

November, 1876, it appears that enough of the Senators and Representatives received into the Packard legislature upon certificates of the so-called returning board, were defeated at the polls to show that there never was, from first to last, a quorum of elected members in either branch of that legislature.

Second—That Will Stevens, a holding-over Senator, adhering to the Nicholls legislature, was captured and taken by duress, against his protest, into the Packard chamber, on the 1st of January, 1877, and kept there by duress and against his protest, he refusing to participate in their action, and repudiating their authority as a Senate just for the purpose of swearing in as members of that pretended Senate Baker and Kelso, who had not only been defeated at the polls as candidates for the Senate, but were so reported by the returning board, and sat as members from their respective senatorial districts in the Nicholls Senate throughout its session, and that there was no contest, and no notice of contest over their seats, but the seating of Baker and Kelso was entirely unlawful, inexcusable and invalid by the actual returns on statements as made in duplicate by the supervisors of registration with their appointees, the commissioners of election, and sent one set to the clerk of the District Court of each county parish, and to the Secretary of State in the city, and the other set to the returning board (so called) showed a majority of votes actually cast throughout the State of about 8,000 for Nicholls and Wiltz, over Packard and Antoine for governor and lieutenant governor.

In conclusion, the statement charges the returning board with changing the result of the election in Desoto parish by the suppression of votes, so as to return the republican representatives who were really beaten by large majorities, and which was admitted in a letter written by a republican representative so returned, a copy of which letter will hereafter be submitted to the committee.

In his supplemental statement Kellogg denies, generally and specifically, the material averments of Spofford, and asks that in the event the committee shall decide to take testimony regarding who were really elected members of the legislature that such investigation shall be made thorough in obedience to the designs of the election laws of Louisiana; that it shall decide who were elected after excluding from the election returns such polls as the election laws of Louisiana designed should be excluded. If such exclusions are made as required by the design of the law it will be found that the action of the returning board in certifying to the election of members of the Senate and House, as they did, was justified by the evidence and law in the case.

Spofford, in his supplemental statement, says: The vagueness of the statements of Kellogg as to what he desires to prove renders it impossible for me to specify what I shall desire to adduce in rebuttal. A suit upon such pleadings could have no end, and I assume that it is the desire of Kellogg and the committee, as it certainly is mine, that this matter should be determined speedily, certainly within a few weeks. As to the specific document referred to by Governor Kellogg in his letter to the committee of the 22d instant, I shall desire to prove that the act creating a superior civil court fell through an utter abortion, that it did not require any repeal, because it never went into vital force; that professing to abolish the sixth district court of New Orleans, it never did abolish it, but that the court has continued and still subsists in full exercise of its original jurisdiction, though there has been no law revising it. If it be deemed proper or material to go into the general investigation (whose horizon is boundless) indicated by Kellogg, the only effect of which will be indefinite delay and profitless wrangling, the undersigned suggests that it would be improper to limit the quotations to the testimony taken by the home committee, but that the testimony taken by Morrison's committee of the House should in common fairness to the other side be allowed consideration. Of course the journals and accounts of the assembly of the Nicholls legislature, as printed in volumes by authority, can be referred to, and the undersigned, in return, agrees that the newspaper reports of the journals of the Packard legislature may

be referred to by either party.

The committee, after hearing the statements read, had a brief secret session, ordered them printed, and adjourned until Monday.

BOSTON, 27.—Attorney General Devins, writing from Washington, excusing himself from active participation in the campaign, says "I learn with surprise and regret that many of the republican officials hesitate either to speak or vote, alleging as a reason the President's recent civil service order. In distinct terms, that order states that the right of officials to vote and express their views on public questions, either orally or through the press, is not denied, provided it does not interfere with the discharge of their official duties. If such gentlemen choose not to vote, or not to express or enforce their views in support of the principles of the republican party, either orally or otherwise, they at least should give a reason for such a course, which is not justified by the order referred to, and which is simply a perversion of it."

WASHINGTON, 25.—The bill introduced in the Senate to-day by Senator Mitchell to enable *bona fide* settlers upon public lands of the United States to locate upon and purchase a tract of timber land, not exceeding forty acres to each settler, is for the benefit of settlers upon agricultural lands in Oregon and Washington territory especially, many of whom have lands but not enough timber thereon for fencing and other necessary purposes. The timber lands in the mountainous districts have been visited in a number of instances for the purpose of securing fuel and timber, and a number of arrests have been made for trespass by government officials. Should this bill become a law any settler can purchase forty acres of such timber land upon the payment of \$1.25 per acre.

CHICAGO, 25.—Last Tuesday night a bold and successful robbery was perpetrated by a woman and a male accomplice in the Palmer House, whereby some \$5,000 worth of diamonds were taken from a Mr. Shay, and others of this city. The matter was kept quiet by the police, and to-day detectives Scott and Heinzman arrested James Barry at Kankakee, and brought him to this city. All the stolen goods, with many others, were recovered with him, and it is understood that he confesses the robbery. The woman has not been captured.

Gen. O. O. Howard, who arrived from the west last night, having either personally or through an officer given out, without consent of headquarters here, a report made by himself to General Sheridan concerning the Nez Perces war, which at least gives a more flattering account of his share in the hostilities than was given in other reports, and the *Tribune* having published that report this morning, General Sheridan has called attention to an old order which makes such action a misdemeanor punishable by dismissal, and intimates that upon a repetition of the offense this punishment will be visited upon the head of the transgressor.

RED CLOUD AGENCY, Neb., 25.—The removal of Indians hence to the vicinity of the Missouri River began yesterday morning, and was finally completed to-day. They were escorted by Captain Lawton's and Lieutenant Cummings' companies of Third Cavalry. No dissatisfaction is evinced by the Indians; on the contrary, all moves harmoniously. The march will be a long and tedious one, probably occupying a month. Spotted Tail will not move for a few days.

WILMINGTON, 25.—The sheriff of Fulton County, Georgia, arrested in this city, to-day, upon a requisition from the Governor of that State, J. H. Jackson, of the well-known Jackson & Sharp, car works, charging him with obtaining several thousand dollars from a legislative committee of Georgia, in 1873, by false pretences, and by making false affidavits.

NEW YORK, 26.—The *Herald's* San Antonio special says, a large band of Mexican raiders is depredating near Castrovilla, about 30 miles west from here. The latest news from Fort Stockton is that the stage between there and El Paso has been captured and the driver killed. Preparations are going on quietly to reinforce the rangers with at least 1,000 men as soon as the word is given.

The Australian mail, which arrived at San Francisco on the 27th,

left by the *Abyssinia* on Saturday, and will undoubtedly reach London in thirty-eight days from Melbourne, being by three days, the shortest time ever made.

The *World* says, Governor W. McGlynn, recently nominated for Senator, was taken to the insane asylum, yesterday, the excitement consequent upon his nomination having caused his mind to give way.

CHICAGO, 26.—The *Times'* London Bucharest correspondent says the eastern Turkish army is everywhere on the defensive. A way is now open for the investment of Rustchuk, as the Russians have sufficient force to mask Rustchuk and march against the central Turkish position at Rasgrad. The Russian intention seems to be to mask Rustchuk, menace Rasgrad, hold Raouf in check, and then put every available man and gun to the work of capturing Plevna.

The retreat of Suleiman reveals the unexpected weakness of the eastern Turkish army, so that reinforcements are being sent to Plevna from the army of the Czarowitch. It is the evident purpose of the Russians to fight nowhere in Bulgaria except at Plevna, which position, more than all else, bars the road to Constantinople. The investment of Plevna is not completed, although the accumulation of Russian cavalry is making the Turkish communications every day more difficult, despite all the rosy accounts from Pera. It is believed that Osman is now well supplied, and the capture or evacuation of the place is not far distant.

BOSTON, 26.—Two steamers, tomorrow, for Liverpool, will take 125,000 bushels of wheat, shipped by Chicago parties on a through bill of lading. Engagements are already made for all the grain tonnage room for the November steamers.

LA CONIA, N. H., 26.—Benj. J. Cole, extensive iron founder and machinist, has gone into bankruptcy.

PHILADELPHIA, 26.—This afternoon the grand jury found a true bill against John S. Morton, Saml. P. Huhn, B. F. Stokes, John R. Nagle, and George N. Vickers, charging them with fraudulently making a written instrument and uttering and publishing the same, and with conspiracy to defraud the Market Street Railroad Company out of \$200,000. Another true bill was also found against Morton, Stokes and Huhn, charging them with embezzling \$200,000, the property of said company, and against Nagle and Vickers, charging them with receiving money, knowing it to have been come by dishonestly.

SAN FRANCISCO, 26.—A whaling bark, down from the Arctic Ocean, brings news that on Sept. 11th, the bark *Three Brothers*, Capt. Owen, of New Bedford, was abandoned in the ice near Point Barrow. The crew escaped, and are distributed among the other vessels of the fleet.

The British bark *W. A. Farnsworth* was crushed in the ice, filled, capsized and sank in twenty minutes. The crew were saved.

No news of the crews of the fleet which was abandoned last season with the exception of two Kanakas from the bark *Acors* who made their way to land; all are supposed to have perished.

NEW YORK, 27.—The *Tribune's* Washington special says General Crook has been asked by one of the governing directors of the Union Pacific Railroad to give his opinion in regard to the construction of the two branches from the main line of that road, one from a point east of Sherman to Bozeman, Mont., and the other from Rawlins, Wyo., to the eastern branch at its terminus in Montana, the eastern branch to pass through the Black Hills, and the western through the Wind River country. The General makes a reply, under date of Oct. 9th, 1877, of which the following paragraph contains the most important passages: They will have a most salutary and positive effect in settling our Indian troubles, thereby saving large expenditures of public funds; they will invite to and open up for settlement the most valuable farming and grazing lands; aid in the discovery of new mining sections, and promote the development of valuable mineral resources already discovered; they will save the public treasury a vast amount in the economy of the transportation of military supplies, of the troops and mails. From my personal knowledge of the country through which the proposed lines will pass, I regard the project as eminently practicable, and more easily accomplished than many of the works of similar character now in successful operation in the country west of the Mississippi.

The *Times'* Washington special thinks the United States made a good bargain in the Sitting Bull matter. We have got rid of him, and will no longer feed or fight him, while Canada is bound to see that he does not violate the frontier.

The American bark, *Hattie G. Hall*, was seized, yesterday, by a U. S. marshal, charging her with carrying coolies from India to South America in 1876, under command of J. W. Carter, master.

Senator Morton's physician, Dr. Bliss, is in this city. He has hopes of the Senator's recovery, but considers his case a most remarkable and complicated one. On the advice of physicians here, he has shipped Morton a box of koumiss, a preparation of milk, prepared by a chemist here after Russian methods and said to possess marvelous curative powers.

CINCINNATI, 27.—An unknown person entered the house of E. S. McVey, near Chillicothe, Ohio, last night, and shot McVey through the heart and his wife through the head, killing both instantly. A little girl, the only other occupant of the house, escaped. The murderer, after ransacking the house for plunder, set it on fire and escaped.

BOSTON, 27.—The Lincoln Iron Foundry, owned and operated by R. B. Lincoln, Washington Village, was burned; loss, \$25,000.

CHICAGO, 27.—The *Times'* London special says it is almost impossible to get facts as to the situation south of Plevna. The most reliable accounts agree that communication with Plevna have been cut, and that the investment of Osman is practically complete, although the Russian forces west of the Vid have not come near enough to operate against the defenses of Plevna. If his communications are cut, as asserted, Osman is unquestionably in a most precarious condition, and will either surrender or attempt to fight his way out. The best evidence of a Turkish defeat and the loss of their line of supplies is found in the depressed comments of the London Turcophile journals. They admit that if Gourko has accomplished all that is claimed in the Russian official reports, the fate of Plevna will be settled within a few days. There has been heavy fighting along the various portions of Suleiman's front, indicating a general advance of the Russian army of the east, and a large reconnaissance to discover Suleiman's position. There has been nothing decisive in these movements, but they promise speedy operations of considerable magnitude, and the Russian effort to mask Rustchuk is sure to bring on a general engagement. Suleiman's right is on the Lom, below Kadiko. The Turkish position is very strong, with admirable support in the rear in case of a Turkish defeat. Suleiman Pasha has chosen his own position, and has entrenched himself on ground of the most favorable character for defense. A battle, it is thought, will be in progress to-day. In any case it does not seem probable that a great, and perhaps decisive engagement can be long delayed.

NEW YORK, 27.—In wool the demand is moderate and prices continue weak and unsatisfactory. Fine fleeces are quite dull and neglected. There appears to be very little pressure to sell, but holders are ready to make concessions to good buyers. Sales still continue to exceed receipts, which, for some weeks, have been small compared with previous years. The principal transaction of the week was a lot of 500,000 lbs. of spring California to a large manufacturer, at prices not transpired, but understood to be little above 30. The entire sales of California foot up 736,000 lbs. at 22½ @ 35½ for spring, and 17 @ 27 for fall. Other sales include Ohio No. 1, XXX and above at 42½ @ 47. Michigan, Missouri and other fleeces 36 @ 45; combing and delaine 47 @ 56; unwashed combings 36 @ 33; unwashed fleeces 28 @ 32. Colorado 21 @ 27. Texas 15 @ 32; tub washed 45, scoured 46 @ 75, super and X pulled 30 @ 46. The total sales of domestic for the week was 1,400,700.

WASHINGTON, 27.—The Commissioner of the General Land Office has rendered a decision of importance concerning annual expenditure on all mining claims. Commissioner Williamson holds that the first annual expenditure

upon a claim located prior to May 19, 1872, should have been made by the January 1st, 1875, and the second by January 1st, 1876; also that the first annual expenditure upon a claim located since May 10th, 1872, should have been or must be made within one year from the date of discovery and location, and that the amount required by the local mining law on regulations to be expended before a record of such losses can be made may apply upon the first annual expenditure on claims thus held, if the other provisions of the law are complied with. The second year commences immediately on the expiration of the first, and the required expenditures may be made at any time during the year.

ST. LOUIS, 27.—A novel suit was entered in the District Court this morning by Alexander S. Buchanan, against Sahlem, Sniger & Co., wholesale clothiers of this city. The petition alleges that said Buchanan has been, until a few days ago, a salesman and confidential clerk of the firm named for nearly twenty years; that on the 13th of this month he was inveigled to the office of a lawyer, the doors closed and locked. He was then charged with stealing from the firm during the past ten years some \$10,000 worth of clothing and property, and was threatened that unless he made the loss good he would be prosecuted and sent to the penitentiary. He was denied any time for consideration with friends, and finally, while stunned with the enormity and falsity of the charge, and while laboring under mortal fear of threats made to him, and being wholly in the power of his accusers, he made over to them certain bonds, money, and notes of the value of \$10,000. The petition further alleges that the plaintiff is entirely innocent; and charges his employers with conspiracy to destroy his reputation and asks \$50,000 damages.

CINCINNATI, 27.—Lewis Meyers, treasurer, and J. S. Smith, auditor, of Anglaise County, were arraigned to-day at Wapakonetta, charged with embezzling \$47,000 county funds. Meyers plead guilty and was sentenced to three years in the penitentiary. Smith was committed to jail for want of \$10,000 bail.

CHICAGO, 27.—The *Tribune's* Washington special says: Secretary Evarts has not yet concluded his reply to the letter of the Governor of Texas, asking protection from the Mexican invasion. It is expected he will clearly indicate the government's policy respecting the border troubles, and show the inability of the Diaz government to maintain peace on the border. It is now said that undue importance has been given to Mata's return home. He left because of the severity of the winter climate, but the minister at the City of Mexico is conducting the negotiations. The government does not anticipate trouble with Mexico, but it is not denied that slight events might precipitate hostilities. The only real annexationists here are speculative capitalists, who want to speculate in mines.

SAN FRANCISCO, 27.—A collision occurred this evening between the steamers *Clinton* and *Petaluma*, half way between Alcatraz and Taucilito. The *Clinton* sunk. The *Petaluma* reached here in a sinking condition. The engineer of the *Clinton*, named Manny, was drowned. No other lives lost.

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