

ratio with the increase in business and population of the country so as to maintain for a dollar as nearly as possible a uniform purchasing power.

Third. That all new issues of paper money shall be used to cancel the interest bearing debt of the nation, to promote needed public improvements and to pay current expenses.

Fourth. That the surplus money now in the Treasury of the nation shall be used to cancel the interest bearing debt.

Fifth. That the national government shall issue no more interest bearing obligations, and that all outstanding bonds shall be paid and cancelled at once.

WASHINGTON, 29.—The National Board of Health received a telegraphic request from New Orleans for additional aid, this afternoon, and has sent \$10,000 to the health authorities of the State to be used in the work of isolation and disinfection. The National Board telegraphed Dr. Speer to spare no effort to stamp out the disease. Should it continue to spread, New Orleans will be shut in under the rules of the board, very much the same as those under which Memphis now is.

DEADWOOD, 29.—Armand Kundson and George Beecher, two freighters from Fort Pierre arrived here yesterday. They report that while encamped at Pine Springs, 15 miles below Cheyenne River, last Friday night, they were attacked by Indians. Their wagons were riddled with bullets and arrows, and some horses were killed. They noticed Indian signs previous to going into camp and slept in blankets some distance from the wagons and close by their picketed horses. They mounted their horses, but Kundson's gave out from the effects of a wound. They escaped on one horse to the next station, secured aid and returned early in the morning, found the contents of the wagons undisturbed, but the balance of the stock gone. Their wagons were brought here by other incoming teams.

ELMIRA, 29.—The centennial of the battle of Newtown was celebrated to-day. There were on the hill on which the battle was fought at least 20,000 persons. In the procession from this place to the grounds were Gen. Sherman (whose carriage was surrounded by veterans from the surrounding country), the Governors of New York, Pennsylvania and Vermont, and several Generals and Colonels of the United States army. The monument was unveiled with Masonic solemnities. Gen. Sherman was loudly called for and in the course of his speech said: "We have all been at work since the first white man landed upon this continent. When we first came upon this continent we came to found an empire based upon new principles, and all opposition to it had to pass away, whether it be English or French, on the North, or the Indians on the West, and no one knew it better than our father Washington. He gave orders to Sullivan to come here to punish the Six Nations for their cruel massacre at Wyoming below, and to make it so severe that it would not occur again, and he did so. Sullivan obeyed his orders like a man and like a soldier, and the result was from that time forward your people settled up these beautiful valleys all around you, and now wherever your flag floats, whether it be here or on the Mississippi, or on the Rocky Mountains, liberty and law shall prevail.

Whether for the Indian, the negro or the white man, he will be no better and no worse, he shall be free, independent and equal, and his rights shall be preserved.

NEW YORK, 30.—The Washington Star says: An officer of the House of Representatives who has been visiting Long Branch, Saratoga, and other places, where politicians congregate, says he is satisfied that the drift of sentiment among democratic leaders is fast being crystallized in favor of Tilden's nomination for the Presidency. This is not because he is popular, but because it is thought he is the strongest candidate to lead the democratic presidential ticket. The same authority says: Justice Field, of the United States Supreme Court, has hopes of the nomination, and has now his agents on the Pacific coast and in the west; working up sentiment in his favor, and further, that the assault of Cyrus W. Field upon Tilden was with the view to destroy the latter in order to build up his brother. The republican primaries, held

last night, show that the Cornell or Conkling Custom House delegates were mainly chosen from this city and Brooklyn. The opposition, however, are quite elated that they have some 18 or 20 out of 68 delegates. This is the first time for years that the machine has been so much broken, usually a solid Custom House delegation being chosen. While the Cornell men say Cornell will be nominated on the first ballot, his opponents declare the candidate will be anybody but that gentleman, and that the dark horse, after Levi P. Morton, will come forward and unite all factions at last.

In the Greenback labor convention yesterday, Geo. Blair, of New York offered the following resolutions, which were unanimously adopted amid great cheering:

Resolved, That this convention, representing the greenback labor party of the State of New York hail with enthusiasm the evidence from Maine and California which indicates a complete victory for our party in those States at their coming State elections.

Resolved, That we regard the workingmen's party of California a sister organization, and extend to it both hands of fellowship, believing that they, like ourselves, are arrayed against our common enemy, monopolies enjoying special privileges at the expense of impoverished labor, and that our common movement throughout the republic has among its conspicuous advocates one who stands pre-eminent before laboring people, one who combines alike the agitator, advocate and statesman; one who, while pronounced the special representative of irresponsible members of society by the opposition press, has demonstrated by his judicious advice, while the State of California was agitated to its centre by the assassin De Young, whom the democratic and republican press would lead the public to believe was a representative of law and order, that the workingmen's party is the only representative of material interests in that state, by hurling back their assertions into the face of the hireling press the facts that our opponents are really the red handed communists and that the representatives of the opposition are really the disturbers of public peace.

Resolved, That we regard Dennis Kearney, of California, worthy of special recognition by this convention for the prudent and masterly manner in which he prevented bloodshed at a time when all admitted he held the destiny of property interests within his grasp and commend him as worthy of the confidence so long reposed in him by the law-abiding but independent citizens of California, and earnestly hope that a kind Providence will spare him to carry out his heaven inspired mission, as indicated in the platform of the workingmen's greenback labor party.

A Times Albany special says: There is now no doubt that the entire Albany delegation to the republican State convention, with perhaps one or two exceptions, will work for the nomination of Cornell just as long as he chooses to be a candidate. Jno. F. Smith, than whom there is no shrewder or more far seeing political manager in the State, will head the delegation and will vote as he desires. That he will support Cornell is now a foregone conclusion, whatever his promises to Senator Pomeroy may have been.

A Memphis special says: The Howards had on hand at the beginning of the plague this season \$20,000; have received \$4,000 since, \$2,000 of which had been forwarded from Louisville. This amount has decreased until only sufficient for a few days is left. In view of this fact the sum sent to Memphis in 1878, Prest. Longstaff says, the Howards hesitate to again appeal to the generous feelings of the people, but the hope that the fever would abate and save them from again appealing, is gradually dying out. The humiliating necessity of again asking aid for the fever-stricken people becomes more and more apparent.

MEMPHIS, 30.—Nine new cases, two white, seven colored, were reported to the board of health this morning.

Six interments since last night have been reported by undertakers.

New Orleans, 30.—Gen. J. B. Hood died at four this morning. It is believed his daughter Lydia

will not recover. Edith Hood is also very sick. He leaves 11 children, eldest 10 years, youngest twins, three weeks.

FOREIGN.

LONDON, 28.—It is believed in government circles that after the solution of the Greek question, England and France will assist the Porte to launch a new loan.

The republicans of Bordeaux have resented the presence of King Alfonso at Arcachon by placarding the town with insulting references to the king. The police tore them down immediately and an enquiry has been instituted.

LONDON, 28.—The *Financier* says: £178,000 of gold is expected by the steamer due at Southampton on the 1st of September. The bulk of the amount together with £100,000 recently arrived, will probably go to meet the American demand. A great deal more bullion will undoubtedly go to America. It is reported that within a comparatively brief space £2,000,000 will be sent there. Notwithstanding the recent expression of opinion to the contrary, we affirm that the shipments of bonds and iron or any other commodity, will be quite inadequate to settle for a time the enormous balance which must be accumulating on account of American food. The possible ultimate effect of this bullion will be a rise of from one to one-and-a-half per cent. The rate of discount is now quoted among brokers to four or five per cent., the rate at the Bank of England during autumn.

The farmers who sailed from Liverpool yesterday for New York, are from Northern Yorkshire and Durham. Several can command capital of £500 to 600, while others have entered into partnership, one group having raised a capital of £120.

The Grand Duke Vladimir and Grand Duke Alexis, visited the German Emperor at Potsdam yesterday.

The tone of the German official press has been less irritated against Russia in the last day or two.

Andrassy spent the whole day yesterday in the company of Bismarck.

Gambetta's plan for inducing the Council General to bring a pressure to bear on the Senate by voting resolutions favorable to the Ferry bill, having failed, he now advocates an agitation in favor of a bill among the masses.

Two hundred and forty influential Roumelian Turks have been taken prisoners in the Rhodope Mountains, charged with a conspiracy to attack Philippopolis. The affair caused great alarm at that city, as it was feared it might serve as a pretext for the entry of the Turkish troops now concentrated at Adrianople into Eastern Roumelia.

The occupation of the Sandjak of Novi Bazar by the Austrians, will take place on the 8th of September. Five thousand men will occupy Preboj, Prepolje and Tachildja. English merchants have protested against the contemplated imposition of trade licenses.

LONDON, 29.—A Capetown dispatch says: Notwithstanding Gen. Wolseley's hopeful tone, it is reported on excellent authority that the Swosies have at the last moment refused to join in operations for the capture of Cetewayo. His brother has refused to return to his own district, declaring that a large Zulu army was waiting to destroy him.

Sir Garnet Wolseley telegraphs that a cavalry reconnoissance to King Cetewayo's kraal, north of the Ulundi, has recovered two cannon lost at Isanduk. There has been severe storms and the bridge over the Tugela river is destroyed.

Special dispatches state that the disturbances in Pondoland are not considered very serious.

The following dispatch is from Pietermautburg, dated August 12th: Sir Garnet Wolseley arrived at Ulundi, August 10th, and from there telegraphs that Col. Clark's column joined the one here on the 11th inst. The country was quiet, the enemy's army has dispersed to their homes. I am in communication with the principal chiefs, who say they will come in and submit. King Cetewayo is not very far off, and there is a prospect of an early and peaceable settlement. The health of the troops is excellent.

One thousand cotton operatives have struck in Glasgow.

One of the largest employers at Stalybridge has agreed to temporarily withdraw notice of 5 per cent

reduction of the wages of cotton operatives. It is hoped other employers will follow his example.

LONDON, 29.—A Berlin dispatch says: A bag containing important documents and money was recently sent by the Russian Government from Kamienetz, Rodoloski. Next day the post carriage was found overturned, the postillion dead, and the official in charge of the bag dangerously wounded. A young man has been arrested and some of the stolen papers found upon him. He acknowledged himself to be a Nihilist. Other arrests have been made.

The official report on the fire at Irkutsk, which destroyed about 200 houses, shows that 60 lives were lost. The greater number being children.

The *Gaceta Universal* publishes the following: A letter from Tangier announces the death of the brother of the Emperor of Morocco by poisoning. The same letter says that English guns have been placed in position on some fortifications at Tangier by English officers, who are constructing fortified barracks for the use of English troops coming from the East Indies.

Count Andrassy has returned from Gartien. He declares that his discussions with Bismarck have ended successfully.

LONDON, 30.—A dispatch from Fort Marshal, of August sixth says: A messenger has been sent to King Cetawayo, warning him if he delays submission beyond the 15th the Swazies will no longer be prevented from invading Zululand.

A dispatch from Capetown announces that the chief of Pondos has expressed anxiety to make reparation. The matter may be settled by the imposition of a heavy fine.

The *Independence Bilge* says: The United States Consul has refused to allow the vessel which sailed from Flushing with a company of French Catholics and royalists for the Island of Popuel to hoist the American flag.

CERTIORARI.

JUDGE BOREMAN'S DECISION REVERSED.

THE EXECUTORS DISCHARGED.

At the opening of the Supreme Court this morning, Chief Justice Hunter stated that the court required more time to consider its decision in the *certiorari* matter, and would therefore take a recess until 2 p. m.

At that hour the court room was well filled with spectators, while inside the bar were the Executors, counsel, the officers of the court, and other of the usual attendants. After some delay Chief Justice Hunter and Associate Justices Emerson and Boreman entered, and the first then read the following:

"It is our purpose this morning only to announce in general terms, the conclusion to which the majority of the Court has arrived. A more full and complete summarizing will be prepared as soon as practicable and when finished will be filed with the clerk. It is the duty of all courts without regard to the surrounding circumstances of the parties before them seeking the administration of the law, to so administer the law that exact justice will be done. Only by pursuing this course will courts be respected, laws enforced and governments sustained. This case, because of the peculiar surroundings of the parties to it, has excited a good deal of public attention, and we are well aware that in passing upon it, we are likely to incur criticism. But sitting here as the exponents of what to our minds seems to be the law we have only the one duty to perform, namely to announce it. The case is not, so far as its main features are concerned, a novel one. Similar cases have occurred in almost every State of the Union, and with them as a guide, we will not be apt to go far wrong in the judgment we are now called upon to pronounce. While cases similar in their nature and passed upon by courts other than the Supreme Court of the United States, are not necessarily binding upon this court, yet it is the part of wisdom, and at least of prudence to heed them as precedent, giving that due weight to them which is customary with the judiciary in every court where the opinions of men learned in the law are respected. Uniformity of opinion of wha

is the law, strengthens the arms of justice, and enables those who have its administration in hand to act with promptness and reasonable certainty, and when the quality of uniformity is found, it would perhaps be doing a wrong at this late day, to make a new departure. "The power of the court to punish for an alleged contempt, though undoubted, is in its nature, arbitrary, and its exercise is not to be upheld except under the circumstances and in the manner prescribed by law. It is essential to the validity of proceedings in contempt subjecting a party to fine and imprisonment, that they show a case in point of jurisdiction within the provisions of the law by which such proceedings are authorized, for mere presumptions and intendments are not to be indulged in their support."

A single question is raised in this case, namely, Did the Third District Court of the Territory of Utah exceed its jurisdiction, or did it have jurisdiction in the matter of the contempt? To arrive at a solution of this question, and for present purposes, we will only refer to our conclusions as to the sufficiency of the affidavits on which was based the order of attachment. It is the opinion of the majority of the court, that it is necessary in all proceedings for contempts in this Territory, which are not committed in the presence of the court, in order to give the Court jurisdiction, that an affidavit or affidavits be presented to the Court, stating the facts constituting the contempt. That it will not do to state in the affidavits in general terms, a conclusion of law, that the party has been guilty of a disobedience to the order of the Court, or be in such indefinite form as not to show a particular or a series of particular disobediences. It must state the particular act or acts of disobedience, and in such clear and unmistakable language that will give to the Court knowledge in what particular or particulars its order has been disobeyed. That a demand has formally been made to obey the order in particular set out in the affidavit, and that the contemtor either refused or declined, or wilfully and still does continue to disobey the order. Unless this particularity is observed in the affidavit, the Court cannot become possessed of the facts constituting the contempt, and showing that its order has been disobeyed, and the accused will not be informed of the act or charge to which he is called upon to answer. No man can be deprived of his liberty or have his property wrested from him without due process of law, and the Court cannot derive that jurisdiction where the matter which it is necessary for it to have, to enforce its order without the law, has been complied with strictly and in the manner pointed out by the statute.

The affidavits on which is based the proceedings in this case, are not of that definite and positive character, such as in the opinion of the majority of this Court, the statute requires, and as was necessary to give the said District Court jurisdiction. Nothing appears in either of the affidavits which gave the Court to know that any specific items of property ordered to be turned over by the original order to the care of Emeline A. Young, et al, vs. George Q. Cannon, et al, were at the time of making the affidavits still in the hands of the executors, or either of them, or that demand had been made for any specific items of property so in their hands, and that a refusal or declination was made on the demand in that a wilful and continued purpose to disobey was evinced by the Executors.

The order will therefore be, "That the proceedings in the Third District Court of the Territory of Utah in the matter of the contempt of George Q. Cannon, Albert Carrington and Brigham Young be reversed. And as it was agreed by counsel on the hearing, that the finding of the court in the *certiorari* proceedings should control the application for the writ of *habeas corpus*, granted on the application of the said Cannon, Carrington and Young; and as that finding is that the said proceedings in contempt in said District Court are reversed for want of jurisdiction, this Court now further orders that the said George Q. Cannon, Albert Carrington and Brigham Young be discharged."

Judge Boreman dissenting. At the conclusion of this the Supreme Court adjourned *sine die*.