

BY TELEGRAPH.

AMERICAN.

WASHINGTON, 26.—The United States attorney telegraphs from Greenville, S. C.: "Jury rendered a verdict of guilty against the Redmond gang. Court is with me. Moral effect complete. Redmond refuses to surrender."

Indian Commissioner Hoyt publishes a paper on the recent endorsement by Generals Sherman, Sheridan and Terry of a report made by Col. Carlin regarding half-breeds born at the Indian agencies, and says the paper would have appeared sooner but the Secretary of the Interior regarded it needless. The commissioner addresses his communication to whom it may concern, and gives the origin of the troubles: Early in December last there was a conference at the White House, intended to enable the civil and military branches of government to act in harmony and promptly ascertain what work is to be done on the Missouri River. After this business had been disposed of, some conversation passed between Gen. Sherman and myself about the demoralization caused by the proximity of the soldiers' camp to the Indian agencies. General Terry, sitting at some distance, made a remark that he believed the Sioux women to be exceptionally virtuous, and asked me if it were not so. I said in reply that if it were so, those at the Standing Rock agency must be an exception, as a resident from that agency had been in the Indian bureau a short time previous and had stated that nearly half of the children born at that agency were half-breeds. This was all that passed between Gen. Terry and myself on the subject, and was the only reference to the Standing Rock agency. It would seem that if anything were said by me on that occasion that would justify Gen. Terry's subsequent letters, that was the time and place to make an issue, as there were present the President, Secretary Schurz, Gen. Terry, Supt. Hammond and myself. Commissioner Hoyt thus closes his paper: "One effect of the publication of these endorsements will be to surprise the public that officers in high positions should indulge in a style of remark that at best closely resembles the Chinese method of warfare, and has only to be persevered in to bring honorable names into disrepute."

PHILADELPHIA, 26.—Emilio and Nuncio Bonelli, members of the family which recently arrived from Vicksburg, and stricken here with yellow fever, are doing well. Fears are entertained that Mr. and Mrs. Bonelli, who complained last night of feeling ill, will be attacked.

New Orleans, 26.—Dr. Warren Stone, who returned from Port Eades on Sunday, leaves for Grenada this evening, in response to a call from the Howard Association.

The mortality report for the week ending Sunday evening at 6 o'clock, shows the deaths from all cases to be 403, of which 368 are caused by yellow fever, and all but 18 are white. Sixty-nine died in the charity hospital, five in the Hotel Dieu, and six in the Toro infirmary.

The Howard Association, to-day, responded to about 70 applications for relief in this city.

The *Picayune* says: By private letter we learn that the fever plague in Iberville parish has largely increased and the people are sadly afflicted. They suffer chiefly from want of physicians and nurses, and those who are in good health are mainly employed in taking care of those who are down.

O. V. Shearer, a native of Alabama, lately city editor of the *Times*, died of fever, to-day, aged 31. The deaths to-day include 14 children under eight years of age.

The Howard Association has received the following dispatches:

Grenada, Miss, Aug. 26, 12 m.

For Heaven's sake send a few nurses. It is untrue that the material for disease is exhausted and nurses worn out. Two of the most eminent physicians are just taken down. Physicians needed with nurses, but not without.

(Signed) B. P. ANDERSON,
W. T. WATHAM.

Grenada, 12.10 p.m.

Your telegram just received. Dr. Veazie is now sick; one New Orleans nurse sick, but walking about to-day. We need all kinds of nourishment for the sick; need 25 nurses worse than anything else. Material not exhausted. The nurses

for Holly Springs have passed up. For God's sake send nurses if you can, pay \$5 per day.

(Signed) B. P. ANDERSON.

Grenada, 12.25 p. m.

Try and get Maudeville to come back; if not possible, get some other physician. Only two local physicians on duty; they will be down soon. Nurses or help of any kind are wanted. Some families have not a well person to wait on them. Eight deaths last night—six whites and two blacks.

(Signed) DR. VEAZIE.

In response to the above telegrams the Howard Association sent Dr. Stone, with nurses, also supplies of ale, champagne, fresh meats, in ice, cracknells, etc., and authorized those in authority at Grenada to draw on the Howard Association of this city for all needed supplies.

A special to the *Times* from Jackson, announces the death of Judge Thomas Walton, at Grenada, of fever.

Memphis, 26.—To-day the weather is cloudy and gloomy in the extreme; fever has not only increased in the city, but seemed to thwart all efforts to save the lives of many poor people, who moved out of the city, by appearing in two of the camps. It is now definitely known that three deaths occurred yesterday from fever, at camp Joe Williams, and several others of the refugees are sick. In addition, a woman died of heart disease. When found this morning in her tent, a young babe was discovered on its dead mother's breast, seeking its wanted nourishment. At the camp near Overton station, on the Memphis and Paducah railway, Charles Fagan died this morning. For the past 24 hours the board of health records show 100 new cases and 26 interments.

Pittsburg, 26.—Ames Crawford, the yellow fever patient, who arrived in this city on the steamer *Abner O'Neil*, yesterday, died this evening.

Vicksburg, 26.—One hundred and forty new cases are reported to-day, and 25 interments. The weather is very unfavorable to-day, which accounts for the great increase in the number of new cases.

Cheyenne, 26.—Last night stock thieves made a raid on J. M. Woods' mule train, which was camped on Centennial Prairie, eight miles from this place. They succeeded in running off ten mules. Woods organized a party and gave immediate pursuit. The thieves finding themselves so closely pursued abandoned the stock, which was recovered by Woods' party.

ST. PAUL, 26.—A tornado and hail storm at Fargo, D.T., this evening, prostrated a dozen buildings and damaged many more. Three persons were hurt, but no lives lost. The storm extended 12 miles along the Northern Pacific.

PHILADELPHIA, 26.—The committee having charge of the collection and disbursements of funds for fever sufferers decided to distribute \$6,000 at once—\$2,500 for New Orleans, \$1,500 for Vicksburg, \$1,500 to Memphis, and \$500 to Grenada. Subscriptions to date aggregate \$7,747.

New York, 26.—The chamber of commerce, to-day, sent \$3,500 to New Orleans, Memphis and Vicksburg.

The lecture at White Sulphur Springs by Colonel Long, formerly of the Egyptian army, netted \$200, which has been forwarded to Vicksburg.

Chattanooga, 26.—The colored people here send over \$100 to the yellow fever sufferers.

Cleveland, 26.—The Cleveland police force have donated \$500 of their life and health fund for the benefit of the yellow fever sufferers, making the total amount given so far by citizens, \$2,600.

Columbus, 26.—A citizens' meeting, in the interest of the yellow fever sufferers, to-night, was largely attended, and \$800 collected, which will be sent south at once. A committee was appointed to canvass the city.

Savannah, Ga., 26.—At a meeting to raise a relief fund for the yellow fever sufferers, \$1,000 was contributed, and more will be raised.

Chicago, 26.—Among the contributors for the yellow fever sufferers, to-day, are the following: Young Men's Christian Association, \$111; merchants, \$550; Hon. C. B. Farwell, \$100. The Masonic lodges of this city, 35 in number, voted, to-night, to send to the stricken cities \$1,800, in installments, if called for by their southern brethren. Individual members also

raised about \$900, to be sent immediately. The Citizens' Association committee forwarded \$2,000, and Murry Nelson, president of the association which is raising the funds, estimates the total amount which he collected at from \$25,000 to \$30,000.

ST. LOUIS, 26.—In a subscription of the Association for the Advancement of Science, a paper by J. Lawrence Smith, of Louisville, was read this afternoon, announcing the discovery of oxide of a new metallic element, which the Professor intends to call "mosandrum." This is the first element ever discovered by an American. It is found in mineral samarskite from North Carolina, and resembles metals of the cerium group.

KEOKUK, Iowa, 26.—Frank K. Adams attempted suicide in his room at a hotel last night, by cutting his throat with a razor. He is still alive, but cannot recover. His friends reside in California.

HELENA, Montana, 26.—A man named Jackson shot and killed his wife, from whom he had been separated from some time, at Lower Boulder Valley, Montana, last Saturday, after which he blew his brains out.

Luther Criggs was drowned on Saturday, while attempting to ford the Missouri River. Body not recovered.

SAN FRANCISCO, 26.—Adeline Gray, aged 13, was shot and fatally wounded by Wm. Baker, her rejected suitor, while walking on the street this afternoon. Baker approached her without speaking, placed his pistol to her back and fired. The assassin is a restaurant waiter, aged about 25.

The British ship *Cape Creton*, arrived from Rio de Janeiro this morning, and was immediately ordered to quarantine below Black Point. On May 9th, Henry McDade, seaman, died of yellow fever. No signs of the disease has appeared on board since, but the quarantine officer deemed it best not to permit her to come to the wharf until thoroughly fumigated.

NEW YORK, 27.—A *Tribune* reporter has interviewed Vanderbilt. The latter anticipates a revival of business in the Fall. He said the New York Central has ordered 800 new cars and the Erie 2,000, to meet the expected demand. He declared that he did not wish to injure any other road or the Erie Canal, and would not have the latter closed if he could.

The *Sun* has a letter from Louisville, dated 23d, stating that Philip Arnold, made notorious some years ago in connection with salting a diamond field in the Far West, was lately shot, at Elizabethtown, Ky., by a man named Holdsworth in a bar-room row. He will probably recover, but will lose his arm.

LOUISVILLE, 27.—A special dispatch from Princeton, Ky., to the *Courier Journal*, says: J. W. Riggs and J. W. Luttrell, in attempting to escape from the court, while being tried for horse stealing, were shot and instantly killed.

WHEELING, West Va., 27.—The glass-blowers of the Central Glass Company of this city went on strike last night. It will throw 300 persons out of employment. The trouble is, that they want an old employe, of ten years standing, discharged, because he has withdrawn from the Union. The company refused to comply with their demands.

BOSTON, 27.—A single scull race, two miles, for \$250 a side, between George Faulkner, of Boston, and Daniel L. Sullivan, of Lowell, this morning, was won by the latter by two lengths. Time 14.43½.

NEW ORLEANS, 27.—New cases 194, deaths 49.

Memphis, 27.—The number of new cases reported up to noon, to-day, is 57, deaths 33. The weather is cloudy, and threatening rain, in the event of which an increase in the mortality may be expected. Of the new cases occurring now a large proportion are colored people, among whom mortality will doubtless be very great.

MEADVILLE, Pa., 27.—Sam'l. B. Dick, R. E. Grand commander of the Knights Templars of Pennsylvania has forwarded \$200 to the yellow fever sufferers in the south, from the treasury of the grand commandery, and has telegraphed orders to all the division commanders to notify the subordinate commanderies in the State to at once forward contributions to the Grand Recorder for the same purpose.

The amount received by the Chamber of Commerce for the Southern relief committee, to-day, was \$6,463. The first bale of the

new crop of Mississippi cotton, sent north, was sold to the cotton exchange for the benefit of the yellow fever sufferers. In order to realize as much as possible, every bidder was required to give the amount of his bid towards the fund, and in this way the total amount realized by the sale was \$342.

NASHVILLE, 27.—An *American* special, from Lebanon, says: The revenue fight in Orton continued till Sunday afternoon, the Moonshiners having hemmed the revenue men in a house. Citizens from Coolville arrived and persuaded Morgan to allow the revenue men to withdraw to Cooksville.

FOREIGN.

LONDON, 27.—A Constantinople dispatch says: Ten thousand Lazis are approaching Batoum to ask Dervish Pasha what course he intends to take.

THE TOOELE MANDAMUS CASE.

PLAINTIFF'S DEMURRER SUSTAINED.

THE ELECTION LAW VALID.

A PEREMPTORY MANDAMUS TO ISSUE.

This morning, at ten o'clock, Judge Schaeffer rendered a decision on the plaintiff's demurrer in the Tooele mandamus case. The following is his written opinion:

THIRD DISTRICT COURT,
Utah Territory.

F. M. LYMAN,
vs.
ENOCH MARTIN et al.

Demurrer to the Answer of Defendants.

The affidavit of the plaintiff, in substance, states that plaintiff is a citizen of the United States, of lawful age, a resident and voter of Tooele County, Utah Territory. That on the 5th day of August, 1878, an election was held in said county, at which plaintiff voted, and with several other persons he was voted for according to law. That plaintiff was a candidate, and as such was voted for, for the office of County Recorder and for the office of Representative to the Territorial Legislature. That the defendant on and before that time was, and now is clerk of the county court of said county; and that the other defendants were and now are members of the county court of said county. That on the 9th day of August, 1878, the election returns from all the precincts in said county were or had been sent to and received by the defendant Enoch Martin as such clerk. That about 3 o'clock p.m. of said 9th day of August, 1878, the said Martin, as such clerk, had all the said returns and the ballot boxes from all said precincts in the presence of the other defendants, or members of said county court. That said ballot boxes were all securely sealed or locked; that envelopes, secured and safely sealed, containing the lists required by law to be kept, addressed to said clerk from the following named precincts, were then and there in the possession of said clerk, to wit: Jacob City, Stockton, Grantsville, Tooele City, Mill, Batesville, Lake View, St. John's, Vernon and Quincy; and the ballot boxes from the other precincts in said county were then and there in the possession of said clerk, and that plaintiff is informed and believes they contained the returns from said other precincts. That the plaintiff and other persons who were voters or candidates were then present at Tooele City in said county, and then and there demanded that the said clerk break the seals and open said election returns and that he, in connection with other defendants, as such members of the said County Court, carefully examined said returns and canvass the same as required by law; but that the said defendant Martin, as such clerk, then and there utterly and absolutely refused to open said returns, and he and the other members of said County Court, except the defendant Rydall, then and there refused to examine and canvass said returns or any of them, either at the time aforesaid or at any time; and that they still refuse to examine or canvass the same or any part thereof, giving as a reason for such refusal, that the returns had not been sealed with wax,

whereas, in fact some of them were sealed with wax and the remainder thereof were otherwise safely and securely sealed with mucilage or other tenacious substance, or contained in ballot boxes as aforesaid. And then prays for a writ of mandamus, etc.

An alternative writ was issued, and a rule to show cause, if any, why it should not be made peremptory, was served. The defendants, except the defendant Rydall, now answer in substance:

Admitting that the defendants held and still hold the official positions as alleged by plaintiff. That on the 9th day of August, the defendant, Enoch Martin, acting in his capacity of such clerk, and the other defendants, as members of the County court, "After the returns of the election, mentioned in said affidavit had been received and placed before them to be canvassed, as by the pretended law hereinafter referred to required, then and there proceeded to examine the said returns, and then and there fully passed on the same, and canvassed the force, effect, and legality of said returns," and then adjourned.

The answer then denies that the ballot boxes were locked and securely sealed, "or that envelopes containing the lists required by the pretended law hereinafter referred to, to be kept addressed to said clerk were in his possession securely sealed at the day above named or at any other time from the precincts of Jacob City, Stockton, Grantsville, Tooele City, Mill, Batesville, Lake View, St. John's, Vernon and Quincy, or from any of the said named precincts."

Denies "on information and belief that the ballot boxes from the other precincts contained the returns from the clerks of said precincts, or any other returns securely sealed as required by the pretended law hereinafter referred to."

Denies that a demand was made on defendants to open and canvass the returns as alleged in the affidavit.

Denies that defendants refused to examine or canvass said returns or any of them at the time specified in said affidavit, or at any other time; "But on the contrary, these defendants allege that they did on the 9th day of August, at Tooele City, being then and there in session as a board of canvassers, carefully examine and canvass said returns and fully passed on the same and canvassed the force, effect, and legality of said returns, and rejected the same as illegal and void, that they then and there completed the canvass thereof."

The answer then alleges that an election was held on the 5th day of August, substantially as alleged in plaintiff's affidavit, but that the pretended law under which it was held was void having never been passed by the legislative assembly of Utah; and that, therefore, the said election was not held and the returns thereof not made in accordance with any law then or since in force. Asks that the writ be dismissed and that the defendants recover costs.

To this answer the plaintiff filed a general demurrer, which is now to be passed upon.

It will be observed that the answer admits that the returns had been received by the defendants on the 9th day of August; and it is twice alleged that they were examined, and that the defendants then and there fully passed on the same, and canvassed the force, effect and legality thereof; and that the defendants rejected the same as illegal and void. It is not said that the defendants examined and canvassed the papers purporting to be returns, and found them to be no returns, and the rejection of them is not, in the answer, based upon the fact that they were not the returns of the respective precincts, as was argued by defendants attorneys, but the answer seems to be based upon the assumed ground that the law under which the election was held was void.

Section 18 of the election law in controversy provides that, "On receipt of the ballot boxes and returns, the clerk, in the presence of at least one member of the County Court, who is not publicly known as a candidate voted for at such election, shall break the seals of the returns, and all candidates may be present as provided in section 15 in this act; and said clerk, and member or members of the county court shall carefully examine the returns; and if no irregularity or discrepancy appear therein, affecting the result of the election of any