geo. W. McCrary, of Iowa, a member on the part of the House of the joint committee, expresses the firm conviction that the bill providing for counting the electoral vote will pass. He feels sure it will gain strength as it is discussed, and that men of all parties will see that nothing better can be devised that could be passed through both Houses. He says the great peril of the present situation arises from the fact that we are confronted by a great question which must be decided in order that the Government may go on, and the people of the country are divided equally as to who shall decide it. To settle such a controversy in an orderly and peaceable way, so that all can honorably acquiesce in the result, whatever it may be, is the highest exhibition of both statesmanship and patriotism, and would be a triumph for free government of untold value in the future.

Mr. McCrary is recognized by the country as an able man, and so are others who were associated with him on the joint committee; still the intelligent classes of the nation will be very reluctant to concede that either he or any of them are more competent to interpret the true meaning of the Constitution than were the framers of that immortal document. When they took their initiatory steps in the government of the new Republic founded by Washington through the blood and sorrows of the Revolution, they passed a resolution that the Senate should appoint a President of the Senate, for the purpose of receiving, opening and counting the electoral votes. After the Senate had acted upon the suggestion of the resolution, John Langdon, who was elected President of that body, made the following certificate of election, which Mr. McCrary and his joint committee associates should read, and then reflect upon this recent revolutionary and unconstitutional action:

*Be it Known*, That the Senate and House of Representatives of the United States of America, being convened in the city and State of New York, April 6, in the year of our Lord 1789, the underwritten, appointed President of the Senate for the sole purpose of receiving, opening and counting the votes of the electors, did, in the presence of said Senate and House of Representatives, open all the certificates and count all the votes of the electors for a President and Vice President, by which it appears that George Washington, esquire, was unanimously elected, agreeably to the Constitution, to the office of President of the United States of America.

In testimony whereof I have hereunto set my hand and seal. JOHN LANGDON.

This is the way the framers of the Constitution interpreted the document which they constructed as the guiding star of our national existence. It is now one hundred years since these wise and great men constructed the Constitution, and placed this interpretation on it. Upon this interpretation the statesmen of the nation have based their action until the present day. But now, just at a time when the wisdom which formed the Constitution and interpreted its meaning is so much needed, we find our leaders disobeying the commands of that law, and ignoring its established precedents. Before, the way was straight and unmistakable, the light of the Constitution was undimmed, the counsels of established precedents plain and forcible. Now the nation finds itself wondering in the maze of uncertainty. The action of the committee simply shifts the duties of the responsible task to a new tribunal, accompanied with a great many *ifs* and *doubts*.

The Ohio *State Journal* says the case stands about as follows:

"The decision of this Commission—if the House have power over the subject committed to it, and if the fifth article shall ever be agreed upon, and if the two Houses shall accept the decision of the commission—then, and in case of all those things, the decision of the Commission shall stand, unless the right or title of some person, under the Constitution of laws, shall be impaired thereby, provided any such right exists."

Here is a quicksand of *ifs* and *unless* and *provided's* and reservations and evasions which, compared to the plain and simple way provided for by the Constitution, is worse than the deep tangled thicket of a jungle compared to the open sweep of a level plain.

### The Modern Arimanes and His Six Darujs.

Should the proposed compromise end in the election of Samuel J. Tilden it can hardly be doubted that those most likely to receive distinction at the hands of future historians, in writing of the downfall of American liberty, if their machinations are to end in that calamity, will be—first, those who subscribed their names to the compromise. After these will come the name of Samuel J. Tilden as the vicegerent, say, of Arimanes, and Grover, Cronin, Speaker Randall, Hewitt, Hampton and Hamburg Butler as his six Darujs, his ministers and executive agents. There will be, moreover, a peculiar fitness in the selection of this Cabinet, comprising, as it will, all the prime qualities necessary to the production of confusion and chaos, which reflects the august attributes of the true Arimanes. The aim and object of the vicegerent of Arimanes has been, and is, to conceal the truth in this great fight, and defeat, if possible, the right by circumvention in the most plausible manner. To confirm this assertion we have simply to refer to the instruments he is using.

In Grover and Cronin he finds pliant tools to invoke the law in supplanting the will of the majority by that of the minority, thereby giving color of right to what otherwise would appear a monstrous wrong, and evincing a clear understanding of the best methods of darkening counsel and disguising error in the promulgation of false ideas and false judgment.

In Randall and Hewitt he has fleet messengers of mischief, quick to see the sources of light, (the legendary enemies of Arimanes,) and prompt to obscure them, unembarrassed by considerations of honesty and uninfluenced by compunctions of conscience. Their whole powers dedicated to the diabolical purpose of governing or destroying, the one scruples not to use official power to advance the interests of the *junta*, and the other, in the guise of patriotism, sends inflammatory messages to the people, intended to arouse a determination to resist the right, while he pretends to counsel peace and moderation.

In Hampton and Butler he has the two needful elements to control the factions of the South, and to hold the proper authorities in check by the exercise of that violence which was made to abridge the right of suffrage at the election. Hampton wears the mien and shows the bearing of a gentleman, and through an assumed air of anxiety for the public welfare, carries with him good men and true, who would incontinently spurn him and his associates if they knew the intense selfishness which animates them; while Butler, a demon of hellish passions, subjugates by force the timid blacks, who, from fear of violence, vote as he directs, or not at all, and swear to any statement he dictates. And this is the man Hampton has had chosen Senator!

Verily we have fallen on evil times, and the powers of darkness are in the ascendancy. We [illegible] the issue of the conflict of Ormuzd and the Amshaspands with this modern Arimanes and his Darujs.

### The Nation's Duty to the Red Race.

For many generations the whites of America have wronged the aboriginal tribes of this country. The history of our continued persecution of them has been a national shame. In this our Government must ever bear the disgrace and receive the retribution of the great wrong. Under the steady march of progress and civilization they have withered as a race from the land. East of the Mississippi, where once lived powerful and prosperous tribes, only a few scattering, wretched bands now remain. Their hunting-grounds have been metamorphosed into cultivated fields, and the busy hum of industry and enterprise of commerce are now heard and seen where once this people were the most happy and contented. Their council fires have long since died out on the shores of these Eastern streams; their bows have been broken, their springs have been dried up, and villages, with the remnants of the different tribes, have been forced on toward the Pacific and scattered by the invading and aggressive whites among the Rocky Mountains and over the plains of the great Southwest. And still this persecution continues by the seeming irrepressible force of white avarice and invasion, and unless the mighty tide which is pressing them forward is stayed they must soon hear the roar of the last wave which will settle over them forever.

Some time ago the Government of the United States set aside for the Indians a country intended for their permanent home. It is a beautiful country, luxuriant in its growth and production, delightful in climate, with broad fields and deep-tangled wild woods, with limpid streams and fertile valleys, a spot well calculated to tempt the avaricious disposition of the whites and lead them into intrigues and schemes for its possession.

These intrigues and schemes are already under way, and we appeal to Congress in the name of the solemn pledges of the National Government, as well as in the name of a people already wrecked and scattered by the wrongs and persecutions of the whites, to lift its strong arm in the defense of justice and them, and baffle the attempt. To prostitute the soil of the Indian Territory to the uses of the whites would be an outrage on this poor race such as is beneath the dignity of a great nation, and a direct assault on humanity and right. If the Government maintains its solemn agreement to preserve this country as a permanent home for the Indians, and secures at once proper legislation for their protection and government therein, it will in a measure redress some of the many wrongs that have been inflicted upon them, and fulfill a bounden duty which belongs to us as a Christian nation.

We have made these people homeless, and, conscience-stricken, have given them a home and pledged their protection and care, and Congress should beware of all territorial jobs and schemes which will cause an infraction of that pledge.

### The Committee Hesitates About Rebel Claims.

In December last the House adopted a resolution by a two-thirds vote directing the Judiciary Committee to report within the next twenty days an amendment to the Constitution prohibiting the payment of claims growing out of the late civil war to persons who were disloyal. Nearly forty days have expired, still nothing has been heard from the committee.

There is great importance attached to this matter. The American people are anxious to know what the House will do about it. It will be remembered that all of the ex-Confederates voted against the bill, and therefore in favor of the claims, while all of the Republicans and most of the Northern Democrats voted in favor of the resolution, and necessarily against the claims. Now, the question is, what will the committee do about the amendment? Their time has long since expired. It is a matter that was decided in thirty minutes in the House. It certainly should be decided by the committee in forty days. Are they afraid to act? Is the matter too delicate to handle? Let them explain at once, if not incompatible with the public service of the Democratic party. If it is, they should let the Republicans report an amendment for them.

Two resolutions have been lost in the House which demanded the committee to report the amendment. They were lost by a strict party vote. Something is rotten in Denmark. The Judiciary Committee should explain at once.

### Senator Morton's Defense of the Constitution.

Senator Morton's brilliant defense of the Constitution yesterday will live in the pages of history as a gallant battle for the right. He has not been shaken by the shadow of Democratic intimidation which has so appalled the other Republican Senators as to drive them into an unconditional compromise of the victory won by their loyal constituents at the ballot-box. He struck hard blows at the bold dishonesty of the temporary expedient to bridge over a possible bloody chasm, and denounced it as a screen of humbug set up before the American people, behind which time-serving politicians can play their little game of throwing the Constitution, the law and right to the devil, meanwhile making their own personal points.

They were sledge-hammer blows in defense of the Constitution and established precedents, and their effect will be felt from Maine to the Gulf.

TURKEY has placed the red chip on her shoulder, and Russia is preparing to knock it off.

ON BEING asked yesterday where his wound was, Fred. May modestly replied, "I left it in Delaware."

ISN'T MAJOR RICHARDS a beautiful specimen of an upright man and a Mason? How tenderly he regarded his Masonic obligation?

ANOTHER blast from Grammercy Park—Samuel J. Tilden has issued positive orders that the Texas Pacific bill must not pass the House this session.

HENRY WATTERSON is charged by an unscrupulous exchange with wearing a tom-and-jerry coat. That is not so. His inner man wears the tom-and-jerry coat, and a thick one it is, too.

IF Dr. Mary Walker could get into the White House as easy as she can take her pants off over her head with a single twist of her wrist, it is said by her friends that she would be happy.

SENATOR MORTON'S head was so level that he would not submit to having the Constitution thrown aside to please the tastes of time-serving politicians. Level heads will win in this fight.

THE Democrats, satisfied that Mr. Tilden could not crawl into the White House under the Constitution, inveigled the Republican Senators to give him a chance to creep in outside of that document.

AS THE iron work and timbers of our Centennial Exposition are being razed to the ground thousands of workmen are engaged in erecting another set of great structures in the *Camp de Mars*, at Paris.

QUITE a stir was made among the Southern members of the House when they learned yesterday afternoon that Mr. Tilden had determined not to allow the Texas Pacific bill to pass the House this winter.

MR. DAVID DUDLEY FIELD, lawyer of Boss Tweed, and counselor of Samuel J. Tilden, can now go home. The agreement on the compromise dispenses of that service in Congress for some Mr. Tilden employed him.

THE toss-up plan of the joint committee is a roundabout way of flipping a copper for the Presidency. It is giving sanction to the law of revolution, and an open scheme to defeat the spirit and intentions of the Constitution.

IT IS THE DUTY of the Board of Health to abate all nuisances whenever and wherever found within the purlieus of the District of Columbia. A fellow called Thornton Smith has been overlooked. His case requires prompt attention.

THE INVESTIGATORS are on the track of the economical and rhetorical Banning. The ways of his recent election are crooked, but we hope not past finding out. Yet he continues to howl mightily about Republican frauds at the ballot-box.

THE MAN who attempts to extract blood from a brazen image has a difficult contract on hand; but it is mere child's play compared to the effort of the Democracy to pump information from the chairman and secretary of the Republican National Committee.

WE DO NOT see how the proposed compromise can change the result shown by the Electoral College. The case of Gov. Hayes is strong in both equity and law, still the Republican leaders are not justified in yielding to the menace of their opponents and favoring a compromise, even if it does not jeopardize the interests of the party.

IF THE Democratic party had possessed the vantage ground which the Republicans had in the Presidential fight they would not have yielded one jot or tittle to the Republican party. This is the only quality to be admired in the Democracy. This quality was embued from the Jacksonian spirit in days gone by.

MR. WILLIS, of New York, yesterday administered a befitting rebuke to the New York *Herald*, otherwise known as the *Gamblers' Own*, for its vulgar assault on Mr. Tarbox and himself. The fact is that since the cowhiding of Jim Bennett the *Herald's* "Intellectual Department" has become fearfully demoralized, and the paper is going rapidly to the dogs.

IN OUR news columns this morning will be found the announcement of the demise of our contemporary, the Washington *Chronicle*. We had hoped, with others, that some arrangement might have been perfected by which its publication would have continued. We feel no exultation in the misfortunes of a rival journal, and our sympathies are extended to those who have battled so bravely against the hard times for more than a year and been compelled to succumb.

THE New York *Sun*, edited by that dirty fellow Dana, yesterday changed its typographical appearance from nonpareil to minion type. Is this in conjunction with its *four columns* of advertisements, conclusive evidence of its prosperity? Where are those sworn statements with respect to its circulation? If Dana will wait a few days we have three or four police officials who won't have anything to do, and, as good swearing is their forte, they are just the very ones to run up the *Sun's* circulation *on affidavits*.

(OFFICIAL.)

SPECIAL ORDER.

NAVY DEPARTMENT, WASHINGTON, Jan. 18, 1877.

The Secretary of the Navy, with deep regret, announces the death of the oldest officer in the Naval service.

Rear Admiral JOSEPH SMITH died, at his residence, in this city, on Wednesday morning, the 17th instant, in the eighty-seventh year of his age.

This gallant officer was born in Massachusetts, March 30, 1790, and entered the Navy, from the merchant service, in January, 1809. He rose rapidly in his profession, and honorably distinguished himself in every grade. For his gallantry on Lake Champlain, in September, 1814, he received a medal from Congress. For nearly a quarter of a century he filled, with great ability, the office of Chief of one of the Bureaus in the Navy Department. In 1871 he withdrew from active service, though still in a vigorous old age.

His death will be universally lamented by the service and the country.

Admiral SMITH'S funeral will take place at St. John's Protestant Episcopal Church, in this city, on Friday, the 26th instant, at 11 o'clock a. m.

The officers of the Navy and of the Marine Corps are requested to be present in undress uniform, as best suited to the present season.

On the day of the funeral, the flags of the Navy Yard in this city will be kept at half-mast from sunrise till sunset, and thirteen minute guns will be fired at noon. The same honors will be paid and the same number of guns fired at the other Navy Yards and Naval Stations, and on the flagships of the several squadrons of the Navy, on the day after the receipt of this order.

All officers of the Navy and of the Marine Corps will wear the usual badge of mourning for thirty days.

GEO. M. ROBESON, Secretary of the Navy

# FORTY-FOURTH CONGRESS.

## SECOND SESSION.

### Senate.

MONDAY, January 22, 1877.

The Senate was called to order at 12 m. by President *pro tempore* FERRY, and prayer was offered by the Chaplain.

Bills, petitions, &c., were offered and referred as follows:

Mr. CHAFFEE laid before the Senate a communication from the Secretary of War, inclosing the report of Gen. Q. A. Gilmore in relation to a water line between rivers in Georgia, through the Okefenokee swamp to tide-water in the Gulf of Mexico. Laid on the table.

SENATOR ROLLINS' CREDENTIALS.

Also, the certificate of election from the Governor of New Hampshire of E. H. Rollins.

Also, a memorial from the Board of Trade of Chicago heartily approving of the report of the Special Committee on the Electoral Count. Laid on the table.

Also, a memorial of the General Assembly of Colorado asking for a wagon road from White River Agency to the Sulphur Springs, in that State. Referred to the Committee on Public Lands.

Mr. WINDOM presented a petition to amend the pension laws.

Mr. ALLISON and others presented similar petitions; which were laid on the table, the committee having already reported a bill on the subject.

Messrs. WRIGHT, CHAFFEE, CHRISTIANCY and others presented petitions for a sixteenth amendment in reference to female suffrage. Judiciary.

Mr. KERNAN introduced a petition from a number of citizens of New York, in relation to the Geneva award. Judiciary.

Mr. COCKRELL introduced a bill granting a pension to Mrs. A. P. Blair, widow of Gen. F. P. Blair. Pensions.

Mr. CAMERON, of Pa., introduced a petition in relation to the distribution of the award made by the Mexican commission on claims between the United States and Mexico. Judiciary.

Mr. WINDOM presented a bill for the relief of E. S. Nicksilbough. Referred to Committee on Military Affairs.

A so, a bill providing for furnishing copies of papers now on file in the Interior Department and the several bureaus thereof. Referred to the Committee on Appropriations.

STANDING COMMISSION TO TAKE TESTIMONY.

Mr. MERRIMON introduced a bill providing for a commission for taking testimony and information required by the Senate, outside of the regular business of legislation.

Mr. MERRIMON said that the custom of sending out committees all over the country to take evidence and investigate matters. He said it interferes very much with the regular business of the Senate. Senators, after being absent awhile on committee work, came back here and found that they had lost the run of busines, and it was some few days before they could get on the track again so as to be useful on the regular committee work, and he thought it would be wise to correct the evil. He subsequently introduced a resolution providing that it shall not be lawful for any part of regular committees to do outside work, and committees shall not have authority to charge committees with such work. The bill and resolution were referred to the Committee on Judiciary.

Mr. CAMERON, of Wis., introduced a bill for the relief of R. Smith, Naval Affairs.

Mr. MORRILL introduced a resolution providing that all that part of the President's message referring to the permanent building for the Centennial Exhibition be referred to the Committee on Public Buildings and Grounds, with authority to report by bill or otherwise. So ordered.

Mr. SHERMAN introduced a resolution providing for printing one thousand extra copies of the report of the Board of Health of the District of Columbia. Printing.

Mr. MAXEY introduced a petition for cheap telegraphy. Post Offices and Post Roads.

Mr. CRAGIN introduced a petition of Caroline A. Barr and others, of New Hampshire, asking for a sixteenth amendment to the Constitution in relation to female suffrage. Privileges and Elections.

Mr. WRIGHT called up the bill to amend the act of May 12, 1864, for a grant of land to aid in the construction of the McGregor Western railroad; which was amended and passed.

Mr. CAMERON, of Wis., called up the bill for the relief of John E. Catlett, of Missouri; which was passed.

Mr. BOGY introduced a bill to organize the Territory of Oklahoma. Referred to the Committee on Indian Affairs.

Mr. INGALLS called up the following bills granting pensions; which were passed: A bill granting a pension to Albert T. Hill; a bill granting a pension to Amasa J. Finch; a bill granting a pension to Thos. Kinsley; a bill granting a pension to Eliza A. Blaze.

Mr. CAMERON, of Wis., called up the bill to pay the claim of Benjamin Fenton and D. W. Kenton. Passed.

ARRANGING FOR COUNTING THE ELECTORAL VOTE.

The CHAIR announced the expiration of the morning hour, and laid before the Senate the bill for counting the electoral votes, as the unfinished business, on which Mr. FRELINGHUYSEN was entitled to the floor, but not being present,

Mr. MORTON took the floor, and said he was not able to speak this morning; but as the bill had come to its passage he would attempt to give his views on the bill.

He said this bill was the product of the Mississippi plan. The shadow of intimidation had entered this Chamber, and Senators were acting under the apprehension that violence would ensue if they did not yield to compromise. A member of Congress had written him from the city that one hundred thousand men would be here on the day the electoral vote should be counted, and while this might have been an exaggeration, yet it had had the effect to intimidate and startle Senators and members of Congress. For himself, he had no fear of any revolution or difficulty. Anybody who attempted it would be utterly destroyed. He believed that R. B. Hayes had been elected by the people and in the hearts of the people, and ought to be counted in. He believed that he should be counted in just the same as eighteen Presidents before him had been counted in, and that was a perfectly constitutional method. He differed with the Senator from Vermont, who denied the right of the President of the Senate to count the votes, and also that it did not confer it upon the two Houses, but the two Houses could confer it upon a commission.

If the two Houses were charged with the duty of counting the votes, then they could not delegate that power. If they were not specially charged with that duty, then it was manifestly clear that they could not confer it. If the assumption of the Senator from Vermont was true, then for eighty-four years there had been no President legally counted in from Washington down. He (Mr. MORTON) believed that, in the absence of some legislation on the subject, then the President of the Senate had the authority and must count the votes, and it was done in that manner for seventy-two years, from the time of Washington down to the time when the twenty-second joint rule was adopted, and if he had not that power, then the Presidents elected in those seventy-two years were illegally elected and unlawfully held their offices, and if we should now fail to pass a bill providing how it shall be done, then the President of the Senate must count the votes.

He again asserted that he believed that Mr. Hayes was fairly elected; elected by the papers, elected by the votes and elected in the hearts of the people, and must be counted in unless some bill like this was passed to count him out. He was anxious to agree upon some plan. He tried to agree with the committee on this bill, but he could not. If there was any reference of this kind to be made, he was in favor of taking the whole of the Supreme Court, and not a part of it. It is true that he voted against the bill introduced early in the session to refer the case to the Supreme Court, but he did so chiefly because the bill re-enacted the Electoral College and the election of a President by it, to which he was opposed. He opposed the present bill on account of its unconstitutional nature, and to adopt it will be to pervert the Constitution, and will produce revolution.

The bill provides that this commission may find whether the electors are eligible or not, and there is no time or place mentioned in the Constitution for trying or determining this question, and that is the real question that must be decided at this time. The electors have the right to make up their votes, and they must be counted. There is but one thing to do on the 14th of February, and that is to count the votes. There is no provision for determining whether the electors are duly appointed in the Constitution, and this bill, in providing for that, is unconstitutional.

He did his Democratic friends no injustice, he said, in saying that they would not go for this bill at all if it did not empower this commission to go behind the returns of a State; for, by so doing, that was the only chance he saw for Mr. Tilden to be counted in as President.

He deferred more extended remarks till another time. While he favored some plan for counting the electoral vote, he did not believe in doing it after a case was all made up and ready to be tried, which was to be affected by the plan devised.

SENATOR BLAINE SWORN IN.

Mr. HAMLIN asked that his colleague, Mr. BLAINE, Senator-elect to fill the vacancy occasioned by the resignation of Lot M. Morrill, be sworn in, and Mr. BLAINE advanced to the PRESIDENT'S desk and took the oath.

MR. FRELINGHUYSEN'S SPEECH.

Mr. FRELINGHUYSEN said that he believed that the pending bill meets with more opposition from Republicans than from Democrats. He was supposed to be a Republican, and he would do nothing to jeopardize the party which had stood so nobly by the country during its most trying hours. The practice had been for ten years past, with both Houses having a Republican majority, to count the votes, and none had been thrown out, because the two Houses were in accord. He had been in favor of a plan to count the votes when there were disagreeing votes, and had submitted it, viz.: That they should be submitted to the President of the Senate, Speaker of the House and Chief Justice of the Supreme Court, but the plan had been defeated in the Senate. This bill is very similar. Instead of the President of the Senate, they had five Senators; instead of the Speaker of the House, they had five members of the House, and in place of the Chief Justice they have five of the justices. He contended that the Constitution did not confer the power of counting the votes upon the President of the Senate. The Constitution says: "The votes shall then be counted." We all agree to that; but who is to determine what are votes, and that is what this bill provides for.

The word "counted" in the Constitution clearly implies adjudication, as well as numeration. He proceeded to assert and argue that Congress had the right to determine which of the three hundred and sixty-nine Presidential electors were properly elected. Congress cannot be a grand Returning Board in this case, but this bill provides for a commission that can act as a returning board. He reviewed the question of the returns from Florida, Louisiana and Oregon, and believed they could be adjusted, and predicted that the Republican party would yet control the destinies of this country for a generation to come. In relation to the returns from Oregon, he said the question was whether Cronin and one man was a majority of an electoral college of three, or whether Chartwright and Odell and two men were a majority of three. He believed the latter, and was not yet prepared to change his mind. He contended that in the last election some one has been elected, and it must be adjudicated, and the time has not yet come, nor the circumstances, which impose upon the House the power to elect a President.

If this bill should fail to pass he believed that it would devolve upon the outgoing President to determine who was the proper custodian of the Government and who ought to take charge of it. He believed the people desired a peaceful solution of the question, and if it was accomplished, and the country profited by the lessons of the Centennial year, we should have a peaceful and prosperous career before us.

The question coming on the passage of the bill, Mr. MITCHELL moved that the Senate adjourn.

The question was put and voted down.

TRYING TO RUSH IT THROUGH.

Mr. SHERMAN said there was no haste in passing this bill, and it was of so much importance that it was unfair and unjust to press a vote upon the passage of the bill to-day or with any haste, and he moved the Senate proceed to executive session. He yielded for Mr. EDMUNDS to say that this bill to be available must be passed at once, for the first act under it must take place the first day of this month, and it must after passing the Senate go to the House and be discussed, and then go the President for his signature. If the Senate did not chose to go on to-day he desired to give notice that he should press it to a conclusion to-morrow, even if it become necessary to hold a night session.

Mr. SHERMAN said there was no such necessity. It had taken a very able committee four weeks to frame this bill, and it was a very momentous question, and should not be pushed through the Senate without due deliberation. It was a novel proposition and needed consideration, and if the debate should continue till Thursday or Friday no harm would ensue.

Mr. EDMUNDS contended that it was not a novel proposition, it being seventy-six years, "as the Senator from Ohio will well recollect," since a bill of a similar nature had passed the Senate. The subject had been pretty thoroughly discussed. He would give notice that he would press it to-morrow.

Mr. SHERMAN said that the members of the committee had been engaged upon the bill and deliberating upon it while other Senators were engaged in the transaction of the regular business of the Senate, and it was unfair now to press the bill to a vote and force Senators to give expression to their views without due deliberation.

Other members of the committee might want to express their views upon the bill. If they desired to be heard they should be allowed the privilege. If any Senator was prepared to go on to-day he would withdraw his motion, otherwise he would insist upon it.

Mr. THURMAN said that the other members of the committee were heard when the report of the committee was laid before the Senate.

Mr. BAYARD said he had thought of very briefly submitting his views; but he would gladly forego it if the Senate thought best to act on the bill at once. It was a momentous question, and ought to be acted upon speedily.

Mr. SHERMAN insisted upon his motion, which was put and decided in the negative.

Mr. SHERMAN said he would demand a division. If this bill, under the lead of the Senator from Vermont, was to be pushed through the Senate without debate, a thing unheard of in the Senate, he wanted to know it.

Mr. EDMUNDS said he did not want the matter delayed. He wanted the bill either passed or killed, and that speedily, and a vote would be taken very soon. One thing is certain—this bill will not die in the tracks, going neither forward nor backward.

Mr. MORTON thought there should be no haste about the passage of this bill. The electoral vote must be counted on February 14, and it was an endeavor to have ten days of grace beforehand. Senators were acting under a fear or intimidation that some direful thing was going to happen if they did not pass this bill, and it must be done at once, as though the 14th of February was the very crack of doom. So they attempted to "bill-dose or bull-dose" this bill through. He did not anticipate any trouble.

Mr. EDMUNDS said he was a coward; just coward enough to be afraid to do wrong and just brave enough to dare to do right. He did not have the fear of the one hundred thousand armed men spoken of, but he did not propose to have this bill slump through.

Mr. CAMERON said he was opposed to hurrying this bill through. It was a Democratic measure. He was one of the committee; they had always operated to the disadvantage of the country. He thought the Republican party, who had control of the country, could afford to concede a little to their Democratic friends, but if he was was forced to vote on this bill to night he would vote against it.

The question was then put and adopted; and at 4:08 the Senate went into executive session, and at 4:15 adjourned.

### House of Representatives.

The SPEAKER proceeded with the call of States, and the following were introduced and referred:

By Mr. STRAIT, of Minn.: For the relief of settlers on public lands.

By Mr. FRYE, of Me.: Bill in relation to pavements in the city of Washington. [The reading of the bill was demanded, and it occupied the time until a quarter of one o'clock.]

Mr. FRYE introduced another bill, the reading of which was demanded for the purpose of consuming the morning hour.

By Mr. WOOD, of N. Y.: To encourage and promote telegraph communication between the United States and Europe.

By Mr. MILLS, of Texas: To authorize the payment of claims of citizens of States lately in rebellion.

By Mr. RICE, of Ohio: To reform the civil service of the United States.

By Mr. WILLARD, of Mich.: To provide for the printing of 1,000 extra copies of the report of the Board of Health of the District of Columbia.

By Mr. WELLS, of Mo.: To incorporate a hotel company in the District of Columbia.

MR. WILLIS' REJOINDER TO THE "GAMBLERS' OWN."

Mr. WILLIS, of N. Y., rose to a personal explanation, and called attention to the fact that an editorial had appeared in the New York *Herald*, calling attention to his speech of Saturday, and calling him and Mr. TARBOX "legislative idiots." Mr. WILLIS wanted to say that he had not referred to the matter mentioned in the editorial, and that it should have been more properly headed "editorial idiocy."

Mr. THROCKMORTON, of Tex., moved to suspend the rules so as to require the President to inform the House of the present disposition of the United States troops.

The resolution was defeated—yeas 142, nays 87—two thirds not voting in the affirmative.

Mr. SEELYE, of Mass., moved to discharge the Committee of the Whole from the further consideration of the bill for the relief of the Choctaw Nation, and to bring the subject before the House for consideration.

Upon this question the yeas and nays were demanded.

The resolution was rejected—yeas 140, nays 74—two thirds not voting in the affirmative.

Mr. HUNTER, of Ind., moved to suspend the rules and pass a bill forever prohibiting the payment of claims growing out of the late war to persons who were in the rebellion. Rejected—yeas 125, nays 72—two thirds not voting in the affirmative.

Mr. ASHE, of N. C., offered a resolution to suspend the rules and take from the calendar a bill to reimburse North Carolina for certain moneys expended. The resolution was rejected.

THE PRESIDENT'S MESSAGE REGARDING TROOPS IN THE SOUTH.

The SPEAKER laid before the House a message from the President of the United States in relation to the disposition of troops in the Southern States.

Mr. WOOD, of N. Y., offered a resolution referring the message to a special committee to inquire if the President had exceeded his authority; that said committee be empowered to send for persons and papers, and that it be authorized to report at any time.

Mr. KASSON, Mr. MONROE, Mr. GARFIELD and others contended that Mr. Wood's motion could only be entertained under a suspension of the rules.

The SPEAKER ruled Mr. Wood's motion in order.

Mr. KASSON then moved to suspend the rules and pass the bill reported from the joint Committee on the Electoral Vote, which motion the SPEAKER recognized as of higher privilege than that of Mr. Wood, but he ruled that the resolution of the latter would come up as unfinished business to-morrow.

Pending Mr. KASSON'S motion, the House, at 4:10 p. m., adjourned.

### The Late Mr. Seward on the Republic.

A correspondent of the New York *Inquirer* tells the following story as illustrating the faith which Mr. Seward had in the destiny of the Republic:

"What do you think now?" said Jerry Black to Mr. Seward after the Union cause had met with its most serious disasters during the war, and despair was casting its deepest shadows. "Why," said Mr. Seward, "I think, as I have always thought, that the Union will be saved." "Well," said the ex-Attorney General, "you are the most sanguine man I ever saw." "Not unreasonably so," said Mr. Seward. "What would you say if you were to see a man with pains in his back, fever in his pulse and his skin covered with eruptions?" "I should say he had the small-pox and would die," said Mr. Black. "I should not," said Mr. Seward; "I should say he would live, for in such cases it is the rule to live and the exception to die."

Whisky, tobacco and beer have brought to the National Government during the past year a revenue of $186,000,000. How long will it be at this rate before the national debt will be paid? and yet people say it is wicked to indulge in the stimulants mentioned.

### BATTLE ON SHIPBOARD.

#### Murderous Affray on Board the Steamship Montana in New York Harbor.

[Special to the National Republican.]

NEW YORK, Jan. 22.—Ever since day has existed on board the steamship Montana, of the Williams & Guion line of steamships, for some time between some of the sailors and firemen. Yesterday two of the leaders of the opposing factions, named John Quinn and John Kelly, met upon the deck and grappled and fought with desperation. Finally Quinn drew a knife and stabbed Kelly over the eye, inflicting a dangerous wound. Quinn was arrested and locked up. Last evening the fight was renewed, and a number of seamen came into collision with the firemen in the forecastle. Some were knocked down, others were struck with shovels and missiles, and a miniature battle was carried on, which the officers could only quell by threatening to shoot the rioters.

In the melee John McSorley, one of the seamen whose duty it was to watch the entrance to the forecastle, was beaten, pounded, knocked down and trampled upon so that he was taken to the ship's hospital. There his wounds were pronounced dangerous. Upon regaining consciousness he declared that his injuries had been inflicted at the hands of Christopher Smith, Patrick Brady and William Curran, firemen, who were arrested and locked up to-day. Several others who participated in the affray had severe cuts and bruises, and the firemen are said to be particularly violent and desperate. This is the same steamship in which a mutiny occurred on the Atlantic two years ago, and the captain of the vessel was compelled to return to port. Some of the mutineers are said to be the men now under arrest for yesterday's sanguinary battle, and Sergeant Gallin said that he heard some of the men threaten this morning to organize another mutiny as soon as the steamer shall be at sea. He anticipates further trouble and more arrests will be made.

### THE FAMOUS FORGERY.

#### Still Looking After the Perpetrator of the Rascally Trick.

NEW YORK, Jan. 22.—The tracking of the forger of the $54,000 check on the Union Trust Company is being vigorously continued, it is claimed, today, but the direction of the detectives' labors is veiled in impenetrable mystery. Mr. Hewett, counsel for Mr. Browne, who has not yet given bail, looked up briskly as the writer entered his office to-day and said: "Well, I have no news to give you quite yet, but I fully believe I can establish my client's innocence. It was found to be impossible to discover the name of the other new witness arrested last evening. The city police force has not been engaged on the case, except to assist incidentally, as in the surveillance of Mr. Maxwell at his house before he gave bail yesterday.

To-day an order was served on Julius Keiter, at the House of Detention, issued by Judge McAdam, requiring him to appear in the Marine Court, Chambers, at 10:30 o'clock Wednesday morning to give testimony as to his property in supplementary proceedings. The plaintiff is Charles Stengel, who obtained a judgment against Keiter some time ago, and once before had him examined on supplementary proceedings. It is charged by the plaintiff that the records of that examination are missing, and that they were last seen in the hands of his counsel, Mr. M. L. Marks. The assertion that Keiter has an interest in a glass company in New London is the foundation for this new movement by the creditor.

### THE SHADOW OF THE GALLOWS.

#### Oschwald and Ryan, the Newark Murderers, Still Fighting for Life—What Governor Bedle is Doing.

NEWARK, N. J., Jan. 22.—The counsel for Oschwald and Ryan, convicted of the murder of Officer J. Stanley Brock at Newark on August 5 last, and who have once been reprieved by the Governor, is making every effort to secure the calling of an extra session of the Court of Pardons prior to the date now fixed for their execution—February 