

## BY TELEGRAPH.

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## AMERICAN.

WASHINGTON, 2.—In April last, an order was issued by President Garfield, setting apart from public lands a military reservation, Fort Magennis, Montana Territory. Certain miners alleging that mineral was discovered and camp established by them on the land included in the reservation several months previous to the location as a post by the military authorities, appealed to the Secretary of the Interior, for information whether they could hold mines and surface ground connected therewith, though they be on a reservation, and whether mineral land could be subject to location and patented on a military reservation after the establishment of the reservation. The Attorney General was requested to give his opinion on the following questions:

First, whether or not mineral lands reserved from sale under section 2,218, of the revised statutes of the United States, can be reserved for military purpose by order of the President?

Second, whether mineral lands are included within the limits of the territory reserved, are such lands open to exploration and to purchase under section 2,319 of the Revised Statutes?

Third, where inchoate title to mineral lands has been acquired and such lands have subsequently been included within military reservation, can the title to said mineral lands be perfected by a private owner?

Attorney General MacVeagh, in his opinion says: From an early period in the history of the government it has been the practice of the President to order from time to time as exigencies of the public service required, parcels of land belonging to the United States to be reserved from sale and set apart for public use. The authority of the President in this respect is recognized in numerous acts of Congress, and the power is broad enough to include mineral lands belonging to the public domain, at least while they remain unencumbered by private rights acquired under the laws relating thereto. This necessarily involves a negative answer to the second question, since after public lands have once been lawfully reserved by the President for public uses, they become severed from the public domain and are therefore not subject to occupation and purchase under the general law.

In answer to the third question, he says: Congress has recognized the possessory rights of these miners as contained among themselves.

Lorenzo Montufar, Secretary of State of Guatemala, special envoy to convey in person the sympathy and condolence of his government and people to the United States upon the death of President Garfield, called upon President Arthur in fulfillment of his mission. He was accompanied by Dr. Loring, minister of the United States to Central America and by Secretary Blaine. Montufar in closing his address said:

"Although the illustrious President Garfield be dead, his elevated thought and noble aims have not gone down with him into the grave. They live in the hearts of all Americans, and are continued in the person of the citizen of high endowments and civic virtues. Receive, sir, the best wishes I cherish for the wellbeing of your government and for the happiness of this admirable republic, which in its rapid development and extraordinary growth is without a parallel in the history of the universe."

President Arthur replied: "I am singularly touched and deeply gratified by the sympathetic expression of sorrow with which the people and government of Guatemala share in the grief that has overshadowed our republic, and it is especially pleasing to me to receive eloquent assurances of that sympathy through one who is so well fitted by his high station and personal qualities to speak in the name of his country. Called, as well by the pacific working of the Constitution, which laid the foundation of the freedom of our great continent a century ago, to succeed the wise and good Chief Magistrate whose loss we mourn, it is my aim to carry out and still further develop the purpose he so signally manifested of good will and earned friendship towards all kindred republics of the New World, to which we are bound by the sacred ties of a com-

mon form of government and close material interest, and in your person, Mr. Minister, I greet the government and people of Guatemala with sincere wishes that they may ever possess blessings of liberty and prosperity, which the United States so earnestly desires to see shared by all its neighbors.

WASHINGTON, 2.—A party of distinguished men, constituting in part of Secretaries Blaine, Windom, Senators Bayard, Davis, McPherson and Augustus Schell, W. P. Barnum, General Sickles and Governor Hamilton of Maryland, have gone to West Virginia to examine undeveloped lands with a view to making investments.

NEW YORK, 2.—The Clearing House exchanges for the week show that the business transactions for the past week were again generally much larger than for the corresponding week last year. Only two small cities show a decrease—Memphis of seven and six-tenths per cent. and Syracuse of two and one-tenth per cent. All others have gained as follows:

New York, 12.1; Boston, 31.6; Chicago, 26.6; Philadelphia, 14.0; Cincinnati, 27.2; Baltimore, 14.8; St. Louis, 12.1; San Francisco, 42.1; Pittsburg, 35.1; Louisville, 30.7; Milwaukee, 14.7; Providence, 13.3; Kansas City, 106.0; Cleveland, 28.5; New Haven, 22.9; Worcester, 18.7; Lowell, 19.3.

The Public says these returns indicate great activity in business. Kansas City, especially, on account of its large dealings in cattle and grain and its growing manufactories and wholesale trade, is becoming a city of greater commercial importance than many which boasts of larger population.

Boston maintains a more steady rate of increase than any other city of the first class.

The gains at San Francisco, Cincinnati, Louisville and Pittsburg are indicative of a large and healthy growth in commerce and manufacturing.

The Herald says: As the republican vote in the rural districts is certain to be light this year, it is not probable that the republican State ticket will come into New York with more than 20,000 majority. The prospects seem to be the election of the democratic State candidate with a larger majority for State Treasurer than for any of his associates on the ticket. The election of the entire county ticket in New York, the final disappearance of the Tammany organization and its shadow, and the retirement of its expanded "boss" from political life, is certain.

Augustus D. Wheelock, bookkeeper of Wallcott & Co., charged with the embezzlement of \$55,000, arrived to-day from Europe and gave bail in \$5,500.

CHICAGO, 2.—The Tribune's Washington special says: It has been published on what is believed to be reliable authority that a syndicate or combination has been formed to secure control of the large Star routes known in the West as October lettings, by buying off the lowest bidders, where the contract has been awarded, or by members of the syndicate bidding various amounts on routes, and then on the lower one declining to fill the contract until the Government is forced to pay a large sum for the performance of the work. The scheme has already become known at the Postoffice Department, and is exciting considerable discussion. It is stated there is not at present any law to protect the Government against any such frauds, but that as soon as possible after the assembling of Congress an effort will be made to have a law passed giving the Postmaster General or his Second Assistant the peremptory power, on discovering any indication of fraud to annul the contract, and place temporary service on the route, and advertise for a new contractor. The Department intends to fight and break up if possible such combinations.

MILWAUKEE, 2.—The Millers' Association to-day adopted a resolution, asking the Chamber of Commerce to enforce the law in regard to the inspection of wheat, as a vast quantity of wheat is coming from the northwest, which, while it looks fair and grades No. 2, and even No. 1, is badly injured by rain and damp, and is tough and totally unfit for flour. The association also telegraphed as follows to the Millers' Association at Minneapolis:

At a meeting of millers in this city to-day, it was resolved, owing to the unwarranted condition of the wheat, which is manipulated in the interest of speculators and against

all legitimate business, we believe it for the interests of the millers of the country to make common cause and shut down their mills until the price of wheat shall be at a figure to compete with the markets of the world. All mills here have shut down and invite your co-operation. (Signed) EDWARD SANDERSON, President.

W. H. SEAMANS, Secretary.

ST. PAUL, MINN. 2.—The House adopted, 77 to 29, the Senate bill to adjust the old bonded debt, but amended it so that the rate of interest shall not exceed five per cent., absolutely at which the Senate fixed it.

BUFFALO, 3.—James Hughes, property man for Sam Hague's British minstrels, disappeared to-night, taking with him about \$3,000 worth of diamonds, presented to Hague in England.

WASHINGTON, 3.—Col. Cook, special attorney for Government in the Star route cases, appeared in the criminal court to-day, and said Government would be prepared to argue the motion to quash the information in the Star route cases to-morrow. District Attorney Corkhill then informed the court that no other assignments would be prepared in order that ample time should be given for the argument. It is expected that counsel for both sides will be present and the discussion begin to-morrow.

GALVESTON, 3.—The News' San Antonio special says: The jury convicted Wm. Petty of stage robbery, and fixed the penalty at 99 years in the penitentiary.

CHICAGO, 3.—The Chicago & Alton is again taking freight for East St. Louis and other southwestern points, the freight blockade being removed. The Southwestern Rate Association, to-day, agreed to form a pool for Colorado business, including that shipped south of Kansas City and that via Council Bluffs. There seems to be a hitch in the New York Central fast train, and it may even yet be abandoned. The difficulty is that this road's line is 964 miles long, while that of the Pennsylvania Road is only 912. This would require them to run each mile in a minute and 38 seconds, according to their fast time schedule, not including stops. The Pennsylvania would of course be able, with their superior equipment and shorter distance, to eclipse any time made by the Central, and publicly announce their intention of doing so. The Michigan Central also protests against being left out in the cold as it would necessarily be if fast trains were inaugurated.

NEW YORK, 3.—The World's special says: I have good authority for saying that a cable dispatch was sent on Monday by the United States government to General Hurlbut, Minister of Peru, directing him to continue to recognize the government of Calderon as the legitimate government of Peru.

The World's Washington special says: A "crank" called at the Capital to-day, claiming to be elected Vice-President, and that Davis was a usurper. He said he had been unable to come here earlier because of sickness. He was surprised to learn that the Senate had adjourned, but said he should wait until December before presenting his claim further. Then he would assume the chair and expose Davis' pretensions. The visitor was middle aged, and benevolent looking. He said his name was Thos. Jefferson, that he was grandson of the framer of the Declaration, and minister by profession. On this last account he intended to make it one of the first duties after taking office, to dissuade the Senators from the indulgence in whisky and other intemperate habits. Politically he said he was a Whig, with know nothing tendencies.

PHILADELPHIA, 3.—The steamship Indiana, with the Hon. Lionel Sackville West, the newly appointed British minister to his country, arrived. The revenue cutter Hamilton, with a number of invited guests, has gone down the river to meet the steamer and welcome the new minister.

SAN FRANCISCO, 3.—A Portland dispatch says: The British bark G. Broughton, iron, of 803 tons, with coal laden, from Brisbane, went ashore at Leadbetter Point, in Shoalwater Bay, yesterday, and lies high and dry at low water. She is in an easy condition and in a sheltered position, with crew on board. Men will be sent down to-morrow to make efforts to get her off.

The same day the British bark Lammelon, iron, 746 tons, with coal laden, from Newcastle, N. S., was sunk six miles north of Short Water

Bay. The captain, who was injured, and the crew were saved. Absence of telegraphic communication prevents getting particulars. It is supposed that she was driven by the storm on the reef rocks.

WASHINGTON, 3.—Arguments on the motion to set aside criminal information in the Star route cases, began this morning.

The government is represented by District Attorney Corkhill and Brewster, of Philadelphia, Bliss, of New York, and Coon, of Washington; and the defense by Toker, Wilson, Shellebarger, R. G. Ingersoll, Syphen and Jefferson Chandler, of St. Louis.

The argument was opened by Jeremiah M. Wilson. He expected that steps had already been taken in the case, and said there could be no authority for criminal information. He challenged the counsel on the other side to point to any such statute. There had never been in this country a prosecution by information except in the case of minor offenses, such as the collection of revenue, laws where that mode of proceeding has been expressly authorized by the statute. The grand jury was the only recognized authority for the prosecution of parties for crime, but if this proceeding should prevail grand juries might as well be dispensed with in future; but if the prosecution relied on the common law, they must be bound by its rules.

Wilson proceeded to criticize the information for its verbiage, contending that adverbs did not constitute a case and characterizing the gentlemen who drew the information as "champion go as you please adverb and adjective slingers." Was the matter public history? As much as two years ago, Congress elaborately investigated this identical matter and appropriated money to carry out this very contract which it was said was so very corrupt. The facts have been notorious more than two years. What excuse is given for the delay? None whatever. True, the court was asked to allow the information to be filed because three years had about elapsed which the prosecution said would work a bar under the statute of limitations. That was no excuse. It was the fault of the prosecution. They had delayed as long as June last in this very court. The defense asked for action in these cases, but the government refused to act. The prosecution avoided the grand jury because, if they had gone before a grand jury, the documents and papers James spoke of would have to be produced. James' say, as to their contents, they would not have been accepted, nor his statement as to what had been told him by somebody. They kept away from the grand jury because they thought it was necessary to suppress the truth in the matter in order to get a standing in this court. There has been the grossest suppression of truth. If the law called upon an executive officer to make a decision, the law which required him to do so protected him in his decision, and he contended the judicial branch of the government could not, in such a case, infringe upon the executive.

The prosecution say that the law gave General Brady authority to make a decision, but that he did it corruptly. Any inquiry as to that should not be held in this court, but in another tribunal, a high court of impeachment. If the contrary were maintained, the prosecution could come on with information and arraign the legislative branch of the government for votes given in discharge of official duties. The government had three co-ordinate branches, each equal of and independent of the others, and this court had no more right to try an Executive officer or Senator or Representative, for acts done by them in the discharge of official duties, than it has to try the Chief Justice of this distinguished court. It was preposterous to say some man, through malice or on account of public clamor, could come and file information in this court against the President of the United States, charging him with corruption in the discharge of the duties devolving upon him. If you can do this, he said, addressing evidently Judge Cox, you can do that. If you allow this, and some man comes in and offers you that, you can not deny it. In order to constitute an offense against the United States, under section 5,440, revised statutes, fraud conspired to be performed must be such a one as has been defined by statute and made a crime; in other words, a conspiracy must be that which if done by one would be deemed a crime by statute. Suppose,

for the sake of argument, the accused had unlawfully expedited star routes and increased the service thereon. Was that an offense against the United States? No. The statute has said so. Suppose the accused did everything just as they were charged to have done, had any statute stated that was a fraud? Therefore this case did not come within the provisions of section 5440. He then proceeded to criticize the court's information denying the prosecution had shown any such which had been defined as such by statute. The last reason which he presented in support of the motion to quash was a constitutional one. Under the Constitution no one could be held to answer for any capital or other infamous crime except upon the indictment of the grand jury. The crime he charged was infamous and therefore could not be prosecuted by information, and he called attention to the fact that section 1140, Revised Statutes, gave the police court exclusive jurisdiction over all crimes and misdemeanors not infamous, thus implicitly defining all crimes punishable by imprisonment in the penitentiary as infamous. Concluding his argument Wilson said: I know your honor appreciates the importance of questions presented by this proceeding. It is not the accused alone who are interested; the rights and interests of all the people of this nation are involved in this question. If you decide that the District Attorney can, without evidence, present citizens for grave crimes, (for that is what you must do if you sustain this proceeding,) if you decide that a party may be presented for an offense which has not been defined by any statute, as you must do if you sustain this proceeding, you will have to put the laws of this nation back to where England was over 200 years ago. Wilson spoke for over four hours.

He was followed by Bliss, of the government counsel, who said it appeared from the argument just made that the defense had other objections to the information, and that there were other propositions to be made against it. He said he thought it fair before the prosecution should be called upon to answer that all propositions to defer should be stated by Cook, who contended that Ingersoll should present the case of Brown, his client, before the prosecution be obliged to go on.

Ingersoll—I suppose, as we have heard from one of the learned gentlemen on the other side, it may be in order to say a few words in regard to Mr. Brown, but I am free now to contract if either of you gentlemen successfully answer the argument that has been made, I will say nothing about Mr. Brown. [Laughter.]

Bliss said he wished to be perfectly fair about the matter. It might happen some of the points which he was to answer would be presented by Ingersoll, which would necessitate his (Bliss) again addressing the court. He thought, therefore, it would be better for Ingersoll to precede him.

Ingersoll—I may say for the benefit of Bliss I shall insist the facts set forth in this information in regard to Brown, even if all admitted be true, do not constitute any offense. Secondly, I shall insist that the facts set forth in each and every count are contradictory, absurd and impossible. [Laughter.] It is impossible any such facts should be done in any such way. Now, that it is my general statement, that there is nothing in this information charging Brown with any indictable offense whatever. Information needs facts is another question. I shall insist it is impossible that Brown ever conspired with Brady to influence Brady, or that Brady ever conspired with Brown to give a contract to McDonough, and that thereupon McDonough never conspired with Brady and Brown to have the contract declared null and void. I shall insist McDonough never conspired to cheat himself, and that he never went to the extent of having Brown to help. [Laughter.] I shall also insist that it is not within the horizon of the probable, that any man ever paid \$5,000 or \$16,000 to get one man to conspire with another man as well as himself to defraud himself. Now, I think I have given a general view of the course I intend to pursue so far as Brown is concerned. I shall also insist on the affidavit of James, to the effect that certain contracts are on file in his office that Brown wen