

railroad commissioner of the State, to compel compliance by the Chicago and Northwestern, and Chicago and St. Paul railroads, with the provisions of the Potter law, first discussed the question of jurisdiction, holding that while the court had no original jurisdiction of the proceedings by injunction, at the suit of private persons, or to enforce redress, it had jurisdiction of the writ in matters public, and quoted from the State constitution in support of this assumption. The Court then proceeded to the consideration of the constitutionality of the Potter law, and held that the constitutional amendment of 1871, prohibiting special acts of the legislature for granting corporate powers or privileges, except to cities, was prospective only, and had no relation to existing corporate charters granted by special acts before the amendment; these may be amended or repealed by special act, as before the rule established in Dartmouth College, of Woodward, 4 Wheaton 5, 18, considered and disapproved as far as it is extended to quasi private corporations, entrusted by a charter with public interests, so as to constitute them quasi public corporations. The rule is followed nevertheless by the court, because it is the rule of the Supreme Court of the U. S. in the construction of a clause in the federal constitution. But the reserved power in the State constitution to alter or repeal corporate charters was designed to take, and does take, all corporations created under it out of the rule in the Dartmouth college case, and the legislature has the same power over such corporations as if the rule in that case had never existed. The reserved power to alter or repeal, has no other limit in law than is implied in the words used. The power to alter, or a power to amend a charter, without entirely changing the purpose or character of the exercise of the power, should be under the guidance of extreme moderation and discretion, and should not be oppressive or inequitable. But all this rests with the legislative discretion so far as corporate franchises are concerned. The legislature is under a moral obligation not to reduce the tolls of railroads below a fair and adequate amount, but their power over the franchise is absolute; but the power to alter or repeal cannot affect the property of corporations other than the franchise; such right of property is inviolable. The Court further held that it is not essential whether the defendants had the option of accepting or rejecting the alteration of their charters; they were bound to obey the statute or discontinue operations as corporate bodies. With regard to the portions of the railroads of the defendants which were covered by territorial charters, the court held that they are exempt from the operations of the Potter law, as the provisions of it would impair the obligation of a franchise of that charter within the rule in the Dartmouth College case, the Court thereupon granted the motion of the Attorney-General, and directed writs to issue as to all the roads of the corporations involved in the case except those covered by territorial charters. But before the writs issue the Attorney General must file in these cases his official stipulation not to prosecute the defendants for the forfeiture of their charters, or for any violation of chapter 273, charged in these informations, before the first day of October next, that time being allowed by the Court to defendants to arrange their rate of toll, under chapter 273.

Ter thousand unarmed citizens escorted Lieut. Gov. Penn to the State House this afternoon. The soldiers in the U. S. custom house gave three cheers for the citizens as General Ogden's militia passed that building; the militia responded heartily. The streets are very quiet. The funerals of those killed yesterday were largely attended to-day.

A dispatch has been sent to the President, requesting him to recognize the Penn government.

BOSTON, 15.—The great stallion race, at Mystic Park to-day, for a purse of \$10,000 divided, four thousand to the first, three to the second, two to the third and one to the fourth, was witnessed by 30,000 people. "Smuggler" won in three straight heats, "Phil Sheridan" second, "H. W. Genet" third, "Commonwealth" fourth. Time 2:23, 2:23 and 2:20.

ST. LOUIS, 16.—The meeting at

the Court House last night, to extend congratulations to the people of Louisiana on their success in overthrowing the Kellogg government, was largely attended. Speeches were made by General Shields, Colonel Richardson, A. J. P. Garsche and others. The latter was very violent in his remarks, declaring that if the federal government interfered on behalf of Kellogg the people of Louisiana should resist, and he announced his readiness to go to their assistance.

NEW YORK, 16.—General Tracey, counsel for the Plymouth church investigating committee, has put his promised statement in the form of an interview, and says in thirteen or fourteen different times in which Moulton introduced his (Tracey's) name in his late statement, in only one or two instances does he approximate to the truth in attempting to state his position and action. General Tracey also says that his firm has been engaged in a libel suit instituted by Edna Dean Proctor against Moulton, in which damages are laid at one hundred thousand dollars.

D. B. Penn telegraphs to a newspaper in this city—"The north can form no idea of the robbery and spoliation to which we have been subjected; my movement was necessitated by the attitude of the people, they demanded it. I am now in full possession of the government of the State. The colored people are satisfied and contented. A strong brigade of colored troops, fully organized and armed, and in the service of the usurpation, refused to fire a shot in its defense. The most perfect peace and good order prevail. We are thoroughly loyal to the Federal government, and in the operations of the past two days there have been no excess or violations of law. This government is the only one now in existence in Louisiana."

Governor Kellogg, in a dispatch to the same paper, says he has, amid all the troubles that have beset the State, reduced the State and parish taxation, and the legislature has passed measures for the reduction of the State debt and for the limitation of State and city debts, and repealed the obnoxious features of the election and registration laws. He claims that his opponents were fairly defeated in the last election, and knowing that they would be still more in the minority in the next election, they have precipitated a revolution, and taken forcible possession of the State government. He concludes as follows—"Personally, I have no desire to discharge the very onerous and vexatious duties of governor, but I feel it a duty I owe to the State and to the party to hold on until relieved by competent authority."

COLUMBUS, O. 16.—The reunion of the Army of the Cumberland met here to-day. The city is profusely decorated, and the Opera House, where the reunion is held, presents a beautiful appearance. Lieutenant Gen. Sheridan, president of the Society, occupied the chair. Among those in attendance are General Sherman, Secretary of war Belknap, Generals Custer, Grosvenor, Wolcott, Poe, Leggett and Granger.

NEW ORLEANS, P. M., 16.—The city continues quiet; police duty throughout the city was performed last night by volunteers. This morning there is a very general resumption of business, with no gatherings of people or evidences of excitement anywhere. A dispatch from Delhi says the citizens of Richmond parish held an enthusiastic meeting, in which a large number of colored citizens participated, last evening, to rejoice over the downfall of Kellogg and to install McEnery's appointees to parish offices, which was done without a show of trouble. Franklin parish will install the McEnery officers to-day.

CHICAGO, 16.—A Milwaukee dispatch, speaking of the effect of the supreme court decision yesterday on the railroads, says it is noteworthy that there is a much more favorable feeling than has been experienced since the first railroad bill excited the people, and the general verdict seems to be—"Now we have shown the roads we are sovereign, let us be magnanimous." There is a strong feeling that the new Legislature should pass a law repealing the Potter act, and restricting the roads to reasonable charges. Your correspondent interviewed Alexander Mitchell, president, and S. S. Morill, manager, of the St. Paul road. Mr. Mitchell said emphatically the road would obey the law without

the slightest attempt to avoid its true intent, that the convenience of freighters and shippers would be consulted as in the past, and no trains would be taken off until shown to be unprofitable by actual experience. There can be no appeal, this being a temporary injunction *pendente lite*; when the order is made perpetual he could not say what would be done. He had hopes that the new legislature would act fairly and protect the company's rights equally with those of the public. President Keeps of the Northwestern road, in an interview on the subject, said the decision was unexpected, but there was no alternative for the company but compliance with the law; but as the company could not possibly exist by furnishing present accommodations and comforts under the law, it would be compelled to make retrenchments everywhere. In the first place, fewer trains would be run, and slower time made; first class coaches would be withdrawn and second class ones substituted. All work on the road and in the shops would be stopped, and the working force and employees of the road reduced to a minimum.

ST. PAUL, 16.—A dispatch from Fort Garry says that Mr. Whitehead, principal contractor, has commenced grading the Pembina branch of the Canadian Pacific Railway; the grading will be completed by the first of November, and rails and stock will be in thorough order by the first of July.

SAN FRANCISCO, 16.—The loss by the burning of the Capitol Woolen Mills, at Sacramento, yesterday, is over \$200,000; insurance \$50,000.

Thomas Brown shot and killed himself here yesterday afternoon.

TORONTO, 15.—The *Globe*, in an article on the "commercial outlook," says that money is more abundant than a year ago and there is more difficulty in employing funds; the country's resources give good prospects of an overflowing abundance of grain, and of a handsome profit on the wool crop. There is a fine crop of hops with a large surplus to export; dairy products are increasing in magnitude; the lumber trade is depressed and unprofitable, but the local consumption is increasing. The square timber trade is still more depressed, as combinations have been formed to curtail its production. The imports at the custom houses largely exceed those of last year.

NEW YORK, 16.—P. T. Barnum was married this morning to the daughter of John Fisk, of Southport, England.

The steamer *Scotia* arrived to-day, bringing the Irish rifle team.

PHILADELPHIA, 16.—Dr. Buchanan, of the Eclectic Medical College, implicated in the recent sale of diplomas, was arrested to-day for malpractice on the wife of Isaac Vendergrift, who died from the effects of an operation performed by him.

NASHVILLE, 16.—Brevet Major General Pennybacker, of the regimental staff, and the troops at Nashville Post were ordered to New Orleans to-day, to report to General Emery for duty.

WASHINGTON, 16.—The President has appointed Thos. J. Black, postmaster at Corinne, Utah.

Mail Superintendent Sloanaker telegraphs to the Postmaster General from New Orleans to-day, that the interrupted mail communication had been resumed.

The latest rumor is that the Japanese are willing to vacate that part of the island of Formosa occupied by them on condition that the Chinese government will hold the people there under subjection, and acknowledge that the Japanese were justifiable in taking possession.

The grand jury find no bill against Dana, of the *Sun*, for the criminal libel charged by Alexander Sheppard.

The cabinet meeting to-day resulted in the following dispatch to Adjutant General Emery, commanding the federals in Louisiana—

"War Department, Washington, D. C.,
"September 16th, 1874.

"Under no circumstances recognize the insurgent government of Louisiana. Within five days from the date of the proclamation to the insurgents such action will be taken as the emergency may require.
"By order of the President.
"E. D. TOWNSEND,
"Adjutant General."

The President did not go to Long Branch last night, owing to events in Louisiana. A brief cabinet

meeting was held this morning, at which Secretary Fish and Bristow, Attorney General Williams, P. M. General Jewell and acting Secretary of the Interior Cowan were present. They discussed the Louisiana question and, without definite action, adjourned until 3 o'clock to further consider the subject. The condition of affairs in Louisiana being novel, and the first case of the kind where State authorities, recognized by the President, have been ejected by force of the citizens, and other officers substituted, the question arises as to what shall be done by the federal power in the premises; in other words, whether Kellogg and his associates shall be reinstated, or the McEnery party permitted to retain possession of the State government. The effect of such a precedent as would be established by the proceedings in Louisiana is the subject of the most serious consideration, and it is believed that measures will be taken forthwith to reinstate the Kellogg administration with all the force at the command of the government.

The cabinet meeting this afternoon, lasted an hour and a half. Secretaries Fish and Bristow, Attorney General Williams and Postmaster General Jewell, were the only members present, the others were all absent from the city. So far as can be ascertained no more definite conclusion was reached than that already announced in the President's dispatches and orders to General Emery, that is, not to recognize the insurgent government, and to preserve the peace.

The President has abandoned, for the present, his intention of returning to Long Branch, events in Louisiana detaining him in Washington. It is probable that should troubles increase in Louisiana, that State may be added to Lieut. General Sheridan's department, or General Terry may be ordered to New Orleans to rank General Emery in command. Though no vessels have as yet been ordered to New Orleans, those composing the North Atlantic squadron may soon appear in that vicinity. These things have been considered and a large number of available troops ordered to Louisiana. There is in the bank in New Orleans from \$500,000 to \$750,000, collected from the people to pay the interest on the Louisiana litigated bonds, which are owned at the north. The President has sent instructions to General Emery to guard the bank and, in no event, to permit the money to be drawn by any person connected with the Penn government.

SHREVEPORT, La., 16.—The Kellogg government has disappeared without violence in North Louisiana; peace prevails and the people are more hopeful of a prosperous future.

CHICAGO, 16.—A Washington special this afternoon says of the Louisiana imbroglio, that Secretary Bristow and Postmaster General Jewell incline to favor a compromise with the rebels, now that they have succeeded in overthrowing the State government, while all the other members of the cabinet, as far as can be ascertained, favor the prompt enforcement of law and the protection of the citizens without regard to politics.

LOUISVILLE, 16.—A call was issued for a meeting to-morrow night, to express sympathy with the citizens of Louisiana in their opposition to Kellogg.

MILWAUKEE, 16.—It is stated in the leading paper here that a number of heavy shippers in this city and vicinity have kept all the bills for freight paid since the Potter law went into effect, and now that the supreme court has affirmed the constitutionality of the act, they will proceed to sue the companies for the differences between lawful rates and these paid, and for penalties.

BOSTON, 16.—Bullard, the Boylston Bank robber, confesses complicity in the crime, but affirms that Glover, who is serving a term of twelve years in the State prison, was entirely innocent, even in the knowledge of the deed; Bullard will be arraigned before the superior court, and will doubtless plead guilty.

NEW ORLEANS, 16.—The president of the Chamber of Commerce, Clearing House, and Cotton Exchange and Merchants' Exchange telegraphed Grant to-day, a statement that the city is perfectly quiet and peaceful, business resumed and further trouble is not anticipated; James F. Casey, of the Custom House, indorses this statement. The executive committee of the

Merchant's Exchange telegraphed a similar message to the Boards of Trade of Chicago, St. Louis and Cincinnati.

Governor Kellogg and his followers remain in the Custom House. The Governor appears to be in good spirits, and is quietly awaiting the expiration of the five days, allowed by the President, when he expects to be restored by the military. He insists that he must be put back by U. S. troops, and maintained by them.

Baton Rouge and East Baton Rouge turned out the Kellogg officials to-day and installed the McEnery officers in the city and parish. Livingston Parish declared for McEnery this morning; the adjacent parishes will do the same to-morrow. There is no disturbance.

The following dispatch was sent to President Grant to-day:

"A petition has been forwarded you to-day by express, signed by 500 of the leading merchants and business men of this city, as follows:

"We, the undersigned merchants, representing the commercial interests of New Orleans, and deeply interested in the welfare and prosperity of the State, gladly embrace the recent change of government, and guarantee impartial rights to all. We respectfully ask the sympathy and support of the executive."

NEW YORK, 17.—The New York *Herald* has a dispatch from New Orleans, which states that General Emery has just concluded an interview with Governor McEnery, Lieut. Governor Penn, Robert H. Marr and Duncan F. Cage. Ogden, Marr, and other leaders assured General Emery that there is no thought of a conflict on their part with the military of the federal government. The city is very quiet, no change in the situation since yesterday other than incident to the process of organizing the new State government. Dubuclet, the State Treasurer, has not been interfered with.

Shorthorn Cattle for California.

We have recently issued from this office a catalogue of Shorthorn Cattle, purchased by Col. Peter Saxe & Sons, and shipped by them to California. The catalogue comprises the pedigrees of nearly one hundred head of Shorthorns, about one-half each of bulls and heifers, and mostly young stock. Col. Saxe & Sons attended twelve of the Kentucky Bluegrass stock sales, held from July 22nd to August 5th, and at these sales bought thirty-three head. These sales were by leading breeders, at which 733 head were sold for \$232,482, being an average for cows, heifers, calves and bulls, of over \$300 each. They also bought of other leading breeders—all "A. H. Book" recorded, but not at auction. Among the breeders from whom they made purchases are the Shropshires, Pattersons, Offutts, Capt. Moore, J. Wickliffe, F. J. Barbee, B. P. Goff, J. W. Bradley, C. M. Clay, Jr., A. A. George, and many others. The stock embraces the "Booth," "Aldrie," "Rose of Sharons," "White Roses," "Bates," "Phillisses," "Mazurkas," &c., all of fine blood and of the most fashionable strains, and which will, no doubt, meet a ready sale and contribute largely to the improvement of Western stock.

The present is the fourth year that Col. Saxe & Sons have been engaged in the fine stock trade and it is their thirteenth exportation to the Pacific slope. The stock has been selected by the Messrs. Saxe personally, and the aim in their purchase has been to combine early maturity, great fattening qualities, and excellent milking properties, with fine points of form and finish.

But, it is scarcely necessary to add more. Purchasers will see the stock and, of course, examine the pedigrees of the animals offered for sale, and can readily and with accuracy estimate their value. The purchases were all made in this section—the Blue Grass Region—unquestionably the best in the country for the production of fine shorthorn stock. The Messrs. Saxe have displayed both enterprise and good judgment in making their purchases here at the headquarters of fine stock, and we do not doubt that their present exportation to the far West will prove in every respect eminently satisfactory. — *Western Citizen*, Paris, Ky.

The Missionaries.—The Missionaries who left this City for England a week ago yesterday, arrived at Omaha on Friday, the 13th, all well.