

and party and to spirit them away into the mountain fastness.

WASHINGTON, 25.—The decision of Chief Justice Senor, of Wyoming, was received with great satisfaction at the Land Office. This decision, as stated in a dispatch from Cheyenne, effects very materially the stock-raising interests in several of the Western States and Territories. When Commissioner McFarland was shown the dispatch to-day, he said he was very much pleased to have the position of the office judicially sustained. They had insisted that the practice of enclosing public lands was unlawful and injurious, but their power ended when they called the attention of the Department of Justice to the facts in each case. This they had been doing for a year or more. He was glad to see that the action taken by the Department of Justice upon these representations had resulted in a decision for the government. "The interests involved," said Judge McFarland, "are enormous, and Chief Justice Senor is to be commended for his courage and uprightness. Probably the larger part of the public domain, suitable for grazing, is illegally fenced in. Certainly there are millions upon millions of acres so enclosed. The object in fencing is not so much to keep the owner's cattle in as to keep other people's cattle out. Thus a company will stretch a fence on either side of a stream for miles, thereby keeping a monopoly of the water. If other stock raisers try to break through and get a supply, there is trouble at once. Moreover, if a legitimate settler comes into these enclosed lands he does so at his peril. The stock people are strong and rich, and among their employees are desperate men, who have no regard for life or law. This decision will be of immense service to poor and law-abiding settlers. It gives all an equal right to herd cattle on the public domain, and does away with usurpation. Cattle men will undoubtedly appeal and fight the case to the last, but the precedent now obtained will be of great advantage to the government."

The court martial which tried Captain John A. Cress of the ordnance department at San Antonio for neglect of duty in exceeding the amount appropriated for the erection of military barracks at that post, recommended his acquittal.

The National Republican prints an abstract of Sawyer's brief in the case of Supervising Architect Hill. The latter's brief is a succinct history of the investigation, and a statement of the points involved, viewed from the Hill standpoint, about his agreements, the exposition of the granite contract, and the explanation of the contract system in vogue in the Architect's office. He goes into the granite feature with much particularity, and pays his respects to Congressman Murch in a decidedly pointed manner. The witnesses Murch, Heinzel and others are arraigned for selfish misrepresentation and perversion, and the Commission is asked to disregard the testimony of these gentlemen in making up their report. He treats of the contracts for heating apparatus exclusively, not touching on any other point. He quotes liberally from the printed testimony, and draws conclusions therefrom to establish the innocence of his client of complicity in any scheme to swindle the Government through collusion with the Supervising Architect.

Mr. Coleman, in his brief, after stating that the Secretary of the Treasury who set the investigation on foot, did nothing to aid or assist but on the contrary did all in his power to hinder, delay and embarrass it, he reviews the granite contracts for the Philadelphia, Cincinnati, St. Louis and Hartford buildings, and shows that of \$300,000 paid out on the recommendation of Architect Hill, the latter appointed Newton to approve the work; that the expert so appointed approved the work; that on his (Hill's) report the bill was paid in full; that Newton then resigned and entered the employ of the firm at an increased compensation; that the work inspected was shown by the testimony Messrs. Woodman and King, of Chicago, not to have been according to specifications. We propose, says Coleman, to be very minute in examining the testimony on this part of the case, because some witnesses have committed willful acts of corruption and perjury; and while I am willing in the trial of a case to have almost everything from opposite counsel, and when the trial is over to forget and forgive, I never did, I never will sit down

under the attempt to swear men out of court by the evidence of a perjured witness. The committee may look at the matter as they choose; they may do with it as they choose; this question as to whether or not this heating apparatus which was inspected by this young man complies with specifications is a question which, no matter how this committee may determine in regard to it. I propose to press the investigation elsewhere, so there will be no doubts in the minds of anyone whether one witness for the defence has committed perjury. In conclusion, Coleman asserts that he has proved conspiracy in spite of the opposition of the Treasury department. He thanks the members of the Commission personally for their courteous treatment.

The Republican says the brief is decidedly spicy in its tone, and reads like a political as well as a criminal indictment of the Architect's ring.

The chief clerk of the War Department has transmitted to the Indian Bureau the following communication from Gen. Crook:

HEADQUARTERS DEPARTMENT OF ARIZONA, August, 7, 1885.

Adjutant General of the United States Army.

Dear Sir:—Referring to a communication from your office of July 19th, transmitting copies of correspondence from Governor Chulavie and the Minister from Mexico, and the Secretary to me in the Sierra Madre, I have the honor to state that I am in full sympathy with the Governor of Terrahua in the ultimate end sought; that is, the welfare and security of property in both countries. Though the Chiricahua prisoners are guilty of many and repeated acts of hostility and outrage, but in Mexico and the United States they are now prisoners, and surrendered with the understanding that their past misdeeds would not be punished, provided they behaved themselves in the future. To attempt to punish those who are on the San Carlos reservation as prisoners, would be an act of perfidy and bad faith; and would unquestionably not only prevent the return to the agency of Chiricahuas left in the Sierra Madre, but would precipitate an Indian war, which would be more serious in its results upon the interests of the two countries, than any which has preceded it, inasmuch as both countries are rapidly developing and new industries constantly being inaugurated, all of which offer new facilities for plunder and destruction. It would be almost as impossible to exterminate the Chiricahuas in their mountain homes, as the wolves and coyotes, with whom they share the possession of the Sierra Madre; and so long as any of them survive, so long would the carnival of death and depredation continue. I believe firmly that exact acquiescence by our government in the terms upon which these Indians understood them, and are to be allowed to live upon the San Carlos reservation, appears to be the only possible means of protecting the lives of the people of Sonora and Chiricahuas, as well as our own country; and I am as firmly convinced that if the present pioneers are treated with good faith, not only will the renegades now in the mountains return, but also that neither country will hereafter have any reason to complain of depredations and outrages from them.

(Signed) GEO. CROOK, Brigadier-General Commanding.

A copy of this communication has also been furnished the Department of State.

The first appointment of the Treasury Department under the civil service rules was made to-day. The vacancy was in the National Bank redemption agency of the Treasurer's office. The Civil Service Commission certified the names of five ladies to the Acting Secretary of the Treasury, who elected that of Miss Mary F. Hoyt, of Connecticut, the first on the list.

The Internal Revenue Bureau today received from the collector for the Fourth District of Texas a schedule of a hundred claims for rebate on tobacco, etc., amounting to about \$80,000. The schedules are all in with the exception of one district of Virginia, the Second Tennessee, Second Minnesota, Seventh Indiana, and the District of Colorado.

Up to the close of business to-day, called bonds had been redeemed at the Treasury as follows: Under the 115th call, \$16,050,300; 116th, 13,209,300; 117th, \$25,050,700; 118th, \$15,787,000; 119th, \$14,611,100; 120th, \$14,787,450; 121st, \$6,918,100.

St. Louis, 25.—Macon, Missouri,

special: Geo. Stewart shot and killed Walter Tracy yesterday. The murder grew out of the refusal of Tracy's part to live with Stewart's sister, whom Stewart compelled Tracy to marry a few weeks ago. Stewart's sister having alleged seduction. Stewart escaped.

John B. Sweeney, who is suspected of being implicated in the Vinita train robbery, was arrested at Missouri City by the sheriff of Clay County. Sweeney was visiting some relatives when captured.

Special from Gallatin to Post-Dispatch: The Frank James trial was resumed at 8 o'clock this morning. The first witness called was Dick Liddell. Objected that he was a felon. Argument followed, then recess.

On reassembling shortly after 2 o'clock the court was called to order, and the Judge announced his decision. After reviewing the authorities, he stated that the evidence of the witnesses was admissible. Defense then objected that the paper purporting to be a pardon was only a copy. The state proposed to put witness on his *voir dire*. Answering the prosecutor's questions, witness said he was sent to the penitentiary from Vernon county in 1874; had a pardon, and tore it up the day after he got it.

The jury was brought in, and the examination proceeded.

Witness said, I am 31 years old; was raised in Jackson County. There was a band known as the "James Boys." I became a member four years ago last fall, and shortly afterwards left the State, going to Tennessee. In July, 1880, I went to Nashville with Jesse James; found Frank James and family and Jesse's family there; stayed nearly a year. Bill Ryan and Jim Cummings came there. Frank took a house in Nashville and lived there, at 814 Fatherland street. In March, 1881, Frank, Jesse and myself left there. Bill Ryan got captured. We got a scare and lit out. Went to Hite's place and stayed a few days, then went to a nephew of Hite's and afterwards came back there. Arrangements to commit the robbery were made by Jesse and Frank James and Wood Hite, to come out to Missouri and take an express train somewhere up here. This was in May, 1881. Jesse and I came to Kearney in May, 1881, and rode to Mrs. Samuel's farm. Frank arrived a week later. Found Clarence Hite there, and Wood came afterward. About a week later four of us started on horseback. We met at Ford's farm, near Richmond, and started out from there, but afterwards went back. Several days after we started out again; were to meet Wood Hite at Gallatin. We rode most of the night, stopping next day and night with a Dutch farmer. Proceeding, we came close to Gallatin. Jesse was then taken sick and we all went back, the party scattering. Frank and I went to Ford's. A week later we started again, traveling apart, and met the others near Winston. We left our horses and went to town after dark. Jesse and Frank, Wood and myself were to capture the engineer, and the others to take the baggage car. Wood and I got on the tender. When we got out a little ways the train stopped and we heard shooting. We stopped several times to scare the engineer. He stopped the train, and we made him move the train on. The engineer pulled the throttle and jumped off. We did not know how to stop the train, and Frank came through and stooped it. Wood and I got off the engine and went back, and we all left the train. Jesse and Frank said they thought they had killed a couple of men. Jesse said he was pretty sure he had killed one, and Frank said a man had peeped in and he shot at the man, who fell off the train. We got seven or eight hundred dollars in all. The money was in packages. We rode all night after the robbery, and stopped in a pasture about daylight and divided the money. We went from there to the Fords, where we stayed about a week.

The cross-examination of Liddell was postponed until Monday. Governor Crittenden was called and testified that, Dick Liddell told him Frank James said to Jesse he would not have gone if he had known there was to be any killing. After the Governor's testimony court adjourned until Monday. This has been decidedly the most important day of the trial. The rulings of the court were all favorable to the prosecution.

Providence, 25.—Hester Fennel, white, 24 years old, a resident of the

slums, died from the effects of a beating received from the hands of a negress name Sallie.

Havana, 25.—Thirty-two deaths from yellow fever in Havana the past week.

Toledo, 25.—Christian Duesner, proprietor of a saloon in the Fifth Ward, last night shot and instantly killed Corbin Caswell, of Wood County. Caswell, with others, had become quarrelsome and attacked Duesner.

Manitowac, Wis., 24.—The ice house and store sheds of the Milwaukee, Lake Shore & Western railroad burned to-day; loss \$40,000. Three new engines, tender and a baggage car and considerable timber burned.

Halifax, 25.—The brigantine *Ruthal*, owned by J. R. Lithjón and E. R. Archibald, of Halifax, burned in Little Glace Bay on Thursday night.

Lima, via Galveston, 25.—A long but slight shock of earthquake was felt at 1 o'clock this morning.

Rochester, Minn., 25.—Gov. Hubbard arrived yesterday, and accompanied members of the relief committee in excursions about the ruins, and fully satisfied himself that the reports of destruction were not exaggerated. At his recommendation 50,000 circulars have been prepared for distribution throughout the State asking aid. Six hundred and thirty-five houses in the city were demolished; 31 persons killed; 100 wounded, a number of them fatally; 129 families are wholly destitute, besides a number in the country who lost all. The committee has determined to assume the expense of rebuilding the houses of the destitute as far as possible, to the extent of \$50,000 at least. They have received \$17,000 in cash, which is being expended for present needs.

NEW YORK, 25.—Among the passengers on the *Elbe* of the Bremen line were the following persons: guests of Villard, at the opening ceremonies of the Northern Pacific Railroad: Senator Dr. Albert Grooming, representing the City of Bremen; Senator Charles D. Chapeauwong, representing the City of Hamburg; Dr. Max Weber, Member of the German Parliament, and the City Chamberlain, representing the Mayor of Berlin; Emile Ritter, Von Loovenky, Lander, Colonel, commanding the First Cavalry Brigade of Loyal; The Royal Prussian Privy Counselor and Assistant Secretary of the ministry of Labor; A. W. Hoffman, Privy Counselor and Professor of Chemistry of the university of Berlin; Dr. Guelst and Dr. Geo. V. Bunzens, Members of Parliament; Dr. Paul Lendon, the well known author, as correspondent of the *National Zeitung*; Lieutenant Perez of the railroad regiment, as representative of the *Nord Deutsche Allgemeine Zeitung*; Dr. Wilhelm Mohr, *Gazette*, Cologne; Nicolaus Mohr, chief editor and proprietor of the *Weiser Zeitung*; Dr. Richard Oberlander, for the *Frankfort Gazette*; Dr. G. Lieman, director of the German Bank; Von Schauss, Member of Parliament and director of the Deutsche Baden Credit Bank; Dr. Von Holst, Privy Counselor of the Court; Herman Rose, Director General of the German Life Insurance Company; Otto Pulo Syndikus, representing the Chamber of Commerce of the city of Frankfurt; Dr. Herman Kreisman, formerly Consul General of the United States at Berlin; Theodore Spentsche, Counselor of the Government; Dr. Ernst Magnus, Government Assessor; Dr. Reid Sheridan, formerly Minister Resident of Hanse Cities at Washington; Ex-Consul General Muller; Ludwig Del Brock, Herman Marcus, banker; Theodore Flitsch, merchant, representing the merchants of Butten; Adolph Frachlich, banker; Dr. Adam Eisenloper, and A. Goldeler, of the *Allgemeine Zeitung* of Munich.

## FOREIGN.

LONDON, 23.—The *Times* correspondent at Hong Kong, referring to the movement of the French in Tonquin, says the enemy are mainly composed of Chinese, armed with Remington rifles. It is believed the enemy's loss was small.

French doctors complain of the want of medicine and stores. The operations of the French have been stopped for the present, the number of their troops being insufficient to attack Sontay and Bacnah, which are the strongest positions in the Delta. The republic threatened them would encourage the enemy. Four thousand native Christians are being armed. Hondarso, corres-

pondent at Hanoi, adds that it is generally admitted that the French will require a force of 100,000 men to be able to cope with the enemy successfully. The number of their guns is also inadequate.

A special dispatch from Hong Kong says: A European waiter at Canton, in an altercation recently with some coolies, drew a revolver and killed one boy and wounded two men. The outrage had an exasperating effect upon the populace, who were already greatly excited by the action of the French in Tonquin. Placards were posted on the walls of the city on Wednesday, calling on the people to rise and slaughter the Barbarians. The placards so added to the flame that the Europeans in Canton became greatly alarmed, and the British Consul sent an appeal to the British Commodore for protection. The British sloop-of-war *Swift* has left Hong Kong for Canton.

Melbourne, 23.—Ten colonies have accepted the invitation to attend the conference here shortly to discuss the question of the annexation of New Guinea and other islands of the Pacific.

VIENNA, 24.—The death of the Count de Chambord occurred at 7.10 this morning.

LONDON, 24.—The strike of weavers at Ashton-Under-Lyne is extending.

A special dispatch from Cetinje, Montenegro, says a reign of terror exists in the village of Kassove, Albania. The Arnauts are murdering Christians, and all the latter who can get away are fleeing from the country. The Turkish officials connive at outrages on Christians, and have arrested and executed a number of priests. In Ipex district, 92 persons have been murdered. Twenty-three villages have been abandoned.

Count de Chambord's sufferings just before death were fearful, but he maintained his fortitude to the last. The Countess was carried from the sick room unconscious. Friends and members of the household were admitted to the death chamber at 3 o'clock. All were deeply moved.

The Legitimists propose to hold a grand demonstration at Goritz on the occasion of the celebration of the obsequies there.

Vienna papers praise the personal motives of the deceased Count. The *Gaulois*, Paris, in announcing the death, said: "Henry the Fifth is dead; long live Phillip the Seventh," meaning the Count de Paris.

By a falling scaffold at the King of Bavaria's new palace at Lake Chiem, 23 workmen were killed and 16 injured.

The republican papers of Paris unanimously pronounce the French monarchy died.

Dublin, 24.—Earl Spencer, Lord Lieutenant, speaking at Cork last evening said he trusted the days of bitterness, crime and agitation in Ireland were past, and the country could look forward to practical measures in politics and prosperity in the land.

LONDON, 24.—Among the passengers by the *Sardinian*, which left Liverpool yesterday for Canada, were Lord and Lady Carlyon and the Secretary of the Welsh Quarrymen's Union. The object of the latter's trip is to establish a Welsh colony at Spurr Ruck Mountains near Fort Calgary.

The steamer *Ionis*, from New Zealand via the Straits of Magellan arrived at Plymouth with 12,000 frozen carcasses of sheep in good condition. She made the voyage in forty-five days.

Gen. Boul, French military commander in Tonquin, in a telegram to Admiral Peiron, Minister of Marine and of the Colonies, giving an account of the recent fighting near Hanoi, says that in consequence of the French reconnoissance, the enemy have abandoned their position and fallen back to Sontoy. He reports the enemy's loss at 360 killed and 1,000.

LONDON, 26.—It is reported that cholera has broken out in Sumatra.

Alexandria 26.—There were 22 deaths from cholera here yesterday. There was a collision at 3 o'clock this morning, off Eddington light, English Channel, between the French steamer *St. Germaine*, from Havre for New York, and the steamer *Woodburn*, from the east, by way of the Suez Canal. The *Woodburn* immediately sank, and eight of her crew were drowned. The *St. Germaine* was disabled. She arrived at Plymouth, and landed the passengers saved from the *Woodburn*.

"Utah and Its People," for Sale at the "Deseret News Office," 24 Cent a Copy.