THE EVENING NEWS PUBLISHED DAILY, SURDAYS EXCEPTS AT FOUR O'CLOCK. Sept. 19, 1874 Baturday.

DAVID O. CALDER, EDITOR AND PUBLISHER.

NEWS OF THE DAY.

Governor Brown of Tenn., protests against the assumptions and officiousness of U. S. office holders, in arresting and examining state of facts was mandamus the -Governor Brown of Tenn., holders, in arresting and examining State criminals; he says that Ten-nessee can attend to her own affairs without the interference of federal proper remedy? officials.

-Kellogg was notified by General Emery yesterday, that the State government of Louisiana was at his disposal again; Keilogg in-formed the general that he would order his officers to resume their duties to-day.

-A paper mill and a large amount of stock were burned in New Jersey yesterday; 102, \$30,077.

—It is not expected that any further orders will be given re-specting army movements for Louisiana; army officers say the army is not large enough to protect the frontier, and to act as a posse comitatus in emergencies like comitatus in emergencies the Louisiana affair.

-The army chaplain at Fort Klamath, Oregon, has been reliev-ed, and ordered to Camp Douglas, Utab.

---Kellogg, of Louisiana, must be a very badly used official, for according to his own showing, the offi-cial career of himself and his par-ty has been above reproach, and the desire of their oppenents in seeking to oppose them sprang from the most venal of motives. For further on this subject see ac-count in telegraphic colums of an interview between Kellogg and a special of the New York Thrics.

fares for the coming winter.

Kellegg.

-The Unitarias conference, at Saratoga, has adjourned sine die.

A dispatch from Constanti-nople to London says that twenty-four thousand people in Angora are utterly destitute, and will have to be supported during the winter to keep them from starvation. Sufficiently answered by saying that it is not the law. But if a further answer were needed it is to be had in the fact that the emoluments of an office are coincident to and follow the lay. The Washington Capital says-

-The coast guards on the gal title, and that the fine which the court can impose in addition to in town will be present in large. The Emperor, understanding the situa-

Now upon this state of facts, what is the position of the respective parties? Rowberry in possession of an office for which he way prima face e defeated at the last election,

but still holding over by virtue of of fraud at the elections, persist-the law, which says that he shall ently pushed the case to a hasty hold until his successor is elected conclusion. He could have shown and qualified; and Brown claiming that he wished the right to prevail, prima facie that he was legally by submitting the whole affair to

elected and demanding to be ad- full investigation and decision by mitted to Rowberry's place. - This a jury, but this he resolutely refu then was the position of the parties

We shall assume two propositions the whole subject to a full legal inof law to be correct-

First, That the title to an office might pass away ere it was settled. This, however, was no reason at all, the parties in the first instance to an information in the nature of a

quo warranto. Second. That in a quo warranto

proceeding, the court can go behind both the certificate of election and

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Sherman.

be for play the first But I imi

and never see pon billity upon others. Macina hon had been as unfortunate at Se lan as I was at Metz; as Trochu and Fucrot were in Paris, as I baki and Clinchaut were in East. He had forgotten all this when he became President, and his

want of memory was the chief into do, and proceeded to decide the wahon in one thing, and that is th wound that he received at Seda,

He claimed that if he submitted the whole subject to a full legal in-vestigation, the term of office might pass away ere it was settled. This, however, was no reason at all.

This, however, was no reason at all, for it applied even more powerfully to the other side. There is good reason to claim that the election of the s'Liberals" was a fraud and that the Judge must know that. The more reason then that the old incumbents, who have been re-elected ed and accepted and qualified time after time, should be orbited by the opportunity to place himself on record, and con-tinues.

both the certificate of election and the commission of the Governor, and determine the legality of the votes cast for the respective candi-dates and for whom, as a matter of fact, the majority of the votes were given or intended to be given, which is the only way that the question of title can be settled. Now, then, if Brown really was elected, then Rowberry was not, and is clearly a usurper, and being after time, should be retained in he this only feat of arms performed

a usurper was mandamus the pro-per remedy to be invoked by Brown? We say not. The statute provides for exactly that kind of cases in chapter 5 of title 8 of the in the matter will not emit the cases in chapter 5 of title 8 of the

cases in chapter 5 of title 5 of the a cases in chapter 5 of title 5 of the Produce Act, and allows the court, in the matter will none-sided action the most of the series of the se









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-Regnier, who fled from France at the commencement of the Bazaine trial. has' been condemned to death in contumacium for traitorous conduct in the negotiations at Metz.

-A collision in the river Mersey, between the steamers Kenil-worth and Windsor injured both.

A company has been organiz-ed to construct a railroad from Winnemucca to the Columbia river, Oregon.

—The Republicans, Independ-ents and Democrats are about equal in number in both houses of the Oregon legislature.

John McCullough and Geo. B. Waidron play in Richard the Third, at Booth's theatre, New York, to-night.

day's date.

----There was a terrible disaster at Fall River, Mass., this morning. A fire broke out in one of the large mills there, and before it was got under control, it is said that twenty or thirty persons were burned to death, and as many more injured, and five hundred thousand dollars worth of property destroyed.

-One man was killed and an-other had a leg and an arm cut off, in a railway accident at East Buffa-lo, N. Y., last night.

-New York bank statement in this afternoon's dispatches.

-Kellegg took possession of the Executive Office at New Orleans, this morning.

other set of officers out ought not to be permitted to weigh at all in the legal determination of the case, and it is in this fact that is to be found the beginning of the series of errors into which the court has been betrayed in the course of this proceeding. The assumption of the court that there is a controversy

court that there is a controversy between the Church and the State is unfounded in fact. If it were

the case, the dignity of the bench requires the presiding judge to fol-

low the mandates of the law alone, and, if the law is defective, leave that error to be corrected by

the law making power. The people are only nominally interested in the question of who is the person rightfully entitled to discharge the duties of an office, for que warranto is practically a civil action by the code in which, in the name and under the cloak -A decision has been made by the acting second comptroller of the U. S. Treasury, which it is said has brought the recruiting ser-vice of the army to a standstill. For particulars see telegrams of toof the commonwealth, the real

> parties in interest, the respective candidates, litigate their respective claims, and it has been decided by courts of the highest respectability that it stands precisely upon the same footing as any other civil action under the code, with the exception that a fine may be imposed. in the discretion of the court, upon

one who is really guilty of exercising the functions of an office to which he has no legal right.

We are therefore of opinion that the action taken by the "Liberal" candidates for office is all wrong

elected.

eligible to office.

cartridges for the Carlista —Bismarck proposes a union between Portugal and Spain, and the legislature as ample to accom-the subject in Lisbon. —Titles of nobility are revived in Cuba, and their owners are to be taxed therefor. to be permitted to weigh at all in the permitted to the p turn from Mexico. I am convinced that had he not been overthrown he would have found a means of avoiding the dis-graceful trial to which I was subjected. The loss of Aisace has been imputed to me, but the truth is that Alsace was lost after Reichschoppen. Even after the dis-atter, and after the precipitate retreat of the army, Metz could have been saved when Thiers, who alone retained his com-mon sense, came to propose peace; but the strugg's was continued in order that the dictatorship might be r.tained and the organization of a definite government pre-vented. The commy could mean barehous anothed

The enemy could never have been crushed with raw levies without discipline or ar-dor; defeat follawed defeat, and when nothing remained we were completely in the power of Germany. The pretended motive was to save the national honor, but the Arma for the national honor, man. The groomsmen will be C. W. Rae, U. S. N. (Engineer Corpe); Lieutenant Hunter, U. S. N.; Lieutenant Russell, U. S. M. C.; Paymaster Cochran; Edwin Wells, out the Army of the Rhine had saved it before the demagogues thought of doing so. In one day it had inflicted more loss Engineer Corps U. S. N.; Lieuten-ant Wood, U. S. N., nephew of General Sherman; Mr. George Galvin, of Boston, and Mr. Tom

so. In one day it had inflicted more loss on the Germars than did all the forces of Paris in four months. McMahon and I have been unfortunate, but never ridiculous. No German ever isughed while fighting me. Such sights as were seen at Paris and at Tours could only compromise the national honor. For my-self, I am an old soldier, and do not un-self, I am an old soldier, and do not understand politics. I make war, not speeches, and do not allow myself to be frightened by big words. Jules Favre flattered mc; Gambetta called me a traitor; but that did not move

As regards Mexico the Emperor had to

choose between cracuation and a war with the United States. To avoid a conflict he "The nuptial mass will last one the United States. To avoid a conflict he gave the order to return; but Maximilian was unwilling either to return to Austria. or to abdicate, although he well under-stood that Napoleon could not sustain a stuggie with the United States. Maxi-milian, in spite of wise counsels, preferred to seek an honorable death. That is the truth, and that is the extent of each one's responsibility. For my consolation the thought remains that even Washington did not escape injustice and that Lafay-ette passed through orden is more terrible than mine. hour, that is from 11 until 12. "Army and navy officers need scarcely be told that they are expected to appear in full uniform-not only out of compliment to the gentie bride, but as a mark of re-spect to her distinguished father, who, with his family, leaves Wash-ington the day after the wedding for St. Louis.

for St. Louis. "Gentlemen will appear in morn-ing reception dress and ladies in full 'carriage visiting' costumes, with light opera bonnets. Even the family will have light head coverings of lace or illusion, for the reason it may not be comme il faud for ladies to remain an hour in church with uncovered heads. The oride's trousecau is spoken of as be-ing very elegant, and includes everything that an American lady should have. I am far from being rich; but, besides my liberty, there still remain to me im-measurable treasures. For companions I have an American lady who gives me the strongess proofs of devotion; I have child-ren I adore, a brother and some friends who have remained faithful. My position is not hopeless; if need should be I would follow the example of the conquered Richmond and take refuge in labor. Sim-ple soldier, I carried a musket; isbor does not dishonor. I do not look on my mili-tary career as ended; I enjoy health and bodily vigor. Some duties remain to be fulfilled, and I shall fulfil them when the time cames; I hope fortune will grant me a last amile, as she often does to old sol-diers.

Accept, dear Mr. Bennett, with all my hanks, renewed assurance of my most listinguished consideration.

ABBIVALS.

DIED.



