THE MEMPHIS DAILY APPEAL.

ESTABLISHED 1840. MEMPHIS, TENN., WEDNESDAY, FEBRUARY 9, 1876. VOL 36, NO 34

CLOSING RATES

Yesterday of cotton and gold: New York, cotton 12 15-16; Memphis, 12¼. New York, gold closed at 112¼; Memphis, 112.

WEATHER PROBABILITIES.

WASHINGTON, February 9, 1 a.m.

In the South Atlantic and Gulf States, Tennessee and Ohio valley, stationary and falling barometer, easterly to southerly winds, slightly warmer, partly cloudy or cloudy weather will prevail, with probably rain areas in the three last districts.

THE LETTER OF HON. JEFFERSON DAVIS.

Mr. Davis has at last broken the silence he imposed upon himself so long, and has answered Mr. Blaine's direct charge, that he was personally responsible for the unfortunate treatment to which Federal prisoners were unavoidably subjected in southern prisons during the war, notably that at Andersonville, Georgia. The ex-President, in this letter, as in everything that emanates from his pen, is plain, pointed and particular, holding Mr. Blaine, as he does, to a strict accountability for the adoption of the libel as his own, and its reiteration ten years after the government had given up all idea of holding him amenable to the laws, either for that or for being a party to the assassination of Mr. Lincoln, as was officially proclaimed by President Andrew Johnson. Mr. Blaine, in the face of this conduct on the part of an administration bitterly hostile to Mr. Davis, as the head and front of the Confederacy, did not stop to reflect upon anything other than his determination to out-Herod the bloody-shirt Herod, and bid, as Mr. Davis says, for Republican votes by the reiteration of a falsehood. The course of Gerritt Smith and Horace Greeley, founders and defenders of Republicanism when Blaine was yet in the arms of the wet-nurses of his party, were not unknown to him. He knew that these honest enemies of the south had so far indorsed Mr. Davis as above the reach of the slander he restated as to stake their political standing as his bondsmen. He knew, too, that Mr. Thad. Stevens scouted these charges in connection with Mr. Davis and his friend, Mr. Clay, of Alabama; and that he placed himself on the record in his own emphatic way as a disbeliever, no doubt after he had fully investigated such evidence as had in the first place instigated the government to make the diabolical charge. Mr. Shea quotes Mr. Stevens as saying to him, in a consultation had with him at his residence on Capitol Hill, at Washington, in May, 1866:

He related to me how the chief of this "military bureau" showed him "the evidence" upon which the proclamation was issued charging Davis and Clay with complicity in the assassination of Mr. Lincoln. He said that he refused to give the thing any support, and that he told that gentleman the evidence was insufficient in itself, and incredible. I am not likely ever to forget the earnest manner in which Mr. Stevens then said to me: "Those men are no friends of mine. They are public enemies; and I would treat the south as a conquered country and settle it politically upon the policy best suited for ourselves. But I know these men, sir. They are gentlemen, and incapable of being assassins."

In the face of a fact so accessible as this, and the others adduced by the gentlemen who answered Mr. Blaine in the house, his conduct is inexcusable, and Mr. Davis is fully justified in rebuking him as he has in the letter to Mr. Lyons. There was the congressional library with its war histories, pamphlets, and historic memoranda, all available to Mr. Blaine, who, had he had recourse thereto, might have consulted, among other works, the two volumes of Mr. Alexander Stephens's *Constitutional View of the Late War between the States*, and so been persuaded to leave to other and less responsible persons the reiteration of the falsehoods which the St. Louis *Globe-Democrat* last summer was compelled to acknowledge were such. On page 501 of the second volume of that work, Mr. Stephens, who though officially connected with Mr. Davis as Vice-President of the Confederacy, was seldom in full sympathy with him, says he disposes of the slander on Mr. Davis "by stating broadly that the charge of "cruelty and inhumanity toward prisoners, which has been so extensively made at the north, against Mr. Davis "and the Confederate authorities, is "utterly without foundation in fact. "From the commencement and "throughout the war, the whole course "of Mr. Davis toward prisoners shows "conclusively the perfect recklessness "of the charge. His position on this "subject, in the beginning, clearly appears from what we have seen, and "that fully sustains this statement. "The efforts which have been so industriously made to fix the odium of cruelty and barbarity upon him, and "other high officials under the Confederate government, in the matter of "prisoners, in the face of all the facts, "constitute one of the boldest and baldest attempted outrages upon the truth "of history which has ever been essayed; not less so than the infamous "attempt to fix upon him and other "high officials on the Confederate side "the guilt of Mr. Lincoln's assassination. Whatever unnecessary privations and sufferings prisoners on both "sides were subjected to, the responsibility of the whole rested not upon "Mr. Davis or the Confederate authorities. It was the fault of the Federal "authorities in not agreeing to, and "carrying out, an immediate exchange, which Mr. Davis was, at all "times, anxious to do. The men at "the head of affairs at Washington "were solely responsible for all these "sufferings. Upon these officials, and "upon them only, can these sufferings "be justly charged. Neither Libby, "nor Belle Island, nor Salisbury, nor "Andersonville would have had a "groaning prisoner of war, but for the "refusal of the Federal authorities to "comply with the earnest desire of the "Richmond government, for an immediate exchange, upon the most liberal "and humane principles. Had Mr. "Davis's repeated offers been accepted, "no prisoner on either side would have "been retained in confinement a day."

In addition to this sweeping and unassailable testimony, there are the proclamations and orders of Mr. Davis, the evidence of living Confederate officers who held positions entitling them to know all the facts, each of whom testify to the christian character of the statesman who was intrusted by his countrymen with the executive responsibilities of the Confederate government ——tleman criticising Blaine in the Richmond *Dispatch* says:

Mr. Davis confined to the last to do all a christian gentleman could to procure a relaxation of the rules which consigned these brave men to their hopeless doom, and was ready and anxious to send all Federal prisoners back to their homes and to facilitate the promptest exchange. On one occasion he allowed the prisoners in Andersonville to delegate three of their number, men of influence at home, to whom Mr. Davis gave a furlough on parole for sixty days, and sent them through our lines to use their influence with Mr. Lincoln to procure a resumption of the exchange of prisoners, and the release of the thirty thousand men confined at Andersonville. When these gentlemen returned to their "prison pen" they had only to report to their suffering comrades that they were unable to procure an audience with Mr. Lincoln. When he knew their errand he would not admit them to his presence. His tender nature could not bear the trial of such an interview. Mr. Davis finally proposed to Mr. Lincoln to return ten thousand of the Andersonville prisoners, with or without exchange, if he would send the necessary transportation to Savannah for them. Mr. Lincoln refused to do so, and to the very end of the war persisted in executing this extraordinary war measure.

And so we might continue adducing evidence to sustain Mr. Davis's position, but that we desire to leave the task to the Southern Historical society, that it may be done in full measure and have the strength of its semi-official authority. That body, which has already rescued many documents, returns and reports from oblivion that otherwise would have been lost to the country, can afford to exhaust this question, and place not only Mr. Davis, but the people of the whole south in the place where, when truth and justice have their sway, they will stand before the world. That society should make it a duty to employ a competent historiographer to compile all existing evidence as to the policy pursued by the Confederate government touching the exchange and treatment of prisoners of war, and taking all controversy out of congress and away from the columns of partisan and sectional newspapers, set at rest forever our responsibility for Andersonville and shift it where it belongs—to Lincoln, Stanton and Grant.

THE New York *Graphic* has determined to illustrate our carnival of 1876 in a style surpassing anything ever before attempted by an illustrated publication, and to that end is now represented in Memphis by one of the most capable of its artists and correspondents, Mr. Hamilton S. Wicks. This gentleman has already done something of the work before him, which will embrace, beside the carnival and matters pertinent thereto, sketches of our social, political, and commercial life, so that our city, in all its phases and garbs, will be pictured and described attractively, and we make no doubt truthfully, for admiring millions in Europe as well as this country. We welcome Mr. Wicks, and extend to him all professional courtesy.

HON. MR. ROUSH is making an effort to raise a company of ex-Federal soldiers, to be known as the Centennial Guard, which we hope will be successful. The design of Mr. Roush is to organize, equip and thoroughly drill the company, with a view to its visiting the Centennial exposition at Philadelphia during the summer, that it may march through the streets of the old capital of the Union, certifying their own loyalty, and that they are living proofs that in the south we have long since buried the hatchet, and, like brethren, dwell together in unity.

TELEGRAPHIC BREVITY.

The Ohio legislature is proceeding to levy a tax on dogs.

Crowds of people are leaving Yankton daily for the Black Hills country.

An unknown man was run over and killed by a locomotive at Cairo Monday night.

Limerick Lee, colored, was run over and killed, by a locomotive, at Argenta, Arkansas, Monday.

A heavy storm of wind and rain, lasting twenty-four hours, prevailed at San Francisco yesterday.

The Minnesota legislature has declined to appropriate twenty-five thousand dollars for Centennial purposes.

Deputy-Sheriff Kast was killed by a negro whom he was trying to arrest at Los Animos, California, yesterday.

Count Von Arnim has sent a medical certificate to his agent at Berlin as proof that ill health prevents his return to Germany.

The New York *Irish Citizen* says that James Stephens, the well-known Fenian leader, is not dead, as recently reported, but is in good health and residing in Paris.

James A. Evans, a prominent citizen of Jessamine county, Kentucky, was shot and supposed fatally wounded by an unknown assassin at his residence Monday night.

The failure of Dale Brothers, dealers in flannels and woolens, of Boston, and Miles, of 72 North street, New York, is made public. Their liabilities are placed at over one million dollars, but the assets are said to be double that amount.

A mob recently stoned a Protestant church in the plaza of San Fernando, in the City of Mexico. The Protestants in Acapulco are rapidly increasing in numbers since the assassination of Richardson.

The legislature of Ohio is after the gas companies, having before it for consideration yesterday a bill to require gas companies to accompany their monthly bills for gas with affidavits from the party examining the meter that the amount of gas charged has actually passed the meter; that the meter is in good condition and accurate, and that the gas is at least of twelve candle-power.

The funeral of the Loesch brothers, Augustus and Frederick, and of Cornelius Crosby, who were killed in the Robinson Operahouse disaster Saturday last, took place in Cincinnati Monday. There was a large attendance. The friends of Miss Rienzi, another victim, arrived from Alton, Illinois, last evening, and returned with the body. The list of names of the injured has been considerably increased, but there were no more fatal cases.

There was quite a sensation in Newburyport, Massachusetts, yesterday, over the marriage of James Parton, author, to his stepdaughter, the same being forbidden by the statutes of that State. The bridegroom learned his status yesterday morning after the wedding, and to prevent further scandal, left his home in charge of his wife and took rooms for himself at a boardinghouse. He will apply to the legislature for a special act sanctioning his marriage.

Perrin H. Sumner has been arrested in Brooklyn, New York, charged with forgeries in California, amounting to over two hundred thousand dollars. He was an official in the Baptist church, and covered his transactions with his professed piety. Rev. Mr. Parshall, the pastor of the church, learned of some of Sumner's transactions, and at once the latter plotted to ruin him by accusing him of adultery, which charge led to Parshall's leaving his pulpit.

CONGRESS.

The Centennial Bill from the House Made the Order of the Day in the Senate for To-Day.

Resolutions of Respect to the Memory of Deceased Senators Buckingham and Ferry—The Bankrupt Bill Passed.

SENATE.

WASHINGTON, February 8.—The chair laid before the senate a number of house bills, which were referred. Among them was the house bill making an appropriation to pay fourteen crippled and disabled Union soldiers from the sixth of December, 1872, to the thirtieth of June, 1876.

Senator Edmunds inquired what those soldiers had done?

Senator Sargent said that the bill should be referred to the committee on appropriations, as there were some circumstances in regard to the bill which he desired to examine.

Senator Edmunds said he did not know but what these soldiers were those whose services had been dispensed with.

The bill was referred to the committee on appropriations.

Senator Sherman, from the committee on finance, reported adversely on the senate bill to secure the depositors in the Freedmen's savings and trust company from ultimate loss. Laid on the table.

Senator M'Donald, from the committee on public lands, reported favorably on the senate bill for the relief of John A. Lawrence. Passed.

Senator Kernan, from the committee on finance, reported favorably on the senate bill for the benefit of the Louisville orphans' home. Passed.

After the expiration of the morning hour, Senator Wright moved that the senate proceed to the consideration of executive business.

Senator Morrill said that yesterday he gave notice that he would call up the Centennial bill at one o'clock to-day. He now desired that whatever was the pleasure of the senate on the subject should be expressed at the present time. The financial condition of the company was such that the senate should say what it proposed to do. If they proposed to turn their backs on it, very well. He gave notice that he would urge the consideration of the bill at the earliest moment.

Senator Edmunds did not think the Centennial bill should be considered until the information called for from the secretary of State was received. He, however, would not oppose the present consideration of the bill.

The senate by a vote of yeas 18, nays 33, refused to go into executive session, and, on motion of Senator Morrill, took up the house bill appropriating one million five hundred thousand dollars.

Senator Morrill then yielded the floor to Senator Eaton, who offered a resolution of respect to the memory of his late colleague, Senator O. S. Ferry, the understanding being that the Centennial bill should come up as unfinished business to morrow.

Senator Cooper was appointed a member of the senate committee on finance, in place of Senator Ferry, excused from further service.

Senator Clayton called up the unfinished business from the morning hour of yesterday: Senate bill to repeal section 2303 of the revised statutes, making restrictions in the disposition of public lands in Alabama, Mississippi, Louisiana, Arkansas and Florida, the pending question being on the amendment of Senator Edmunds that public lands affected by this act shall not be open to private entry until the same shall be offered at public sale after the passage of this act. The bill was discussed until the expiration of the morning hour and then laid over.

Senator Morton submitted a resolution that the committee on the District of Columbia be instructed to consider the propriety of preparing and reporting a bill to provide a government for the District of Columbia, under which the people, through the elective franchise, may regulate and control their own domestic affairs, not inconsistent with the protection, regulation and control by the United States of public property, and the exercise of such jurisdiction as may be necessary in the national capital. Agreed to.

Senator Boutwell submitted the following, and gave notice that at the proper time he would submit it as an additional section to the land bill under consideration during the morning hour: "Sec. 2. That before any of the timber lands offered by this act shall be offered for sale, they shall be appraised under such regulations as may be prescribed by the secretary of the interior, and no sale shall be made at less than the minimum fixed by such appraisement, provided no sale shall be made at less than one dollar and twenty-five cents an acre." Ordered to be printed.

Senator Eaton offered his resolution of respect to the memory of the late Senator Buckingham. Eulogies were pronounced by Senators Eaton, Sargent, Bayard, Howe, Frelinghuysen, Thurman, Wadleigh and English, and as a further mark of respect to the memory of the deceased the senate adjourned.

HOUSE.

The speaker called on the committees for reports of a public nature.

Mr. Lawrence, from the judiciary committee, reported back the bill authorizing action in cases of death resulting from wrongful acts, neglect or default, in the District of Columbia, provided the amount recovered should not exceed five thousand dollars.

Mr. Townsend [Penn.] moved to amend by striking out five thousand dollars and substituting ten thousand dollars. Agreed to.

Mr. Lawrence moved to amend by inserting in the section: Providing that no personal action, or right of action, shall terminate or abate by the death of either party, whether such right of action be authorized by this act or otherwise. Agreed to, and the bill as amended then passed.

Mr Lynde, from the same committee, reported back adversely the bill extending the jurisdiction of circuit courts in suits against corporations; laid on the table. Also, a bill concerning cases in bankruptcy commenced in the supreme courts of several Territories prior to the twenty-second of June, 1874, and now undetermined therein; passed. Also, a bill to repeal the bankruptcy act. The first section repeals the bankrupt act of the twenty-first of March, 1867, and all laws and parts of laws amendatory thereof and supplemental thereto. The second section provides that all suits and proceedings now pending in the United States courts wherein an adjudication in bankruptcy has been made shall be proceeded with, and be governed by the provisions of existing laws, which are continued in force only for the purpose of closing up the suits and proceedings now pending. The act to take effect from and after the first of January, 1877.

The bankruptcy bill, after some discussion of the technical points of the bill, was passed—yeas, 186; nays, 57.

After the passage of the bill it was discovered that there was an error in its recital, the date of the original law being given as the second instead of the twenty-first of March.

Mr. Lynde asked unanimous consent to have this mistake corrected, but Mr. Kasson objected, remarking that the bill placed the whole creditor class of the country in the power of the debtor class. The bill therefore goes to the senate with that imperfection in it.

The house then went into committee of the whole, Mr. Hoskins in the chair, on the consular and diplomatic appropriation bill, which was discussed at length, when the committee rose without action on the bill.

A message was received from the senate announcing the action of that body in regard to the death of the late Senator Ferry. Eulogies in his honor were pronounced by Messrs. Phelps, Selwyn and Garfield. An interesting feature in the proceedings was the fact that Mr Garfield, in lieu of any remarks of his own, read a speech prepared on the subject by Mr. Starkweather, himself since dead.

At the close of the eulogies the house adjourned.

DEMOCRATIC.

The Congressional Caucus—The Repeal of the Specie Resumption Act.

WASHINGTON, February 8.—The adjourned meeting of the Democratic congressional caucus, which was to have been held to-night, was to-day postponed till Thursday, owing to the sickness of Representative Lamar. It will be recollected that at the meeting a week ago Representative Landers introduced for discussion his house bill to repeal the act providing for the resumption of specie payments, and that Representative Payte offered as a substitute his house bill providing for gradual resumption of specie payments. These propositions being antagonistic, some Democratic members are desirous of avoiding a vote upon them in caucus, not caring to commit themselves at present to any financial policy. They, therefore, predict that these propositions will not be directly voted on, but referred to a committee of consultation.

CONFLAGRATION.

New York Visited with the most Disastrous Fire Experienced for Years—Two Firemen Killed—Loss, $4,500,000.

NEW YORK, February 8.—A fire broke out at half-past six o'clock this evening, at No. 125 Grand street, which proved the most destructive for years. The fire burnt through the entire block bounded by Grand, Howard, Broadway and Crosby streets, altogether about thirty buildings. Total loss estimated at four and a half millions. One firm, Cashen, Brunderett & Co., lace dealers, estimate their loss at a million and a half dollars. Five buildings on Broadway were saved, and all on Grand street, except No 125, where the fire broke out. Two firemen, David Clute foreman, and John H. Bush assistant, were killed, and several others injured by the falling walls. At one time it was feared that the heart of the city would burn. Great crowds and much excitement. The fire was completely under control by half-past ten.

ROUMANIA.

The Beginning of the End—Resistance to Turkey Determined upon.

LONDON, February 8.—The *Kilet Nepe*, a journal of Pesth, publishes the following: "The sublime porte, on account of its financial difficulties, recently requested Roumania to pay her customary tribute in advance. The Roumanian government has sent a note in reply, declaring that the treaties stipulate that the tribute is payable only in return for the obligation assumed by Turkey to defend Roumania from foreign invasion. The porte, however, has shown itself incapable of quelling a local insurrection. The Roumanian government is convinced that it can no longer rely on Turkey for protection; therefore the obligation to pay tribute is at an end. Roumania, moreover, complains that the porte has concentrated troops at Widin, and sent ships up the Danube, under the false pretext that the threatening attitude of Servia rendered such measures necessary. Roumania is consequently compelled to take measures to protect her frontiers." The note concludes with the declaration that Roumania, as an independent State, will resist every attempt to occupy her territory or march foreign troops through it.

TRANSPORTATION.

The Shippers and Business Men of Chicago Compelled to Unite for their Protection Against Railroads.

CHICAGO, February 8.—The committee on transportation recently appointed by the Chicago board of trade to investigate the matter of alleged discrimination against Chicago and in favor of other cities, made by the eastern pool-lines, have made a report. After discussing the magnitude of the amounts involved; the evidence which they have secured; the statements of the general managers of railroads, of shippers, and others who are in positions to give information, the committee declare that they have found most of the charges substantiated by the facts. The discrimination is of three kinds: That of the pool-line, by the bankrupt roads, and by the independent railroads. They give a long array of figure and statistics, which they have collected, and many facts and instances gathered from various sources, to explain how the discrimination is made, and conclude: "We think every encouragement should be given to the increase of our facilities for reaching tide-water and the eastern markets, and recommend the early completion of the Grand Trunk railroad to this city, and the immediate establishing of a steamship line from here to connect with the Detroit and Milwaukee railroad at Grand Rapids. The completion of forty-six miles of road, and a connection with the Chicago and Lake Huron railroad, appears feasible for the former, and a sufficient offering of freight is all that is required to accomplish the latter. But these remedies are not expected to cure the evils. We believe the best practical results can only come from united action on the part of shippers and business men, and to this end we recommend the immediate organization of an association, which may be done under the auspices of the board of trade, for the mutual protection of all our citizens doing business with railroad or transportation companies. Let the association appoint an executive committee of three of its members, who shall hold regular stated meetings to hear grievances and take such measures as they may think proper to secure justice to the shippers of property. Such an association, backed as it would be by the moral influence and support of this board and community, though possessed of no special power from the State, would approximate in its results those attained by the railroad commissioners of Massachusetts, where the gravest abuses have been corrected mainly by the force of public opinion, as guided by three honest, energetic men. A similar association has succeeded in doing efficient work in New York city, and we make the recommendation in a general way, leaving the details of its organization for such future consideration as the board of trade may determine to give it."

The Whisky Gang at New Orleans.

NEW ORLEANS, February 8.—Colonel A. J. Behor, and John Thorn, of the firm of Behor, Thorn & Co., and John Henderson, indicted by the grand jury, charged with receiving packages of distilled spirits as wholesale liquor dealers, and knowingly, willfully, unlawfully and fraudulently neglecting, or omitting to make the proper entries in books which the law requires them to keep. There were five counts against Henderson, bail ten thousand dollars; eight counts against Behor & Thorn, bail fifteen thousand dollars, each. District-Attorney, J. R. Beckwith; his assistant, Mr. Gurley, General Brady, supervisor; Mr. Wheeler, revenue agent, and others, are busily engaged in weaving a web around the crooked.

BABCOCK'S TRIAL.

Opening of the Last Whisky Case on the St. Louis Docket—The President's Private Secretary Before the Court.

The Jury Sworn In—Statement by the District-Attorney of What the Government will Prove Against Babcock.

The First Witness—Objections and Rulings—Interview with Bab—What he Thinks and Fears—Bristow and Grant.

ST. LOUIS, February 8.—The United States court opened promptly at ten o'clock this morning, and without any delay the selection of a jury in the Babcock case was proceeded with. The jurors were examined very briefly by the prosecution. The prosecution made no examination whatever of most of the jurors, but three or four persons were put through a rigid inquiry. James Milton, of Marion county, was excused for cause, he admitting that the finding of an indictment against a party left a bad impression on his mind, which would probably require proof to remove. Both sides exhausted all of their peremptory challenges (three each), and the jury was finally sworn in, composed of the following names: R. N. Blackwood, Lewis county; Matt Woodruff, Clarke county; W. E. Wilson, Lewis count; Ezra Johnson, Lewis county; B. F. Snyder, Knox county; J. M. Keathly, St. Charles county; Edward B. F. May, Franklin county; W. Blakely, Adair county; W. Taintor, Gasconade county; Wm. S. Jewett, Jefferson county; W. T. Jackson, Marion county; Harvey Lessons, Lewis county.

The district-attorney announced that no more whisky cases would come before the court at this special term, and all the jurors outside of this trial panel were discharged. He then addressed the jury, opening the case for the prosecution by repeating the history of the conspiracy which was organized here in 1871, and stating that it involved all the distillers and rectifiers and government officers and employes here, and had its ramifications even in Washington. He cited several dispatches alleged to have passed between Joyce, M'Donald, Avery and Babcock, to show that the two latter persons were engaged in the conspiracy and corresponded with the conspirators. The dispatches between Joyce and Babcock touching the appointment of Colonel Constantine Maguire as collector of internal revenue after the death of Charles W. Ford were cited, and Colonel Dyer stated that it would be proved that from that time on the defendant furnished information to the ring here. The department was thwarted in all his efforts to get an investigation that would reveal the frauds, for the reason that all the revenue agents sent here to examine the affairs were either bought up on their arrival or advices had been received here of their contemplated visit, and the opportunity thus given the distillers to straighten up and show regular work. Colonel Dyer claimed that it would be clearly shown that Mr. Babcock not only had full knowledge of the existence of the frauds which were carried on, but that he aided the conspirators in their work, and received money directly from Joyce, who mailed it to him. Babcock and Avery were the two men at Washington who kept the ring posted. Even after the indictment of General John M'Donald, Babcock, it would be proved, was in secret correspondence with him. The evidence, Colonel Dyer said, would, in a measure, be circumstantial, but there would not be a link missing in the chain.

Joseph M. Fitzroy was then put on the witness-stand for the prosecution. After testifying as to his position in the revenue service, he was asked by District-Attorney Dyer, who conducted the examination, to state what he knew about C. G. Megrue, his operation here in 1871, etc., to which Judge Krum objected on the ground that such statement would be only of a hearsay character, as the witness did not enter the collector's office until May, 1873. Besides the indictment charges the defendant with conspiring to defraud the government out of the tax of seventy cents per gallon on certain proof spirits. In point of fact, there was no tax of seventy cents per gallon on distilled spirits in 1871. That tax did not go into effect until June, 1872. We therefore hold that no such conspiracy existed or could exist. There may have been a conspiracy to defraud the government out of fifty cents per gallon, that being the tax then imposed; but this is not laid out in the indictment, and we can claim that it is a correct rule of law that a conspiracy must be proved under the rule as laid out in the indictment. It is utterly incompetent to show any existence of a conspiracy to defraud the government generally, when the indictment charges a conspiracy to defraud out of a particular or specific tax.

Colonel Broadhead said that it was not necessary to show by witnesses what the tax was; it was enough to show that the government had been defrauded; the prosecution are only compelled to show that a conspiracy was formed, its objects, etc., and that the conspiracy continued after the change in the tax was made, and that the defendant was one of the conspirators.

Judges Dillon and Treat consulted together a few moments, after which Judge Dillon said: "We do not positively determine now whether the pleader has confined himself to the particular and specific tax of seventy cents per gallon. As that tax was not imposed until 1872, it may be that the prosecution cannot show what transpired prior to that time; but if what was done before was simply continued acts, it does not follow that it is incompetent to show what the frame structure was of the whole conspiracy. We have such little time to decide these questions that our rulings may be irregular, and therefore we will keep the question in mind and decide upon its admission hereafter. The witness may answer the question, it being understood that the ruling of the court on its competency will be given hereafter."

The witness then began to speak about Megrue, when the defense objected, and he was withdrawn.

M. Thompson, distiller, being called to the stand, gave the history of his connection with the ring, explained how he made crooked whisky, etc., all of which has been stated numerous times before. During the examination of this witness the defense objected to all questions not directly relevant to the indictment against the defendant, but Judge Dillon ruled that testimony to establish the existence of a conspiracy might be given, and the witness gave a tolerably full account of the ring and its operations.

Fitzroy was then recalled, and Colonel Dyer asked him if Megrue ever paid him any money.

Mr. Storrs objected to anything more pertaining to what he called the Megrue conspiracy. He said Thompson had testified that it ended in 1872, and the prosecution in opening the case stated the same thing.

A long argument ensued, during which Colonel Broadhead said the theory is, that there was a conspiracy formed in 1871 embracing the supervisors, the collector, a special revenue agent and others; that they went on making illicit spirits to the close of 1872, when there was a suspension; then, in 1873, the same parties went on again and made more illicit whisky. It was not necessary that they should meet in a room and lay their plans; it was a continuation of the same plans, the same division, etc. There was no formal understanding; they all knew what they were to do.

Judge Porter interrupted Colonel Broadhead, and stated that counsel did not meet the question fairly. The question was "whether the prosecution intended to connect defendant with the conspiracy of 1871." We have it openly avowed in deliberate argument by the government that there was a conspiracy in 1871, and which ended in 1872. The same counsel calls to the stand a witness who says it was closed in November, 1872. The man who organized it left it and went away, and the effort is to connect defendant with it. We submit that they cannot resort to such means to prove the connection defendant had with this conspiracy.

Colonel Broadhead replied that the prosecution did not admit there was a conspiracy commencing in 1871 and ending in 1872. It was continuous from 1871 to 1875, when the strong arm of the government stopped it. "May we not establish the fact that Megrue was only an officer of the ring, and was discharged when he went out and some one was put in his place. We do not claim that the defendant was connected with the conspiracy in 1871."

Judge Porter was very glad the gentleman so frankly declared that General Babcock was not connected with the Megrue conspiracy; but is it fair for the government to turn an indictment charging an intention to make illicit spirits in 1874 into an excuse to go back to a conspiracy with which it is admitted he had no connection, in order to convict him?

The court said: "As we understand it, the inquiry of the witness is as to what took place in 1872, and it is objected to on the ground that the conspiracy of 1872 ended in that year and is not connected with the conspiracy charged in the indictment. Counsel stated in the opening that the conspiracy with which the defendant is alleged to have been connected commenced in 1871 and extended to 1875. Colonel Broadhead says the government has no evidence to show the complicity of defendant with the frauds committed in 1871 or 1872. If it were a fact that the conspiracy ended in 1872 we should hold it irrelevant to admit anything further concerning that time. But it is not admitted that the conspiracy ended then. Mr. Thompson used language which seems to indicate that the conspiracy ended then; but that is the view of it from his standpoint. At present we think you had better direct your attention not so much to the conspiracy in 1871 and 1872, as to 1873 and 1874. If we can see, when the case is all in, that the conspiracy of 1871 and 1872 is not a part of the conspiracies alleged in the indictment, and that the defendant is not connected with the conspiracy in 1871 and 1872, then we can act on the testimony already presented, and rule it out." The court then adjourned

Hon. E. C. Bressley, of Washington, one of General Babcock's counsel, has been so indisposed, since his arrival here, that he has not appeared in the case, and left for home to-night.

INTERVIEW WITH "BAB."

New York Herald, 6th.]

Your correspondent accidentally met General Babcock in a hallway of the Lindell hotel to-night, and, being well acquainted with him, had no hesitation in opening a conversation on the impending trial. Mr. Babcock was in a talkative mood, and, leading the way to a seat in an adjacent parlor, said substantially:

"I did not come here to be interviewed, but I will say this much: I am as innocent as a babe of the charges brought against me. If an earnest fight can secure acquittal I am going to get it. I have ten lawyers retained, comprising the best legal talent in the country, to each of whom I have paid heavy fees. The trial will impoverish me—in fact has already practically done so—and it is quite probable, before the end has come, that I will have to accept some of the offers of pecuniary assistance made by my friends; but if I can achieve a vindication of my character, as I believe I will, I am willing to relinquish everything I have in the shape of property or money. My lawyers tell me there is no reasonable danger of conviction. The chief thing which I fear is the jury. It was a damned shame to convict Avery, and the verdict of guilty against M'Kee shows that the jury was overawed by public prejudice."

"Do you know of any evidence against you beyond the dispatches which have been published?"

"I know of nothing and, as far as I am informed, the government is relying almost entirely on the telegrams. The true nature and purport of these dispatches will be explained, I think, to the satisfaction of every reasonable and candid person. During the past nine years I have written many letters to friends in St. Louis, but all of a personal or social nature, and I can safely defy the attorneys for the prosecution to produce even a suspicious letter against me. Joyce was my special friend, and, although he now wears a striped suit, I think he has been harshly judged, and is a much better man than thousands of those now persecuting him. The famous 'Sylph' dispatch, of which the *Herald* published a *fac simile*, was a purely social affair, in which the signature 'Sylph' was used as a joke, which I will explain when I get on the stand."

"General, they tell me that Con. Maguire, the ex-collector, who pleaded guilty the other day, will be an important witness against you. Is it so that Maguire is in possession of any damaging facts against you?"

"I never met Maguire but once in my life, and that was when I was here last year at the fair with the President. Maguire came up to us on the grounds, and the President introduced me to him. That was the limit of any transaction I ever had with him. Maguire was not then indicted, and as far as I know, not suspected of complicity in the whisky ring. I never wrote him a letter in my life or conversed on whisky matters with him, and therefore it is impossible that he should be in possession of any damaging evidence against me. They tell me Mrs. M'Kee has some documentary evidence which she will use against me to help her husband out of his difficulties; but I do not believe Mrs. M'Kee ever saw any writing or letter concerning me or my affairs. I had no intimate acquaintance with M'Kee, and never wrote to him in my life."

"Why have you such a mortal dread of these Missouri juries, Mr. Babcock?"

"Well," replied the President's private secretary, "in the first place, I have been assured that all the juries which have sat in the preceding cases are under rebel influence, and that they dare not acquit a man who has been officially connected with the Grant administration. Furthermore, I am told that the district-attorney and marshal, in summoning the jury, have selected deputy-marshals who go into the country and subpena men they have known for years, and who they know will decide in favor of the government. By this means men have been convicted before the jury were placed in the box. If they will give me a fair jury, I fear nothing, and I intend to exhaust all my legal rights in securing a fair one."

"Will the President be on the stand during the trial?"

"That depends," replied Babcock. "My lawyers will wait and see whether such a step is necessary or not. The President assured me only three days ago that whenever wanted he would come to St. Louis in person and testify in my behalf. In fact, so far as he is individually concerned, he prefers to come himself to sending his deposition. So far as the quarrel between the President and Mr. Bristow is concerned, I know nothing, as it is not my business to know. I will also state that nobody is authorized to state what feelings exist between Mr. Bristow and myself. I have made no complaint against Mr. Bristow, and if I ever had any remark to make to or before him it will be after my case is thoroughly disposed of. But if I do not stop," said General Babcock, checking himself, "I will say something I ought not to say. In fact, I have violated a strict injunction of my attorneys in talking at all; but I believe I have not said anything I will be ashamed for the *Herald* readers to see. By the way, I am afraid the *Herald* has a spite against me by the way it has been going for me of late; but I suppose I can stand it, and I trust the editor will do me justice if I come out all right."

Here the interview ended, and the loyal secretary returned to the bosom of his aristocratic retinue in the luxurious halls of the Lindell.

BRISTOW PERSECUTED ON "BAB'S" ACCOUNT.

New York Sun.]

WASHINGTON, February 4.—The trouble which has long been brewing between the President and Secretary Bristow culminated in an open rupture today. The cabinet meeting, which began at twelve o'clock, was not a harmonious affair, and Secretary Bristow left it before one o'clock, having found that he was without the support of a single member of the President's official family. This is all the more significant because yesterday there was an unpleasant interview between the secretary and Senator Conkling. The latter, as he took his departure, was overheard to say: "This is the last visit I shall ever pay you." The row was undoubtedly over Babcock, and the difficulty in the cabinet meeting to-day grew out of the same source. It is well known that the President has been morose and in a bad humor for several days, especially since the conviction of M'Kee, and Babcock's friends have been at him night and day. They have kept ringing in his ears the cry that the St. Louis juries are composed of ex-rebels, and that the surroundings of the court there are such that it will be impossible for Secretary Babcock to have a fair trial, and that therefore it is his duty to do something to offset this, and if possible create a counter sentiment there. Conkling's relations with Babcock and Horace Porter are well known to be of the closest and most intimate character. It is also well known that Porter has been moving every power that he could in Babcock's interest and to break down the whisky war. The party leaders here who are in more or less danger of being affected by the threatened revelations in Chicago and Milwaukee have, of course, been lending their most cordial support to this movement, and men who are in no way identified with the whisky ring have been exerting all their influence in the same direction, simply because they regard these developments as very damaging to the party. The conviction of Babcock, they say, will be fatal to the party; it will irretrievably ruin the administration, and bring discredit and dishonor to the party, from which it will not be able to recover this winter, even if the Democrats do continue to make fools of themselves. All these things combined produced the rupture in the cabinet to-day, and if Bristow does not tender his resignation in a day or two it will be demanded. It is known that high words were uttered before Bristow left, and that a member of the cabinet who enjoys exceedingly close relations with the President remarked, as Mr. Bristow was leaving, "No one man is absolutely needed to run a government whose place cannot be supplied."

The M'Minnville *New Era* says: "We understand that Tate has turned State's evidence, and several other parties are implicated. It is also conjectured that the capture and revelations of Tate will possibly lead to the discovery and breaking up a gang of horse thieves that have been plying their avocation between Kentucky and Tennessee."

ADDITIONAL RIVER REPORTS

NASHVILLE, February 8.—The river is falling, with 13 feet on the shoals.

VICKSBURG, February 8.—Down: Thompson Dean, 8 a.m. Up: Thomas Sherlock, 2 p.m.

MARRIED.

M'CLUNE—YORK—At Hot Springs, Ark. January 27th, by Rev. S. L. Colburn, Col. W R. M'CLUNE, of Pulaski county, Ark., and Miss FANNIE O. YORK, of Memphis.

DIED.

HATCHER—On Tuesday, February 8th, at the residence of Mrs. S. W. Fowlkes, 249 Poplar street, ROBERT E. HATCHER, aged 32 years. [Petersburg (Va.) papers please copy.] Funeral THURSDAY, at 2 p.m., from the Cumberland Presbyterian Church, Court st. Services by Rev. Drs. Stainback and Stedman.

MCALISTER—In Nashville, Tenn., Sunday evening, February 6, 1876, S. D. MCALISTER father of Mrs. Dr. B. L. Hester, of this city.

ANDERSON—Tuesday, February 8th, VAN A. W. ANDERSON, in the 40th year of his age

LAND FOR RENT.

AS Receiver appointed by the Chancery Court of Shelby county, in the case of T. A. Nelson, Executor, etc., vs. M. L. Trigg et al., by decree entered January 26, 1876, I will rent out, to the highest bidder, in front of No. 31 South Court street,

On the 15th Day of February, 1876,

the following property belonging to the estate, as devisee, of John Trigg, deceased, in Shelby county, Tennessee: 35 acres of land below Fort Pickering, lying east of Horn Lake road, between the 35-acre tract on which is the former residence of Mrs. L. J. Stockley and the Mississippi and Tennessee Railroad; 120 acres of land, more or less, lying between the Horn Lake road and the Mississippi river and west of the 35 acre track, on which is the former residence of Mrs. L. J. Stockley—with the valuable land privileges attached thereto; the land attached to the former residence of John Trigg, deceased, except the yard and garden, on north side of Trigg avenue, northeast corner of Latham avenue, being about 70 acres; 30 acres between the eastern boundary of above 70 acres and the Hernando road. Good security will be required for rent.

J. J. LOCKHART.

JAS. WALSH, STENOGRAPHER,

38 North Court Street.

EVID