THE APPEAL FOR 1882.

In issuing its prospectus for 1882, the APPEAL has but one promise to make, and that is, a determination to maintain its character and rank in the fore-front of American newspapers. The APPEAL is now regarded as one of the institutions of the South. Its history for the past forty-one years is the history of the development of Southern thought, Southern politics, Southern industry and Southern literature, and its sympathies and aims will be the same in the future. The paper will continue to be the constant reflex of the most reliable intelligence obtainable from all parts of the world. It will remain inflexibly Democratic, but its space will be mainly devoted to news, the interests of agriculture, trade, commerce, manufactures, internal improvements, the development of Southern resources and all branches of industry. While always on the alert for the latest intelligence, it will avoid the mere sensational, and will never pander to vitiated tastes. The APPEAL is specially devoted to the interests of Tennessee and Memphis, its great commercial emporium, and will use its best abilities to promote both. It realizes that the future empire of this country lies in the South and West, and will labor to combine the political and business relations of these two sections in inducing the legislation of Congress for improving the navigation of the Mississippi river and its tributaries.

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MEMPHIS APPEAL

FRIDAY, : : : JANUARY 20, 1882

THE MAHDY TO-COME.

THE Moslem world is greatly excited over a revived prophecy by Mohammed that a Messiah of his name would suddenly appear in the year of the Hegira 1300, which is this year of 1882 of our era, in some distant place, whence he is at once to march on Mecca, destroying all unfaithful Moslems, as well as Christians, on his way. The streets of Mecca itself will run with blood. He is to be called Mahdy (guide), and is to overcome all opposition and reign over the world until the second coming of Jesus and Mohammed for the final judgment. Dr. George Washburne, of the Roberts College, Constantinople, who calls the attention of the Christian world to this revival of Mohammedan tradition, says that it is a curious fact that there is now in Tripoli a man who answers in every way to its demands. He is the son of a famous sheikh of the family of the prophet whose name is Abdallah. His own name is Mohammed. The tradition says that his vicegerent is to be named Abd-ul-Mutullebs, and this is the name of the present scherif of Mecca, who is supposed to be conspiring against the sultan. It was even reported in Constantinople a few weeks since that this man Mohammed-ibn-Abdallah had actually started from Tripoli to fulfil his mission, but it proved to be a false alarm. Of course, the sultan, whose throne is involved, is very much opposed to this movement, yet the faithful continue to grow more and more excited within the line of the prophecy, and there is no telling what may be the result. As Dr. Washburne says, "a generally accepted prophecy of this kind tends to fulfill itself." It is a suggestion to ambitious men who will not scruple to take advantage of the general effect it produces with the masses to hasten its fulfillment.

SHALL THE MONROE DOCTRINE STAND?

In Europe one dominating question continually controls international action, that question is usually formulated as "the balance of power." The object of action taken in reference to this subject has been to prevent any one State from attaining an eminence that might endanger the national existence of the other States. The operation of this system has been seen, for instance, in the continued check given to the aggressive efforts of Russian ambition. Isolated from European complications, the United States have taken no part in the "balance of power" policy as it regards Europe, nor have events rendered it necessary to construct a similar policy for the American continent. It has been found necessary, however, to establish a policy which should protect this whole American continent from interference on the part of European powers that might be disposed to acquire and hold territory on this side the globe, as England holds the East Indies, and as France holds Algeria. The United States initiated this policy when, after the battle of Waterloo, they informed the "Holy Alliance" of the European powers that any attempt on their part to re-establish the power of Spain over her revolted colonies on this continent would be resisted. That policy was made permanent when the Monroe doctrine was proclaimed to the world. Hitherto the Monroe doctrine has had a passive compliance on the part of Europe. The odious Louis Napoleon thought to extinguish it when he took advantage of our civil war to attempt to establish a Mexican monarchy, with the unfortunate Maximilian at its head. The opposition of the United States brought disaster on that scheme, and thus gave a prominence to the Monroe doctrine that excited jealous feelings on the part of the European governments against it. The commencement of the construction of the canal across the continent at Panama has brought the doctrine to its test point. The opening of that canal carries with it international consequences that are too important not to arouse the desire of the great ruling powers to connect themselves in some authoritative manner. Especially England, as the principal naval power, claims rights of interference which are inconsistent with our national policy of "hands off" on the part of the European governments. Together with the wish to destroy the principle announced in the Monroe doctrine, there is dislike, on the part of the aristocracies and monarchies of Europe, to the United States, a country that has taught the world that peace, order and prosperity can exist in a great nation without the aid of the lord, hertzog or king. The monarchies hate a country whose inventiveness and industry has deprived them of a monopoly of manufactures, and whose supplies of cheap food are lowering the rents of the lords of the soil. In many ways the American republic is an eyesore to the governing class of Europe, and glad would it be to humble the United States, and to lessen their prestige by a successful crusade against the Monroe doctrine; and this they expect to do by seizing the opportunity developed through the international relations involved in the opening of a canal across the Isthmus. Month by month the crisis comes nearer when the people of the United States will be compelled to decide whether they will, or will not, support and stand by the principle announced in the Monroe doctrine. Whether the American continent is to be left open to interference, aggression and conquest on the part of the European powers; or whether they will organize and maintain a balance-of-power system as against Europe. The blundering of our representatives in Peru and Chili, and the manner in which our government in the Blaine manifesto recently urged the Monroe doctrine, has placed us at some present disadvantage, but putting aside the mere accidents of manner and blundering, can the American people afford to renounce the principle proclaimed by Mr. Blaine, and the claims that principle suggests? Let us imagine England governing one portion of this continent, France another, and Germany another, each endeavoring to stretch its domain, extend its power and increase its trade, and what would become of the prospects and the prosperity of the United States? This is a question every American should ponder and decide upon. We have much to think of if we decide that the Monroe doctrines shall stand, and therefore no European power shall interfere on this continent or acquire possession of territory upon its surface. By our narrow and unscientific tariff system we have almost destroyed our maritime power and banished our merchant marine from the seas; we have also estranged from us the South American powers, and cast them into the arms of the very governments in Europe that desire to humble us. That we may not be thought one-sided on this part of the subject, we copy the following from that staunch and able protectionist journal, the Philadelphia *American*, of January 14th, which, speaking of our foreign policy during John Quincy Adams's administration, says: "Since that time they (the South American States) have fallen into much closer relations to other countries than to ourselves. Their foreign commerce has been nearly monopolized by European countries. Their intercourse has been mainly with the citizens of monarchical countries, and they have had none of the advantages which they might have derived from the constant acquaintance with a well-ordered and long-established republican system. As a consequence, Chili, the most orderly of the series, has fallen into an aristocratic and despotic mode of government which is more European than American, and the others, while remaining more democratic, have been less orderly and settled in their government." In the New York *Herald* the questions are asked: "Are the fifteen or sixteen republics to the south of us, which speak the Spanish language, including Mexico and Santo Domingo, turning away from Europe more and more each year, and turning to the United States as 'the great and good friend' of each and all? That is certainly a rather serious and important question. Are British and European influences increasing among those republics to the disadvantage of the United States?" These questions and facts are of great interest just now, as many thinkers believe that, in view of present circumstances, the United States should invite delegates from the fifteen or sixteen republics to meet in conference and decide what attitude the whole American continent shall assume as a settled and general policy toward European intervention in the affairs of this continent, and especially whether countenance shall be given to any European assumption of claim to be parties in deciding the system on which the international policy respecting the Panama canal shall be settled? With the sanction of such a conference, the powers of Europe could be informed, in terms they must regard, that the populations of the continent of America—populations that took no part in settling the question of the international relations of the Isthmus of Suez canal—will not admit of dictation or interference from the governments of Europe in settling the international *status* of the canal across the Isthmus of Panama.

THE ALARM ABOUT IMMIGRATION.

The constant, systematic and increasing tide of foreign immigration pouring into the United States has had a tendency to revive knownothingism. Men of narrow and contracted views, and ignorant as to our ability to furnish homes, employment, prosperity and happiness for all the people in the civilized world are impressed with the belief that if the tide of immigration continues we will soon have a surfeit of population, and stagnation and a struggle for existence will be the result. There is no occasion for any such alarm, as the facts show that the whole of France could be emptied into California, and the whole of England into Texas without producing a density of population equal to that now in Massachusetts. It will be time enough to talk about too much population a hundred years from now. But this subject has already attracted attention. In an article headed "How Much Population Are We Want," the St. Louis *Republican* says:

> Our country began the present century with a population of 5,308,000; it now has 50,155,000. The increase has been manifold in eighty years. The growth in the last decade was over thirty per cent. This rate, if continued, will give us 65,000,000 in 1890, and 91,000,000 in 1900—a growth from 5,308,000 to 91,500,000 in the round century, and it will enable the ten-year-old children of to day, when they shall have reached middle age, to look upon a population of 100,000,000, and by the time they shall have reached threescore and ten to look upon a population of 287,000,000. These are staggering figures. It is hardly conceivable that our present rate of growth will be maintained for sixty years to come, for even if immigrants should continue to come to our shores in such armies as now, it would be necessary for us to take measures to repel them. There are few children, if any, now living who will be willing to see 200,000,000 souls packed together in this country. The time will come, then, when we shall cease to count more population, and shall say it is enough. This suggests an interesting question which we shall need to discuss, perhaps, sooner than we imagine: How much population do we want? At what point shall we shut down the gates against the inflowing tide from the Old World, and declare that it shall flow in upon us no longer? Just at this time we are welcoming all immigrants who come, and we take no special trouble to invite and encourage their coming; and we are absorbing and assimilating the enormous annual accession with a rapidity and ease that astonishes the world. But this cannot last many decades longer. Perhaps before the present one shall end there will be exhibitions of impatience among the laboring classes at the continuance of a movement which threatens to break down wages and make the struggle for existence sharp and painful.

It may be wise statesmanship to discuss this important question in advance and to provide against evils that are likely to result in the remote future, but there is certainly no cause for serious trouble ahead. It is impossible for the tide of immigration to be so continuous and so large as to produce distress and dangerous commotions. If France, with its immense population, is prosperous in a country of less area than one of our States, Texas, with its rich and productive soil, could swallow up the whole of Europe and still have ample elbow room. Why, Crittenden county, opposite Memphis, would be able to feed the entire population of one of the smaller empires of Europe if all its lands were in cultivation and protected by levees. But the immigration from Europe will in a few years subside. It may increase in volume until Europe is rid of its surplus population, but then the flow of humanity to America will cease. The wonderful prosperity in the United States and the general depression in Europe have given an impetus to immigration. The first reversal of this incentive will not only stop the tide of immigration, but cause it to some extent to flow back to Europe. The people of the United States should not discourage immigration, but endeavor to Americanize America. Our people should absorb the foreigner and induce him to assimilate to our institutions. If knownothingism had prevailed, the foreigners, deprived of their civil and religious rights, forced to pay taxes without representation, and to obey laws which they had no voice in making, would have been an army of aliens in our midst, enemies to the institutions which ostracised them. But thanks to the Democratic party, knownothingism was crushed out, and now the American people protest against that new phase of knownothingism which has made its appearance in the shape of foreigners banding together and demanding office because they are foreigners. This exaction is an abuse of the hospitality of the American people. The mission of this republic is not to give men office because they had their origin beyond the sea, but to afford equal opportunities to all men, without regard to nationality. The American people say to the oppressed of Europe, emigrate to America; leave the land where men are quarreling over its traditions, where thousands of tender mothers have cried until the fountains of their grief are exhausted, and with parched lips are bewailing with unspeakable anguish that there is no way in which they can procure food for their children; but in locating in America you must not affront us by organizing as nationalities and demanding office because you are foreigners. This is not the way to Americanize America, which has no symbols save those of civil and religious liberty. It is not a matter of the slightest concern to the American people as to the birthplace of a citizen. Here all opportunities are within the grasp of energy and patience, and here the only royalty or nationality is merit, honesty, heart and brain. Here we have free lands on which to produce bread, and free schools in which to educate your children, and where the air is so pure that the mists of wrong and oppression can never exist. But it should be remembered that if the American people arose in their majesty and crushed out knownothingism because it proposed to give office only to native Americans, they will with the same indignation crush out that knownothingism which claims office for a foreigner upon the ground that he is a foreigner.

THE 100-3 CASE.

Second Day of the Hearing Before the Supreme Court—Vertrees Concludes His Argument.

A. D. Bright Opens for the State and is Followed by Messrs. Talliaferro and Smith.

The Supreme Court opened at 9:30 o'clock on Wednesday morning, when Mr. John J. Vertrees, the *Banner* tells us, resumed and finished the argument he commenced the day before. It consisted of a recapitulation of his foregoing speech, with some illustrations and explanations.

Argument of A. D. Bright, of Brownsville.

Mr. A. D. Bright, of Brownsville, then said: Upon examination of the authorities cited by the preceding attorney, that it consisted of the largest amount of shucks for such a small ear of corn, as he had ever seen. He said he had no printed brief, like the other attorney, as they were too poor in his country to have one printed for him.

The bill gives what the complainants charged, the political views and party platforms of the people of Tennessee. It charges fraud, bribery and corruption. They do not say to what extent they are injured in character or property, or what. His first proposition was, that this is a suit against the State; the State is a party to the contract. It does not provide that M. T. Polk and D. A. Nunn shall carry out the act; it provides for the comptroller, treasurer and governor. To enjoin the defendants is enjoining the State. In the Bloomstein case, to compel an officer to do what the legislature prohibits him from doing, it is a suit against the State, and if the State requires those officers to do a thing, and an injunction is obtained to prevent from doing what the State requires them to do, it follows that it is a suit against the State. If the disposition of the soil of a State is an attribute of sovereignty, it follows that she has a right to dispose of her revenue. The State is the one that can only provide for the settlement of her debt, and a suit to prevent her from doing this, is a suit against the State. If, as they admit, this is a contract if consummated between the State and the bondholders, then to stop the contract is to stop the State.

On the constitutionality of the act I have to say: The act does not prevent the complainants from altering or reforming the government. The complainants can still do this. The legislature is a co-ordinate branch of the government and is presumed to do its duty. The reasonable deduction from the complainants' argument is, that the act violates the constitution because it does not violate the constitution. The courts can only enforce the constitution when it comes in conflict with the legislative act. It is the duty of the courts to carry out the intent of the legislature when it does not conflict. It cannot decide upon the right and expediency by which the act was passed. And the court must give it the construction that will enable it to have its effect. The complainants do not show any right that the coupon feature postpones. They are by no means the people of the State. The coupon feature is not in this case, this question only is raised at the time the bondholder presents his coupon for taxes. Why is this feature so objectionable? If the coupon feature binds the State to pay its debt and maintain the honor and credit, I can see no objection. If by leaving the coupon feature out the honor and credit of the State is lost, then we maintain that feature is a good one. The bill does not charge any fraud upon the defendant. It does not specifically set out who was bribed. It does not give the time, name or the party, who received or give the bribe. No one can tell who the parties were. No issue can be made by the bill. The charges are too general. The court cannot look to intrinsic matters, and there is nothing specific. The bill might just as well have charged the whole legislature of being bribed. The court cannot inquire into the motive of the legislator for voting for the bill. How far the legislator may depart from morality the courts have no right to inquire into.

Judge Bright supported his interesting argument by a long list of decisions bearing directly upon the point. Suppose the Court could inquire into the motives of every legislator, where would the thing be stopped? Every member would have a right to inquire into every act. Every motive of the legislature could be inquired into; their desire to make a record, their taking of free passes on railroads; everything could then be inquired into, thus introducing uncertainty to the acts of the legislature. The bill is as barren as the fig tree spoken of in the thirteenth chapter of Luke, and the same means has been resorted to by the complainants to make it bear fruit.

Argument of E. T. Taliaferro.

Mr. E. T. Taliaferro followed. He first argued in the question that the act was unconstitutional. If no important measure can pass the legislature without money, where is the remedy unless at the hands of the court? The Supreme Court has never decided directly as to whether a court can inquire into the act of the legislature. Judge Cooley left the question open in the case he decided, and did not say whether there could be a case of such a character or not; also, Judge Marshall, in the case of Fletcher *vs.* Peck, left the question open. Equal virtues are contracts, and there must be some tribunal where it can be inquired into. This act is a contract, and by these allegations in the bill it was born by bribery. Unless the court can inquire into these, then let the people be told, you are wronged, but there is no remedy. No people can afford to purchase honor with dishonor. The people feel and have a right to feel they have had no voice in the contract that binds them. It is safe to predict that there can be no settlement of this debt, unless it can be by the voice of the people. Judge Gier, in Howard's Reports, states that public policy and morality demanded that the trust entrusted to representatives of the people should be carried out to the benefit of their ability, and should not be violated by receiving bribes, and the courts are the places where this may be inquired into. It will thus be seen how rigorous the courts are in enforcing a public policy. The intent of the constitution is to protect the people. Can it be said that bribery and corruption are upheld by the constitution? Can it be said that an act so passed is upheld by the constitution? No. There is no constitutional enactment or decision in Tennessee that prohibits the court from declaring such kind of act, and so passed, void. On coupons, he said: This is the most troublesome feature in the case. By the constitution no money shall be drawn from the treasury except by annual appropriation made by law, and each assembly estimating the amount of taxation necessary to make the appropriations. The coupons, as Mr. Burroughs says, is a first mortgage on the funds of the State; the payment of the other expense is to be postponed until this first mortgage is paid. Each legislature has the right to tax property. What right has this legislature for depriving the legislature that follows in the future from exercising the right of taxation because they are compelled by this act to levy a tax to pay the interest? What right has this legislature to prevent the future legislature in 1940 from appropriating its own revenues? If such a feature could be passed, it places in the hands of one legislature the right to pass a fraudulent contract and bind the people of the next century. No one legislature can, by its own act, disown their successors from exercising their right to sovereignty. There is no power in our constitution giving this power to any legislature. This not only compels them to levy, but appropriates the fund. By the constitution no act can become a law except it mention in its caption the subjects contained in the bill. The act does not in its caption or otherwise mention the act of 1873. The very object of the act was to avoid the act of 1873. This act prevents the tax collector from receiving coupons for taxes, and he only can receive the currency therein mentioned, specially prohibiting the receiving of coupons. The act of 1881 and the act of 1873 are in direct conflict, the one prohibiting the receiving and the other allowing the receiving of coupons for taxes. The act of 1881 repealed the act of 1873.

R. McPhail Smith's Argument.

R. McPhail Smith, reading the act of 1881, argued as follows: "Complainants file the bill as tax payers, as citizens of the State. No facts are alleged in the showing that the bonds were illegally issued, only a general allegation is made. It is insisted that in form it is a law, but, in fact, it is a fraudulent procurement for a contract. The State has a right to redeem the bonds at its pleasure long before the ninety-nine years arrive. The coupon is denounced as a destruction of human government, although it is obvious that so long as the State lives up to its obligation that there is no difference between taking up the coupon by money received from taxes than from receiving the coupons in payment of the taxes. It is objected that it does not mention the subject in the caption. It provides for special legislation they say; it is a suit against the State. It is also void for inefficiency, whatever that may mean. The above is a synopsis of the bill. A fatal objection stares us in the face at the threshold. It is really a suit against the State. No court has any authority to entertain any suit against the State according to the act of 1865. This is sustained by 3 Baxter. This act cannot be gotten around by making an agent of the State a party. A class of cases has been relied on against us where the State was really the party herself. The courts of the State, when they see the State behind the officer, then decide it is a suit against the State; but the Federal view is that the State is a party when the State is a party to the record. The idea of a citizen compelling the sovereign to do an act is repugnant and absurd. The court held in the Bloomstien case, conceding that it was agreed that trust funds should be recovered for taxes, yet the citizens could not compel the collector to take them, for it was a suit against the State, the State being directly interested in the case."

At this point the hand of the clock had reached one, when the chief brought down his gavel and the marshal announced the adjournment of the court until to-morrow morning at 7:30 o'clock, when Mr. Smith will resume his argument.

FITZ JOHN PORTER.

Reply of the Late President Garfield to General Jacob Cox.

CINCINNATI, January 19.—General Jacob Cox has furnished the following answer to his Fitz John Porter letter for publication:

HOUSE OF REPRESENTATIVES,
WASHINGTON, D. C., February 18, 1880.

MY DEAR COX—In our twenty-five years of acquaintance and friendship you have never done a greater service to the truth, or given me so valuable a help, as in your letter of the 14th instant, which I have just received. I have been so stung by the decision of the Schofield board that it is very hard to trust my own mind to speak of it as it appears to me. I have made a strong effort to separate myself from the case and to look at it intellectually, as though it related only to the pieces and chess board, and not to living men, or men who had ever lived, and all of my best efforts have brought me out precisely to the conclusions of your letter. Still, I had not yet made, in the light of the new testimony, a careful strategic study of the field, as you have done. But, how curious it is, that what you say now, with the new maps before you, is the exact picture of the field and Porter's conduct upon it, which glowed in strong colors in the mind of the court-martial seventeen years ago. And now, my dear friend, I need your help still further, and need it more than ever before in our acquaintance. Overwhelmed as I am with the current daily work of this house, it is almost impossible for me to get the time to go minutely through all the mass of this new evidence as I ought to do. With kindest regards, I am, as ever, yours,

J. A. GARFIELD.

MEXICAN OUTRAGE.

A United States Officer Arrested for a Trivial Offense.

DENVER, COL., January 19.—The *Tribune's* Santa Fe special says: "Last week Lieutenant McDonald, who had been scouting along the southern border with twenty scouts for the trail of Nana and his Apaches, crossed the border into Chihuahua and was arrested by the Mexican authorities and taken to Chihuahua City for trial for invasion. The facts have been reported to the war department.

"Governor Sheldon received information this morning that thirty head of horses and oxen from a freight team were stolen near Whitewood, Sheldon's Ditch station, in southern New Mexico. It is not known whether the thieves were 'rustlers' or Apaches. A company of militia are in pursuit of the thieves."

POLITICAL.

It is almost certain that John C. New can go to Russia if he wishes.

It seems certain that John Russell Young is to go to Japan or China.

It is possible that Judge Hunt, secretary of the navy, may receive the Berlin mission.

The successor of General Hurlbut as minister to Peru will probably be soon selected.

There is no intention of removing Mr. Lowell from London, if he desires to stay there.

Judge Bingham, instead of returning to run for Congress in Ohio, may receive the Austrian mission.

Pitkin, of Louisiana, the "My Dear Pitkin" of Butler's letters, it is thought very probable, may be made minister to Mexico.

There will be changes in Central American missions, and it is probable that the appointment will be taken from the Pacific coast.

John Q. Smith, former Indian commissioner, was at the Interior, who was called by his friend of Mr. Hayes, is said to be booked for removal.

The Hon. John Wasson, of Illinois, United States consul at Quebec, who has been in Washington some days, is said to be proposed in the consular service of the government.

Mr. Pendleton's proposition to take the clerical service of the government out of politics is not a matter of much importance, inasmuch as two party organizations, of course, must be opposed to it.

It is expected that the President will appoint a Southern man to the vacancy on the Court of Claims made by the appointment of Hunton. Davis to the office of first assistant-secretary of state.

General O. E. Babcock, Grant's private secretary, is now talked of as successor of Major Twining, the engineer officer of the District government. General Babcock is now the engineer officer of the lighthouse district, which extends from Cape Hatteras to Susquehanna.

The gossips repeat with emphasis the report that Secretary Sherman will be made assistant secretary of the treasury. Those who ought to know the most about it in Washington say that he is not contemplating any such place, although he might very possibly make a successful contest for it if he should try.

That is a pretty picture which Mr. Hoey paints in interviews with the Washington and the anti-monopolist Jones, of the *Times*, interceding with him to beg subscriptions to the Grant fund of millionaires. Why, bless you, Mr. Jones and Mr. Musgrave where would the fund have been? And yet neither Mr. Hoey nor Mr. Musgrave can tell where it is now!

It is reported that General Hurlbut has come home *incog.*, so to say—has sneaked back to America much as a boy sneaks into the house with his father's whipping and tip-toes out to bed. The minister to Peru claims that whatever he did was by the instruction of Secretary Blaine. Does he blush? Why not come with a flourish of trumpets? Why not jump into a lecture bureau at once and explain the tedious controversy?

Bowen, a once prominent Arkansas politician and now a Colorado mining prince, is giving testimony as to the greatness of Dorsey. If Bowen, says the Nashville *American*, has reflected on the Star-route operations of his old opponent, he regards greatness as divisible into good and bad. A great scoundrel may be great in evil, but we imagine the secret of Bowen's opinion is to be found in the line: "Great let me call him, for he conquered me."

"Gath," says of Pendleton's proposition to admit the cabinet ministers to speaking rights in Congress that it is an adaptation, and not a necessary invention. You can not have the American form of government and the English under the same roof. If you put them together they will declare war against each other, or your cabinet reaches Congress through the government printing-house quicker than it does now, and it will be a thousand times allowed to speak on this or that occasion, provoking debate, and either disrupting the influence of the executive government or unduly increasing it.

Secretary Folger has introduced at least one good custom. He has determined not to sacrifice all of his time to the demands of the office-seekers, and he yesterday refused to see visitors altogether. He spent the greater portion of the time in his office with the doors locked, clearing up the vast amount of work that had accumulated on his desk during the week. The secretary says that the time during office hours is consumed in receiving callers—so much so that it leaves him very little margin to transact the legitimate business of his office.

The New York *World*, which is carrying on a profitless war with the New York *Times* and the New York *Evening Post*, says that Ex-Secretary-of-the-Interior Schurz, now editor of the *Evening Post*, incidentally evades any direct denial of the perfectly authenticated statement of Mr. Henry Villard, now president of the Northern Pacific Railway Company, with much decided influence in the interest of that company by Mr. Schurz while secretary of the interior. He contents himself with evasive comments upon Villard's statement and his details as to the precise date at which that connection began, the precise measure of Mr. Villard's present interest in the paper of which Mr. Schurz is now the editor.

What, asks the Nashville *American*, do the people of Tennessee think of the wisdom of keeping the process of funding, its statement and active business men dawdling over this paltry State debt question, when they ought to be engaged, if they could let that issue alone, in setting out and pushing forward the material interests of the State? It is a place with great holds, our legislators have been permitted by demagogues to think of nothing else but means to cheat creditors; or else they have thought of nothing but how to deceive and slam the people as a means to place and plunder. We have settled a six per cent. debt at three per cent. The debt is so small for a State like Tennessee that in five years it will never be heard of and no man in or out of the State will ever know we have a public debt. This agitation is worse than plain folly; it is criminal folly.

The Hon. Aaron Sargent, the probable new secretary of the interior, is a native of Massachusetts, born at Newburyport, September 28, 1827. He began his working life in the printing office, and in due time graduated to the editor's desk. When, in 1849, California's golden gates were thrown open to the enterprising of all the world, young Sargent migrated thither. He quickly settled down to the reading of law, in 1851 was admitted to the bar, and in 1853 and 1856 was elected district attorney of Nevada county in his adopted State. He served as representative at Washington from July 4, 1861, to March 3, 1863; and was twice afterward elected to the same distinction, serving in the Forty-first and Forty-second Congress. His third term as representative expired March 4, 1873. The day following he took his seat as United States Senator from California. Mr. Sargent is an earnest Republican and a man of unquestioned capacity, but it must be confessed that he does not bear an enviable reputation. In some quarters he is known disparagingly as "Ethiop Sargent."

EVERYBODY is using Brown's Iron Bitters, and everybody is astonished at its many marvelous cures where all others have failed

XLVIITH CONGRESS.

The Bill to Retire Justice Hunt Passed—Debate on the Sherman Funding Bill Continued.

Discussion of the Report of the Committee on Rules Occupies the Attention of the House.

WASHINGTON, January 19.—*Senate.*—The president *pro tem.* submitted the response of the secretary of the interior to the resolution of the 12th instant, inquiring as to the lapsing of the land grant to the Northern Pacific railroad, and in connection therewith to the action of Ex-Secretary Schurz, etc. The Chair referred the communication to the Committee on Railroads.

Senator Edmunds suggested that as the question involved was one of law as to whether the certificates on which the lands had been taken were legally issued, the matter should go to the Judiciary Committee.

Senator Teller favored the reference already made, as the inquiry had been confined to alleged matters of fact, but was not disposed to object to Senator Edmunds's suggestion.

The communication was thereupon referred to the Judiciary Committee.

Senator Davis [W. Va.] presented resolutions from the West Virginia legislature urging a modification of the internal revenue laws, so that producers of leaf tobacco may not be required to take out a license.

Senator Hawley, member of the Committee on Railroads, moved to recommit to the committee the bill ratifying the act of the General Council of the Choctaw Nation granting to the St. Louis and San Francisco Railway Company the right of way for a railroad and telegraph line through that nation. The official protest of the Choctaw Nation and other documents submitted since the bill was placed on the calendar had not been before the committee, and he thought the measure should be considered under the new light thus thrown upon it.

Senator Maxey said the papers presented no new material statements, and the question raised by the Chickasaw was purely one of law, which could be considered as well in open Senate as in committee. He deprecated the effect of the motion in causing the bill to be delayed, by losing its place on the calendar. To-day but one company had the right of way through the Indian Territory, and controlled a monopoly of the transportation between and through Texas from the North, and the present effort was to open an independent line. He claimed, in the right of way, the Choctaws had granted a leasement, and had not parted with such territory; consequently, the Chickasaws had nothing to do with the matter.

Senator Coke agreed with his colleague that the only question involved was whether a single railroad syndicate should control the commerce passing southward through the Indian Territory to Texas. This monopoly deprived the Indian Territory now controlled nearly all the railroad interests of the country, including those of Texas, and in the interest of the people of Texas and the States north, he demanded that the means of competition in transportation should not be withheld from them by Congress under its right of eminent domain. He argued that the government has a right to cut a pathway for commerce through the Indian Territory, and not permit a Chinese wall there beyond which progress cannot be made. The question was of vital interest to those whom he in part represented. He regarded it as one of national concern which could not be acted on too soon.

Senator Logan suggested an inquiry as to the liability of the government in damages for licensing a road to go through the territory of the Indians without their consent.

Senator Hill [Ga.] replied that whether the government might ultimately be liable, the railroad corporation would first be held for damages.

Senator Hawley observed that sworn affidavits had been laid on his table from which he had serious doubts as to whether the grant of right of way ever passed the Choctaw Council, as has been represented. By way of disclaiming any intention to delay the bill he modified his motion so as to provide that the bill when reported back should be restored to its place on the calendar. The motion as modified prevailed.

Senator Davis [Ill.] called up the bill to permit Associate Justice Ward Hunt, of the Supreme Court, to retire. Upon the passage of the bill Senator Plumb called for the yeas and nays. The bill passed—yeas 41, nays 14.

The Sherman funding bill was taken up, and Senator Sanlsbury favored the bill.

Senator Ingalls moved that a motion was made by Senator Ingalls to lay the bill on the table in order to test the sense of the Senate upon it. He said the debate was retarding discussion on an equally important question, and he believed the measure could not pass.

Senator Windom having obtained the temporary withdrawal of Senator Ingalls's motion, proceeded to oppose it as an unnecessary experiment and likely to involve the government in loss.

Several senators having expressed a desire to be heard on the bill, and Senator Sherman being desirous of closing the debate, Senator Ingalls made an ineffectual effort to have the question taken at a certain hour.

Senator Beck, confronted with the facts, confessed to a series of embezzlement. His employers say they have no data as to the amount taken, but that probably it will amount to several thousand dollars.

Another Cowboy Raid.

OMAHA, January 19.—A party of ten cowboys from the up-country rode into Longpine Tuesday night and took possession of the town. They shot out the lamps in the saloons, riddled the windows, fixtures and walls and terrorized the inhabitants by firing fully a thousand shots during the night. Finally part of the gang boarded a departing train and shot from the rear platform. The inhabitants are too glad to have escaped personal injury to think of bringing the ruffians to justice.

A Leading Professor Speaking of Sensible People.

Dr. S——, the prominent Eastern medical lecturer, says: "Every day sensible people come to me complaining of their health being broken down. The answer even to my inquiries always is—what I ought to say; especially the blood, the stream of life, becomes contaminated—and as a result of this blood poisoning, I find dyspepsia and disordered functions of the heart, lungs, liver and kidneys, accompanied by headache, nervous debility, and other impaired organic portions, often verging on paralysis. In order to keep digestive organs in proper health and strength, I and my friends in the profession have recommended Brown's Iron Bitters—they act so mildly and soothingly, never leaving any unpleasant after-effects, strengthening the organs of digestion, and permanently removing every symptom of ill health, languor, and debility. No remedy in the East gives such good satisfaction as Brown's Iron Bitters, and all druggists can procure it for you. Don't be persuaded to use a substitute. This remedy contains no alcohol and is the only preparation of iron that does no blacken the teeth.—*Sun.*

THE END NOT YET.

Scoville's Argument Continued—Corkhill, as Usual, Makes an Ass of Himself and Receives a Scathing Rebuke—The Case Will Probably Get to the Jury by Next Wednesday.

WASHINGTON, January 19.—The court opened at the usual hour. As soon as Guiteau reached his seat he delivered himself of the following speech, with a pompous effort at oratorical effect: "The decision of the New York Court of Appeals comes with so much force at the present moment that I desire to call attention to it. It comes with great grace from the Empire State; from that grand old State of the republic—the State that sends forth the brains, the money and commerce of the nation. It is a great step forward of the law of insanity. Hitherto the law has been that the burden of proof was on the defendant, but the Court of Appeals, with grand magnanimity, says that the burden of proof is on the prosecution to prove that a man not only committed the act, but also that he was sane at the time he committed it. In the name of justice, and in the name of the American people, and in the name of the American judiciary, I desire to thank those gentlemen of the Court of Appeals of the State of New York."

Scoville immediately resumed his argument, reading from the evidence of several witnesses who were at the depot and saw the shooting, and the subsequent arrest of Guiteau, his object being to show that the prisoner was perfectly calm and cool, and in a condition, nervous and intellectual, at variance with the hypothesis of sanity under such circumstances.

Scoville again complained that the prosecution had failed to call Detective McElfresh to the stand, whose evidence would have been of service to the prisoner.

Guiteau—They came to my cell and tried to draw me out. I talked with them a little, and told them about my inspiration, and now they suppress all the evidence. That shows the inequality of the prosecution, and God Almighty will come on everyone in this prosecution, in my opinion.

After a short pause, the prisoner added: "That reminds me to say that Judge Porter has been pretending to be sick for two days. I hope it will be providential to keep him sick. I hope the Lord will take him down below quick, and then send for Corkhill."

As Scoville continued, Corkhill made frequent and, as the speaker evidently thought, slighting comments, until, finally, becoming irritated, he turned upon the district attorney and denounced in scathing terms his unfair conduct, and insinuated his production as evidence in this case of a letter written by the prisoner, and which he (Corkhill) had intercepted and mutilated by cutting off the signature and such portion as he thought was in his favor. "This is your thing," said Scoville, "which was never before permitted in a court of justice, not even upon the trial of a civil suit."

Colonel Corkhill (sneeringly)—That's your opinion, Mr. Scoville; it amounts to nothing as a fact.

Scoville—Well, let it be my opinion; I presume I am entitled to one, and so is the jury.

Guiteau—It was a friendly allusion to President Arthur that he cut out, the mean, dirty thing.

As Scoville continued counsel for the prosecution frequently interrupted him, and a running fire was kept up between counsel for some time. The speaker disclaimed as his motive the desire to save the life of the prisoner for the honor of the Guiteau family. His greatest desire was to save the American nation and the American judiciary from the disgrace of hurrying to the gibbet an insane man. Alluding to the evidence of Dr. Worth, the speaker charged, "This was another instance of the unfairness of the district attorney. Without the slightest evidence or reason for so doing, he had asked the witness, 'Were you ever indicted for crime?' and the quickly and promptly witness replied frankly, 'No, sir, and I never expect to be.'"

Colonel Corkhill—I happened to know the man well.

Scoville—All the more reason why you should not thus gratuitously insult him.

Corkhill—Well, I tried him in this court. I remember his *pose* when he took the stand, and I found afterward that he was here on an appeal from the police court.

As Scoville continued he pointed out that the district attorney, Mrs. Scoville became very angry, and complained in audible tones of the district attorney's "meanness," as she termed it.

Upon the prisoner having arrived, Scoville conferred a moment with Judge Cox as to how long the recess should be ordered. The audience began to arise, and Guiteau impatiently called out: "Your Honor, we're waiting for you. Ain't you going to announce a recess?"

At this a crier raised a laugh by calling out: "Well, come along; we'll make a stand."

Evening Session.

Scoville continued his resume of the evidence, and claimed that the prisoner had been fair, frank and outspoken in all things; that he had conversed with the witnesses, no one whom the prosecution had sent there, and always without reserve; that had he been playing a part he would not have done so. Commenting upon, as he claims, the absence of motive on Guiteau's part, Scoville said: "You cannot find an instance in history, you cannot suppose a case, where a man forty years of age, who has never before committed a crime, who has never in forty years associated with criminals or bad people, who, with the contempt he has always sought the society not only of the better class of people but of Christian people; you cannot conceive of such a man committing such a crime without some motive. Nothing but the depravity of insanity can possibly account for such an act as Guiteau's." Scoville then discussed the assumption that Guiteau might have been actuated by a desire for revenge, and argued the improbability of such an assumption from the fact that if any ground for ill-will existed on Guiteau's part it was against Secretary Blaine, and, according to the inexorable laws of mind, it would have been executed against him. "There cannot possibly be any revenge," said Scoville, "any ill-will on his part toward President Garfield."

Colonel Corkhill—You seem to forget that he killed him.

Without noticing this comment, Scoville next took the hypothesis that the crime was committed from an overpowering desire for notoriety, and claimed that history failed to point out a case where such a crime was committed purely and simply from that motive, and that it was incompatible with reason and impossible for the human mind to conceive of such a motive sufficient to induce any sane man to commit such a crime. "That he killed the president as a disappointed office-seeker is more than improbable," said Scoville, "for had he brooded over some wrong of this kind, something of his disappointment would have cropped out; he would have said something in his intercourse with other people indicating his disappointment or bad temper on the subject. Nothing would be natural in the interval before he had made up his mind to kill the president."

Guiteau—Oh, that's all bosh about my being a