

A Republican House Should Not Impeach A Republican Judge

Under date of Washington, Jan. 17, a correspondent for the New York World says:

The introduction of politics into the impeachment proceedings against Judge Swayne, of Florida, today caused a severe attack to be made on Judge Don A. Pardee, of the Federal Court of Appeals, by Representative Clark, of New York.

Gen. Grosvenor, of Ohio, in defending Judge Swayne read a letter he had received from Judge Pardee in which he exonerated Judge Swayne and said a Republican House should not impeach a republican judge. The letter was dated New Orleans, March 24, 1904.

Judge Pardee expressed surprise that the house committee on the judiciary had voted, "six democrats and two republicans," to present articles of impeachment against Judge Swayne. He reviews the circumstances of Judge Swayne's appointment and his conflict with democrats of his district, and concludes:

"I have written this long letter because I really feel that without the political prejudices against Judge Swayne there would be no impeachment, and that in justice to a Southern judge who was a republican before he was appointed, and who was appointed because he was a republican, as there are no republican congressmen from the south, some of the northern brethren ought to look carefully into the case and be sure that an impeachment ought to be voted before putting a judge to the disgrace of an impeachment, consequent expense, trial and tribulation to himself and family resulting therefrom."

Mr. Cockran first took issue with the majority report of the committee on the expense account charge. He said:

"It is hardly necessary to inquire whether he eats corned beef and cabbage at 50 cents a plate or leg of lamb at 60. How is the statute to be interpreted? Is he required to spend the whole \$10 each day or may he husband his resources and spend \$7 one

day, when he may be suffering with dyspepsia, and \$13 the next in glutony? If this be so, he still has time, with the pleasure of heaven, to eat himself even with the government. He could, by consuming terrapin, canvas back duck and other delicacies, bring himself up."

Mr. Cockran then reverted to the letter of Judge Pardee.

"I did not believe it conceivable," he said, "that a judge would undertake to control the action of an independent body on a proceeding itself judicial. Now, think of it—the monstrous spectacle of a Judge, himself a member of the department which we are now scrutinizing, stepping into this house with an attempt to control our action. When I state that, I describe a spectacle which ought to make us pause; which indicates in a marked degree a decay of our constitutional system."

"Sir, suppose when the case of Senator Burton was pending before the supreme court of the United States, that the senate had passed a resolution declaring that Senator Burton was a model of virtue and senatorial courtesy and that his prosecution was an act of some government department. Would not a thrill of horror have run through the entire country? Yet how would such action by the senate differ from this action of this judge attempting to control this, the grand inquest of the nation, in dealing with a member of that judiciary? I do not call attention to the character of the letter but to the character of the transaction itself."

"How can this judge, Pardee, ever again ask a man arraigned at the bar what word he has to say why sentence for an offense against the revenue laws shall not be pronounced upon him? Could not a criminal quote this language of Judge Pardee and say that the law imposing revenue duties was immoral and should not be enforced? Why can he not say to Judge Pardee, 'You must not hold me to a rabid compliance with a law which I think is restrictive of human liberty. Is this judge fit to administer justice again, now that he himself has discredited prompt and quick obedience to the law by a judge who is sworn to administer it?'"

"And we have another judge," continued Mr. Cockran, "with superior claim to enlighten our conscience, quoted by the gentleman from Ohio as a man from before whom we should all bend, coming in here, and, sir, say it with little short of horror, that he comes in here with perjured lips and asks us to share his perjury and his disloyalty."

"A republican legislature should not impeach a republican! What a tribute he pays to you gentlemen 'on the other side!' Are we to be diverted from a conscientious discharge of our duty by a man who, clothed in the ermine of a judge, turns that robe into the costume of a harlequin, and, dancing across this floor, invites us to perjure our souls and violate the Constitution?"

Mr. Lamar, of Florida, repelled the charge contained in the Pardee letter that the state of Florida had a political grievance against Judge Swayne. However, he said, he believed Judge Pardee to be honest and said he stood high in Louisiana and Florida.

An agreement was reached to vote on the Swayne impeachment articles tomorrow at 3:30 o'clock.

A Deal in "Wash Stocks"

New York, January 7.—Although the next meeting before United States

Commissioner Alexander in the bankruptcy proceedings against Munroe & Munroe will not be held until 11 o'clock on Tuesday morning, much will probably be done between now and then to ascertain to what extent the management of the National City bank was responsible for the bank's alleged action in lending the brokers \$60,000 a day for eight days before the Munroe collapse, with, it is charged, no other security than the undorsed demand notes of the insolvent firm, a firm that started in but a short while ago with only \$1,600 capital. As matters now stand, President James Stillman of the National City bank is reported to have tried to minimize the practice of lending upon such "security" by shifting the responsibility upon Archibald G. Loomis, second vice president.

Loomis, it is reported, was chairman of the executive committee of the syndicate got up by Munroe & Munroe to inflate the price of Montreal & Boston consolidated copper stock from 50 cents to \$3.50. The inflation, it is said in Wall street, was done by a gigantic system of "washed sales," which means that the same house puts out large buying and selling orders among half a dozen brokers, who do a phenomenal business among themselves, without letting any outsider dispose of any stock at the inflated prices.

As Second Vice President Loomis' son was an officer of the Montreal and Boston copper company, the elder Loomis may, so it is said, have considered himself perfectly safe in letting Munroe have a \$60,000 National City bank check each morning, with the understanding that it should be canceled each afternoon before the close of the bank. When asked recently whether he intended to resign, Loomis said:

"Why should I resign? They say we lent \$60,000 a day for eight days without security. How do they know what security we had? The bank did not lose a cent."

Vice President G. S. Whitson consented today to do whatever talking there was to be done in Mr. Stillman's absence.

"Do you regard Loomis' loans of \$60,000 a day to Munroe & Munroe without adequate security as a species of over-certification?"

"No, not over-certification. This bank never over-certifies for anybody."

"Will you say positively whether the bank had adequate security when it loaned Munroe & Munroe \$60,000 a day for eight days before their failure?"

"I do not care to discuss the nature of the security, but this bank did not lose anything by the loans."

"Do you know whether the federal authorities are going to investigate those transactions?"

"I have not heard that they were going to do so."

"Will there be an official statement from the bank today?"

"If Mr. Stillman comes down and we have a change of heart there may be a statement later in the day, but it is a short day and Mr. Stillman may not be down."

Exactly what security, if any, will be determined next week when Samuel Untermyer, counsel for the receiver of Munroe & Munroe, will put Mr. Loomis on the witness stand and ask him all about those checks. The examination of Second Vice President Loomis of the National City bank upon the methods in vogue in the Rockefeller institution, will be watched with interest by the federal bank authorities, who, it is said, have already begun to prick up their ears and become interested in the question of issuing checks without gilded security.

Wall street is much interested just now in the future of Archibald G. Loomis. He has said since the Munroe trouble was made public that he has no intention of resigning. But Wall street thinks he may change his mind. President Stillman is inclined

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to be lenient. He says all bank officers are liable to make mistakes.

There is war in the Standard Oil camp because of the revelations in the bankruptcy case against the brokerage firm of Munroe & Munroe, which show that Loomis was the head of the syndicate which employed the Munroes to "wash" 7,000,000 shares of Montreal and Boston copper stock.

The person from whom the report of this state of affairs came also declared today that John D. Rockefeller felt keenly the position that the National City bank had been placed in by Loomis, and that when a meeting of the directors takes place next week he would insist upon a reorganization of forces.

The informant said that Mr. Rockefeller was bent upon having the resignation of Mr. Loomis immediately, but that H. H. Rogers and his people had allied themselves against the pursuit of such a policy on the ground that if Loomis' connection with the National City bank were to be severed at this time it would be a tacit admission that all the charges made against the vice president with relation to his leadership of the Montreal and Boston "washing" syndicate were true.—Special to St. Louis Globe-Democrat.

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