The National Republican.

VOL. XX---NO. 45. WASHINGTON, D. C., SATURDAY MORNING, JANUARY 17, 1880. FIFTY CENTS PER MONTH.

THE CRISIS COMING.

To-day to be an Eventful One in Maine.

Another Fusion Fraud Perpetrated—A So-Called Governor Elected—Decision of the Supreme Court Announced—The Fusionists' Acts Declared Illegal — Revolutionary Proceedings, &c.

The Fusionists Forcing a Quorum.

AUGUSTA, Jan. 16.—The Fusion Senate and House met at 10 a. m. In the House the first business taken up was the report of the committee on elections declaring William Murray, Fusionist, of Vassalboro', entitled to a seat, instead of Rev. Dr. Nathaniel Butler, Republican. The report was accepted, but reconsideration was moved because Mr. Perry, of Camden, wished a full explanation of the case. Mr. Dickey, from that committee, stated that the check list was used at the election; that the notice of the meeting was not legal; that one of the assessors passed the ballot-box out of the door to allow a sick man in a carriage to vote, and that there were sundry other reasons why the action was not legal. The motion to recensider failed, and Murray was escorted to the executive chamber to take the oath. Murray's admission brings the number of members of the House present up to seventy-seven, according to the count of the tellers. The House voted to send the names of Joseph L. Smith and Alonzo Garcelon to the Senate. The number of votes was 76. The report of the committee on gubernatorial votes having been read and accepted in the Senate, it was sent to the House, where a similar action was taken. Mr. Dickey, of Fort Kent, moved to suspend the rules so that the House might fix a time for a choice of four candidates for Governor to be sent up to be voted for by the Senate. The motion was carried, and on motion of Mr. Springfield an order was adopted fixing the time at 11:15. Mr. Ingalls, of Wiscasset, thought the action unadvisable so long as there was a doubt of the legality of the House. He believed such action ought to be deferred. Mr. Plaisted, of Lincoln, took an opposite view. He reviewed the situation and believed the time had come for immediate action. He made a severe attack upon General Chamberlain for declining to recognize Lamson as acting Governor. He held the General responsible for the present condition of affairs. At the conclusion of Mr. Plaisted's remarks, which extended past the time set for the choice of candidates, and during which he declared himself resolved to stand by the legality of this House so long as a drop of blood remained in his veins, a sentiment which was loudly applauded, Mr. McLaughlin, of Carmel, by general consent, made a brief speech, indorsing his views. Mr. Swan, of Minot, moved and the House ordered that a committee of five be appointed to receive, sort and count votes for candidates to be sent to the Senate, and the speaker appointed a committee, who at once proceeded to their duty.

The names of Joseph L. Smith and Alonzo Garcelon were the only ones printed on the ballots, and the report of the committee showed that Smith and Garcelon had seventy-six votes. The announcement was greeted with applause, and the report of the committee was adopted.

THE NAMES SENT TO THE SENATE.

At 11:50 a. m. the House sent a message to the Senate, informing it that Joseph L. Smith and Alonzo Garcelon had been selected as the constitutional candidates for Governor. It was moved to receive the message and proceed to vote, Senator Strickland remarking that this was a legally-constituted body in his belief, but should the proposed action be proved illegal he wished it understood that it would bind no one. He was in favor of a peaceful solution of the difficulty, and not in favor of resistance. A committee was appointed to receive, sort and count the votes for Governor. The vote resulted in the unanimous choice of Joseph L. Smith, eighteen votes being cast.

EXECUTIVE COUNCILORS CHOSEN.

In convention of both Houses of the legislature the following gentlemen were chosen executive councilors: First district, Edwin C. Moody, of York; Second district, Charles H. Chase, of Portland; Third district, John B. Redman, of Ellsworth; Fourth district, Henry H. Priest, of Vassalboro; Fifth district, William M. Rust, of Belfast; Sixth district, John B. Foster, of Bangor; Seventh district, Charles R. Whidden, of Calais. Of the councilors chosen, Messrs. Moody, Chase and Foster were members of Governor Garcelon's council; John B. Redman is a young Ellsworth lawyer, and belongs to the Democratic wing of the party; Charles R. Whidden, a young man of about thirty, editor of the Greenback paper at Calais, and was formerly a Republican. Mr. Priest, of Vassalboro, is a lawyer and a Greenbacker of Republican antecedents. The seventh man is William M. Rust, of Belfast. He owns the *Progressive Age*, which was the Republican organ in Waldo county until last year, when it went into the Greenback movement. He was formerly in the House and has held other offices. None of the other new men have had experience at Augusta.

GOVERNOR SMITH SWORN IN.

AUGUSTA, ME., Jan. 16.—Both branches of the legislature reassembled at 4 o'clock this afternoon. The committee appointed to wait upon J. L. Smith and inform him of his election reported Mr. Smith's acceptance of office.

At 4:30 o'clock a joint convention was held in the hall of the House for the purpose of administering the oath of office. A committee was appointed to wait upon the Governor, and forthwith Mr. Smith appeared, accompanied by the heads of departments, the outgoing Council and the Adjutant-General. The oath was then administered by Acting President Ellis, of the Senate, after which a proclamation was made by the Secretary of State, and Governor Smith delivered a message.

GOVERNOR SMITH'S MESSAGE.

The following are the principal points of Governor Smith's message:

In opening it refers to the blessings which have been conferred on the State by Providence, plentiful harvests and peace being enumerated among them. The duty of the legislature is set forth as determined by the rule of a strict and earnest endeavor to comply with the will of the people, and to promote the welfare of the State. Taking that as a guide, he continues: So long as we do not seek to evade or oppose its evident requirements, or to exceed the power it has conferred, we can't go astray, or, at least, be deprived of the consciousness of an honest endeavor to subserve the best interests of our fellow-citizens. Not having had sufficient opportunity to examine the State reports, he refrains from suggestions referring to the Departments, but refers to the increasing depression in commercial and manufacturing interests. He regards the present improvement as but temporary, and considers as a prime evil the depression in Maine shipbuilding interests, to which the attention of the legislature is invited, as well as to the down-trodden condition of the laboring classes. Among the causes of dissatisfaction are over-taxation, privileged systems of finance, extravagant administration, subsidies for the benefit of the few at the expense of the many, &c. The legislature may meet upon the common ground of economy and retrenchment. Much was done by the last legislature to reduce taxation, which had become a burden on the State and Nation.

Other topics of the message relate to education, the question of temperance, State bonds, &c. The charges of violence and intimidation in various State elections are referred to as a matter that causes great anxiety in every patriotic breast. Even in our own State there are like charges of fraudulent and oppressive means employed to control the action of voters supported by evidence too strong and direct to admit of a reasonable doubt that such is the lamentable fact, and further it is too notorious to deny; that not content with the employment of such criminal methods as charged in our elections, there was devised and actually put in operation a scheme to overawe and intimidate our late Chief Magistrate in the constitutional and legal discharge of the duties of his high office. The firm and dignified manner in which he and his councilors, under abuse and indignities heaped upon them, discharged their responsible duties in conformity with the constitutional laws and precedents established by his predecessors in office, is worthy of and will receive the highest encomium of all citizens who truly have the welfare of the State at heart. The practical denial of the free right of suffrage, or undue influence over the exercise of that right, whether effected by bribes, by actual or threatened personal violence, or by threats of withdrawal of employment or patronage, is equally reprehensible.

I would recommend that you first see that our own laws are so far amended as to protect the purity of the ballot-box in our own State; and second, that you express by declatory resolve the convictions of this legislature in that behalf. The remainder of the message refers to the National finances, and favors a stoppage of contraction and the increase of the circulating medium, and is mainly devoted to the expression of the Greenback theories as applied to our National finances.

OTHER STATE OFFICERS CHOSEN.

Another joint convention was formed and State officers chosen, as follows: P. A. Sawyer, Secretary of State; Charles A. White, Treasurer; W. H. McLellan, Attorney-General; M. M. Folsom, Adjutant-General.

Both branches adjourned until 9 o'clock tomorrow.

AN ORDER BY GENERAL CHAMBERLAIN.

General Chamberlain has issued the following order:

Whereas, exciting rumors, which I believe to be entirely without foundation, having been spread among the people that the State-house is to be held by one party as against another, or is to be attacked by persons in the interest of some political party to gain possession of it for the purpose of excluding members-elect from the legislative halls, this is to give assurance that the rights and privileges of all parties shall be protected with complete impartiality. The halls are for the use of members-elect to the legislature, and shall be held inviolate for those uses. I give no credence to the reports that either party would stoop to such a trick or be rash enough to use violence to determine questions of rights. But to allay any doubt or fear of this I hereby give my personal guarantee that all rights shall be respected, and attempts to gain unfair advantage shall not be permitted.

A DECISION BY THE SUPREME COURT.

Dispatches were received in this city this evening that the Supreme court had solidly sustained the Republicans in every position. Hundreds of Republicans are in the city and there is great rejoicing among them. The Fusionists are correspondingly depressed. There are some here who are urging the Fusionists to resist the court, go forward and impeach the judges, but many Fusionists announced their intention to yield. Twenty are known to be in favor of submitting. There is a division in their ranks.

THE LEGISLATURE TO MEET TO-DAY.

AUGUSTA, ME., Jan. 16.—The Republican Senators and Representatives will meet tomorrow afternoon at the State-house, and should the opinion of the court sustain their position, they will continue the work of legislation. Many Fusion members will be glad when the matter culminates and the suspense is broken, and will participate with the Republicans.

A GUARANTEE FROM LAMSON.

Mr. Lamson, President of the Senate, has addressed the following to General Chamberlain:

"I guarantee that the body which assembled in the House of Representatives on Monday last and adjourned to 2 o'clock to-morrow, and the body which met in the Senate chamber and adjourned to the same time to-morrow, can meet at that time in their respective Houses without interference with any party. JAMES D. LAMSON.

MILITIA UNDER ORDERS.

Three companies of militia are under orders from General Chamberlain, but will not be brought to the city unless needed. The Capital Guards, of this city, are ordered to appear at their armory at 7 o'clock to-morrow.

THE END NIGH.

A Decision by the Supreme Court.

BANGOR, ME., Jan. 16.—The following document will be forwarded by the Supreme Judicial court to-morrow morning addressed to Hon. Joseph A. Locke, President of the Senate, and Hon. George E. Weeks, Speaker of the House of Representatives, Augusta, Me:

BANGOR, ME., January 16, 1880.

The undersigned, Justices of the Supreme Judicial Court, have the honor to submit the following answers to the interrogatories proposed and based upon the accompanying statement of facts:

QUESTION 1. Answer—An election has been had by the electors of this State. The rights of the several persons voted for depend upon the votes cast in accordance with the Constitution and laws of the State. It was the duty of the Governor and Council thus to declare it. Any declaration of the vote not thus ascertained and declared is unauthorized and void. The Governor and Council examined the returns and undertook to declare the result as appeared by the returns. Various questions involving the true construction of the constitution and statutes relating thereto arose, and the Governor, by virtue of his constitutional prerogative, called upon the court for its opinion upon the questions propounded. By the provisions of the Constitution the court was required to expound and construe the provisions of the constitution and statutes involved. It gave full answers to those questions. The opinion of the court was thus obtained in one of the modes to provide the Constitution for an authoritive determination of "important questions of law." The law thus determined is the conclusive guide of the Governor and Council in the performance of their ministerial duties. Any action on their part in determining the vote as it appears by the returns in violation of the provisions of the Constitution and law thus declared is a usurpation of authority and must be held void. It only remains to apply those principles to the subjects embraced in the questions propounded. The Governor and Council have no right to summon a person to attend and take his seat in the Senate or House of Representatives, who, by the returns before them, was not voted for, or being voted for was defeated. To summon one for whom no votes had been cast would be a deliberate violation of official duty. To summon those whom the returns show were not elected, would be equally such a violation. Either would be intruders without right, into the legislative body. The summonses thus given would be void as in excess of any powers conferred by the Constitution. Grant this power, and the rights of the people to elect their officers is at an end.

QUESTION 2, 3 and 4. Answer—The second, third and fourth questions may be answered together. The answer to the first question covers much of the ground embraced by these questions. The holders of summonses which are void, for the reason that the Governor and Council failed to correctly perform the Constitutional obligations resting upon them, have no right to take part in the organization or in any subsequent proceedings of the House to which they are wrongfully certificated. They are not in fact members, but the members rightfully elected as shown by the official returns and the opinion of the court upon the proposition heretofore by the Governor presented to the court, are entitled to appear now and act in the organization of the Houses to which they belong, unless the House and Senate, in judging of the election and qualification of members, shall determine to the contrary.

A member without a summons who appears to claim his seat is *prima facie* entitled to equal consideration with a member who has a summons. He is not to be deprived of the position belonging to him on account of the dereliction of those whose duty it was to have given him the usual summons. The absence of that evidence may be supplied by other evidence of membership. The House and Senate have the same right to consider and determine whether, in the first instance, such persons appear to have been elected, and finally, whether they were in fact elected as they have of any and all the persons who appear for the purpose of composing their respective bodies. Under the facts recited in the statement submitted to us we are of the opinion that Lewis Voter and his associates first named in the third question were not entitled to act, and that Cyrus A. Thomas and his associates, lastly-named in the question, were entitled in the House as members; and that Daniel W. True and those first named in the fourth question were not entitled to act, and that Andrew Mawes and others with him named were entitled to act as members of the Senate. In neither case did the Senate or House itself act upon the question of their membership. Both the Senate and House—meaning the bodies assembled to be organized as such—were debarred from any action thereon by the conduct of the presiding secretary and clerk. The assumption of such officers that no question should be entertained relative to the rights of persons whose names are not upon the rolls furnished by the Secretary of the State, but who were claimants of seats, was unwarrantable.

The statute of 1869 embodied in the Revised Statutes (ch. 2, sec. 25) cannot preclude either the Senate or House from amending and completing the rolls of membership. According to the facts, each House has the constitutional right to organize itself. The form provided for aid and convenience in effecting the organization does not confer upon a temporarily presiding officer such conclusive power. We have not failed to carefully consider the act of 1869 (c. 67) incorporated into Revised Statutes (ch. 2, sec. 25), and so far as it declares that "No person shall be allowed to vote or take part in the organization of either branch of the legislature as a member unless his name appears on the certified roll of that branch of the legislature in which he claims to act, we think it clearly repugnant to the Constitution, which declares that each House shall be the judge of the election and qualification of its own members—its aims to control the action of each within its constitutional powers till after a full organization with a majority determined and fixed by the Governor and Council. By their action in granting certificates to men not appearing to be elected, or refusing to grant certificates to men clearly elected, they may constitute each House with a majority to suit their own purposes, thus strangling and over throwing the popular will as honestly expressed by the ballot. The doctrine of that act gives to the executive department the power to rob the people of the legislature they have chosen and force upon them one to serve its purposes. It poisons the very fountains of legislation and tends to corrupt the legislative department of the government. It strikes a death blow at the heart of popular government and renders its foundation and great buttwark—the will of the people as expressed by their ballot—a farce. Each House has the same power and is charged with the same duty—to declare the election of its own members and organize in any legitimate way as before the passage of that act.

QUESTION 5. Answer—In the answers of January 8, 1880, the court held that in cases like those stated in the question it is the duty of the Governor and Council to hear the evidence and determine whether the record or return is correct; and if they determine the record to be correct to receive it, or a duly certified copy of it, to correct the return as is provided in chapter 212 of the acts of 1877, but in such case they are required to determine as a fact whether the record or return is correct, and so far as their action is concerned in determining that fact, we think their determination is conclusive—subject, of course, to be reversed by the House. If, however, they should refuse to hear evidence and determine the question, and should by reason of such refusal issue the summons to the candidate not elected, the case would fall under the rule above stated.

QUESTION 6. Answer—If objection was made to the admissibility of the illegally-summoned persons as set forth in the statement presented to us and the House took no action thereon, then the organizing of the House or Senate in the manner described in the question would be illegal and void. The court expressed the opinion on a former occasion that the Senate could organize with less than a quorum of members were less than a quorum elected, a condition of things that might happen when it required a majority of votes to elect Senators. That decision met the necessities of that occasion, but the doctrine of that case cannot apply when a quorum is in fact elected.

QUESTION 7. Answer—Without a legal organization formed and legal officers chosen by seventy-six members present and voting in the House of Representatives and by sixteen members present and voting in the Senate upon a given measure, no officers can be chosen nor law passed nor any business done, except to adjourn. No less than seventy-six members can constitute a quorum of the House of Representatives, nor can less than sixteen members, now that a plurality elects, constitute a quorum of the Senate; nor can either House, without a legal organization formed and without legal officers chosen, compel the attendance of absent members. It is the House or Senate, when formed and organized, that has the power to compel such attendance, and it is not within the power of persons who are merely members-elect to do so. The attendance may, under our Constitution, be compelled by such penalties as each House may provide. Until a legal organization has been effected, there is no House to provide penalties for such purpose. Until a legal organization is completed there is no officer in either House to issue a warrant against the absent members. No such power was committed, or intended to be committed, into the hands of persons not comprising and acting as an organized and completed house. It has frequently happened in our history that legislatures have been delayed days, and sometimes weeks, without being able to complete an organization for the want of a quorum.

QUESTION 9. Answer—But if the attention of the House is called to the fact that such persons are illegally summoned, and objection is reasonably made to the coming of such persons for the purpose of making up a quorum, and the House does not act upon the question of their admissability, by the constitution, Act 4, Section 5, "The Senate shall, on the first Wednesday of January, annually, determine who are elected by a plurality of the votes to be Senators in each district."

QUESTIONS 10, 11 and 12—Answer.—These three questions referring to the qualification of members by the administration of the required oath may be answered together. By the Constitution the oath is to be taken and subscribed in the presence of the Governor and Council. By the statute (Revised Statutes, chap. 2, sec. 25), the clerk of the preceding House shall preside until the Representatives-elect "shall be qualified and elect a Speaker, and if no quorum appear, he shall preside, and the Representatives-elect present shall adjourn from day to day until a quorum appear and are qualified and a speaker is elected." Thus it will be seen that while by the statute the clerk is to preside until a quorum shall appear to be qualified, it is not provided either in the Constitution or the statute that a less number than a quorum shall not be qualified, nor can the yea-and-nay vote on the motion to request the attendance of the Governor and Council for the purpose of administering the oath be deemed of any importance. If the Governor and Council had appeared without a motion or a vote their authority would have been the same. We therefore answer that the qualifying oaths under the Constitution or the statute may be administered to members-elect of either branch in any numbers, though a quorum must appear and be qualified before proceeding to an election of Speaker, and if the whole number of votes for Speaker is less than a quorum and there is nothing on the records to show that a quorum was present and acting, there would be no election.

QUESTION 13. Answer—The Governor's term of office, and also that of his Council, expired at midnight following the first Wednesday of January, 1880. The term of the other officers mentioned in this question will expire when their several successors are elected, as provided in the Constitution.

QUESTIONS 14, 24 and 25. Answer—To the 14th, 24th and 25th questions proposed we answer as follows: In the general provisions of the Constitution, article 9, certain oaths or affirmations are prescribed for persons elected, appointed or commissioned to the offices therein mentioned. It appears that those before whom the prescribed oaths were to be administered refused to act, and that now there is no existing Governor and Council before whom they can be administered. The oath is prescribed; the terms are essential. Its binding force depends upon its terms—not on the magistrate by whom it is administered. If there are no Governor and Council, or being a Governor and Council, they refuse to administer the oath to one Representative or to all (of the latter there can be a refusal to all equally as to one) what is the result? Is anarchy to triumph?

Is the government to be destroyed or its action paralyzed because there is no Governor and Council before whom the prescribed oath is to be taken? We think not. The prescribed oath from the necessity of the case may be taken before a magistrate authorized to administer oaths. The members must be sworn before they can act. It is by their action that a Governor and Council thereafter is to be elected and the government continued. It cannot be presumed that the framers of the constitution had in contemplation that the oath had better not be administered at all than administered by any other officer than the one designated therein. This is one of the most reliable tests by which to distinguish a directory from a mandatory provision. (State vs. Smith 67, Maine 328.)

QUESTION 15. Answer—Our reply to the fifteenth question is in the negative; that one whose only title to the Presidency of the Senate is by virtue of such an election cannot become the Acting Governor, because he is not the legal President of the Senate. If of the twenty voting at such choice of President of the Senate eight did not appear to be elected by the official returns under the Constitution and the decision of the court, and were not in fact, elected, there was then no legal quorum, and could be no valid election of permanent officers, notwithstanding the eight had been summoned by the Governor and Council. Without a legal quorum, and with these eight participating in the proceedings to the exclusion of those rightfully elected in their places, there could be no valid election of President of the Senate to proceed with organization of the Senate without first determining and declaring its own membership when attention was properly called to the fact that persons were present and acting without right, and that members were excluded, the secretary refusing to entertain a motion for the correction of the vote and refusing to allow an appeal from his ruling, and the Senate taking no action, although protest was made, was illegal and void.

QUESTIONS 16 and 17. Answers—Under the letter of the Constitution it is at least doubtful whether the President of the Senate is required to take a new oath before exercising the office of Governor, when that office has become vacant in the manner specified therein (the practice since the organization of State has, we believe, been uniform against requiring such new oath, and to such practical interpretation of the Constitution in the absence of express provision, or manifest intention to the contrary, we think effect should be given.

To the sixteenth question we reply that a legally-chosen President of the Senate may become acting Governor without the administration of any other qualifying oath than that which he has taken in his office of Senator. The answer to the sixteenth question renders a reply to the seventeenth unnecessary.

QUESTION 18.—To the eighteenth question we answer as follows: It appears from the statement of fact that members from the five cities of Portland, Lewiston, Rockland, Bath and Saco were duly elected as members by returns before the Governor and Council; that by law a summons should of right have been issued to them; that in fact no summons was issued, and that their names were not borne on the roll certified to the House, as provided by R. S. W. sec. 25. A motion was reasonably made that these members appearing by the returns before the House to have been duly elected, should be permitted to participate in its organization, but the assistant clerk refused to put the motion and to entertain an appeal. By the Constitution, the returns were before the House; by those returns the Representatives above named appeared to be elected; their seats were not contested. The Governor and Council could not, without a violation of their Constitutional duty, neglect to issue to them a summons, nor the Secretary of State to place their names on the certified roll, which it was his duty to furnish. The Governor and Council could not legally withhold their summonses from their appearing to be elected. They could not order a summon to issue to some appearing to be elected and withhold it from others. If they could, it would be in their power to select from the members appearing to be elected and withhold it from others if they could; it would be in their power to select from the members appearing to be elected those who should and those who should not take part in the organization of this House. The section 25, R. S., ch. 2, restricts the vote to those whose names are borne on the certified roll; the restricting the vote to those only whose names are thus borne is at variance with the Constitution, in so far as it restricts and limits the action of the House to those whom the Governor and Council may select, and not to those appearing to be chosen and to those the House may determine to be members. The twelve members had a right to act in the organizing of the House. Their election was patent on an inspection of the returns. The House in no way denied their right. The question whether their names should be added to the roll was not submitted to its determination. Upon the facts set forth they appeared to be and were elected, and it is not to be presumed that the House, knowing such facts, would have prohibited their action. If the clerk had permitted the question to be put, these members had a right to take part in the organization of the House until it should otherwise determine.

[The lateness of the hour at which the remainder of the decision comes to hand precludes its publication. It is in similar spirit to the above, and fully sustains the action of the legislature elected by the people in its mode of organization and subsequent proceedings. The decision is so clear, logical and conclusive that the Fusionists on reading it will halt in the revolutionary schemes which seemed to be threatened late last night.]

Smith in Open Revolt.

BOSTON, Jan. 16.—A special dispatch from Augusta to the *Herald* says: "The whole aspect of affairs has changed, and the hopes of the peaceable solution of the dispute by the decision of the Supreme court are blown to the winds by the action of the Fusionists tonight. Soon after the points of the decision were received from Bangor the leading Fusionists had a consultation with Governor Smith and his staff, and before 10 o'clock the following order was issued:

STATE OF MAINE,
ADJUTANT-GENERAL'S OFFICE,
AUGUSTA, Jan. 16, 1880.)

SPECIAL ORDER No. 2.—General Order No. 4, dated November 1, 1879, assigning General Joshua L. Chamberlain to the command of the volunteer militia is hereby revoked. General Order No. 12, dated January 5, 1880, assigning General Joshua L. Chamberlain to duty as commander of the first division of the Maine militia, and requiring the commanding officers of all the military organizations of the State to report to him, is hereby revoked. Special Order No. 4, dated January 5, 1880, directing General Chamberlain to protect the public property and institutions of the State, is hereby revoked. The commanding officers of all the military organizations accepted into the service of the State are required to report to the Commander-in-Chief. JOSEPH L. SMITH.

This order was taken to General Chamberlain by Generals Folsom and Black of the Governor's staff. The General received it and replied that he would return his answer in the morning.

Thus the matter rests. From what General Chamberlain has said is easy to infer what action he is likely to take in the matter. Orders have been sent to the commanding officer in every military company in the State, signed by Joseph L. Smith, announcing that Chamberlain is relieved from command and directing them to obey no orders except from Smith. It is likely that Smith will neglect no means to assert his authority. The Republicans will be as little inclined to yield as their opponents. The position of General Chamberlain is most unenviable. It is believed the affair will eventuate by noon to-morrow, but in what manner it is impossible to predict.

The MacTear Diamonds.

LONDON, Jan. 16.—Mr. James MacTear writes to the *Times* that he has held an interview with Mr. Markelyne, and, after a fresh investigation, lasting four days, of the crystalline substance obtained by him, he feels it his duty to say that the crystalline substance which he believed to be carbon in that condition is not so; but, while it very strongly resembles Brazilian "bort," or diamond dust, it consists almost entirely of silica and luminia and a residue insoluble in hydrofluoric acid. Even after forty-eight hours' action its residue still contained a few minute crystalline forms. Mr. Maskelyne thinks it probable that, by some modification of these experiments, the desired result may yet be obtained. Mr. MacTear thinks it impossible that diamonds of any size can be produced artificially, but firmly believes that the time is not far distant when crystalline carbon in the form of dust, such as he still hopes to produce, will be obtained in quantity, and will have before it a great future in the arts.

Fatal Railroad Accident.

BETHLEHEM, PA., Jan. 16.—As the Buffalo express train No. 15, bound north, was approaching North Wales on the North Pennsylvania division of the Reading railroad this morning, the engine jumped the track. The engineer, James Daley, was killed, and the fireman, Thomas Rhehnert, was slightly injured. A sleeping-car was badly wrecked, but no passengers were injured. The accident occurred this morning about 6 o'clock. The wreck has been cleared and the trains are now running as usual.

Robbed by Masked Men.

CHICAGO, Jan. 16.—E. B. Wells, paymaster of the South Side Gas-Light and Coke Company, was assaulted on Deering street this afternoon by three masked men and robbed of $4,600 in gold and silver. The robbers escaped.

Services To-morrow.

E-street Baptist church, E street, between Sixth and Seventh—Preaching morning and evening by the pastor, Rev. A. F. Mason, who will be assisted in the services by Mr. N. W. Bentley, Gospel singer and evangelist. The ordinance of baptism will be administered during the morning service.

A series of Gospel meetings will be held in the E-Street Baptist church, E street, between Sixth and Seventh northwest, every evening, commencing Sunday, January 18. Mr. W. W. Bentley, Gospel singer and evangelist, whose labors throughout the United States have been so largely blessed, and whose work in the revival in Washington four years ago commended him to our churches, will assist the pastor, Rev. A. F. Mason. A large chorus choir will lead the services of song. Special meetings for prayer for God's blessings upon these meetings will be held on Wednesdays and Fridays at 2 p. m. Services commence each evening at 7:30 o'clock. A special praise service will be held Saturday evening.

Church of the Reformer (Reformed Episcopal), chapel of the Y. M. C. A., Ninth and D streets northwest—Services at 11 a. m. Rev. George W. Mitchell, D. D., will preach to-morrow. Seats free. Strangers welcome.

CURRENT CAPITAL TOPICS.

Only the House of Representatives in Session.

Private Bills Under Consideration—Committees of Both Houses at Work—The Utes Growing Homesick—The Star Mail Service—Deserved Compliment to "Old Probabilities"—A Veteran at Work.

Receptions at the Executive Mansion.

Mrs. Hayes will hold a reception from 3 to 5 p. m. to-day. She will be assisted by Mrs. Strong, Mrs. Key and Mrs. Hill.

The President will hold his next evening reception on Tuesday, January 27, from 3 to 10 p. m.

The House of Representatives.

The Senate was not in session yesterday, and it being private bill day in the House the Congressional proceedings were neither interesting or important.

Mr. Coffroth, from the Committee on Pensions, reported a bill construing the pension laws so as to include civil engineers in the Naval Service.

Mr. Samford, from the Committee on Claims, reported a bill refunding $35,000 to Georgia, expended for common defense in 1777.

Mr. Lapham, from the Judiciary Committee, reported a bill permitting Colonel E. C. Boudinot, of the Cherokee Indians, to sue in the Court of Claims.

A bill was passed donating condemned bronze cannon to the Morton Memorial Association of Indianapolis.

The House, at 1:30, went into Committee of the Whole on the private calendar, and spent the rest of the afternoon discussing a private bill, paying to Charles Clayton, late assistant treasurer at New Orleans, $5,800, being the amount stolen from him, and which was refunded by him to the United States.

The House finally adjourned until Monday.

A Compliment to the Weather Bureau.

The German government recently paid the highest compliment to the United States by addressing, through the German Minister at Washington, a letter requesting to be exactly informed as to the processes by which the Signal Service Bureau so promptly collects at the War Department the meteorological reports from all parts of the United States—an extent of territory greater than Europe—and so rapidly drafts and publishes them upon the printed daily weather map. These maps are issued three hours after the records are read at the distant stations.

When it is remembered that the request comes from a government noted for its skilled chartographers, and standing first in Europe, the value of the compliment will be appreciated. It is understood that the German government proposes an advance in meteorological work. The information sought has been minutely prepared by the Chief Signal Officer, General Myer, with the approval of the Secretary of War.

The "Star" Service Inquiry.

The sub-committee engaged in the inquiry concerning the "Star" Mail Service will hold another session this morning, at which General Brady will submit other facts and figures for the further information of the committee.

As investigation progresses, it becomes more apparent that the burden of General Brady's offense consists in his having adopted a course and policy calculated to build up this branch of the service sufficiently to give people living off the lines of railroads some such mail facilities as they are of right entitled to. Members of Congress will be slow to censure such effort and action, and the vast number of people directly interested will warmly approve the action of the Postoffice Department in this behalf and indorse such of their representatives as give it their support, and thus supply the means for a continuance of this just and liberal policy.

Organizing the Veterans.

Captain Frank E. Brownell, who is best known as the avenger of Ellsworth, is in the city. Captain Brownell is secretary of the Republican Committee of St. Louis, and acting secretary of the Republican State Committee of Missouri. Last fall he was forced into politics by his friends as a candidate for senator in the State legislature. The Captain has undertaken a patriotic mission, which will meet with favor among all of the veteran soldiers. Having become convinced that the services of every patriotic man are needed at this time, Captain Brownell proposes to devote his time during the present year to organizing the veteran soldiers of the war, especially those of Indiana, Ohio and Illinois, for the active support of the Republican candidates for President and Vice-President of the United States in the coming National contest.

The War-Claims Committee.

The House Committee on War Claims had a stormy session yesterday morning over an amendment to the rules offered by the Chairman, General Bragg, of Wisconsin, which, if adopted, would have the effect to exclude from further favorable consideration the majority of the claims now pending. All the Republicans and Mr. Atherton, of Ohio, sustained General Bragg, while all the Democrats opposed him, the chief opposition of course coming from the Southern Democrats. This action of General Bragg is in keeping with his common assault upon all Southern war claims. Besides this action, the committee has passed upon a few private claims, and ordered the chairman to report favorably the bill to reimburse the State of Georgia for expenses incurred in the war of 1812.

The Pay of United States Marshals.

The sub-committee of the House Committee on Appropriations having charge of the deficiency bill to pay the fees of United States marshals, had a long interview with Attorney-General Devens on Thursday, the result of which is that Mr. McMahon prepared a bill yesterday afternoon substantially as it was at the extra session, only altered to suit the changed conditions. If this bill be adopted by the full committee on Monday, when it will be presented to the full committee, the old political discussion of the extra session will be pushed into the House at a very early day. The first section of the bill is repeated in exact terms, and the only important amendment is that the liability prohibition section is expunged, because the time for incurring liability has passed.

The Utes Want to Go Home.

Confinement is beginning to tell on the Utes at the Tremont, as nearly all the party are complaining of pains in the head, and betray all the symptoms of a severe headache. Chipeta, Ouray's squaw, is completely prostrated, requiring the attendance of a physician daily. Since last Sunday morning none of the Indians except Ouray have been ten feet from the hotel, and their proposed pleasure trip has already grown irksome, and they talk unceasingly of going back home. Secretary Schurz had another interview with Ouray yesterday, which lasted nearly two hours. The Indians are decidedly averse to meeting crowds, and keep their rooms closely, only leaving them at meal times.

Fitz-John Porter's Case.

The Senate Committee on Military Affairs will this morning meet to consider the case of Fitz-John Porter, which, it is expected, will be reported favorably to the full committee by the sub-committee. It is considered as certain that the full committee will agree to report the bill to restore General Porter to his rank in the army, and to allow him his pay from the time of his dismissal to the present, which will amount to something like $100,000. It is claimed by General Porter's friends that there will be nearly a unanimous report of the committee in favor of such action, and by others it is said that the report of the committee will be marked by party lines and that most of the Republicans will oppose its passage in the Senate.

The Sixty-Surgeons' Bill.

The Senate Committee on Pensions held a long session yesterday, at which, after disposing of a large number of private cases, they took up the measure recommended by Commissioner Bently, providing for the investigation of pension claims in the localities where claimants reside, commonly known as "the Sixty Surgeons bill." The committee discussed it for some time and then postponed the subject until next Friday, when the Commissioner of Pensions will be heard in argument concerning it.

Election of President by the People.

The sub-committee of the House Select Committee on the State of the Law Respecting the Ascertainment and Declaration of the Result of the Election for President and Vice-President, at their meeting yesterday decided to report favorably to the full committee the joint resolution introduced by Mr. Bicknell, providing for an amendment to the Constitution as to the election of President and Vice-President. A meeting of the full committee to consider the report will be called early next week. The proposed amendment provides for an election of President and Vice-President by the people of the several States.

The Cabinet Yesterday.

The Cabinet yesterday discussed the case o Ex-Paymaster of the Navy Bellows, of New York, who was dismissed from service in 1868. Mr. Bellows claims that he was wrongfully discharged and has applied for reinstatement. The Cabinet after hearing the details connected with the case, are in favor of his reinstatement, but the difficulty appears to be about placing him without creating dissatisfaction among other officers of the navy. It is thought, however, that the matter will be satisfactorily arranged.

A question at issue between the collector of Sitka, Alaska, and Commander Beardsley, of the Jamestown, was also discussed. In consequence of there being no land laws for Alaska, the collector has been making records of lands surveyed and entered by settlers, and the land occupied by the men of the Jamestown for a drilling and a parade ground is being infringed upon. It was decided that the collector had no right to disturb the territory occupied by the naval force, and instructions were issued accordingly.

Death of Professor Samuel Gardiner.

The death of Professor Samuel Gardiner, of Washington, D. C., has heretofore been announced. He expired at the residence of his cousin, Mrs. J. E. Locke, in this city, on Monday last, at the age of sixty-three, his disease being typhoid pneumonia. The deceased was a distinguished electrician, and perfected a number of valuable inventions. Born at Dalton, Mass., in 1816, he learned the trade of a jeweler, and in 1836 went into business for himself at Syracuse. He afterward removed to Geneseo, and subsequently to Milwaukee. After some years' residence in the latter city, he returned to New York, and, abandoning the jewelry business, turned his attention to inventing. He originated an ore-crusher, a gold amalgamator, and also a valuable apparatus for lighting gas by electricity, which won for him a high reputation. He received a contract from the Government to put his machinery into the Capitol at Washington, and his success was so great that he was appointed Government electrician, holding this office for seven years. He also invented an electric light, and a meter to control the flow of electricity. During the last ten years the Professor had been almost constantly engaged putting his lighting apparatus into churches and other buildings, and among his contracts were several in Buffalo, including the church on the corner of Genesee and Hickory streets, the county jail, the tower of the city and county hall, the Central church, and the Church of the Evangelical Association. The deceased had many friends in this city, who will deeply regret his death. Mrs. Gardiner and three children survive him.

The obsequies were held yesterday afternoon at the residence of Mrs. Locke, the Rev. James McLeod officiating. The remains were taken to Geneseo for interment.—*Buffalo Commercial-Advertiser.*

THE NEW YORKERS.

A Brilliant Reception at Masonic Temple.

The New York State Association gave a grand reception at Masonic Temple in honor of the New York delegation in Congress last evening, which, in elaborate dressing on the part of the ladies and decorations of the hall, vied with any similar affair ever given in Washington. Nearly the entire Congressional delegation of New York were present and hosts of other distinguished public officials. Mr. A. M. Clapp was deputed to make an address of welcome to the guests, to which Hon. Charles G. Williams, of Wisconsin, responded in a happy vein. The ball was then turned over to the votaries of Terpsichore, who continued in possession until an early hour this morning, and even then were loth to leave. The committee having charge of the decoration of the hall had not spared expense in their efforts to make this a feature of the reception, and the most complete success rewarded them. Hardly a vestige of the walls could be discerned owing to the mass of bunting, flags, streamers and pictures displayed. The crowd was not too great for comfort, and for once dancing was a pleasure. Among those present were Secretary Sherman, Hon. Alonzo Ball, Assistant Postmaster General Hazen, District Commissioners Dent and Morgan, Mr. and Mrs. N. C. Martin, Mr. and Mrs. W. E. Clapp, Miss Laura Hunt, Mr. and Mrs. W. H. Church, George Holmes, the Misses Knight, G. E. Corson, Mr. and Mrs. H. T. Hutton, Misses Seipp, Greenleaf and Wilpple, Mr. and Mrs. H. K. Helphenstine and Miss Knight. The committees having charge of the reception were:

Floor committee—Messrs. F. W. Crocker, Alexander Scaley, F. A. Gee, George A. Jones, C. R. Ferguson, R. H. Forsyth and A. C. Barnes.

Reception committee—Messrs. R. O'S. Burke, J. H. Patrick, P. C. Cheeks, D. M. Davis, H. W. Andrews, J. S. Bolway, W.