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## AMERICAN.

WASHINGTON, 14.—Thomas G. Morrow, editor and proprietor of the *Gazette* of this city, was arrested on Sunday on a warrant sworn out by A. T. Bissel, charging him with conspiracy in procuring the appointment of Frank Thomas as clerk in the Agricultural Department. Thomas is not performing any service for the government and is paying his salary over to Morrow. A similar warrant was issued for General Carmen, ex-chief clerk of the Agricultural Department, who is not at present in the city. Morrow was released on bail.

The Supreme Court has affirmed the decree of the supreme court of the Territory of Idaho in the case of the Utah & Northern Railway, appellant, vs. W. S. Fisher, assessor, etc.

WASHINGTON, 14.—The principal question was as to the proper construction of section 3, depending on the meaning of the word "cohabit" as used in it, and Judge Blatchford in his opinion says: "The Court properly charged that the defendant was to be found guilty if he lived in the same house with the two women and ate at their respective tables one-third of his time or thereabouts, and held them out to the world by his language or conduct, or both, as his wives, and that it was not necessary that it should be shown that he and the two women, or either of them occupied the same bed or slept in the same room, or that he had sexual intercourse with them. It is the practice of unlawful cohabitation with more than one woman that is aimed at—a cohabitation classed with polygamy and having its outward semblance. It is not on the one hand meretricious, unmarital intercourse with more than one woman—the general legislation as to lewd practices being left to the Territorial government—nor on the other hand does the statute pry into the intimacies of the marriage relation, but it seeks not only to punish bigamy and polygamy when direct proof of the existence of these relations can be made, but to prevent a man from flaunting in the face of the world the ostentation and opportunities of a bigamous household with all the outward appearances of the continuance of the same relations which existed before the act was passed and without reference to what may occur in the privacy of those relations."

And, again, in the spirit of the interpretation, a man cohabits with more than one woman—in sections 3, 5 and 8 of the act—when holding out to the world two women as his wives by language or conduct, or by both, he lives in the house with them and eats at the table of each a portion of his time, although he does not occupy the same bed or sleep in the same room with either of them or actually have sexual intercourse with either of them. He holds two women out to the world as his wives, by his conduct, when he maintains two wives and the children of each and all in the same house with himself, and regularly eats at the table of each and acts as the head of the two families."

The opinion gives Webster's definition of the word "cohabit," and says Sec. 3 of the act was intended to reach the exhibition of all indicia of plural marriage in a household and a family twice repeated.

The objections to the indictment because it does not allege that defendant was a male person, nor that he cohabited with two women as his wives, or as persons held out as his wives, are overruled under the criminal procedure act of Utah, the defendant having pleaded and not demurred, and being held to have understood distinctly that the charge was against a male person and was for cohabiting with women as wives, and not having been prejudiced by the failure to so allege.

The opinion concludes with the statement that a strong appeal was made in the argument not to uphold the rulings of the trial court, because that would require a polygamous husband not only to cease living with his plural wives, but also to abandon the women themselves, and the Supreme Court of the United States was asked to indicate what the conduct of the husband toward them must be in order to conform to the requirements of the law. The law says no court can say in advance what particular state of things will be lawful, further than that the man must not cohabit with more than one woman, in the sense of the word cohabit, as defined. While Congress had legitimated the issue of polygamous marriages, born before Jan. 1st, 1883, it had left the conduct of the man towards the polygamous wife to be regulated by considerations which are outside of section 3 and are not covered by statute, and which must be dealt with judicially when properly presented.

From the decision of the Court, Justices Miller and Field dissented. Justice Miller, in dissenting from the decision, said:

"I think the act of Congress, when prohibiting cohabitation with more than one woman, meant unlawful and habitual sexual intercourse. It is, in my opinion, a strained construction of a highly penal statute to hold that men can be guilty under the statute without the accompaniment of the actual sexual connection. I know of no instance in which the word 'cohabitation' has been used to describe a criminal offense when it did not imply sexual intercourse."

WILKESBARRE, Pa., 4.—A frightful explosion of gas took place this morning in the Mill Creek mine, operated by the Delaware & Hudson Coal Company. At the time of the accident there were about 100 miners, laborers and boys in the stope. The news spread rapidly and the whole population had soon gathered about the property. The explosion occurred in what is known as the No. 12 lift, which is located at the extreme end of the opening of the stope. Being 4,000 feet from the mouth therefore ventilation was a difficult problem. The gas had ignited in a breast where a man named Coffey was at work. An exploring party of some twenty miners entered the stope as soon as news had reached the surface. They soon discovered that many had been buried and they at once began removing them. Ten of the injured have already been removed from the mine, one of whom has since died.

BOSTON, 14.—Rev. W. W. Downs, against whom an indictment was found Saturday by the Grand Jury for adultery, preached to a large audience Sunday evening in the Mechanics' Hall. At the close of his remarks he introduced the Hon. Marcus D. Norton, who made a statement that a syndicate of Boston lawyers had been formed for the defense of Downs in his forthcoming trial, and that the active counsel for his defense would be Hon. Roscoe Conkling and General B. F. Butler. Mr. Norton bitterly denounced the Grand Jury's action as having been brought about by fraud and perjury, and delivered a tirade against the churches. He said it was now proposed to uncover a volcano of corruption in two places—called churches, in this city, and the result would be the greatest sensation ever known in Boston. It may be stated that Norton has recently been under treatment in an insane asylum, having been a victim to the opium habit.

ATLANTA, Ga., 15.—One of the most terrible railroad accidents ever known in Georgia occurred at midnight, 15 miles from this city, on the Georgia Pacific road. The East Tennessee and Georgia Pacific roads both use the same track to Austell, and last night the Georgia Pacific mixed train with a coach and one sleeper stopped at a tank for water, the coach and sleeper being on a trestle thirty feet high. The East Tennessee passenger, going at a rate of 30 miles per hour, struck the sleeper and went nearly half way through it. The wreck was terrible. The fireman sprang overboard and received slight injuries. The engineer held to the throttle and was unhurt. The following persons on the Georgia Pacific train were killed: Boenfin Peton, of Charlottesville, Va.; Nathan Hanley, of Anniston, Ala.; Jacob and Mary Banks, of Jonesboro, Ga.; B. Bright and wife, and two children, of Jonesboro; a wealthy Texan named Pierce, of Aberdeen, Texas, and other of East Point, Ga. The two children who died are unknown. The following was fatally injured: Mrs. Eliza Brown, home unknown, who was in company with Pierce. About ten others more or less seriously injured. The dead and wounded have been brought to Atlanta.

WASHINGTON, 15.—The fourth annual convention of the National Guard Association of the United States, met this afternoon. The Association consists of five delegates from the militia of each State. Eighteen States were represented at the meeting. President George W. Wingate of New York called the meeting to order and in his opening address said the objects of the Association had been thwarted in the past by the objections that it was the intention to deprive the States of their authority over the militia, and then on the other hand, that it was the desire to take money out of the Treasury of the general Government for purely State organizations without permitting the proper supervisions by the War Department. But the greatest obstacle they had to encounter was the apathy among the people, the militia and in Congress, in regard to the entire question which the Association had at heart. He thought now that the situation was more favorable and that the bills before Congress would receive favorable consideration.

General Taylor of Colorado was elected recording secretary. Colonel Charles E. Bridge of New York was elected corresponding secretary.

The president to-day transmitted to the House of Representatives a report from the Secretary of the Interior upon the condition of the Northern Cheyenne Indians upon the Roseburg and Tongue rivers, Montana, setting forth the inadequacy of the appropriation made for their support and requesting legislative authority for the use of certain funds indicated for their relief. In transmitting the report, the President says: "The proposed legislation does not involve any additional appropriation, and the necessity for the authority requested is urgent." He therefore recommends an early and favorable consideration of the subject by Congress. The report states that from the information received from the Governor of Montana, and from an inspection of the department it appears, that the Indians are in a deplorable condition. Many of them are almost naked, with the rigor of winter upon them, and all of them are suffering for want of food. The report states that the sum of \$50,000, appropriated in the act of March 3rd last for relief of distress among the Indians, cannot be applied to the relief of these Indians because they have treaty funds, though totally inadequate for their proper support. The Secretary therefore recommends that Congress authorize the use of \$12,000 from the ap-

propriation to meet the urgencies of this case.

The following bills were introduced in the Senate to-day:

By Harrison—For the admission of a portion of Dakota as a State.

By Vest—To incorporate the Atlantic and Pacific Ship Railway Company. This is Eads' ship railway bill and provides for government aid to that enterprise.

By Harrison—To legalize the election of the members of the Territorial Assembly of Wyoming.

By George—To pension the soldiers of the Mexican war. This is the Mexican pension bill passed by the House last session.

A bill introduced to-day by Senator Voorhees to refund internal revenue taxes in certain cases, authorizes the Secretary of the Treasury to refund to persons thereto entitled such amounts as shall be shown to the satisfaction of the Commissioner of Internal Revenue to have been paid prior to July 1, 1869, as internal revenue taxes on spirits distilled prior to July 20, 1868, in excess of the tax paid on the quantity actually withdrawn.

Assistant Postmaster General Stevenson to-day appointed three fourth-class postmasters in California, three in Colorado, five in Nebraska, one in New Mexico, one in Oregon and one in Utah.

The Secretary of the Navy has, at the suggestion of Auditor Shelly, called on all the officers of the navy pay corps whose bonds were executed over five years ago to renew their bonds. About eighty officers are affected by this order.

The joint resolution introduced by Senator Jackson to-day, proposes an amendment to the Constitution of the United States providing that the President and Vice-President shall hereafter be elected to a term of six years, and that they shall be ineligible to reelection, and that the Vice-President shall be ineligible to the office of President after he shall have filled the same in case of a vacancy therein.

The President sent in the following nominations for postmasters: John F. Ward, at Modesto, California; John C. Bell at Astoria, Oregon.

WASHINGTON, Georgia, 15.—General Roberts Toombs died here this evening at 6 o'clock.

Gen. Toombs had been unconscious for several days, and surrounded by his family and friends quietly passed away. His funeral will take place at Washington, Georgia, Thursday morning at 11:30 o'clock.

[Robert Toombs was born in Washington, Wilkes County, Georgia, July 2, 1810, and was therefore in his 76th year at the time of his death. He was graduated at Union College, Schenectady, in 1828, studied law at the University of Virginia, and commenced practice at his native place. In 1836 he served under Gen. Scott as captain of volunteers, in the Creek war. In 1837 he was elected to the Georgia Legislature and was continued in that office till 1844, with the exception of the year 1841. From 1845 to 1853 he was a member of the United States Senate, being re-elected for the term ending March 4, 1865. He was a prominent member of the extreme Southern rebels and was one of the most active in persuading Georgia to secede. The State having passed its secession ordinance on January 19, 1861, Mr. Toombs withdrew from the Senate on the 23d, and on March 14th he was expelled. He was a member of the Confederate Congress which met at Montgomery, Alabama; was subsequently for a short time Secretary of State for the Confederate States, and also served as a Brigadier-General in the Confederate army.]

SAN FRANCISCO, 16.—One of the most sensational and startling plots for the wholesale assassination of the most prominent men in this city came to light here last night. Some time ago the police obtained information of the existence of an organization called the "Socialistic Revolutionary Association" which it was asserted was composed of ultra-socialistic members. A close watch was kept on their movements and the police finally succeeded in obtaining the minutes of one of their meetings held Nov. 23rd. From these facts they discovered it was the intention of the Association to "put out of the way" about twenty men, including W. T. Coleman, Congressman W. W. Morrow, Gen. W. H. B. Barnes, Mayor Bartlett, U. S. Judge Lorenzo Sawyer, Leland Stanford, Charles Crocker, Governor Stoneman, the principal police officials and several others. These names were placed on the "proscriptive list" and placed in the hands of the executive committee to carry out the orders of the association. The committee were to devise the best mode of accomplishing the ends of the base plot, and were thus engaged when their work was brought to a sudden termination last night by the discovery of the association's headquarters at 900 Montgomery Avenue, by the police, and the arrest of four men found therein. These were Julius C. Koosher, Henry Weisman, Charles Nuttstadt and Oscar Eggers. In the room was also found a complete laboratory for manufacturing infernal machines. The men were taken to the city prison where they boldly asserted that they were dynamiters and proposed to get rid of the citizens named and then raze Chinatown. The prisoners also belong to the German branch of the anti-coolie league. No charge has yet been entered against the prisoners. Further developments are expected.

## THE LEADER

of the band of dynamiters arrested last night is Henry Weisman. He is a Bavarian by birth, and a theatrical chemist by profession. He was induced to join Coroner O'Donnell's anti coolie league and finally became president of the German anti-coolie league. "My intention," he said, "was merely to aid in enforcing what O'Donnell told us was the law against the Chinese. He told us that the State constitution prohibited the Chinese from living within the limits of any incorporated town or city in the state. He showed me the law and I read it for myself. He never told me that the supreme court had declared that law was unconstitutional and I believed that that was the law, although I have since been told that it was not. Well, we had a meeting on the sand lot on Thanksgiving Day and resolved that we would call on the municipal authorities to enforce the law or resign their offices. O'Donnell told us that we had a right to do this and as he always boasted that he was second highest officer in this city, I supposed he knew, and I believed the municipal authorities would be compelled to order them to leave the city. The only thing that troubled me was that O'Donnell was always letting on that the Chinese were supplied with superior arms, that they had armories in Chinatown and were drilling every night with Winchester rifles, supplied to them by Colonel Bee, the Chinese Consul. Most of our people were working men and had no arms. I was afraid that when the Chinese were ordered to go they would resist and attack our people and we must have something to meet them with, and I resolved to experiment and

## SEE IF I COULD NOT INVENT A SUPERIOR WEAPON.

I commenced my experiments about twelve days ago and bought some dynamite. My idea was to make something that could be thrown like a hand-grenade. We experimented at different times under the rocks near the Cliff House, but the results were not satisfactory. O'Donnell knew we were experimenting."

The prisoners have been charged with misdemeanor for unlawfully storing giant powder. The highest penalty is six months imprisonment or \$1,000 fine. He had often talked of dynamite and he called his newspaper

## "ANTI-COOLIE DYNAMITE."

The man who gave the name of Koosher when arrested is also known as Kowalski. He is a Russian, and speaks six languages. According to his story he was ruined by frequent assaults made on the Jews, of which race he is a member. His customers were so abused by the Russians that he was unable to maintain his business and he left his native place to go to Paris. After remaining there a short time he came to the United States and settled down in New York City. He was appointed an agent by the Jewish relief society and visited Oregon and Washington Territory to take up land for his people. He was to receive \$600 for every family for whom he procured a government settlement. He claims that Henry Villard, railroad magnate, assisted him materially in his labors, but that he did not receive payment for his services as the funds of the society were exhausted. He recently came to this city and identified himself with the anti-coolie league. The house in which the dynamite was found was occupied by him. He paid a monthly rental of \$10. Charles Mittlestadt is president of the Third Ward Anti-Coolie Club and vice-president of the German branch of the same organization. In his room the detectives found about 300 badges bearing the letters D. A. C. L. Oscar Eggers is a peddler by occupation, a native of Germany, about 35 years of age. He speaks very little English.

WASHINGTON, 16.—The President sent the following nominations to the Senate to-day: John Bigelow, of New York, to be Assistant Treasurer of the United States at New York; Frank Sigel, of New York, to be Pension Agent at New York City.

Among the bills introduced and referred in the Senate to-day were the following:

By Teller—To provide for the free and unlimited coinage of silver dollars.

By Ingalls—To provide for determining the existence and removal of the President to discharge the powers and duties of his office.

The delegates to the convention of the National Guard Association of the United States, now in session, this morning proceeded in a body to the White House where they had an appointment with the President. They were received in his private office and each delegate was introduced to the President by Colonel Bridges, who was formerly on Mr. Cleveland's staff when Governor of New York State. The delegates were received very cordially and an informal talk followed in regard to the bill which it is proposed to bring to the attention of Congress. The President said he was much interested in the State militia and from his experience while Governor he could appreciate the importance and necessity for such an organization in every State. He had not given the subject the attention which he felt it demanded, but thought it was a matter well worthy of the consideration of Congress and he hoped the association would be successful in the objects for which they had convened in this city. The delegates then called on General Sheridan,

General Benet and the Secretary of War, and had informal talks with these officers on the purposes and scope of the bill which they had prepared. The delegates also waited on the capitol and conferred with a number of Senators and Representatives in regard to the bill they propose to have introduced in Congress.

On their return from the capitol, a short session was held at which a motion to fix the minimum number of men under the bill to 100 to each Congressional district, was adopted. The convention then adjourned sine die.

A dispatch has been received at the State Department from Minister Lathrop at St. Petersburg, saying that the gold-mounted sword which the President sent by Lieutenant Schultz for presentation to General Tchernavieff, Governor of Yakutsk, was left at the United States legation at St. Petersburg, when he learned on his arrival that Gen. Tchernavieff had died, leaving no children. In accordance with the subsequent directions of the President, Minister Lathrop presented the sword, through the Minister of Foreign Affairs, to the Emperor of Russia, who accepted it and directed it to be placed in the Imperial Arsenal, there to remain as another bond of friendship existing between the two countries.

The special treasury commission adopted, with a view of inaugurating improvements in the business methods of the Treasury Department and generally curtailing the expenses by reducing the clerical force, has submitted its report on the supervising architect's office. The committee regard the present system of conducting the business of that office as unsatisfactory, and suggests several radical changes in the way of improvements.

The *Republican* says: It is understood that the committee suggests that the office be discontinued as one of the divisions of the Secretary's office, and be established as a separate and independent bureau. Scaling of salaries and the reduction of the force is also recommended. Assistant Secretary Smith has been appointed on the commission in place of the late Assistant Secretary Coon.

The joint committee on the completion of the Washington monument recommends an appropriation of \$107,000 for the extension of the terrace about its base.

The President sent to the Senate to-day the nominations of several hundred postmasters and several supervising inspectors of steam vessels, all being recess appointments.

The President has sent to the Senate a communication embodying an additional provision to the treaty with Mexico in relation to the boundary line.

The Postmaster General to-day appointed fourth class postmasters as follows: Two in Arizona, one in California, one in Idaho and three in Washington Territory.

CHICAGO, 16.—The principal barbed wire manufacturers of the United States met here to-day and agreed to advance the price of all grades of their product one-half a cent per pound, such a schedule of prices to take effect at once and to continue in force until January 14. It is probable on that date that another advance will be made to meet the anticipated advance in the price of plain wire.

NEW YORK, 16.—Col. George Gray, general counsel for the Northern Pacific railroad, when asked this morning about the recent decision of the United States Supreme Court in regard to the taxes of the company, said: "The suit of the Northern Pacific against Rockers, the county treasurer of Traill County, Dakota, which has just been decided, is in no respect different from the two cases decided by the same tribunal in which the Union Pacific road was a party. The first of these decisions was in the December term of 1872, and the other was rendered in the October term of 1874. Rockers, as county treasurer, wanted to collect the taxes on the Northern Pacific lands in his bailiwick, and the suit was brought to restrain him from so doing. In none of the cases was the title of the railroad company involved, but inasmuch as Congress had pronounced that a patent to lands should not obtain until they had been surveyed and conveyed by the railroad companies or other parties interested, the Supreme Court held in all cases that that retention of the patent was a security for the payment of the costs, and the United States having a legal title and that much of an interest in the lands, no State or Territorial authority could tax the lands. The title to no acre of land in Dakota Territory held by the Northern Pacific Company or sold by it in any manner whatsoever affected by this decision. The Company has always been willing to pay, but the want of surveys and general inactivity of the officials in the Land Office have prevented the payments being made."

SAN FRANCISCO, 16.—Many of the most prominent citizens have been seen to-day concerning the dynamite plot discovered last night. Most of them view it in a serious light.

Mayor Bartlett says: "Some days ago Chief of Police Crowley informed me of the existence of such a plot, but I did not apprehend any danger. I was inclined to believe it was simply a movement for discouraging Chinese immigration. They are hair-brained fellows, who would probably not hesitate to inaugurate a reign of terror in the Chinese quarter, and if one started they might be impelled to go further than they expected."