

## BY TELEGRAPH.

## AMERICAN.

WASHINGTON, 28.

Ex-Governor Hendricks, of Indiana, was on the floor of the Senate to-day, and received quite an ovation.

It is now stated that the President, after consultation with the Secretary of War, prepared a draft of a message which will be submitted to the cabinet to-morrow and sent to the House before its adjournment if time permits, if not, the army bill will be returned with the message on Wednesday. The President, it is said, takes the view that the subject is of too vital importance to permit him to hold the country in suspense as to his action for any unnecessary time, and will, therefore, announce his decision promptly. He also intimates he takes the ground, that while there has been no menace on the part of the majority of the Congress as such, the declaration of acknowledged leaders, professing to speak for their party after caucus deliberation, amount to virtual threats to the executive, and are entirely unwarranted by the relations which exist between the executive and legislative branches of the government.

Congressman Rush Clark, Iowa, died suddenly at his room, this afternoon, after only a few hours' illness. Mr. Clark was in good health yesterday, and on Saturday occupied his usual seat in the House of Representatives. He was taken sick at 3 o'clock this morning with meningitis, and although prompt medical aid was summoned, he continued to suffer extremely, and died after only 12 hours' illness.

In the Supreme Court, to-day, the following case was disposed of: S. Jennison, executor, plaintiff, in error, vs. J. T. Kirk, in error to Supreme Court of California. The question presented by this case is whether the 9th section of the act of July, '68, confers upon one who has water rights, the right of way for ditches to be used for mining purposes, over the public lands of the United States, occupied at the time by another with no other title than that of prior possession. The Supreme Court of California decided that it did not, and its judgment is here affirmed. Justice Field delivered the opinion:

In the case of George Burt, plaintiff, in error, vs. Maria M. Ponjoud, in error to the Circuit Court of the United States for the northern district of Florida. This was an action of ejectment brought to recover possession of two lots of land which the defendant in error claims under certain deeds. Among the errors assigned was the ruling of the lower court to the effect that a certain Henry Holmes, called to be a juror in this case, was not obliged to answer questions touching his qualifications as a juror, under section 820 of the revised statutes. Under this ruling, Holmes declined to say whether he did or did not participate in the rebellion. He was challenged on the ground that he was disqualified under said section of the Revised Statutes, and the court overruled the challenge. Upon this point the court holds the juror is no more obliged than a witness to disclose on oath his guilt of any crime or of any act which would render him infamous in order to test his qualifications as a juror. The questions asked him, if answered in the affirmative, would have convicted him of the crime of treason. Whether pardoned by general amnesty or not, the crime was one which in the opinion of this court he could not be required to disclose in this manner. If he were guilty the challenge had the right to prove it by other competent testimony, and as he did not offer to do this, and as the juror's incompetency was not proven the court was not bound to exclude him. As to the ownership of the lots the court holds that there is sufficient evidence of the defendant's in error prior to possession, and that she is entitled to them. Justice Miller delivered the opinion.

Justice Field delivered a separate concurring opinion, with regard to the test oath demanded of the juror Holmes as follows: "I agree with the court that the juror Holmes cannot be required to answer questions put to him. But I go further, I do not think that the act of Congress, which, by requiring a test oath as to past conduct, excludes a great majority of citizens of one-half of the country from the jury

box is valid. In my judgment the act is not only oppressive and odious and repugnant to the spirit of our institutions, but is clearly unconstitutional and void. As a war measure to be enforced in insurgent States, when dominated by the national forces, the act could be sustained, but after the war was over and the insurgent States were restored to their normal and constitutional relations to the Union it was as much out of place and as inoperative as would be a law quartering a soldier in every southern man's house.

Justice Strong dissented from the opinion of the court.

SAN FRANCISCO, 28.—W. F. Cass Ebbelm, first assistant city treasurer, committed suicide, this afternoon, by shooting himself through the head. He left a note addressed to the coroner, stating that he had been led into stock speculation by Alex. Austin, late city tax collector, who also suicided a defaulter to a large amount; that he had lost \$35,000 in speculation, and had used \$20,000 of the city's money to cover the margins, and being unable to make it good, saw no resort but to follow Austin's example. He had always borne a good character, and could not, he said, bear the disgrace of public exposure and prosecution. Experts have been recently examining the city treasurer's accounts, but have not reported. The deceased was a native of Germany, and was aged 50 years.

WASHINGTON, 29.—There are many speculations, to-night, as to the course of the majority in Congress upon the veto message. It is regarded as very probable that a caucus will be held to-morrow evening, and some definite expression be promulgated. Nothing that can be regarded as sufficiently authoritative has yet been done.

The customary adjournment of the House upon the announcement of the death of Representative Clark prevented the reading of the President's veto message at the capitol to-day, but since its publication in the evening newspapers it has been the all absorbing topic of conversation in the Washington political circles, and has given rise to much excited feeling. The republicans are universally delighted with the message, and generally regard that in point of ability and effective presentation of the position upon which they intend to stand before the country, it has far exceeded their expectations. The democrats insist that the President's argument denying the necessity of any further legislation to prevent military interference with elections is not conclusive, but that on the contrary it is evasive of the merits of the main question involved in the pending bill. They concede, however, that the message as a whole is a strong document and likely to produce an effect upon the country which will make the maintenance of their present attitude in congress upon this question a matter of at least debatable expediency.

The veto has unmistakably strengthened the chances for the adoption of a plan of postponing the final settlement of the present controversy until next winter by means of an extension of last year's appropriations. Speaker Randall is now in favor of this course of action and his influence is likely to prove extremely powerful in securing its adoption.

Subscriptions to the 4 per cent. refunding certificates, \$87,400.

The House committee on epidemic diseases, to-day, authorized the chairman to report the bill introduced by him on the 14th, increasing the efficiency of the National Board of Health relative to the prevention or spread within the United States of contagious diseases.

The select House committee on the cause of the present depression of labor held a meeting to-day, at which the practicability of visiting San Francisco for the purpose of taking testimony, was discussed, and it was the sentiment of the members present, if sufficient funds could be obtained to pursue such a course, it would be done.

NEW YORK, 29.—The Times says: The veto message will make about three quarters of a column.

The President is reported to be indignant at the haste manifested, the messenger having arrived at the White House with the bill between 7 and 8 in the evening, as though the President contemplated running away. In the message the President takes the ground that the attempted enactment of the political amendment or rider to the

army bill is a direct infringement upon the prerogative of the executive and an encroachment upon the rights clearly guaranteed in the national constitution. The message declares further that the manner in which this unconstitutional legislation is sought to be enacted—in other words its addition to a bill for the support of the government—is an unworthy and unfair effort to coerce the action of the executive, and that such coercion was never thought of during the first 40 years, and in many respects, best years of our national existence; and that during the past 60 years, or since the form of legislation described has been in vogue, the best men of all parties and all political factions have, from time to time protested against it. For these reasons the message appeals to congress now, and forever, to put an end to the vicious custom of tacking irrelevant legislation to appropriation bills. As a further argument against the style of legislation described, the message draws attention to the fact that in 22 states of the Union it is prohibited by constitutional enactments of the most direct and binding character. The president does not object to any law prohibiting troops at the polls, and it is reported if the word "civil" is stricken out of the objectionable bill he will sign it.

What the democrats will do with the veto message is the next absorbing question. The Tribune thinks they will lay it on the table and go into caucus to decide on the next move.

A prominent senator said to-day they would not caucus nor consult until they knew certainly the grounds for the President's action, "but we mean to insist," he continued, "that the people who have federal power shall not use it at all at the elections." It is pretty well known that some of the more thoughtful republicans have come to the conclusion that their party has taken too advanced and extreme grounds in the debate on the army bill. The President is thought, however, to be in the hands of the stalwarts.

The Tribune's Washington special says of Pendleton's proposition: It does not look as if the matter would be made a political issue in any sense. It is probable that some of the southern Congressmen will oppose it on the ground of unfavorable experience. The plan was tried in the confederate congress and for a time worked well, but the attendance on congress soon became a bore to the cabinet officers, while the familiarity bred a species of contempt on both sides.

The Times' has an editorial discouraging the project recently suggested at Albany and Harrisburg of sending a delegation to San Francisco to welcome Grant. The writer does not believe in manufacturing enthusiasm or converting what ought to be a simple spontaneous expression of respect into a display of carefully rehearsed theatrical effects.

At the Stanley courtmartial to-day Gen. Hazen was put on the stand and asked by the Judge Advocate to describe how he became separated from his command at Shiloh. It was the first battle, witness said, he was engaged in. His horse was unmanageable, lame and fazed. He was with the brigade when repulsed. He turned to the left and found himself in a dense wood. He became bewildered. The brigade made a half face to the right. He saw Gen. King and enquired for his brigade. He then took one of the roads; there was a multitude of roads; think it was on the Hamburg road he went to Pittsburg Landing. The condition of his horse made the journey slow and he could not reach his command.

CHICAGO, 29.—The Tribune's Omaha special says: The Pacific Indians who passed through Omaha a few weeks ago en route to Washington, left on their return to San Francisco on the noon train. Mr. Connoyer, their agent, states the chiefs are well satisfied with the result of their visit. Chief Moses has got a tract of land or reservation set aside for his people and all the other tribes who want to join them. The reservation is located on the Columbia River. Twelve tribes will locate there. The Walla Walla, Umatillas and Cayuses will select their lands in severalty, each member of the tribes being entitled to 160 acres. Some of the chiefs wished to visit Chief Joseph, now in Indian Territory, but this was not granted them, the trip being too long, expensive and impolitic.

The Union Veteran Club, last night, adopted resolutions congratulating Senator Logan on his manly moral stand in refusing to accept the challenge from Congressman Lowe as a means of refuting a vile calumny.

ATLANTA, 29.—The case of Cox, who killed Col. Alston on the 11th of March, was called in court to-day. Counsel for Cox made a strenuous effort to continue the case to the next term on account of the absence of Senator Gordon and the prevalence of public excitement. The court refused the motion on both grounds. Senator Gordon will arrive to-night. The court room is crowded. Cox is defended by 13 counsel, the State represented by eight. The day was consumed in setting six jurors out of the 144 offered.

CLEVELAND, 29.—Monumental Park was lighted to-night for the first time with the Brush electric light, the effect being much more brilliant with 12 lights than formerly with 110 gas jets, and the cost for lighting was \$100, less than with gas.

NEW YORK, 30.—Rear Admiral Ammen and Engineer A. G. Menocall from the Washington navy yard leave for France to-day as delegates to the Inter-Oceanic Canal Congress which meets May 15th. The Times this morning says: The congress is expected to decide between the Darien and Nicaraguan routes, and powerful interests are arrayed in favor of each, as rival franchises are held by promoters of the general scheme.

The democratic papers now have a monopoly of the "backbone strengthening" business. The Sun declares the democratic position must not be abandoned, saying such a course would be foolish, unpatriotic, ridiculous, and probably fatal to those responsible for the retreat. The majority must rule, and the man holding the presidential authority by fraud ought not to coerce the majority.

The World says: The veto opens the way wide and clear to a democratic victory in 1880. Congress must see to it that the wheels of the public administration are kept in motion; and if the president or a faction and a mischievous minority, under the guidance of evil counselors, insists upon obstructing the wheels, let the people calmly take the issue.

The Herald is well pleased with the veto, declaring the President makes some strong points. The President has dexterously deprived them of their new party issue by demonstrating that the army cannot be used at polls under the existing laws. This being so, the democratic party had no excuse for forcing the extra session, and it will be overwhelmed by popular indignation if it stops the pay of the army.

The Tribune says: The President's message is unanswerable. It leaves the democratic party no road of escape from a surrender and it completes the consolidation of the united and confident republican party in the support of their official leaders. In defence of the position so ably defined in this important paper, the republicans of all shades of opinion will stand by their President to the very end.

The Times says: The President has taken a position which the good sense of the country will positively sustain.

CHICAGO, 30.—Following are some of the opinions of the press on the President's veto message:

The St. Louis Globe-Democrat says: It is a clear presentation of the objections to the revolutionary scheme of the Bourbons, and puts in a strong light the reasons why the bill should not become law.

The St. Louis Republican says: Upon the President, upon the administration of which he is the executive head, and upon the political organization which he is made to represent, must rest the responsibility for the mischievous consequences which may follow.

The Cincinnati Enquirer says: The veto is in direct conflict with the Constitution, and is shamelessly hostile to the Declaration of Independence. It is an assertion of executive prerogatives that is both groundless and perilous. It is a declaration that the President may forbid Congress to appropriate moneys for the maintenance of the government if Congress attempts to direct the manner in which and purpose for which, within the Constitution, these moneys shall be expended.

The Cincinnati Gazette says: The statements in the veto message are

so plain, and the conclusions so strong that they cannot be answered. The President is with his party and the country, and the party and country are with him.

The Cincinnati Commercial says: It has the more weight that it comes from a President who has from the day of his nomination shown a disposition to soften party antagonisms and allay sectional feeling, going beyond the views and incurring the suspicions of a majority of the party with which he is identified in his effort to conciliate the extremes and bring into a reasonable harmony the discordant elements of American politics.

The Boston Journal says: We believe the intelligence of the country, after a careful perusal of the message will approve of the President's course, and conclude that his objections to the measure are sound and entitled to the highest consideration.

The Boston Post says: The President's objections are of little importance. He has unmistakably proclaimed that he and his party were determined to stop the wheels of government rather than submit to a repeal of the measures for controlling the elections by federal bayonets.

The Chicago Times says: Mr. Hayes has taken an oath to faithfully execute the office of President and protect and defend the Constitution. He has performed that duty with a boldness and vigor that will commend him to the applause of all good citizens.

The Chicago Tribune says: The President has earned the gratitude of his country by the prompt and courageous performance of his duty, and he will find universal admiration for the intelligent manner in which he has done it.

The Chicago Inter-Ocean says: The President's action will give confidence to the republicans and encourage them to fight out the battle on the issue presented by the democrats firmly and without hesitation.

The democratic senators held a caucus this morning, lasting about an hour, but no action was taken except to determine informally that the legislative, executive and judicial appropriation bill shall not be brought forward for discussion in the Senate before next week, and in the meantime the democratic senators will meet their party friends of the House in joint caucus for consultation concerning the proper course to be pursued in regard to the President's veto of the army appropriation bill and the political situation generally. The veto message was not discussed.

GALVESTON, Texas, 30.—The News special from Griffin, Texas, says: Parties from the neighborhood of Pecos river report the Kowas killing herders and driving off stock. Mr. Belcher and one of his men were killed on Saturday and another on the 23d. There are fears of a general massacre. The Indians number 60.

TOLEDO, O., 30.—A man going under the name of Mons Florentine, stopping at the Hooper House, last night at half past twelve shot his wife known as Miss Lillie Ellis, now playing at the Adelphia Theatre, through the neck with a revolver, then putting the weapon to his head fired and instantly killed himself. Miss Ellis is considered to be in a precarious condition but physicians have strong hopes of saving her life. Jealousy is supposed to be the cause.

## FOREIGN.

LONDON, 28.—The rumor that the Porte has obtained relief from its most pressing pecuniary embarrassment, by raising a loan in London on the surplus revenue of Cyprus, is unfounded. All its financial projects are still unfruitful.

The trial of three medical students, convicted and sentenced to imprisonment for disturbing the public order, and maintaining secret connections, took place in Berlin and not St. Petersburg. Their names are Gerewitz, Arohnson and Liebermann. The last named goes under the alias of Arthur Freeman, is connected with the leading socialists in Europe and America, and was on his way to Switzerland from Vienna, whence he had been expected after a month's imprisonment, when he was seized and taken to Berlin on account of his communication with Gerewitz and Arohnson. His letters showed a plan for establishing in Berlin a section of the Nihilists to act as a sort of way stations for communications between the London