THE MEMPHIS DAILY APPEAL.

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Now the talk is about utilizing smoke. It is high time that all the smokers exhibited their assets and showed what they are good for.

It is estimated that in less than ten years the woolen interest of Texas will be greater and more profitable than that of the rest of the United States combined.

There could not be a more serious loss to the country than its reputation for integrity in the preparation of our staples and manufactures for the foreign market.

Edison's electric lamp is a great success and threatens an immediate revolution in the lighting of dwellings as well as streets and stores. Everybody in New York is delighted with it.

The search for the Irish Skirmishing Fund has, so far, been unsuccessful. It has probably been spent in riotous living by the patriots who managed it, and who refuse to give any account of their stewardship.

Mr. Atkerson, of Boston, said in an address recently delivered in Boston, that the South to-day is even in advance of the North in the effort which she is making to promote the instruction of the hand and the head together.

A German paper says that a roof can be made fire-proof by covering it with a mixture of lime, salt and food ashes, adding a little lampblack to give a dark color. It not only guards against fire, but also in a measure prevents decay.

To the workman or workwoman it matters not what the measure in money is by which their wages or earnings are defined. The real question is: How good a house, how large a room, how adequate a supply of food and fuel and clothing, can I purchase with that money.

The Appeal is on the side of the workingman, not with mere lip service. It is anxious to see his condition bettered and himself elevated to the position of self respect which implies self-help and manly independence. Membership in a matrimonial or mutual association does not contribute to these conditions. Money cannot be made save by the hardest labor of brain and hand. To be in the best sense self-helpful a man must be self-reliant.

Next Wednesday, the 13th, the Mexican veterans, survivors of a war which increased the proportions of the Union by several empires of great value, will meet at Nashville and for three days enjoy a reunion, for which the most generous preparations have been made by the people of the State capital. The attendance will be large, and it is confidently expected that all the States will be represented in the ranks of the heroes who stormed Chapultepec and captured the City of Mexico.

The North Mississippi Endowment Association, of Grenada, just chartered, has been careful to incorporate in its charter a saving clause (section 4) providing that "The private property, real, personal and mixed of said incorporators, their associates, successors and assigns, shall not be liable for any debt, liability or obligation of this association." The men and women who become members of this North Mississippi Endowment Association have no guarantees beyond the pledges of the agent.

The Boers, who have three times been compelled to remove beyond the reach of British bayonets, after gallant contests for the lands they possessed in South Africa, have no love, but much hate, for the English. This was exemplified by an advertisement headed "Warning," signed by all the members of the Veldt Court, which appeared in a recent number of the *Volksteis*. The advertisement reads: "We, the undersigned burghers of the Ward Aspies River, hereby warn all loyal persons who have registered themselves with the British resident that they are not to come into our houses, or into our farms, and still less to offer to shake hands. They can greet at a distance on the road, like Kafirs, and those who act contrary to this notice can expect the result."

The New York *Evening Post* learns that Hubbell is now employing collectors in the departments, giving them ten per cent. of what they get. Mr. Folger does not forbid this, but he may have some trouble in reconciling the practice with his theory that the money paid by a clerk is like a contribution to the plate in "the meeting-house of his choice." Any meeting-house that first assessed all the members of the congregation a certain percentage on their salary, and then sent collectors round on "tops" to dun those who did not pay, would be a queer concern. Did Mr. Folger ever hear of any such religious organization? Mr. Folger's connivance at Hubbell's doings must be, to any one at all interested in the improvement of the public service, a strong argument against his nomination as governor.

One of the very worst of the bad results likely to follow upon the desire engendered in young men to grow rich through matrimonial and mutual associations is the insuring of men and women without their knowledge or consent, and profiting by a hasty marriage, the birth of a child, or the death of both mother and child in childbirth. Fancy a dozen young men calling to insure the wife of a friend, actually gambling upon her giving birth to a child within a given number of months, and this without the knowledge of either the husband or wife. Fancy a number of young men making it the business of their lives to watch the women of Memphis as they go up and down the streets, to and from their homes, for indications upon which to insure any of them in a mutual association. The brutal indelicacy of the thing is the invasion of the privacy of home and affection, at the most solemn moments of a woman's life, is horrible to think of. Besides, who knows to what excess such persons might eventually go under the stimulus of the rapacity for money to hasten and quicken a birth and make good their stake. In Pennsylvania where there were insurance companies of a similar character, through which men and women gambled on the lives of old and decrepit persons, the asthmatic and consumptive, whom they did not know, resort was finally had to murder to reach the coveted results. The officers of such associations, of course, have nothing to do with these crimes and would not countenance them, but they are among the legitimate results of the system.

It is said by some of those interested in them, that the mutual and matrimonial associations, which are confusion and a curse to industrious men and women, that they are as good as lotteries. They ought to be better. The lottery offers to its contributors only a chance of one in ten, or perhaps forty thousand. The M. or N. association offers a definite amount, as for instance the United States Daily Mutual Aid Association, of Bolivar, which issues certificates of from $4000 to $10,000, benefits to cease accumulating after the expiration of one year from the date of certificate. This is not lottery business. There is no chance about this. There is a positive promise which those who make it should see conscientiously fulfilled. But they cannot. We will suppose that the first year of the "United States Daily" finds a class of just 100, fifty of whom carry $4000 certificates, and fifty $10,000 certificates. The money is called for and assessments are made to pay them—upon whom?—upon those who hold them of course. They would thus have to pay themselves. These 100 persons would be assessed to pay $700,000, which would be $10,000 each for the $10,000 certificate holders and $4000 each for the $4000 certificate holders. As to the fees and annual dues these have already gone to pay expenses. This is folly. It is worse than the promise of the woman who opened a bank in Boston and guaranteed depositors thirty-six per cent., and closed after some months of successful business with poor fools who did not or would not understand that there is no possible chance of making money except by labor, or capital combined with labor. Money of itself has never yet made money.

JOINT DISCUSSION

Between Senators Harris and Jackson Discontinued by Mutual Consent —The Reasons Therefor.

Another Cold Day for the Hawkins Combination—The Gubernatorial Contest in East Tennessee.

Special to the Appeal.]

Milan, Tenn., September 9.—Senator Harris spoke to a large crowd to-day. He will continue his list of appointments, and soon make others. At the close of his remarks, Senator Harris read to the audience the following card:

After an experiment of a week at joint discussion of the State debt, that being the only question about which we disagree, we are both satisfied that such joint discussion tends to so embitter the issue as to make it difficult, if not impossible, to utilize the party hereafter, and therefore we mutually agree to have no further joint discussions.

ISHAM G. HARRIS.
HOWELL E. JACKSON.

The reason assigned above is the only cause of separation.

R. A. Pierce was nominated for Congress to-day. Resolutions were adopted by the convention indorsing the course of the Hon. C. B. Simonton in Congress. The Democracy is solid for the State and congressional tickets.

Another Cold Day for Triple Movement.

Special to the Appeal.]

Athens, September 9.—Messrs. Hawkins, Beasley and Fussell reached this city early this morning. No demonstration was made at the depot, there being only one man there, who drove Hawkins away in a ricketty concern of a buggy. Messrs. Fussell and Beasley have by this time returned to battle with the world alone, and they struggled across to the hotel. The recent rains have caused work to suspend on the farms, and the farmers, if they choose, were free to see the show, but, despite all this, the very greatest indifference has been displayed at every place the three candidates have yet visited. In being Saturday, the famer's holiday, a large attendance was predicted, but at no time was there over 250 men present. Outside of Knoxville this is the largest crowd that has attended the show.

Fussell was unknown. Of course many inquiries were made previous to his taking the stand as to which was he. He took the floor without introduction, and for some little time the crowd was left in the dark as to whether it was Beasley or Fussell. After a bit his argument told the tale. Fussell has a skip-blue scray-book and continues to carry his carpenter's rule under his right thumb. He gives as one reason why Mrs. Polk's bonds should not be funded—that she gets a pension from the government. After being repeatedly told that General Bate has denied all connection with any whisky ring, he continues to make insinuations to connect General Bate and the June convention with a whisky ring. He took his seat without a sound of applause. It is said there were two Fussell men present.

Beasley spoke next, producing nothing new. Everywhere Beasley has spoken it is said his argument has done Bate's cause good rather than harm.

Hawkins came to the front flaunting the Cocke county circular to account for his small crowds in East Tennessee, and finished his usual speech eulogistic of the Republican party, with little or no appeal to reason. When Hawkins finished his first speech the house was nearly vacated.

The Status of the Gubernatorial Contest in East Tennessee.

Special Correspondence of the Appeal.]

Knoxville, September 7.—Your West Tennessee readers no doubt would like to know something about the *status* of the gubernatorial contest in Tennessee. I think I am in a position to give it just as it is. Certainly I have no desire to misrepresent the matter. Hence you and your readers may rely implicitly upon any statements I may make upon the subject.

First, as to Knoxville. There are *three* pronounced Fussell men here—J. W. Caldwell, T. R. Cornick, jr., and W. M. Cocke. There are some eight or ten others, but they are reticent. H. H. Ingersoll boiled at Nashville. Since then he has been as dumb as an oyster. It is said he is "on the fence." I put him down for Fussell. Outside of Knoxville I know of but one Fussell man, and from a conversation I had with him a day or two since I am satisfied he will yet vote for Bate. Including the county, Fussell cannot command exceeding fifty votes. Indeed, he cannot get that many. Bear this in mind. Fussell made a poor impression here, and didn't make a single vote—not one. His Radical hearers did all the cheering he received, and did what they could to bolster him up.

Sullivan, Washington, Carter, Greene, Hawkins, Hamblen, Grainger, Sevier, Jefferson, Blount, Loudon, Roane, Anderson, Campbell, Claiborne, Monroe, McMinn, Polk, Hamilton, Bradley, etc., are solid for Bate. In all the upper counties where Fussell has spoken he was unfortunate enough not to make a single vote. In Linn, but very few Democrats attended his meetings. Bate thus far, has had large gatherings of the people, who listened to him attentively and, with the exception of a few, approvingly.

The bolters have been saying all the time that a reaction would follow as soon as their speakers could get before the people. Well, Fussell has spoken at Bristol, Jonesboro, Morristown, Mossy Creek, Dandridge, Knoxville, Loudon, Madisonville and Sweetwater, and if he has made a single convert I am not aware of it. Bate, to utter the naked truth when I say that the feeling for Bate is stronger since the appearance of Fussell than it was before. It is more intense. And you will find when the votes are counted out in November that East Tennessee will cast a solid vote for Bate.

The Democrats of this section of the State are supremely disgusted with the course of Bailey and Hill. They have no sort of patience with them and condemn them unsparingly. Bailey is justly charged with producing the bolt in the party, and all for his own personal aggrandizement. He is crazy to get back to the Senate, and doubtless proposes to do so by the aid of the Republican party. Poor creature! He is leaning upon a broked reed. The Republicans will never support him so long as there is a chance for them to elect a Republican. They have no idea of doing so. He seems to have a special spite at Senator Harris, as also Senator Jackson, who is now being skinned alive by Senator Harris in West Tennessee.

If you ask me what vote Fussell can command in East Tennessee, I answer not 500—say 300. Leaving out Chattanooga he'll not get 200.

Later.—Since writing the above I learn that the Nashville *American* has again changed front and will support General Bate. The Democracy of Tennessee will rejoice at this. It was a misfortune to the Democratic party and to itself that it took the shoot it did. I have not yet ascertained the reasons of its recent tacking. Did it see the handwriting on the wall? No matter; it is all right now. Its present attitude will create a sensation, and will certainly strike terror to the ranks of the bolters.

Had you learned that a Democratic paper is soon to be started in Chattanooga? This is my information. It was found to be a necessity on account of the unreliability of the *Times* as a Democratic journal. That paper can't be trusted. Never could and never will be under its present management. The publisher and editor are both unreliable. Chattanooga is a Republican city, and they pander to that element. EAST TENNESSEE.

ANOTHER EARTHQUAKE

On the Isthmus—Traffic on the Panama Railroad Suspended.

Panama, September 9.—There was another short but sharp shock this morning at 5 o'clock. For the two past nights half of the population of Panama slept in or walked about the square. Many families camp on the plains. Few dare to sleep in high buildings or narrow streets. Much sickness from fright and exposure is expected. Traffic on the Panama railroad is suspended, as the bridges are out of line. The freight-houses at Colon are badly damaged. The island of Tobeza suffered considerably this morning. The interior towns are reported badly damaged. The long dormant volcanoes of Chiriqui are reported to be in active eruption.

A Free-Trader on the Lumber Question —Some Fallacies Exploded.

Chicago, September 9.—In the morning session the Tariff Commission heard the Chicago representatives of the lumber interest. They generally agreed with the Saginaw men. The Hon. Thaddeus Dean, a prominent dealer, took, however, the opposite view, declaring himself most decidedly a free-trader on the lumber question. He could see many reasons against, and none for, payment of a duty of $2 per thousand on Canadian lumber. If, as the East Saginaw men claimed, they had only enough lumber for ten years, it was the part of prudence to draw from other sources. He did not believe the supply would be exhausted so soon, but the end was coming. Stumping men were culling lumber. Before the fire lumber cost him an average of $14 46 per 1000; the year after the fire $16 80. In 1876 it had fallen to $9, in 1880 became $11 63, and in 1881 was $13 92, and this year it was $14 to $15. He did not put any faith in the talk of the difference in the cost of lumber. Why would a man a foot across an imaginary line work for $15 a month when he could get $20 this side. He made further argument, which was listened to with great interest, as he showed a thorough acquaintance with the business, and evinced great originality in his ideas.

At the afternoon session a number of representatives of various industries were heard, among them barbed wire manufacturers, iron and steel manufacturers, dry goods dealers and earthenware importers. They all favored protection.

S. Corning Judd and S. S. Gregory, in behalf of the Iroquois (Democratic) Club, made a free-trade argument. The commission then adjourned to meet in Milwaukee Monday at noon.

SLOW WORK.

First Report of the Utah Commission to the Secretary of the Interior —Work Done.

What Has Been Accomplished to Carry Out the Provisions of the Law—Obstacles in the Way.

Washington, September 9.—The following report from the Senate Commission has been received at the interior department:

The Report.

Salt Lake City, Utah, August 21, 1882.

The Hon. H. M. Teller, Secretary of the Interior:

Dear Sir—The Commission appointed by the President under the ninth section of an act to amend section 3352 of the Revised Statutes of the United States, approved March 3, 1882, and for other purposes, approved March 22, 1882, respectfully report that all the members of the Commission met by request of the chairman at Chicago on the 17th of July, and remained in session several days. James Pettigrew, of Arkansas, a member of the commission, was appointed temporary secretary. After consultation and examination of the laws of the United States and of the Territory of Utah pertaining to our duties, it was clearly seen that nothing could be done in regard to the registration of voters and the conduct of

ANY ELECTION IN UTAH

until the necessary appropriation bills then pending in Congress, should be passed. Accordingly the commission adjourned, to meet at Omaha, Neb., on the 15th of August, where the commissioners met, and on the following day commenced their journey to this city, arriving here on the evening of the 18th instant. On the day following a session was held for the transaction of business, Arthur L. Thomas, secretary of the Territory, and ex-officio secretary of the commission, being present, and one or more sessions have been held each day since. A strong disposition with some of the non-Mormon citizens against preparing for the election of a delegate in Congress manifested itself before the work of preparing therefor was commenced, but upon investigation as to the condition of affairs, an examination as to the state of the law and duty of the commission thereunder, the following preamble and resolution was adopted:

THE RESOLUTION.

Whereas, It is provided by the Revised Statutes of the United States, section 1852, that every Territory shall have the right to send a delegate to the House of Representatives of the United States, and as it is further provided in section 2 that such election shall be held in all the Territories of the United States on Tuesday after the first Monday in November, 1882, therefore be it

Resolved, That in order to prepare for such election in the Territory of Utah on the day so established, the commission will proceed forthwith to appoint registration officers to revise the registration list now on file in the office of the clerks of each of the several counties in the manner required by law.

PROGRESS OF THE COMMISSION.

In pursuance of this resolution, the commission proceeded with great care and deliberation to prepare rules and regulations for the guidance of registration and election officers to be hereafter appointed. This was a difficult and delicate task, because it necessitated the framing of the rules and regulations covering the registration of voters and the conduct of the election in conformity to the principles and requirements of the act of Congress, as well as the laws of the Territory. We enclose a printed copy of the same, together with the forms of affidavits, etc., provided by the commission. The matter of the appointment of

REGISTRATION OFFICERS

for several subdivisions in the Territory was then taken up, and one for each county has been duly appointed and commissioned. In addition to these a deputy or assistant in each voting precinct in the Territory will be immediately appointed. Our selections have and must necessarily have been influenced in a considerable degree by the suggestions and recommendations of leading citizens here. The embarrassments in this direction have been great, but the commission have endeavored to secure the very best available men, regardless, of course, of parties, who are ineligible under the law. From present indications it appears that the officers will be men who are

DEPRIVED OF THE RIGHT OF SUFFRAGE

by the act of Congress will not attempt to register or vote. These will number, male and female, probably 10,000 voters. Many of the non-Mormons have hitherto refrained from voting, but it is believed that at the November election they will cast a much larger vote than at any time heretofore. However, the business of the commission, as understood by the members thereof relates not to questions of parties nor candidates, but to securing, so far as possible, a fair registration and an impartially conducted election under the law. As stated, suggested, the commission have encountered many

EMBARRASSMENTS AND COMPLICATIONS.

The supposition that the Territory contains some Mormons of respectability and influence against holding a regular election for delegate to Congress as required by law in November next was an unpleasant feature of the situation of affairs, but there does not appear, under the law, any discretion whatever for the commission in the law demanded on this question. The people of the Territory were clearly entitled to representation in Congress if the same could be done through a due observance of the restrictions imposed in relation to

BIGAMY AND POLYGAMY.

We did not see how we could excuse the omission, if, being present and prepared to proceed with the work assigned us, we should not make an attempt to perform this manifest duty, and so it was decided to proceed. It was not deemed advisable, even if power was in the commission, concerning which there is some doubt, to commence de novo a registration of the voters of the Territory. But after a very careful consideration, it was decided to order a revision of the existing registration lists in September, as required by the territorial law, applying to the same the governing principles of the Edmunds act.

We think the regularity of this proceeding cannot be questioned. Its effectiveness will be equal to an entirely new registration, and we believe the result of the election will so demonstrate. In the preparation of the rules and regulations governing the registration and conduct of the election, as above stated, the laws of Congress, assimilating the acts of Congress and the local election law was seldom and perplexing, involving much greater responsibility than was agreeable to the commission to assume, but to accomplish the results required by the provisions of section 3 of the Edmunds act, it became necessary to use

ALL THE POWERS CONFERRED.

A later embarrassment came in the form of a demand on the part of certain Mormon citizens of high character that the commission should assume jurisdiction and decide on the validity of an authorizing women to vote to be illegal and void. We concluded that it was not competent for the commission to repeal or modify that statute in the manner suggested; that the principle of female suffrage is in no respect in conflict with the purpose of the Edmunds law and the reform of that commission has nothing whatever to do with the subject. Moreover, we found on investigation that the statute had been in force for twelve years without being adjudged in the course of the Territory or disclaimed by Congress. In conclusion, permit us to say we believe the results to be reached through the careful registration already insured, and the impartial election which can hardly fail to follow, will be satisfactory to the government and the country. In closing this report, it is due to the Territorial secretary, who is *ex-officio* a creatay of the commission, Arthur L. Thomas, to say that the commission has received from him valuable assistance in its work, particularly in the matter of the selection of registration and other officers. Very respectfully, your obedient servants,

ALEX RAMSEY,
A. S. PADDOCK,
G. L. GODFREY,
A. S. CARLTON,
J. R. PETTIGREW.

SEVERE STORMS

In the Pennsylvania Tobacco Regions—Great Damage to the Crop.

Springfield, Mass., September 9.—A severe rain-storm, accompanied by hail, visited South Deerfield, Whately and Sunderland for one hour Friday afternoon, doing an immense amount of damage to the unharvested tobacco crops. The estimated loss in each of the towns is not far from $15,000.

IN LANCASTER COUNTY.

Lancaster, Pa., September 9.—A most destructive rain and hail-storm passed over the southeastern section of this county last night. Fields of fine tobacco just ready to cut were practically ruined, and the leaf can now be used only for "fillers." The loss will be considerably over $50,000. Many farmers were insured. The corn crop also sustained some damage.

IN MONTGOMERY COUNTY.

Morrisville, Pa., September 9.—A severe thunder-storm passed over Montgomery county last night. At Schwenksville, the house of John G. Bean was set fire by lightning and destroyed. At Bridgeport, the house of Martin McCormick was struck by lightning and the roof was partially torn off. Several inmates were thrown from their beds.

Heavy Thunder-Storm in Connecticut.

Norwich, Conn., September 9—A severe storm passed over New London county this afternoon, accompanied by lightning. Four men in Yantic took refuge in an ice-house. The building was struck, and all the men were paralyzed for a time. One, Michael Lynch, was terribly burned. The lightning struck him on the side and back, corkscrewed down his leg, and passed out at the foot, making a round hole in the top. Lynch lives and is expected to recover. The barn of Luther Browning, in Lisbon, was struck and burned. Many animals were killed or injured.

Fall and Winter Shoes.

Our lines of goods in both ladies' and gents' wear have reached us, and we hasten to acquaint our friends of the fact. These goods are the result of a six weeks search among the leading manufactories East, and for style and quality are unsurpassed. Mr. J. M. Hill gave his personal attention to the selection of both the material and make, and consequently can, with safety, vouch for the goods. These goods are on inspection at their old stand on Main, corner of Monroe street, where all are invited.

Beware of Substitutes.

The public should bear in mind that imitations or substitutes of a standard medicine are offered not for any benefit of health, but to sell something that has been bought cheap; and not daring to criminate themselves by exact copies, their object, is to get as near to it as is necessary to decieve. The remedy to detect frauds is in your own hands. Buy no Simmons Liver Regulator unless encased in a white wrapper, having a large red Z in the center, and the signature of J. H. Zeilin & Co. on the side.

Horsefoot's Acid Phosphate

FOR ALCOHOLISM.

Dr. P. P. Gilmartin, Detroit, Mich., says: "I have found it very satisfactory in its effects, notably in the prostration attendant upon alcoholism."

HANGING FIRE.

No Verdict Yet Returned in the Star-Route Trial—The Jury Unable to Agree as to

The Guilt or Innocence of all the Defendants—A Partial Verdict Among the Probabilities.

Washington, September 9.—Shortly after 10 o'clock this morning the jury in the Star-route case came into court, and reported that they had been unable to agree upon a verdict, and asked further instructions. These were given by Judge Wylie, as follows:

"Do you believe that these defendants, or any of them, are guilty of this conspiracy, that is one step settled; when you reach that conclusion, sink a post there. That question being settled, the next one is as to the overt acts. There are forty or fifty pages of this indictment employed in setting out distinct overt acts. If any one of those overt acts is correctly set out, and such an act corresponds with the indictment, it is enough, though all the others may be incorrectly set out.

Ingersoll—I would like the Court further to instruct the jury that it is impossible to make any one defendant responsible for the act of any other, unless the fact of conspiracy has been established beyond reasonable doubt, and further—

"I am not going," exclaimed his honor, decidedly, "to have this question argued any more. This is a talk between the jury and myself. The time for argument has passed. In regard to overt acts on the Vermillion and Sioux Falls route, if there be a paper in the case requiring interpretation that interpretation belongs to the Court, and there is no question between the Court and jury on such a proposition as that, and it is absolutely the business of the Court to interpret the written instruments. I read in the indictment the description of the overt act in regard to a certain route. It became the duty of the Court to say to you, gentlemen, that if you believe that is a genuine paper, and the order signed, 'Do it, Brady,' was written by Brady there is no escape; that the overt act is proved."

Counsel for the defense excepted to almost every word Judge Wylie uttered.

Judge Wylie remarked: "Of course you don't like the law. Every word I say is objectionable to you. If I make mistakes, however, you have an appeal."

At their own request the jury were allowed to take their notes into their room, and again retired, to report at 2 o'clock this afternoon, at which hour the court took a recess.

At 2 o'clock, the jury not being ready to report, a further recess was taken until 8 o'clock.

A few minutes past 8 o'clock the "Come to order, gentlemen, hats off," of the crier announced to the large audience that the jury had ascended the bench. All the defendants, except S. W. Dorsey, were present. Brady was represented by his Counsel, but the first time since the retirement of the jury, smilingly greeted counsel for the defense as he entered the court-room. Deputy-Marshal Williams, in obedience to an order from the Court, retired to the jury-room for the purpose of ascertaining whether or not they had agreed upon a verdict. He was informed that the jury would be ready in a few minutes to report to the Court. At 8:10 o'clock the jury came into the room, and, in answer to the query of the clerk, "Gentlemen of the jury, have you agreed upon a verdict?" Foreman Dickson replied: "We desire to report to the Court that the jury have come to an agreement as to some of the defendants named in the indictment, but not as to the others.

The Court.—The Court is not now, at any rate, willing to accept a verdict of that kind. There have been instances in which, if I may call imperfect, verdicts have been rendered, a verdict as to some of the defendants and no verdict as to others. I am not willing to accept such a verdict at any rate, at this stage. The verdict of the jury in my judgment ought to be complete. You have a number of defendants here. Those who are guilty, if there are any, will have to submit, of course, to a verdict. Those who are innocent, if there are any, are entitled to a verdict of the jury. I do not mean to say that I will not, at a later time, if my judgment should come to court and say they are able to agree on a verdict as to some, but that they are really unable to agree as to others, the Court might receive such a verdict, but it would only be after a longer trial on the part of the jury.

Foreman Dickson—The jury have not yet desired me to make such a request. We have simply come down in obedience to your summons.

Ingersoll—I do not know, of course, what the jury have done, but if a defendant, or any number of defendants, have been found not guilty, I can, *myself*, see no reason why they should not be discharged. I do not see what right the Court has to hold a person after the jury have declared him not guilty. It seems to me if they have found one or more of these defendants not guilty, that it is the right of the defendant who knows and have that verdict. If they fail to agree as to others, that is another matter.

The Court—When it comes to the time when the Court is prepared to discharge the jury, and the jury should say, "We find certain of the defendants not guilty and are unable to agree as to others," that would be time for the Court to determine that question. But that time has not come. I think no instance could be in which a court of common law has accepted a verdict of acquittal as to one to-day, as to another to-morrow and as to another the next day, and proceed on any such principle as that.

Ingersoll—I would like to see the goods delivered as fast as they are finished.

The Court—If I saw any propriety in any such proceeding, as that, I should be glad and willing to make the mind of any of the defendants. But until the moment arrives when the Court is prepared to discharge the jury, I think it would not be proper to accept a verdict of this kind.

Merriner—There can be but one verdict in any case. It cannot be divided.

The Court then stated to the jury that the government would be obliged to entertain them another night. The record of the court would not observe Sunday, because it had taken a recess since Friday. If the jury should think they could agree upon a verdict to-morrow they could let him know, and he would relieve them from their imprisonment.

Henkle suggested that it might be well to fix some time to-morrow for the meeting of the court.

This suggestion met with the approval of the Court, and he ordered a recess to be taken until to-morrow morning at 10 o'clock.

In answer to a question from the representative of the Associated Press touching the present status of the jury, one of the presiding officers stated that it was his opinion that the jury were unanimous as to the guilt of Dorsey, Brady, Rerdell, Moncrief and Vaile. Perhaps, he said, they entertained some doubt where the remaining defendants were concerned.

EXPENSES OF THE TRIAL.

The payments already made on account of expenses in the prosecution of the Star-route cases are as follows: B. H. Brewster, for services and expenses before his appointment as attorney-general, $5000; W. A. Cook, $6702; George Bliss, $19,251; George M. Ker, $6527; R. J. Merrick, $5000; A. M. Gibson, $5000; total, $47,480. The estimated total expense of the trial will be $200,000.

TWO OPINIONS

Delivered Yesterday by Judge Hammond in the United States Court.

Judge Hammond rendered the following decisions yesterday. If will be of special interest to expressmen and county officers:

Memphis and Little Rock Railroad Company *vs.* James N. Nolan, Comptroller of the State of Tennessee, and Hugh B. Collier, County Court Clerk of Shelby county—United States Circuit Court, Western District, Tennessee. Constitutional law. Interstate Commerce. Taxation. Express Companies.

SYLLABUS.

A license or privilege tax, imposed by a State on the business of an express company engaged solely in commerce between the States, where there is no discrimination against interstate commerce or prohibit the business, is not unconstitutional.

B. C. Brown, of Southwestern, for the plaintiff; G. F. M. Turner, attorney general, for the defendant.

OPINION OF JUDGE HAMMOND.

This is an application for a preliminary injunction to restrain the defendants, who are tax-collecting officers of the State and county respectively, from collecting the privilege tax imposed by law on the defendant, for doing business as an express company in the State of Tennessee. The defendant alleged that it was an express company, claiming that its express freight department was only a part of its general freight carrying business, so conducted for its own and the convenience of the public. On an agreed statement of facts the State courts by a final judgment of the Supreme Court decided that the two classes of business were distinct and that it was liable for this license or privilege tax. [Memphis and Little Rock Railroad Company *vs.* State of Tennessee. Jackson, April, 1882.] The bill here claims relief on the "ground that the defendant is solely engaged in interstate commerce; that the tax hereinafter mentioned sought to be imposed upon it by the State of Tennessee, under the pretense that orator is an express company, is a tax upon interstate commerce, and as such, is forbidden by the constitution of the United States, and is illegal and void." The facts alleged are that this railroad company has its terminus only in this State, crossing the river here by transfer boat, using the streets of Memphis by special license, and that any parcel of freight is carried or brought between the different States, and none of its business is done solely within this State. Passing all other questions like that of our own jurisdiction, of which, perhaps, there is now no reasonable doubt, and that of the estoppel claimed by the litigation in the Supreme Court as a matter *res judicata*, I am of opinion that the application must be denied on the merits. I should feel, on the cases cited by the learned counsel for the plaintiffs, great difficulty in determining this question, for there is much force in the argument that this privilege tax is only an indirect mode of taxing the commerce itself. The Supreme Court has repeatedly said what Mr. Justice Bradley says, in Railroad Company *vs.* Maryland [21 Wall., 456 and 472], that "it is often difficult to draw the line between the power of the State and the prohibition of the constitution." The distinction made by the cases seem somewhat arbitrary, but this is possibly unavoidable, owing to the nature of the subject. As I read the cases, the principle is that so long as it is not a direct tax on the property carried in the commerce between the States, imposed either on the goods or indirectly collected from them, and is only a tax on the franchises granted to the carrier in consideration of the grant, or, what is the same thing, a tax or tribute demanded for the privilege of doing the business, the prohibition of the constitution does not apply. Of course, in analogy to our State adjudications, if under the disguise of taxing a franchise or privilege, the State should undertake by excessive taxation to obstruct or prohibit the business, it would be apparent the constitutional provision would protect against it. There is no claim of that in this case, and no intention to either obstruct or prohibit this defendant from doing this business can be inferred from these statutes. Fortunately for us here the Supreme Court itself has drawn the line, and the case finds a direct precedent in the case of Osborne *vs.* Mobile [16 Wall., 479], where, on the right of the State of Alabama to authorize the city of Mobile to impose a license, or privilege tax, on an express company engaged in interstate commerce was sustained. The injunction is refused.

Of Interest to Lawyers.

Judge Hammond also filed an opinion in the case of *Dolord* *vs.* Mehaffy, refusing a motion to remand the case to the State court. There were two points in the decision which may be of interest to the lawyers:

1. The right of removal is not barred until there has been an issue as to all the parties. Where there were several defendants and one answered and the others failed to answer, the right of removal continues until *pro confesso* is entered as to all the defendants, and until and during the term at which it is entered or where entered in vacation during the next term.

2. A defective removal bond may be amended by the substitution of a good one in the Federal court, and an omission of the condition for the payment of costs is not fatal to the jurisdiction of that court.

THE SHOESTRING DISTRICT

Not to be Surrendered Without a Struggle.

Special to the Appeal.]

Vicksburg, Miss., September 9.—The Democracy of Warren county have resolved not to surrender the Shoestring district. The county convention was held here to-day, full delegations attending from all parts of the county. A resolution indorsing George M. Klein, a wealthy banker, for the nomination at the Greenville District Convention, on the 20th instant, was unanimously and enthusiastically passed. Mr. Klein is a man of great ability, of indomitable energy, will and force of character. He bears a spotless reputation for honesty, and is universally popular with all classes of citizens. His nomination at Greenville will be equal to his election, as he never fails in anything he undertakes. While a staunch Democrat, he will command a large support from the Republicans, white and black alike. No better or stronger man could be selected.

Senatobia's First Bale.

Special to the Appeal.]

Senatobia, Miss., September 9.—The first bale of new cotton was brought in to-day by Norfleet & Carlock, and shipped by them to Pearce, Suggs & Pettit. This is twenty-three days later than the first bale last year.

SPORTING CHRONICLE.

Baseball.

Detroit, September 9.—Detroits, 3; Bostons, 0.

St. Louis, September 9.—St. Louis, 4; Cincinnatis, 2.

New York, September 9.—Metropolitans, 8; Philadelphias, 4.

Chicago, September 9.—Chicagos, 24; Troys, 1. Game called at dark.

Baltimore, September 9.—The game of baseball between the Alleghany Club, Pittsburg, and Baltimore Club this afternoon was a draw after nine innings, each having scored seven runs. The game will be played off Monday.

The Fairmount Field Trials.

Fairmount, Minn., September 9.—In the field trials to-day the following is the summary: Gladstone beat Prairie Ranger, Dan beat Dashing Novice, and Rock beat Danvers Bessie.

Betting at Lexington.

Lexington, Ky., September 9.—The betting to-night on Monday's races was light.

First Race.—Mile dash; Stanton, $50; field, $27.

Second Race.—Viley stakes; one and one-half miles; Boatman, $25; Monarch, $10; Mistral, $9; Wendover, $6; Hilarity, $5.

Third Race.—Three-quarters of a mile; Miss Woodford, $50; field, $40. Seven in the field.

CONGRESSIONAL NOMINATIONS

IRELAND.

ARRANGING FOR HYNES'S EXECUTION.

Dublin, September 9.—Marwood, the hangman, arrived in Ireland last evening to superintend the execution of Francis Hynes. Marwood is guarded by a detective, the number of Irish detectives will escort him to Limerick.

SETTLE IT AT ONCE.

$22,000 is the Figure—"A Good Round Sum, Antonio"—A Bold Deft from W. W. Cole.

He Means Business, and Backs His Talk—Some Very Interesting Statements.

"With malice toward none and good will to all," I deem it my right, if not my duty, forthwith and forever to challenge all comers, as to my claims of superiority over any show on earth that has the bare-faced audacity to proclaim itself in the remotest degree worthy of comparison with my majestic consolidation of many shows, which have proudly traveled from continent to continent, across broad lands and over boundless seas, and everywhere added such attractions as I have elsewhere described. And as a sensible way to settle the question, I propose to deposit the following sums to any charitable institution in the city of Memphis (provided any opposition show will accept my challenge and donate a like sum) if all that I represent is not literally true, and that my great shows, which are to exhibit in Memphis on Monday, October 2d, are the most perfect in existence, as set forth in the following specifications—that is

$1000—That my stupendous shows are just as represented, and that the citizens of Memphis will pronounce them by far the best exhibitions ever seen in this city.

$1000—That I have the largest, longest, tallest and strongest elephant ever seen on Southern soil—the mammoth monarch of his race ever on exhibition or ever in captivity.

$1000—That this same elephant "Samson" is heavier than the combined weight of many so-called "herds" of elephants, such as are usually seen with unprincipled and disreputable shows.

$1000—That I have the only performing elephant that actually stands upon and rolls a barrel-shaped cylinder across the ring.

$1000—That I have the best trained, best performing, most valuable and most magnificent troup of trick stallions that to-day treads the face of the earth.

$1000—That I am the only showman in the world who creates a theater stage and presents an imported troupe of Russian roller-skaters thereon.

$1000—That I present the only great gallery of wax statuary, representing the presidents, noted men of the day, Guiteau, the assassin, and the crowned heads of Europe.

$1000—That I will present Captain A. H. Bogardus and his two sons, the many-medaled, chief champion shots of the whole world.

$1000—That I will present Mr. Frank A. Gardner, the undisputed champion leaper of the world, whose phenomenal feats shame into nothingness all the acts (?) to be seen in any other show that will visit this city this season.

$1000—That my unapproachable troupe of aerial bicycle riders will accomplish the most thrilling aerial act ever witnessed in this part of the world. That this great feature is actually presented, just as depicted in illustrations, I will challenge the world to dispute.

$1000—That I have the largest corps of double somersault throwers, great leapers and expert gymnasts of any show on earth.

$1000—That I present a troupe of European bicycle experts in one of the most artistic performances on spider-woven bicycles ever seen on this continent.

$1000—That I am the only man who presents rival riders in the same ring with two horses, two clowns, two ringmasters and two sets of object holders.

$1000—That I present more features than I advertise, and that many important attractions are omitted from my bills for want of space to enumerate them.

$1000—That I present teams of elephants and camels in harness in my great street parade.

$1000—That I have the largest and most expensive musical chariots ever constructed.

$1000—That I have the only show in America that ever visited foreign lands.

$1000—That I have more foreign artists feats and features than any show that ever visited the South.

$1000—That my show has the best reputation for fair dealing, truthful statements and general neatness of any show ever in this city.

$1000—That I could, if necessary, show on the same lot, on the same day, against any show in the world and take $2 dollars to their $1.

$1000—That every person in this city who knows me personally or by reputation, honestly and candidly believes that I am ready and will faithfully carry out every one of the above propositions.

$1000—Finally, that my nine great shows, as now consolidated, will be pronounced the most magnificent, novel, diversified, interesting, best patronized and thoroughly enjoyable tent exhibition ever given in Memphis.

The above challenges are simply given as a protection to the interests of the people. If the interested parties fail to back their false statements by monetary proof, why, then, it is clearly proven that I have all that I claim, exhibit all I advertise, give the best show traveling, and present features which all the world cannot duplicate. Respectfully to the public, W. W. COLE,
Proprietor, Originator and Projector of the Grandest Amusement Enterprise on Earth.

**The Philadelphia Almshou