

legitimate transaction, or that the plaintiff's character could be injured by such a charge; the decision was reserved.

The Right Hon. William Edward Forster, M.P., and Sir Fowell Buxton, of England, have arrived in this city.

COLUMBIA, S. C., 8.—The Conservative State Convention, today, passed resolutions accepting the candidates for Governor and Lieutenant Governor nominated by the liberal republicans, and adopting as a platform, honesty and economy in the state administration. The delegates assert that the independents are gaining ground everywhere, and will doubtless elect the Governor and Lieutenant Governor.

MOBILE, 8.—The commissioner rendered his decision in the Sumter County case this afternoon, committing Renfro and Bullock to jail without bail, and discharging Hillman. The commissioner refused to enter into the constitutionality of the law, and based his decision upon the fact that while the establishing of *alibis* in the cases of Bullock and Renfro was strong, there was testimony enough to justify their committal; after the decision and before it was carried into effect, the United States district attorney asked the commissioner to hold Hillman until a new affidavit, charging him with whipping Wilson and Doyle, could be prepared, and a warrant issued for his arrest. This the commissioner refused to do. Subsequently Hillman told the district attorney he would appear and give bail to answer the new charge.

WASHINGTON, 9.—The commission recently appointed to examine the Union Pacific road and determine whether it is completed as a first-class road within the meaning of the act of Congress, has just completed the examination of the road and the report is looked for with very great interest, as its recommendations, if favorable, will permanently establish the status of the road and give to the company its entire land grant, amounting to some 12,000,000 acres, not an acre of which has yet been patented to the road.

The Attorney-General, being interrogated concerning rumors prevalent in New Orleans that he had instructed the commencement of legal proceedings against members of the White League throughout Louisiana, says he did not consider it worth while either to confirm or deny the reports.

NYACK, N. Y., 9.—The Biglin and Ten Eyck race was rowed at 9:30 this morning. Biglin won by half a length; distance, three miles; time, 22 min. 30 sec.

GALVESTON, 9.—A special from Paris, Texas, says the stage coach between Brookton and Paris was stopped by three masked men on Wednesday night, who robbed the passengers of watches, money, etc. The party claimed to be the same that robbed the Hot Springs stage and Iron Mountain Railroad train at Gad's Hill.

NEW YORK, 9.—The committee of the presbytery of Jersey City has presented charges and specifications against Rev. John S. Glendenning. The moderator appointed Rev. C. K. Imbrie, and Rev. H. H. C. Riggs to conduct the case for the prosecution, and the Rev. D. B. Dodd and Rev. Edward Wall for the defense.

Massy, the celebrated billiard player, has arrived from Europe, accompanied by M. Vignaud, the great billiardist of France.

CHICAGO, 9.—The *Inter-Ocean's* Washington special says some weeks since, the President announced his intention of sifting out unfit men among federal office holders at the South. This subject has been a matter of serious and prolonged consultation between Secy. Bristow, Postmaster General Jewell, and the President. These officers had found and so reported to the President that the rule of the Senate which virtually places the whole patronage of the State in the hands of the republican senator, by allowing him some decision in regard to all confirmations, had resulted in some of the States in forcing many of the most unfit men upon the public service. It was agreed that prompt and rigorous measures must be taken to remedy the evil, and it was decided that a searching investigation should be made and changes should follow wherever it was found that they were demanded, and that hereafter the responsibility of rejecting fit men should be thrown upon the Senate. The first of these investigations has just

been completed. The State selected for examination was Texas, where the confirmations have all been at the control of Senator Flannigan.

Special agent Woodward, of the postal office service, and internal revenue agent Gargon have just returned from a thorough examination of the postal and treasury service, as administered in Texas. The results are of a startling character, and a general removal is expected as soon as the President returns.

The chief irregularities of postmasters have been constant certificates of performance of mail service on routes where little if any has been performed, and in giving certificates as to the standing of parties in the straw bids. Both the revenue and postal service were found in tolerable condition.

Singular investigations will take place at once in several other States, and wherever it is found that persons whose nominations have been insisted upon by Senators are unfit, prompt removals will take place. Messrs. Woodward and Gargon are now engaged in writing out their reports. Officers found to be engaged in the general thieving and rascality are not only to be removed, but immediately prosecuted.

LOUISVILLE, 9.—Judge Bland Ballard, of the United States District Court for this District of Kentucky, delivered a remarkable charge to the Grand Jury, at the opening of the court, instructing them that the United States Court has no jurisdiction in Kentucky to punish Ku Klux outrages under the Enforcement Act. Upon this subject the Judge charged the jury as follows—

"And now I cannot omit speaking to you in respect to this class of cases, which is attracting so much attention abroad as well as at home. I refer to what are ordinarily denominated Ku Klux outrages. Let me say, once for all, that in respect to them this court has no jurisdiction whatever. For their continuance the people of the State and the tribunals of the State are responsible. The government of the United States and the State differ in this particular. The legislative power of the latter is unlimited, except so far as it is restrained by the Constitution of the United States, while the Congress of the United States possesses no power, except that which is received immediately from the Constitution itself. It is not sufficient that a law passed by Congress is not inhibited by that Constitution. To be valid it must be authorized by that instrument. It has been supposed by some that the act of Congress, approved April 20, 1871, passed to enforce the Fourteenth Amendment to the Constitution of the United States, has conferred jurisdiction upon the courts of the United States of crimes and offenses committed against colored persons. It is true that this act has enlarged the jurisdiction of the courts of the United States, but not, in my opinion, to the extent claimed."

The court then read the second section of the act referred to and the 14th Amendment to the Constitution, and proceeded—

"No State shall make or enforce any law which shall abridge the privileges and immunities of citizens of the United States. This so evidently directed at a State acting through its legislative, executive or judicial departments. Its legislature is inhibited from making any new law which shall abridge the privileges and immunities [of citizens], and its executive and judicial departments are inhibited from enforcing any existing law which abridges them. It is not directed at the acts of individuals, and if there be no law in Kentucky, and there is none that I am aware of, which in any manner abridges the privileges or immunities of citizens of the U. S., this provision of the Constitution of the U. S. is not infringed. Outrages committed by persons in the State upon others, whether in disguise or openly, are denounced, not sanctioned, by the laws of the State, and the tribunals of the State are seeking to punish them, and therefore there is no pretense for claiming or asserting that this court has any jurisdiction over them. These outrages are extremely grievous. They are a disgrace to our State and to civilization. They are tarnishing the fair name of the State, and it is of the highest importance that they should be repressed by swift and severe punishment. But

it is also almost of equal importance that they should be repressed by those provisions which have authority over them, and not by those who have no jurisdiction over them. It is time that the people of the State had learned that they alone are responsible for these outrages, and that the authorities of the State should understand that to them belongs the duty of their suppression, and not to the United States and their officers, courts, and tribunals."

CHICAGO, 10.—A Washington special says there is a well organized effort on foot to renew the franking privilege at the forthcoming session of Congress. It is held that inasmuch as many of the members of the present Congress will not hold seats in the next, by log-rolling with the appropriation bills the votes of nearly all the retiring members can be secured for its renewal. Should this action prove unpopular, as is believed, the odium will be thrown upon the members whose terms have expired. Probably the strongest point which will be made in favor of revival is the increased expense of the post office department since the abolition of the privilege. The forthcoming annual report of the Postmaster-General will show that the expenses of the past fiscal year will exceed those of the previous one by over four million dollars.

The *Times's* Washington dispatch says a federal official, holding office under the patronage of Hayes, a member of Congress from Alabama, who has recent advices from that State, expresses his views quite openly in reference to the condition of affairs there. Tonight, in conversation, he said that two weeks ago he was of the opinion that the democrats would carry that State, but now, since the military was distributed in several of the counties, he believed that the radicals would carry the State by a majority of from fifteen to twenty thousand, and six out of the eight congressmen. He adds that it was just like war in Alabama, and that the people were running from the troops in all directions.

The *Tribune's* N. Y. commercial dispatch, says that a careful survey of business circles shows a general nervous feeling prevailing, but beyond a few failures of small houses there are no facts to indicate commercial embarrassment. One or two afternoon papers display a panicky disposition, and publish many unfounded rumors affecting members of small houses, but the general disposition of the newspapers is to avoid the discussion of this subject until it forces itself on their attention more absolutely. The feeling is that the agitation will produce what all fear, namely general doubt and demoralization, and that suspicion will lead inevitably to failures which ought not to be, and to a panic which ought not to exist.

The *Inter-Ocean* special, from Dennison, Texas, says that Deputy United States Marshal Thomas Wright arrived from St. Joe, Montague Co., the scene of the recent Ku Klux outrages, at two o'clock this afternoon, with fifteen members of the klan; he was assisted in capturing them by Lieutenant Myer with a detachment of cavalry from Fort Richardson. Intense excitement prevailed in Dennison on the arrival of the prisoners, but little sympathy is felt for them at this point. An examination of the cases begins to-morrow before Thos. E. Maurice, United States Commissioner. The Klan includes some wealthy men, and the fight in the courts will be a desperate one. They are heavily guarded and it is thought no attempt will be made to release them to-night.

PATTERSON, 10.—Secretary Robeson addressed an immense audience at a mass meeting last night, and in the course of his speech said that neither the administration nor its chief would ever be found outside of the Republican party, nor acting contrary to the established traditions of the country. The latter remark was understood to refer to a third term, and was vociferously applauded. After the meeting Secretary Robeson said President Grant had no idea of a third term, and only avoided giving official expression to his opinion on the matter, lest he should seem to attach to it too much importance.

PITTSBURG, 10.—Chas. F. Place's tar works, on Terris Island, were burned this morning; loss about \$35,000, no insurance. The flames communicated to ten thousand barrels of oil, and to a tank containing eight thousand barrels of oil, be-

longing to Kirkpatrick and Logan, loss \$15,000.

MONTGOMERY, Ala., 10.—The reports from Sumter are that all is quiet.

Sheriff Williamson and Coleman, the latter colored, have been released by the U. S. commissioner.

The drought in this portion of Alabama continues. It has cut off the cotton crop about one-third, and ruined the potatoes and turnip crops. There have been no good rains for nearly three months.

Gen. R. W. Healy, U. S. marshal for Ala., has appointed some dozen or more deputy marshals upon the recommendation of Chas. E. Mager, chairman of the republican executive committee of this State; the deputies have been appointed in the negro counties, and are all republicans.

RICHMOND, 10.—In the United States Circuit Court to-day, the grand jury indicted two more of the judges of election in Petersburg, for violating the enforcement acts; this makes sixteen Petersburg judges that have been indicted.

WASHINGTON, 10.—A letter addressed to the President by a prominent conservative politician in Mississippi, argues that the only way to restore peace and prosperity to the South is for Congress to pass an act to pay for the quarter-master and commissary stores taken by the Union army in the South during the war, and to refund the cotton tax; the letter has been referred to the Attorney General.

Col. Tom Scott, president of the Penna. railroad, and Hinckley, president of the Philadelphia, Wilmington & Baltimore R. R., had a three hours conference with Postmaster General Jewell to-day, in regard to the disputed question of compensation for the railway mail service. General Bangs, superintendent of this branch of the postal service, also took part in the informal discussion. It is now confidently believed that all matters at issue will be amicably and satisfactorily arranged without further serious difficulty. The railway presidents will embody their views in writing for the consideration of the department, and in the meanwhile Col. Scott assures the Postmaster General that he will do everything in his power to secure rapid transit for the mails, and for increased facilities for the postal car service.

The patent has issued for the Lonatidad ranch, comprising 8,642 acres, in Monterey county, California, to Ramona Butron and other claimants.

NEW ORLEANS, 10.—The appearance of a squad of twenty armed White Leaguers on Canal street last night, was officially reported to the Governor, military authorities and Marshal Packard by the chief of police.

The Adjutant of the State military service reports a list of arms, belonging to the State, captured in the operations of September fourteenth and following days, which have not been returned to the State, or surrendered to the U. S. forces as directed by the President's proclamation; the list embraces two twelve pound howitzers, 1682 improved small arms, 1500 bayonets, eighty-five swords and a large quantity of ammunition, uniforms and accoutrements. In place of these arms the Adjutant General states that the authorities have been put in possession of a quantity of comparatively worthless and damaged Belgian rifles, believed to belong to citizens of New Orleans. These communications have been transmitted to General Emory.

Registration is progressing quietly; it closes October 23, as prescribed by law. E. Howard McCaleb has succeeded E. A. Burke on the advisory board. Packard's successor is not yet named.

BALTIMORE, 10.—In the circuit court at Towson town, this morning, the jury, in the case of Samuel McDonald, on trial for the murder of Mary Amos, after being out since yesterday, brought in a verdict of not guilty.

BUENOS AYRES, 10.—The revolutionists under Rivas are still encamped near this city. The government troops occupy Morean. A great movement is expected on the 12th inst., when Avellaneda will assume the presidency. The insurgent gunboat *Parara*, while being pursued by a government squadron, put into Monte Video, but was ordered to quit that port immediately.

BROWNSVILLE, Texas, 11. The notorious murderer Francisco Perez was fatally stabbed by a hack driver last night.

A band headed by General Cortina is organizing to cross the frontier into Texas, to overpower the guards stationed on the line and to pillage and murder the inhabitants; the people are arming to oppose them.

CHICAGO, 11.—It has been definitely ascertained that General Shaler of New York, will accept the position of general supervision of the Chicago fire department. A request signed by all the board of fire commissioners, and by Mr. Benner, the present head of the department, has been sent to him. He will displace no one, but will occupy the position of supervisor, with a salary of \$10,000 per annum, raised by private subscription.

WASHINGTON, 11.—In addition to the cases involving the constitutionality of the Wisconsin railroad law, and the Grant parish, Louisiana cases, which involve the constitutionality of the Ku-Klux law, there will come before the Supreme Court this term, a case to be certified from the Supreme Court of California, involving the constitutionality of the law of that State prohibiting the landing of Chinese women, brought to the U. S. for immoral purposes; all these cases will, undoubtedly, in consideration of their great public importance, be advanced on the docket.

NEW YORK, 11.—The funeral services of Mark Smith the actor were held this afternoon, at the little church round the corner; the church was thronged. Dr. Houghton read the funeral services of the P. E. Church. The pall bearers included John Fisher, Lester Wallack, Whitelaw Reid, A. Oakley Hall, Henry Sedley, H. D. Palmer, Douglas Taylor and Wm. Winter. The remains were taken to Greenwood.

The *Herald's* New Orleans special says the situation is very critical. Kellogg is still guarded at the State House by police and military. The White Leaguers are defiant, and continue demonstrations nightly. Fifteen thousand negroes have entered the upper parishes of Louisiana from Tennessee, Mississippi and Alabama, to register as voters. Madison parish, formerly equally divided, is now said to register a hundred whites against twenty-three hundred blacks. It is explained that there is much emigration from Tennessee, owing to the terror created by the recent massacre. The correspondent believes that this large influx of republican voters will carry the State for Kellogg in the next election.

The *Times's* special at New Orleans says that at an early hour on Saturday morning a number of negroes were creating a disturbance in an upper ward; three or four patrols were unable to stop the fight and gladly availed themselves of the assistance of a company of the White League, offered by Col. Angell, and the negroes were easily dispersed and quiet restored.

The *Tribune's* Boston special says the Rev. W. H. H. Murray, of the Park Street Congregational Church, to-night, read a letter to the congregation tendering his resignation as their pastor, and asking that it be accepted, to take effect on the 12th of November, at the 6th anniversary of his pastorate. The alleged reason for this resignation is the failure of the church to provide an assistant for him, and secondly, the extended boundaries of the parish.

CHARLESTON, S. C., 11.—Reports from the interior show that excitement concerning the gubernatorial canvass runs high. Governor Moses has taken the stump for Chamberlain. Yesterday Chamberlain, Moses, and the colored congressman, Elliott, went to Sumter, the home of Moses, where Judge Green, the independent republican candidate, also resides and has a great personal popularity. A mass meeting of the colored republicans of the county was called, but they refused to hear either Chamberlain, Moses or Elliot, drowning their voices with cheers for Green. An independent republican meeting was organized and was addressed by several local speakers in denunciation of the Chamberlain-Moses party, who returned to Columbia indignant at being refused a hearing.

ESTRAY NOTICE.

I HAVE in the Estray Pound, a brown BULL, about four years old, slit in and off left ear, no brands visible, a little white in the flanks, which if not claimed and taken away will be sold on Saturday, October 17, 1874, at 2 o'clock p. m., at the Estray Pound in this city. JOSEPH HORNE, District Poundkeeper. Salt Lake City, Oct. 8, 1874. ds&wle