

THE EVENING NEWS.

PUBLISHED DAILY, SUNDAYS EXCEPTED
AT FOUR O'CLOCK.

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EDITOR AND PUBLISHER.

Friday, Jan. 25, 1875.

NEWS OF THE DAY.

—Speaker Witz, of the Louisiana Legislature, has sent a telegram to President Grant, requesting him, seeing that he denies that the U. S. military acted by his authority on the 4th inst., to restore the status quo existing before the action of De Trobriand, that the house of representatives then ousted may proceed with business unmolested.

—General Packard and Governor Ames were examined by the congressional committee at Vicksburg yesterday.

—News comes from New Zealand of the burning of the cutter *Lepwing*, and the massacre of its crew by savages.

—The Dutch troops in a recent fight in Achene, took nine forts from the natives.

—The steamer *City of London* went ashore at Carraro Point, Ireland, yesterday.

—A German war vessel has gone to demand satisfaction from the Carlists for the outrage on the *Gustav*.

—Gladstone is said to have resigned the leadership of the English liberals.

—During a debate on the Indian appropriation bill in the U. S. House of Representatives, yesterday, it was stated that Indians at the Round Valley reservation, Cal., were often tied up and whipped like dogs by the orders of their agent, the Rev. L. Baughman, a Methodist, and an apostate secessionist who, after the war, became a republican and was rewarded with an appointment as Indian agent.

—The President sent his special message on finance to Congress yesterday; for synopsis see telegraphic news.

—The Sergeant-at-Arms of the House of Representatives has a writ of *habeas corpus* served upon him in the Irwin case, and has received instructions to make a return stating, and especially the authority of the House, for contempt.

—The First National Bank, at Carbonate, Colo., was robbed yesterday of \$10,000.

—The Southern Ohio Episcopal Convention has elected Dr. Joger, of Philadelphia, bishop of their diocese.

—The Pennsylvania democrats, in joint caucus, nominated Judge Wallace for U. S. Senator.

—The lower house of the New York legislature has adopted resolutions condemning the Louisiana coup d'etat, and especially the famous "banditti" dispatch.

—The Democratic members of the Indiana legislature have nominated J. E. McDonald for U. S. Senator.

—A message signed by twenty-five commercial travellers representing leading business firms in the east, denying the existence of terrorism in Arkansas, has been forwarded to Congress.

—Governor Garland, in a special message to the Arkansas legislature, says that if the present laws are not sufficient to protect the lives and property of all in the State, more laws must be enacted, for all must be protected.

—A Washington special to New York says that at a meeting of southern republicans held last night, it was unanimously determined to support the President's policy and the Kellogg government, and it has also been determined to admit Pinchback, the Kellogg senator.

—The report of the congressional sub-committee on Louisiana affairs, issued by the committee on the Conservatism of that State to please the full committee, and, consequently, not to be accepted, the report, they have decided to go and investigate for themselves. They are expected to leave Washington to-morrow night.

—A dispatch received this afternoon says that the steamer *City of London*, from San Francisco for Liverpool, was lost at sea.

—The kingdom of the Netherlands has appointed a commission to the Centennial Exposition.

—Donn Platt was again before the ways and means committee this morning, in reference to the \$5,000 transaction. He answered the question under protest, and, to elucidate, commenced reading from the stubs of his check book his private transactions. It was suggested that the latter was unnecessary, but the witness said he would rather read them to his constituents than not, for he had had transactions with butchers, bakers and tailors, and the latter fact only had saved him from utter disgrace.

—Forty-five thousand dollars damage by fire at Utica, N. Y., this morning.

—The bill for the Portland, Dallas and Salt Lake Railroad was under discussion in the U. S. senate to-day.

—A republican senatorial caucus was held in Washington this morning, in which it was resolved to ask for the resignation of the Kellogg government.

—To satisfy judgments obtained by late employees, the stock and fixtures belonging to the defunct *Republic* newspaper were sold this morning.

TIMES' WHIRLIGIG.

A few years ago a body of troops were sent to this city and commanded by an officer whose name has since been in everybody's mouth. The troops were sent with the avowed intent of doing wonderful things in this land of the Salt Lake among the people of this Territory of Utah. However, contrary to the expectations of many people, nothing very wonderful was done here by that portion of the army in the way expected. Of the troops or of the officer commanding we have little to say, and we do not wish to say anything derogatory if we had anything, the army being in many respects a mere machine, the various parts of which are expected to operate almost mechanically, and in a large degree irresponsibly, according to the will of the chief superintendent of that machine. Yet it is rather noteworthy that in the progress of events, the same officer and the same troops have been and are now engaged in a far distant part of the Union, and in a kind of business, which, while it has brought them most prominently before the whole country, has not placed them in a very enviable position, nor

created them upon a very high pinnacle of military glory, but they have been placed in a position to carry out measures similar to those contemplated to be carried out here and which have aroused the swift indignation of the whole Union.

There is a Scripture which says, "Judgment must begin at the house of God; and if it first begin at us, what will be the end of them that obey not the Gospel of God? And if the righteous scarcely be saved, where shall the ungodly and the sinner appear?" Again, "If they do these things in a green tree, what shall be done in the dry?"

A DISCOURAGING ACKNOWLEDGMENT.

SEVERAL able and influential papers in the East have expressed the opinion that there is no hope for peace, order, and prosperity for Louisiana, or any other State in a similar condition, except in direct federal government, either under military law or in the form of a Territorial organization. This is a very unwelcome, a very discouraging opinion. It is an acknowledgment as far as it goes, of the positive failure of democratic-republican institutions. It is saying at once that such a State is not fit to be a State in the Union, that its people are not worthy of becoming full-fledged citizens of a republic, that they are not equal to popular representative government, not altogether equal to representative government not popular. In a republic like this, every legitimate and fair device ought to be employed to prove that the people of a State are not worthy of popular government, before such a deprecatory verdict as that is returned, and especially before it is acted upon, for it would be equivalent to the death-knell of democratic and republican institutions in this fair land of freedom, whose people have boasted, in grandiloquent style and to the ends of the earth, of the superior liberties and excellences and virtues and advantages and glories of their democratic-republican form of government. Now, if it be proclaimed to the world that it is necessary to go back, to withdraw republican freedom from a portion of the Union, because therein it is an impracticable form of government, positively inadequate to the preservation of the public peace, order, prosperity, and happiness, what will the world think of America and Americans? The lip of derision and the finger of scorn will be turned towards the Western Hemisphere by the nations of the Old World, and poems of triumph will be sung over the self-confessed failure of popular government in this New World of ours.

The remedies proposed for the existing unsatisfactory state of things are—

1. A Territorial form of government? Wherein would this help matters? It would substitute federal appointees for locally and popularly elected officers. Would it not thrust a number more of carpet baggers upon the people, who have already a very vivid idea that to this class of gentlemen the South owes many of its present woes.

As a Territory, Congress would have the power to undo all the work of the local legislature, and render it nugatory. Besides, we know how delectable it is to the people of a Territory to exchange dominion; federal appointees for officers chosen by the people themselves. Then again there is a great question as to the constitutionality of a measure relegating a State to the condition of a Territory, and perhaps no people would voluntarily prefer Territorial serfdom to State rights.

2. A military government. This has always been the special version of true Americans, and of all advocates of real popular government, of which it is the very antipode. A military government is despotic, the voice of one instead of the voice of the people. To go back to despotism would be worse than to go back to monarchism; it would be going still further back, taking a much longer step in the rear than to monarchism, and still less to be commended in a republic, a democratic republic especially.

Military rule is iron rule, the last kind of rule to which people generally have any desire to become subject, and to deliberately propose and adopt it for any of the States of this Union no true American would ever think of except as a last resort in a case of dire extremity. Not until all other means had been tried and had failed could such a retrogressive policy be dreamed of, and even then, with a heavy heart and many forebodings as to the perpetuity of republican institutions would it be adopted and set in operation.

3. George F. Langbein, counsel for appellant, argued that if the undersigned, sheriff, was correct in his opinion that the undersigned was sufficient, Judge Fowler should have signed the order of removal, that he had no jurisdiction to render judgment as to the propriety of removal in the case that he was *functus officio*, and that his jurisdiction was arrested except to adjourn.

Referring to the case of Hogan vs. Devin (22 N. Y. 254), he stated further that the Justice was bound to accept and approve any one or more reasonable grounds, and that if the sureties were good in law upon

the face of their own examination, the Justice could not from mere willfulness, caprice or whim object to or disapprove of them. This doctrine, he claimed, is conceded to be law in the case of Adams vs. Irving (8 New York Supreme Court Reports, 1 Hum.). In the opinion of Judge Talbot. The Justice was to exercise a judicial discretion in discerning the course prescribed by law. When that is discerned it is the duty of the courts to follow it. It is to be exercised with effect to the will of the judge, but to that of the law (Tripp vs. Cook, 23 Wend., 143, 152). It must be a sound discretion. A Justice Judge Brady in the case of Hogan vs. Devin.

"Thomas Henry Edsall, counsel for respondent, argued that the Justice had a right to satisfy himself, and that in this case the Justice had stated he was personally acquainted with one of the sureties, whom he was to demand in support from the republicans party."

"The Court unanimously reversed the judgment, the Chief Justice stating that the sureties being disinterested in the case, and by their sworn examinations, the Justice was bound judicially to approve the undertaking and sign the order of removal. He adds, further, that a Justice should have no private reason; it must be a judicial reason, and not an arbitrary, whimsical or capricious reason."

In regard to judicial responsibility, here is a paragraph from the Washington Star—

"Mr. Edward Lange, convicted in the United States Circuit Court of New York of an unlawful use of mail bags, was erroneously sentenced by Judge Benedict, of that court, to fine and imprisonment."

The first part of Mr. Lange's sentence having been fulfilled, the U. S. Supreme Court decided that the second part—imprisonment—was enforced without authority of law, and the prisoner was discharged.

Thereupon he brought suit for false imprisonment against the United States, and by the defendant, on the ground that a judge was not liable in a civil action for damages, notwithstanding the commission of error. Judge Van Brunt, of the Supreme Court, has overruled this demurrer, deciding that a judge of a court of general jurisdiction is liable to a civil action when he attempts to enforce a judgment, which he knows to have been satisfied. The ultimate decision of this case will be looked for with interest."

CLIMATIC CHANGES.—Hereabouts of late years the winters have been moister and summers too, with much more rain in the hot season.

In New York City an observation is also made that the winters are softer and the heated terms briefer and more broken than formerly.

In California too, say the Pacific papers, general attention is being called to the subject of the climatic changes through which that part of the country is passing. It is held that there is a growing tendency to a more evenly distributed climate throughout the State than formerly. Summer heats growing more temperate where they have been excessive, and the extreme rigor of the Winter being moderated in other sections.

U. S. Senator Nominated.

INDIANAPOLIS, 15.—The Democratic Senatorial caucus last night, nominated Joseph E. McDonald, 49, Holman 32.

Will go to Louisiana.

WASHINGTON, 15.—The committee on Southern affairs have determined, in view of the dissatisfaction expressed with leaving a subject that has assumed such magnitude to the decision of the subcommittee, to visit Louisiana for the purpose of making a further investigation of the difficulties now existing in that State. The testimony taken by the subcommittee and their report will be held in abeyance until the return of the other members of the committee. The time for starting has not been fixed upon, but it is expected the committee will be able to leave by the 1st inst.

Commission Appointed.

The Kingdom of the Netherlands has appointed a commission for the centennial exposition.

Don Platt and Congressmen.

In the ways and means committee, to-day, Dawes again asked Donn Platt through whom he paid his note to Irwin. Wood, of the committee, objected to the question, on the ground that the committee were now going outside the line of questions which witness could be asked to answer, but he afterwards withdrew his objection, and Platt, repeating his former assertion that the \$5,000 transaction had nothing to do with the centennial exposition, and that the committee was Geo. F. Hoar, of Mass., Wheeler, of New York, Frey, of Maine, and Marshall, of Ill.

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as these tickets were issued to more people than the court room would hold, great confusion was caused this morning by the struggle of ticket holders to gain admission. As usual, a strong delegation from Plymouth church was present. On the opening of the court Judge Fullerton, of the plaintiff's counsel, announced that Judge Morris was sick and confined to his bed, they would therefore have to ask the indulgence of the court from time to time. Moulton's direct examination was not continuing. It consisted mainly of identifying documents connected therewith already published.

Will Admit Pinchback and Support Kellogg.

A Washington dispatch says there was another conference of southern republicans last night at which it was unanimously agreed to support the Kellogg government, and to demand in support from the republicans party.

It is the intention of the republicans in the Senate to admit Pinchback to his seat as soon as he arrives in Washington. Some senators state, very emphatically that he will be seated. This would be such a marked case of the Kellogg government that it does not seem possible that the senate would take such action till it had deliberately determined upon its policy of dealing with the whole case. There are, within the last two days, signs of a reaction among the republicans in favor of endorsing the policy that has been pursued since recognizing and sustaining the Kellogg government. Opinion is still vacillating, however, and is governed by feeling rather than by judgment.

A Defunct "Republic."

The stock and fixtures of the defunct *Republic* newspaper were sold to-day, to satisfy judgments obtained by the late employees.

A Denial—A Special Message.

LITTLE ROCK, Ark., 15.—Twenty-five commercial travellers, representing business houses of St. Louis, Louisville and Memphis have forwarded a statement to Congress, denying the dispatch of Governor Sheridan to the Secretary of War, in so far as it refers to terrorism in Arkansas.

Governor Sheridan transmitted to the Senate a special message in which he recommends that, if the laws are not already sufficient, additional measures be at once enacted to punish all persons, of whatever class, guilty of the charges preferred in the papers forwarded to the President by the United States soldiers.

The message thus closes. "We want no man in the State to be afraid or to carry his life in his hand, but all must be free and untrammelled, and they may remain long in the land and do well and prosper."

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was slightly damaged by heavy gales.

Withdrawn.

LONDON, 15, 6 a. m.—Gladstone has withdrawn as leader of the liberal party.

Disaster at Sea.

The steamer *Alce* from Cardiff for Constantinople, has been lost at sea, with twenty persons.

A Mistake Corrected.

The vessel ashore on Carraro Point, Ireland, is not the steamer *City of London*, from Liverpool, but the ship *City of London*, from San Francisco for Liverpool.

SPAIN.

Gone to Demand Satisfaction.

SANTANDER, 14.—The German corvette *Nautilus* has gone to Zaros, to demand satisfaction of the Carlists for the outrage on the *Gustav*.

WASHINGTON NOTES.

From the Washington Star, Jan. 6.—

The bill recently introduced in the House by Mr. Cox to bring the President's salary down to \$25,000 by which it was raised from \$25,000 to \$50,000 has been laid on the table by the House Appropriation Committee. A bill pending however provides for the establishment of the Executive salary at \$25,000 per year after March 4th, 1877.

From the Boston Express, January 2.—

The gold, silver, copper and lead mines, recently discovered, have set the whole population of Newburyport, Newbury, Georgetown and Amesbury. Ben. Perley Poore's Indian Hill farm in West Newbury is supposed to be founded on a valuable ore,