State Library

THE MEMPHIS DAILY APPEAL.

ESTABLISHED 1840. MEMPHIS, TENN., THURSDAY, DECEMBER 21, 1876. VOL XXXV.—NUMBER 308

CLOSING RATES

Yesterday of cotton and gold: New York cotton, 12 1-8c. Memphis cotton, 11 1-4c. New York gold, 107 1-2. Memphis gold, 107 1-4.

WEATHER PROBABILITIES.

WAR DEPT., OFFICE CH. SIG. OFFICER, WASHINGTON, December 21, 1 a.m.

For Tennessee and the Ohio valley, slightly warmer southerly to westerly winds, with slight changes in pressure, and partly cloudy weather, except occasional snow or light rain north of Tennessee.

OBSERVATIONS YESTERDAY.

WAR DEP'T, SIGNAL SERVICE U. S. ARMY, WEDNESDAY, Dec. 20, 1876, 10:08 p.m.

Place of Observation.	Bar.	Ther.	Wind.	Weather.
Galveston	30.68	62	S.	Foggy.
Indianola	30.07	55	N.	Foggy.
Louisville	30.04	35	S.W.	.....
Memphis	30.07	42	S.W.	Clear.
Nashville	30.01	42	S.E.	Cloudy.
New Orleans	30.16	50	E.	Cloudy.
Shreveport	30.13	51	S.	Cloudy.
Vicksburg	30.14	51	S.	Clear.

W. M'ELROY, Sergeant.

GRANT's head is level. He says he thinks the stories about threatened revolution in the west are all overdrawn.

THE feeling in congress, at least on the house side, seems to become stronger every hour that the dangers which threaten the country will all pass away without the slightest disturbance.

BOB INGERSOLL, the radical of radicals, is opposed to the proposition to create a Hayes party at the south. Bob can rest easy on that score. That proposition will never survive the inche[illegible] state.

PROMINENT Republican newspaper men, including the editors of the Cincinnati *Gazette*, Cincinnati *Commercial*, Chicago *Tribune* and New York *Times*, are in Washington, or on their way there, no doubt with a view to Radical results.

THE associated banks of New York have sent a petition to congress praying the repeal of the law taxing capital and deposits. What do the Memphis banks say about it? "Free trade and sailors rights" is our motto.

GRANT has not been helping the bulldozers of Louisiana for nothing. He demands as a return for such help that brother-in-law Casey be elected United States senator. If assurances to that effect are not given by the Rads, he says he will withdraw the troops.

THE tints of the New York *Times's* specials with which the Associated Press reports are flooded, concerning political affairs in South Carolina and Florida, are too *Hayesy* to be pleasing to the eye in these days when the multitude prefer to see things in the light of reform.

LET the people be heard. In addition to the Ohio and Indiana State conventions, Pennsylvania is moving, and it is understood that a call will be made by the Democratic State committee for a convention to be held on the eighth of January next. Other States will probably follow.

IT is now stated on what is considered good authority, that the State supreme court of Florida will order a recanvassing of the vote, and that this will give the State to the Democratic State ticket—congressmen and legislature. That the State voted for Tilden is beyond doubt, but the court can not act on that part of the case.

MR. R. T. CARR, Radical, who ran for sheriff in opposition to Mr. W. P. Sample; and Mr. John J. Long, who was counted in as representative of DeSoto parish, Louisiana, by the Wells b[illegible] returning board, refuse to accept commissions, asserting that not they but their opponents were elected, and that there was a peaceful election.

HON. WILLIAM ORTON, president of the Western Union Telegraph company, was yesterday served with a subpœna to appear in person December 26th before the election investigating committee at New Orleans and produce certain desired telegrams. The action of the house yesterday gives authority to the sergeant-at-arms to inforce all needful process in that direction.

IN THE senate of Virginia, yesterday, a resolution condemning Federal interference in the affairs of South Carolina, and expressing Virginia's sympathy for the people of that State, but urging them to continue their forbearance, was passed by a vote of thirty-one yeas to four nays, the latter being Republicans.

AT a meeting of the people of Overton county, held at Livingston, on the eleventh of December, it was resolved unanimously that Isham G. Harris is their first choice for United States senator. Governor Harris was put in nomination before the meeting by Judge W. W. Goodpasture, late candidate for elector on the Republican ticket.

WE understand that Hon. Tom Lowe, of this city, declines to be a candidate for speaker of the house, notwithstanding the flattering assurances of support that reach him from all parts of the State. Hon. James F. Stokes, of Wilson, who is in the city, is a prominent candidate for the position, and is rapidly gaining strength, especially in this section of the State.

THE New Orleans *Picayune* is right. If there is a "new rebellion" suggested by any portion of the people of this country, it is on the part of the men who are seeking by fraud and force to inaugurate a defeated Presidential candidate. If there is to be a resort to violent resistance to law, it will come from the conspirators who propose to defeat Governor Tilden's lawful election by attempting to legalize returns which are openly false.

MR. PULITZER, a prominent German citizen of St. Louis, and a journalist of repute, in a letter to the St. Louis *Times*, states that—

Senator Conkling's position, though not publicly announced, is absolutely certain in favor of the right of congress to count. It certainly seems that Senator Edmunds inclines to the same belief. Of course the Democratic senators are united in this position. If Senator Conkling succeeds in leading off enough Republican senators to fix the senate on this question, the battle is won. And the Democratic senator to whom I have alluded seems absolutely certain that there will be quite a majority of the senate on that side of the question.

Strengthening this, Mr. Pulitzer reminds us of the Andy Johnson impeachment and the seven Republican senators who killed that conspiracy, and says: "Seven Republican senators now could squelch a conspiracy seventy times greater and graver than the impeachment of Andy Johnson."

THE Washington correspondent of the Cincinnati *Enquirer* is authority for the statement that Mr. Lamar "will in a day or two come out in a letter written by him during the canvass, in which he advised certain southern men who sought his views, that the Republican party under Hayes would regard the south as the property of conquest, and that no assurances need be indulged in that his policy toward the south would differ materially from that of Grant." The same correspondent states that Mr. Ben Hill has received a letter from prominent men in his State to the effect that if the views imputed to him in an interview which recently appeared in the New York *Herald*, and now being copiously copied by the organs, are genuine, that he need not expect further political preferment from the State of Georgia.

GAYLORD & CO.

They are Ruled Out of their Water Company Bonds—Decision by Judge Trigg.

The United States circuit court yesterday entered the following decree in the case of J. W. Jefferson *et al vs.* Thomas. A. Gaylord, Memphis gaslight company *et al:*

This cause came on to be heard this day, as between the complainants and the defendants, Matthew Addy and William A. Goodman, trustees; and the court finds that the controversy, so far as they are concerned, can affecting the cause as between the other parties thereto; and upon the proofs and exhibits presented, the court finds that the defendant, Thomas [illegible] Gaylord, has no right, title or interest [illegible] or to the bonds of the Memphis Ad[illegible] company held by the said defendants, [illegible]y and Goodman, trustees, as aforesaid, nor to any other property or assets [illegible] them held. Wherefore it is ordered, adjudged and decreed that said bonds and property be and they are hereby released from all and every claim of the said defendants as to the matter set forth in complainants' bill, and that the injunction herein before issued against them be and the same is hereby disallowed; and finally, that the bill is as to said trustees dismissed at the cost of complainants, without prejudice, however, to the case of the complainants against the said Thomas G. Gaylord and the other defendants.

INDIANS.

Freight Trains Attacked by Indians—Two Men Killed and their Bodies Horribly Mutilated.

CHEYENNE, December 20.—A dispatch from Hot Creek, Wyoming, says: "Four freight trains, accompanied by five men, were attacked by Indians in their camp, on Indian creek, six miles north of this place, about nine o'clock last night. Three of the party escaped, and arrived here to-night, barefooted and half clothed. A detachment of soldiers and a party of citizens repaired to the scene of the fight early this morning, and found the bodies of the two men—B. C. Stephens, of New York, and a German named Fritz, from Colorado—horribly mutilated with a butcher's cleaver, taken from one of the wagons. The contents of the wagons were scattered over the ground, with flour and corn left in piles, as it had been emptied from the sacks. Two horses were missing. Over forty bullet-holes were found in the wagons. The shells found are of the Sharp's rifle cartridge. The dead were brought here and buried."

Two hundred and forty-eight Arrapahoe and Sioux scouts, from the agency, in charge of Louis Richards, a half-breed, passed here on Sunday, *en route* to join Crook.

THE N. O., ST. L. AND C. R. R.

Decision in the United States Circuit Court of Louisiana Concerning the New Orleans, St. Louis and Chicago Railway.

NEW ORLEANS, December 20.—A decision was rendered in the United States circuit court in the case of John Newell and Junius B. Alexander, trustees for the Illinois Central railroad company, against the New Orleans, St. Louis and Chicago railway, ordering that the trustees remain in possession of the property and to cancel the bonds; and that, if the the debt of over three million dollars due by the defendants is not paid by the first Monday in January next, the trustees are authorized to advertise and sell the property of the defendants, in bulk. It is further ordered that the bondholders of the New Orleans, St. Louis and Chicago railway have power to appoint an agent to purchase said property for the benefit of such bondholders.

A NARROW ESCAPE.

The Servians in Belgrade Fire upon an Austrian Gunboat, but afterward Apologize.

VIENNA, December 20.—The *Political Correspondence* says that while the Austrian monitor Maros was passing the fortress at Belgrade yesterday, several musket-shots were fired from the fort against the vessel. The Austrian consul-general, Prince Wiede, who was on board, immediately ordered the Maros to advance and take position before Belgrade. The Maros took position, and as a gun in her turret was being loaded, a shell accidentally exploded, seriously wounding one ensign and four sailors, and slightly wounding seven others. The sentries from the fort again fired their muskets, supposing that the monitor was firing on the fort. Prince Milan sent Minister Ristics to the Austrian consul with apologies, and informing him that the commander of the fort had been dismissed. This is the misunderstanding referred to in a Belgrade dispatch as having caused the resignation of the Servian ministry.

A ROW BREWING.

An American Banker Captured in Mexico, and Held for $8000 Ransom—United States Troops Gone to his Rescue.

NEW YORK, December 20.—A New Orleans special says a dispatch from Fort Davis states that the Mexican revolutionists have captured a Mr. Miller, an American banker at Chihuahua, and demand eight thousand dollars in gold as a ransom for his release. Colonel Andrews with a force of infantry, cavalry and artillery, has gone to the rescue. The revolutionists are reported to be four hundred strong, and have threatened to shoot Miller if they cannot hold him. A fight is inevitable.

The New Charter for St. Louis Counted In.

ST. LOUIS, December 20.—The commissioners who for the past two or three weeks have been recounting the vote cast last August for the adoption or rejection of the scheme to separate the city from the county, and a new charter for the city, concluded their labors to-day, and will report the result to the circuit court in a day or two. Their count of the vote cast is about one thousand less than returned by the judges of election, and they found many fraudulent votes cast and counted. Deducting these votes from the aggregate, the scheme and charter were carried by a handsome majority. Whether these fraudulent votes will be thrown out is for Judge Gottschalk, of the circuit court, to decide, as the commissioners have only ministerial powers. There were also many other ballots cast, the legality of which will depend on the decision of the court.

The St. Louis Gas Suit.

ST. LOUIS, December 20.—It was mentioned in these dispatches a week or two ago that Edwin O'Haffin, of Massachusetts, a stockholder in the St. Louis gaslight company, had applied to the United States circuit court for an injunction to restrain the circuit court of this county from taking further action in the suit of the city against the gas company. To-day the decision of Judge Dillon, at chambers, was received here, which refuses to grant the injunction. This leaves the litigation between the city and gas company where it was begun—in the circuit court—and where it will probably be finally settled.

Serious Railroad Accident.

WORCESTER, MASS., December 20.—A serious collision occurred this afternoon between the passenger and a mixed train on the Boston and Barre and Gardner railroad, near Princeton station, by which one person was killed, three fatally injured, and twenty more or less hurt. The responsibility of the accident is unknown, as both conductors claim to have been running on time.

HENDRICKS.

What the Governor of Indiana Has to Say in Regard to the Presidential Problem—He Discountenances Force as well as Fraud.

His Fears of a Conflict of Authority without any Tribunal for its Adjustment—There are No Such Organizations in Indiana as Morton wants to Make it Appear Exist.

INDIANAPOLIS, December 20.—The *Journal* of to-morrow will contain an interview with Governor Hendricks, the leading points of which are as follows:

The governor said the men who voted for Governor Tilden believe he was elected, and they are greatly excited at the possibility that he is to be deprived of the office and another to be inaugurated who was not elected, by means of party machinery anti-republican in its character, and even by a disregard of the local law in its organization, and by the fraudulent exercise of its powers. They do not believe that under republican institutions it is possible that no inquiry can be made into the conduct of the four men who undertook to control the Presidential election by fraudulent means. They believe that it is the duty of the house of representatives to see that the proposed wrong is defeated, even should the senate attempt to maintain it. The opinion prevails generally, I believe universally, among them, that the house of representatives is clothed with equal power with the senate in the decision of all questions which might arise during the progress of the count of the electoral vote, and that it would be a usurpation in flagrant violation of the rights of the people should the vote be counted and the questions decided by the presiding officer of the senate, in defiance of the rights of the house.

What public significance should be attached to the action of the Democrats in calling public meetings in the northwest, especially in this State? And as your supposed connection with it has given rise to much comment, will you state whether, in your opinion, either party would, under any circumstances, be justified in resorting to force to secure the Presidency?

Governor Hendricks—The fact that this power above alluded to is claimed for the president of the United States senate, and its exercise by him is threatened, has greatly contributed to excite popular feeling. In this condition of the public mind, the Democratic committee of the State issued the call for the convention of the eighth of January, not for the purpose, as I suppose, of making any threats or of organizing any resistance to authority, but for the purpose of making a public expression against the threatened invasion of popular rights, and of giving the house of representatives an assurance of support in the exercise of its constitutional rights and prerogatives. There is no purpose, so far as I am informed, of going further. In further answer to your inquiry, I do not regard force as a means to be contemplated to secure the Presidency. So far as the eighth of January convention is concerned, I am very sure that its reliance, its only reliance, to secure the fair results of the Presidential election will be upon the force and power of public opinion in support of the right and against the wrong, and in support of the house of representatives in the assertion and exercise of its constitutional powers, as those powers have been declared in the uniform practice, and in the adoption of the twenty-second joint rule, and the passage by the senate of Governor Morton's bill at the last session. It is perhaps proper to add that should the house positively assert its right to participate in the count, and should that right be denied and refused by the senate and supported by the executive power, we would stand in the presence of serious dangers, not because of any party movements, but because of a conflict in the machinery of the government, without any tribunal for its adjustment. I observe, in some newspapers, the statement that a secret political society is being organized in this State, the purposes of which are dangerous to the peace of society. I think I am in a position to know, if there were any such movement in this State, or any portion of it, and I feel confident in saying that the report is without any foundation in truth. It is wholly false, as I believe and as I think I know, and has its origin with bad men and for partisan and bad purposes. The contest in this State last summer and fall was, on the part of the Democracy and Conservatives, eminently fair and open. There is no motive, and, as I am sure, there is no purpose to depart from that policy.

FROM THE PEOPLE.

No Fireworks.

EDITORS APPEAL—We merely express the wish of every business man in the city when we, through your valuable medium, ask that the use of fireworks be dispensed with during the coming holidays. We have more cotton now on hand than ever before at one time. Everything of a combustible nature is as dry as tinder, and water is scarce. A fire now might cost the city a million or more of money. So, under the circumstances, we hope the authorities will insist on and rigidly enforce that no fireworks shall be used within the corporate limits.

J. S. CARRUTHERS.

Reserved Seats.

EDITORS APPEAL—The manager of the New Memphis Theater advertises one dollar as price of admission to night and fifty cents to afternoon performances, but it seems that it is a mere showman's trick—clearly devised to deceive the public. On last Saturday afternoon about two rows of back seats on the first floor were opened to persons buying regular tickets; balance of seats were marked "Taken," when, in fact, very few were preengaged, and many of them were unoccupied during the entire evening. Holders of regular tickets were notified that they must take a back seat, go to the gallery, or pay an advance of fifty cents on the regular rates. I am told this has recently been the custom at all the performances, and I desire to protest against the practice, as unworthy a respectable theater. If regular fare only admits persons to the back seats and galleries, I insist that the people shall know it, and not be deceived by such sharp practices as above.

L.

Can't Go Behind the Record.

EDITORS APPEAL—I have read with great interest Judge Black's letter in your issue of the twelfth, but would like, with all due humility, to point out where I think it is weak. I feel quite satisfied that the returning board of Louisiana has been guilty of great frauds, but I don't think that Judge Black makes out his case that congress has the right to correct these frauds. I agree with him that a reasonable construction of the constitution gives congress, or its appointees, the right to count the electoral votes, after the president of the senate has opened them, and also the right to be satisfied that the electoral returns are signed by the proper State officials required by law; but behind that I do not think they have any right to go, nor do I think that the framers of the constitution ever intended congress to have the right to throw out the legally certified electoral votes of a State. In case of fraud on the part of a governor or returning board of any State, in connection with the Presidential election, it appears to me the only remedy is in the State legislature, or in the courts. If these fail, then all I can say is, that it is a weakness in the American system, and a weakness in the system of States rights. Unfortunately, the present case has been complicated by an undue interference of the Federal power, but I scarcely think this wrong can be remedied by the additional wrong of congress interfering in State affairs. The true remedy appears to be for congress to control the Federal power by new and more explicit enactments, if necessary, and leave the States to take care of themselves, and I think this plan is more in consonance with the spirit of the constitution than any other. If Grant has exceeded his powers, impeach him. If he has kept within the letter, but exceeded the spirit of the law, which I believe to be the true state of the case, have the laws made more explicit and rigid. Frequent comparison is made with England, but I think the comparisons all fail, from the simple fact that there is no such thing as States rights there, and parliament is supreme over everything except the law courts (and over them also in a sense, but not more so than congress). It may be interesting, by the way, to your readers to know that election disputes in England are now settled by the law courts, and not by the house of commons, as formerly. Why not refer the present election to the law courts, as proposed by Mr. Edmunds, I believe? or, as your house of representatives is judge of the eligibility, etc., of its own members, why not let the electoral college decide the question in the same manner? Apologising for the length of my letter.

SYMPATHETIC FOREIGNER.

Repeal the City Charter.

EDITORS APPEAL—For more than a year I have urged the total repeal of our city charter, and the resolving of the inhabitants of Memphis back into the body of Shelby county as the one effectual method of saving the people from the swift confiscation and ruin about to be visited upon them by remorseless creditors. Many have doubted if this could be done, saying the courts would disregard it and compel the levy of taxes despite any legislative action. Let us see. The supreme court of Tennessee have repeatedly affirmed the power of the legislature to repeal municipal charters. The city of Memphis is a municipal or public corporation. As contradistinguished from a private corporation, municipal or public grants of franchises are always subject to the control of the legislative power for the purpose of amendment, modification or entire revocation. [5 Heikel, 537.] "The creation of municipal corporations and the conferring upon them of certain powers and subjecting them to corresponding duties does not deprive the legislature of the State of that complete control of their citizens which was before possessed. It still has authority to amend their charters, enlarge or diminish their power, extend or limit their boundaries; consolidate two or more into one; overrule their action whenever it is deemed unwise; impolitic or unjust, and even *abolish them altogether* in the legislative discretion. The rights and franchises of such a corporation being granted for the purposes of the government, can never become such vested rights as against the State; that they cannot be taken away, nor does the charter constitute a contract in the sense of the constitutional provision which prohibits the obligation of contracts being violated." [Cooley's constitutional Limitations, 192.] In support of the foregoing proposition, Judge Cooley quotes numerous judicial decisions. The power of the legislature to annihilate the municipal corporation of Memphis is, in my opinion, unquestionable; but whether debatable or not, suppose the next general assembly should entirely repeal our charter, and leave us utterly without municipal government and subject alone to the county government, as the balance of the inhabitants of the county for the management of our local affairs, we would then be without mayor, council or other city officers, and be governed precisely as the people in the suburbs of the city outside the corporate limits are now governed and protected, viz: by the justices of the peace and the county constabulary—a far better and cheaper government. Now, suppose for the sake of argument, this revocation of the charter should be pronounced by the courts void, still there would be no election of mayor and council, no municipal officers upon whom a mandamus to levy taxes could operate. The function of a mandamus is to compel an officer, or a corporation to do that which by law they are authorized to do without compulsion; but if there is no officer, and no organization of the corporation, the mandamus becomes nugatory and valueless for want of a subject. The court cannot appoint a mayor and council, nor can it levy a tax and collect it through a receiver or other officer. This is well settled. The Louisiana legislature created a board of levee commissioners for Madison and Carroll parishes, with power to construct levees, issue bonds in payment, and levy taxes to pay principal and interest. There was no repeal of the corporation—the law of its being remained in force—but the commissioners resigned to evade the levy of the tax, and Heine, a holder of the bonds and coupons, brought suit in equity in the United States court to compel the levy of a tax to pay them. In that case the supreme court of the United States said: "The power we are here asked to exercise is the very delicate one of taxation. This power belongs in this country to the legislative sovereignty, State or national. In the case before us, the national sovereignty has nothing to do with it; the power must be derived from the legislature of the State. So far as this case is concerned, the State has delegated the power to the levee commissioners. If that body has ceased to exist, the remedy is in the legislature—either to assess the tax by special statute, or vest the power in some other tribunal. It certainly is not vested, as in the exercise of an original jurisdiction, in any Federal court. It is unreasonable to suppose that the legislature would ever select a Federal court for that purpose. It is not only no one of the inherent powers of the court to levy and collect taxes, but it is an invasion, by the judiciary of the Federal government, of the legislative functions of the State government. It is a most extraordinary request, and a compliance with it would involve consequences no less out of the way of judicial procedure, the end of which no wisdom can foresee." [19 Wallace, 661.] In the same case the court said: "It is the experience of every day and of all men that debts are created which are never paid, though the creditor has exhausted all the resources of the law. It is a misfortune which, in the imperfection of human nature, often admits of no redress. The holder of a corporation bond must, in common with other men, submit to this calamity when the law affords no relief." [19 Wallace, 660.] In the case of Burkley *vs.* the levee commissioners of Madison and Carroll parishes, recently decided, the supreme court of the United States says: "If there be a judgment against the corporation, a mandamus will not lie to enforce the assessment of taxes for its payment, for want of officers upon whom to serve the process." Having thus shown there is a way to save ourselves from impending ruin, I will in a future communication endeavor to show that we ought to take that way promptly, and will offer some objections to the proposed alterations of the city charter offered by the committee of the council, and some objections to Mayor Flippin's plan.

MINOR MERIWETHER.

Steamer Montana Burned.

SAN FRANCISCO, December 19.—Captain Douglass, of the steamer Montana, telegraphs that the Montana, which left this port on the second instant, arrived at Guyamas on the fourteenth, and left at half-past ten o'clock. An hour after a fire was discovered coming up the midship ventilator, and in five minutes the ship was ablaze. The captain ran her ashore two miles inside of Cape Laro in order to save the passengers and crew. No lives were lost, and nothing on board was saved. Among the passengers on board were Lieutenant King, of the United States army, and a number of recruits for the military posts in Arizona. Quarters have been arranged for them at Guyamas, and the authorities there tender every assistance. The American consul has provided for the passengers and crew. The ship burned to the water's edge. The Montana was a wood-screw steamer, of one thousand tons; was built at Bath, Maine, in 1865, and valued at seventy thousand dollars; insured for sixty thousand dollars, divided among a number of companies. She had a valuable cargo on board when she left this port, but much of the freight consigned to Mexican ports was discharged before the disaster. The cargo at that time consisted of some goods for gulf and Colorado-river ports, forty-seven thousand dollars worth of commissary stores, and eight thousand dollars worth of quartermaster's stores, for military points in Arizona. The government had no insurance.

South Carolina.

COLUMBIA, December 20.—The senate today decided, by a strict party vote, to adjourn with the Republican house *sine die* on the twenty-second instant. Their tax and appropriation bills passed second reading in the senate. The tax levy aggregates seventeen mills, exclusive of the local taxes, and is equal to two million and ten thousand dollars. A resolution passed the Democratic house to-day instructing Governor Hampton to issue a proclamation calling upon citizens to pay to such persons as he may designate twenty-five per cent. of their State and county tax for the last fiscal year, and the persons paying such tax shall receive certificates receivable for taxes hereafter.

CONGRESS.

Apportionment of Representatives According to the Ninth Census—Discussion on Senator Mitchell's Resolution in Regard to Cronin, of Oregon.

The Irish Centennial Address in the House—Debate on the Report of the Judiciary Committee Compelling the Production of Telegrams—Expenses.

SENATE.

WASHINGTON, December 20.—Senator Hitchcock introduced a bill supplemental to the act for the apportionment of representatives in congress among the several States according to the ninth census. Referred to the committee on privileges and elections. It provides for an additional representative in congress from the State of Nebraska.

The senate reconsidered the vote by which the bill to establish the Territory of Pembina was ordered to third reading, and passed on the eighth of August last. The name of the new Territory, which is to be organized out of a portion of the present Territory of Dakota, was then changed from Pembina to Huron, and the bill passed.

The chair laid before the senate a communication from the secretary of war, inclosing the report of Major Comstock, corps of engineers, showing the condition of the work of improving the South Pass of the Mississippi river. Ordered printed and laid on the table.

Senator Wright gave notice that on Friday morning, immediately after the morning hour, he would move to take up the senate bill, declaring the true intent and meaning of the Union Pacific railroad acts, approved July 1, 1862, July 2, 1864, and July 3, 1866.

The pension appropriation bill was passed with the amendment of Senator Davis, requiring the commissioner of pensions to hereafter incorporate in his annual report a statement showing the amount paid for adjudicated claims, and also for the annual reduction in pensions.

The discussion upon the resolution of Senator Mitchell, authorizing an investigation as to the appointment of Mr. Cronin as Presidential elector in Oregon, was then resumed.

Senator Bogy resumed his argument where he left off yesterday, questioning the constitutionality of returning boards, which he characterized as a new invention, and their action of no effect in law.

Senator Eaton also participated in the debate. He argued that every ballot cast for Watts was no more than a blank piece of paper, and the governor of Oregon, taking that view of the case, saw his way clear to give Cronin the certificate, as every vote given for Cronin was a proper and legal vote. By a strict construction of the law of Oregon the certificate of election to Cronin was right and proper, though he [Eaton] thought the governor should have certified to the election of two men and only two men. He [Eaton] would not vote to place in the Presidential chair a candidate of the Democratic party upon the vote of the Democratic elector in Oregon.

Senator Sherman said that if Governor Hayes should become satisfied that he had not a majority of the legal votes of Florida and Louisiana, he would not accept the office of President. If it should be clear that Governor Hayes had not received that majority, he [Sherman] would not have him accept the office. The discussion was not concluded, and the senate went into executive session and soon after adjourned.

HOUSE.

The speaker stated that he had information that there were gentlemen in the city who were bearers to the people of this country of a communication from the Irish nation, congratulating the American people upon this their centennial year. Mr. Holman thereupon asked unanimous consent to offer a resolution reciting that Mr. J. O'Connor Power, M. P., had been deputized to present to the people of the United States the congratulations of the Irish nation on the centennary of American independence, and referring the subject of his mission to the committee on foreign affairs, with instructions to report what action should be taken in the premises. After a short discussion the resolution was adopted.

The report of the judiciary committee on the question of the power of committees to compel the production of telegrams was made. The report asserts that right. A resolution offered by Mr. Hurd, from the minority committee, makes the same assertion, but requires a description of the telegram to be given. A substitute for both of them has been offered by Mr. Knott, chairman of the judiciary committee, declaring that telegraphic communications have no more privilege than oral or other communications, and must be produced when called for.

A long discussion ensued. Among the notable speeches made was one by Mr. Garfield, protesting that the telegraph should be as sacred as the postoffice; and one by Mr. Hewitt, declaring that the sanctity of the postoffice was more imaginary than real, as his [Hewitt's] letters had been constantly opened in the New York postoffice.

Mr. Hewitt went on to say that, while he subscribed to the doctrine that the private communication of individuals should be protected, he wished to say on this occasion that there was no purpose on the Democratic side to prevent the telegrams being opened freely on both sides; and he thanked heaven that there was no communication bearing his name that he was not willing and would not be glad to have published; and he had already authorized the president of the Western Union telegraph company to produce every telegram bearing his signature. [Applause.]

Mr. Garfield suggested that it was the duty of the gentleman [Hewitt] to ask for an inquiry, and he [Garfield] would assist him in it.

Mr. Wood [N. Y.] favored the report of the committee, and opposed Mr. Hurd's amendment as being tantamount to a defeat of the Louisiana investigation. Finally the Hurd resolution, requiring the subpœna to describe the specific telegrams to be produced, was defeated—yeas 94, nays 122—and Mr. Knott's substitute was adopted without division.

Mr. Platt then asked unanimous consent to offer a resolution for an inquiry into the charges made by Mr. Hewitt against the New York postoffice, but objection was made by Mr. Luttrell.

On motion of Mr. Phillips the senate amendment of the house bill for the sale of certain lands in Kansas was non-concurred in.

Mr. Chittenden asked leave to introduce and have referred to the banking committee a bill for funding the legal-tender notes, but objection was made by Mr. Holman's bill, which provides first, that the secretary of the treasury be, and is hereby authorized to withdraw, as soon as the necessary preparations can be made, the legal-tender notes of the United States whenever presented by the holders thereof, and issue therefor dollar for dollar, face-value coupon, or registered bonds of the United States, in the spirit of the original legal-tender act; provided that the bonds authorized by this act shall be payable in gold at the expiration of forty years from the first of January, 1877, and bear interest at the rate of four per cent. per annum, payable quarterly in gold. Second, that the bonds authorized by this act shall be available for deposit in the treasury of the United States for banking purposes, under the provisions of the various laws relating to national banks. Third, that legal-tender notes, received in exchange for bonds under this act, shall be destroyed under such regulations as the secretary of the treasury may provide.

A conference report on the bill to provide for the expenses of the investigating committees was made by Mr. Holman, which was discussed and agreed to.

Adjourned.

Havana, December 18: In the jurisdiction of Santa Clara the Spaniards have destroyed three salt pits and sixty-three huts belonging to insurgents, six of whom were killed in the jurisdiction of Santiago. A Spanish column of troops, with one hundred cavalry, defeated a party of six hundred insurgents and dispersed them, killing twenty-seven. The loss of the Spaniards was twelve soldiers and three officers killed and twenty-six wounded.

INVESTIGATIONS.

The Investigating Committees Decided to Have the Right to Send for Telegraphic Dispatches.

The House Committee in New Orleans Still Hearing Testimony—The Senate Committee in Secret Session.

The Florida Investigations Coming to a Close—The Count of the Board of Canvassers Show Tilden's Majority 119.

Mileage for Electoral Messengers.

WASHINGTON, December 20.—The treasury department has made up the amount of mileage for messengers bearing the electoral votes of the different States. The total amount for all the messengers is eight thousand eight hundred and fifty-seven dollars. The messenger from Oregon gets the largest amount, nine hundred and thirty-one dollars. Some one will have to decide which one of the Oregon messengers is entitled to this amount.

In the Committee Rooms.

WASHINGTON, December 20.—The house committee on Pacific railroads to-day reconsidered the vote by which they heretofore authorized their chairman to report for passage the senate bill extending the time for the completion of the Northern Pacific railroad. This action is taken with the view to considering certain amendments for the protection of homestead and pre-emption settlers, etc. The session was mainly occupied in discussing the new proposition providing that the Southern Pacific company, of California, shall be allowed to build seven hundred miles of the western portion of the transcontinental line under the provisions of the original Aiken's bill, making the through line an open highway for the government and the people, and all other railroad companies; reserving to congress the right to regulate charges for freight and passengers. The committee adjourned until to-morrow, without action.

In New York.

NEW YORK, December 20.—A majority of the house committee on judiciary decided today that the special investigating committees have a right to send for telegraphic dispatches when, in the opinion of the committee, such dispatches are essential to the purposes of inquiry, or, in other words, that any of the committees, demands for telegrams, etc., must be complied with, under penalty of being held in contempt of the house. This was, in substance, the position taken by Lynde, chairman of the sub-committee, to whom the subject was referred for report. Hurd and M'Crary reported that in their opinion the telegrams called for should be specifically described, and in this view they were sustained by Hoar and Frye, but Lynde's proposition was adopted by vote of five against six, the affirmative votes being cast by Knott, Hunton, Ashe, Lynde and Caulfield. Messrs. Laird and Lawrence were absent.

In Louisiana.

NEW ORLEANS, December 20.—The senate committee met at half-past eleven o'clock. The statement of the votes rejected in each precinct, and at what polls rejected, was received from the returning board. Senator M'Donald made a motion that a *subpœna duces tecum* issue to the returning board for all protests and affidavits accompanying the consolidated statements of supervisors; also for the returns of each poll in each parish. Senator Howe, chairman, said he could not understand what figure the protests and affidavits which formed the basis of action of the returning board could cut in this investigation unless the committee proposed to review the action of the board in an appellate capacity. Senator M'Donald said it was not the province of the committee to determine any thing—the committee wanted only facts for the information of the body from which the committee derived its authority, and the committee ought to know the facts upon which the board rejected the votes, which by their statement received they admit they did reject. The committee commenced its work in secret to-day. A large crowd was in attendance, but the committee decided to exclude all except counsel for the political parties, witnesses and representatives of the press.

The house committee continued taking testimony. Among the witnesses examined were General Anderson and Charles Cassanave, both of the returning board.

In Florida.

TALLAHASSEE, December 20.—The house principal committee left to-night for Live Oak, where it will be met by witnesses from Jasper precinct, in Hamilton county. It will go thence to Jacksonville, where the Duval and Alachua witnesses are waiting. The investigation will be closed there. It is probable that the final report will be made on the first of January. The sub-committee will proceed to Jackson county and canvass that county. The senate committee still holds secret sessions and spent the day in examining the witnesses from Monroe, Monatee and Jackson. The supreme court did not render a decision to-night, but adjourned until to-morrow, when a decision is looked for. The senate committee called on the secretary of state to-day for a tabular statement of the vote for Presidential electors on the face of the returns, which was furnished, figuring up—Hayes 24,370, and Tilden, 24,312; this including return No. 1, from Baker county, which was by unanimous action of the board rejected and other returns substituted, which gives Tilden 119 majority.

THE LITTLE ROCK FIRE.

Additional Particulars of the Last Attempt to Burn the City of Roses—Losses and Insurance, Etc.

LITTLE ROCK, December 20.—Last night's terrible conflagration was brought under control between eleven and twelve o'clock. The flames, by the exertions of the fire department, were confined to the Miller & Penzel block. The loss is estimated at $160,000; insurance less than half the amount. The block is a three-story brick, extending from Markham to Elm street, fronting on Markham seventy-five feet. It was owned by Fred Kramer, and valued at $35,000. The three adjoining brick buildings, owned by the same party, which were raised to prevent a spread, were worth $3000. The lodge room of the Masonic bodies, in the third story, could not be entered, and the loss was complete—from $3000 to $5000. Jones, M'Dowell & Co. lose about $40,000; Miller & Penzel covered about $90,000 stock and will lose heavily. The insurance is as follows: Miller & Penzel block, $5000 in the Fire Association and $5000 in the Girard, of Philadelphia; on Miller & Penzel's stock, $2500 in the Franklin, of St. Louis; Jones, Dowell & Co.'s stock, $2500 each in the Royal Canadian and Amazon, of Cincinnati, and $5000 in the Citizens', of St. Louis. Within the past six weeks this city has lost $350,000 from fires, the cause of any of which is shrouded in mystery.

The epidemic of fires has caused intense excitement in this city, which is now assuming shape. The city council resumes its session to-night, which was interrupted by the alarm of last night. The officials will adopt measures for the better protection of property, and new fire apparatus has already been ordered. To-night a large force of watchmen has been employed by the property owners, who will guard the business portion of the city. It is believed by many, and charged by the *Evening Star* of this date, that incendiaries and thieves have banded together for the purpose of plunder, and that vigilance committees should be organized and the incendiaries hung. During last night's fire an unsuccessful attempt was made to burn the brick block owned by Mayor Fletcher, on the corner of Main and Fourth streets. A bale of cotton was saturated with kerosene oil and ignited. The insurance on the property destroyed in last night's fire is as follows: Miller & Penzel block, owned by the estate of Miller—Phœnix, $5000; Continental, $5000; Gerard, $5000; Underwriters, $5000. Miller & Penzel's stock of goods—Phœnix, $5000; Franklin, of Philadelphia, $5000; North British Mercantile, $5000; Ætna, $2500; Liverpool, London and Globe, $6500; Queen, $3000; Underwriters, $2500; Franklin, of Missouri, $2500. Jones, M'Dowell & Co.'s stock—American Central, $5000; also $10,000 divided among other companies. Fred Kramer's three small brick stores, $2500; Kaufman's stock of toys and bakery, $1100. Total loss, $150,000; insurance, $72,000.

LOUISIANA.

Speech from Governor-Elect Nicholls (Democrat) to the People, Outlining His Policy.

NEW ORLEANS, December 19.—A large crowd, headed by a band of music, serenaded Messrs. Nicholls and Wiltz at the City hotel to-night. In response to a call, General Nicholls made a short speech, in which he said that those who had been chosen as representatives of the people would be found faithful to their trust; they would act with firmness and discretion, keeping in view their honor and the interests of the people. General Nicholls reaffirmed the statement made by him before the nominating convention, that he would be the governor of the whole people, and not of party or race. In conclusion, he said: "In the midst of the grave events now transpiring, it would be incompetent and unwise for me to fix and define the exact course to be pursued. This much I must say to you: Let every individual citizen yield his own opinion as to the best mode and time of reaching the final result which we all have equally in view, to the decision of those who, accepting positions of honor and trust, tendered them by the fellow-citizens, should justly assume the responsibilities flowing from those positions. Peacefully, fairly and legally elected your governor, by over eight thousand majority of the votes of both races in the State, I announce to you my determination to assert and maintain my right to that position, and I know that you are equally determined that I shall do so. I shall be prepared to do my whole duty, and I shall expect the same from every citizen of Louisiana." These remarks were received with great applause. Mr. W