

## BY TELEGRAPH.

## AMERICAN.

WASHINGTON, 21.—The Supreme Court has rendered a decision in the case of the State of Tennessee vs. J. W. Davis. This case arises out of an indictment in a Tennessee State Court of the defendant Davis, Deputy Collector of Internal Revenue, for the murder of Joseph B. Hayne, a citizen of Tennessee, in August, 1879. Davis filed his petition for certiorari in the United States Circuit Court for the middle district of Tennessee, alleging among other things, that, "the killing was done in self-defense to save his own life, and that at the time the act for which he was indicted was committed, he was an officer of the United States, to wit: a Deputy Collector of Internal Revenue, and was engaged in the discharge of his official duties."

Upon return of the certiorari, the State of Tennessee, by its Attorney General, moved that the case be remanded to the State Court in which the indictment was found. The motion was heard before Hon. John Baxter, Circuit Judge, and Hon. Conolly F. Trigg, District Judge, presiding as judges were divided in opinion upon the following questions, which they have ordered certified to this court for adjudication.

1st.—Is an indictment of a revenue officer, found in a State Court for murder, under facts alleged in the petition for removal, in this case removable to the court under section 643 Revised Statutes of the United States?

2d.—If removable from the State Court, is there any mode and manner of procedure in the trial prescribed by act of Congress? If not, can a trial of the guilt or innocence of the defendant be had in a United States Circuit Court?

The main question to be discussed is in the words of Attorney General Devens, brief, substantially the same as that which has for over half a century been debated in Congress and the country, viz: Whether the United States Constitution is a frame of government, created by the people and acting directly from and upon the individual; or is it merely a compact or league of sovereign States? Those who insist that the general government is purely Federal and not national in its character are logically compelled to deny the right to remove any cause from a State to a Federal court, and to declare the act of 1879, sec. 20, unconstitutional, because if any right of removal exists, it must extend alike to civil and criminal cases; and the extent to which, as well as the time and manner in which it shall be exercised whenever the Federal laws or their execution is concerned, is a question of expediency and not of power. The attorney general of Tennessee, in behalf of the State, maintains:

First.—That the words, "criminal prosecution," in section 643 Revised Statutes, have reference to the acts of revenue officers, therein declared to be offenses and not to a prosecution for murder which is not an offense by the Revised Statutes, except upon the high seas, etc.

Second.—That if Congress intended by said section to remove trials from the State to Federal courts, the act is unconstitutional. There is neither an express nor an implied power in the Constitution giving to the federal courts jurisdiction of crimes which are offenses alone against a State.

Third.—If the section was constitutional the United States circuit courts could not try a case of murder because they have no common law jurisdiction in criminal cases, and because Congress has not by any legislative act made murder a crime or affixed a punishment except for murder upon the high seas, in the District of Columbia, and in forts, arsenals and dockyards.

The argument will be continued to-morrow.

NEW YORK, 21. — John Kelly and party arrived in this city today from a tour of inspection throughout the State, and were welcomed by the most prominent of the Tammany Hall organization. Fully 1,500 persons had assembled at the Ferry, foot of Chamber street, where a stand had been erected. After a salute of 25 guns and the cheering in his honor had subsided, Kelly addressed the assemblage. He gave a glowing ac-

count of his trip, denounced Tilden and Robinson, and said he felt satisfied that the race for the governorship was now between himself and Cornell. Other speakers followed. A procession and serenade took place in Kelly's honor to-night.

Before Judge Choate, to-day, in the United States Circuit Court in equity, a motion was made by the defendants in the suit of the Emma Silver Mining Company (limited), of London, against the Emma Silver Mining Company of New York, Trenor W. Park, H. H. Baxter, William M. Stewart, and Charles G. Lincoln, for leave to file separate pleas. The case as presented by the counsel is nearly the same as the old Emma mining suit in the same Court a few years ago. A bill has been filed by the plaintiffs to set aside a transaction of sale between the plaintiffs and defendants. The latter, however, pleaded in bar the judgment brought against Park and Custer, original owners of the Emma silver mine, and which judgment was in their favor. All the issues raised and disposed of on previous trials of the case are also involved in this suit, and the defendants rely now on the judgment of the Court thereon in their opposition to the relief asked for by plaintiffs. The argument will be continued to-morrow. Ex-Minister Stoughton represents the plaintiffs and John E. Burrill and Edward J. Phelps, of Vermont, appear for defendants. They are the same counsel as were employed in the former suits.

CINCINNATI, 21.—The malicious misplacement of a switch on the track of the Marietta and Cincinnati Railroad near Athens, threw the engine and express car of the west bound passenger train off the track last night, and tumbled them down an embankment. C. E. Hawley, express messenger, was fatally injured, the fireman and engineer escaped. Only one passenger, John A. Rich, was injured. The switch had the appearance of being all right, the rail having been disconnected from the switch.

NEW ORLEANS, 21.—The Republican State Convention adopted the following:

Resolved, That it is the deliberate judgment of this convention that an act of grosser injustice to the State of Louisiana and to the republican party, could not be perpetrated by the national Senate than by depriving this State of one of its Senate representatives, Hon. Wm. Pitt Kellogg, after his claim to the seat he now occupies has been already deliberately acted upon; that we do solemnly and earnestly, but most respectfully protest, in the name of Louisiana, against such contemplated action as a grave violation of principle and as a proceeding likely to be productive of most mischievous consequences hereafter.

Also resolutions alluding to the republican victories in Maine, California, Colorado, Ohio and Iowa, assuring success in 1880.

Thanking President Hayes for his acts of fidelity which paved the way to the late splendid republican victories, and Sherman for his great services in assisting the resumption of specie payment.

The ticket was completed, as follows: Lieutenant Governor, James M. Gillespie; Attorney-General, Judge Don A. Pardee; Auditor, Claudius Mayo; Superintendent of Public Education, Dr. R. F. Bonzano; Secretary of State, James D. Kennedy (colored).

Among the planks of the republican State platform is one favoring national aid for a southern route to the Pacific Coast and subsidies for ships. Another holds that it is the duty of the National Government to secure by all means the construction of a canal or othersystem of transportation across the Isthmus of Darien, and to insist that no non-American nations shall have a predominating influence in the management thereof. A resolution was adopted setting forth that if the colored people are accorded free and fair elections, they will remain as of right in the State, if not they will be forced to emigrate. A resolution was also adopted declaring Grant their unalterable choice for President in 1880. The election of Dumont, who is an out-and-out Sherman man, as permanent president of the convention, is considered an endorsement of the administration.

MEMPHIS, 21.—Information was received this afternoon of a horrible outrage committed last Sunday near Montgomery's Landing, Miss., 18 miles down the river, by a party

of six negroes, who ravished Mrs. Johnson. She, together with her husband and two children, were on a trading boat. The negroes first fired a shot gun at Johnson, two bullets grazing his head and stunning him. After which they outraged his wife, then plundered the boat and cut her adrift. The steamer O. W. Pierce, attracted to the boat by cries of help, went to her assistance, towing the boat to Hawthorn's Landing. Mrs. Johnson's condition is critical; the negroes escaped.

ATLANTA, Ga., 21.—F. L. Brantly, marshal of Whitesburg, Ga., shot and killed two negro girls last Saturday night. The murder was wanton and unprovoked. Brantly escaped.

SAN FRANCISCO, 21. A Tucson dispatch says: A Silver City N. M. letter says of the slaughter on the 18th. Arriving at the scene of the tragedy, we found 16 persons dead. We buried them. Five others, known to have been killed, we have not found. No Indians are about. It is reported they have gone to the Mimbres Mountains. About 150 Apaches scouts lately with Col. Morrow in New Mexico, have returned to Arizona, their time of enlistment having expired. They refused to re-enlist. This probably gave rise the rumor that the Indian scouts had deserted and joined the enemy. Governor Wallace is now at Los Vegas. It is now believed Victoria's band is trying to go through the Burro Mountains to Mexico. Col. Morrow says he has troops enough to whip Victoria but it will take two months to do it. He needs a couple of light howitzers. Volunteers are being raised at Mesilla Las Cruces. In a fight on the 13th, the Mesilla and Las Cruces company, numbering 30, were massacred by 100 Indians, only one man, Hickey, escaping. Stages for the east are traveling as though there was no trouble.

NEW YORK, 22.—The Tribune says: In the Stock Exchange yesterday, the recorded transactions reached the enormous aggregate of 505,000 shares. The market was excited with frequent fluctuations. In the morning and during the greater part of the afternoon the "bulls" carried everything before them, and the highest prices of the year were made in a number of instances. Later on, under a pressure to realize, there was a considerable reaction, but at the close a steadier feeling prevailed.

The Robinson State committee continues to receive hopeful letters from the interior of the State, and seems to be increasing in courage. A table has been prepared from the reports of visitors and local committees professing to show the condition of each party in every county. Upon this table the members of the committee claim a majority of over 50,000 for Robinson in the State, but to get this according to their own figures, they require a majority of nearly 4,000 in this city. The leaders assert that Kelly's strength has been greatly over estimated. A Robinson mass meeting will be held in Madison Square Garden next Tuesday evening.

The Times, commenting on Evarts' speech last evening, says its allusion to the possible need of a strong man in the executive chair: "Reduced to plain English, this means that unless the South permits the negro vote to be cast and counted, we must re-elect Grant. That this opinion is entertained by a majority of the republican party there can be no possible doubt, and that it will be the controlling opinion in the national convention is extremely probable; but a man with the position and antecedents of Evarts ought not to be heard echoing a 'strong man' cry without stopping to explain how the executive authority which should be accorded to Grant, can be any more 'full' than that possessed by Hayes, and in what way the former can render his authority to maintain the freedom of suffrage more effective than he did during his last term as President."

NEWARK, N. J., 12.—In the case of Blair, the New York bank teller, tried for killing his coachman Armstrong, the jury, after four days' deliberation, found a verdict of not guilty.

BOSTON, 22.—Uriah A. Boyden has bequeathed the greater portion of his property for the purpose of making scientific investigations of the properties of calorific and phenomena thereto. When such investigations have been thoroughly made, he provides for observatories

on prominent peaks for the gratuitous use of students of astronomy and kindred sciences.

## FOREIGN.

LONDON, 21.—A number of engineers from Bradford, left England, to-day, for Pennsylvania, and another party will proceed next week for the same destination.

Herr Kurd Von Schlozer, the present minister of Germany at Washington, will probably succeed the late Herr Von Bulow, as Secretary of State of Foreign Affairs.

Latest news from Ali Kheyl, represents that the frontier tribes, since learning of the fall of Cabul, are dispersing.

Osman Pasha, who retains the portfolio of minister of war in the present Turkish cabinet, is as much a philo-Russian as Mahmond Nedim Pasha, the new minister of the interior, and is co-operating with him. Osman Pasha must henceforth be classed among those unprincipled intriguers who so materially contributed to ruin a country.

The commission on reforms in Cuba agreed to recommend that slaves shall be entirely emancipated in seven years from the date of the passage of an emancipation bill.

The trial of action against Humbert, the returned communist who was recently elected a member of the Paris municipality, and the *Marzeilles* newspaper for insulting the magistracy and defending the occurrences which the law characterizes as crimes, was brought to a conclusion to-day. Humbert was sentenced to six months imprisonment and a fine of 2,000 francs. The manager of the *Marzeilles* was condemned to imprisonment two months and a fine of 5,000 francs, and the *Marzeilles* itself was suspended for two weeks.

King Alfonso returned to the city after visiting the Plain of Murcia, the scene of the recent disastrous flood. Aid was furnished the sufferers.

At a conference on the land question held in Dublin yesterday it was decided to form a land league for Ireland. Parnell was elected president. He will go to the United States to invoke the aid of Irishmen there in the cause.

A correspondent at Wolverhampton says: Circulars are out from more iron manufacturers announcing a further advance in prices. Telegrams are coming in from the south and north of England that ship builders and others are ordering an immediate despatch of heavy quantities of iron.

The distress in Hungary on account of the bad harvest is very great. The government has suspended the collection of taxes until the next harvest has been gathered. In 57 towns and villages in Temes County, the greatest distress prevails. In Saros County, where some cases of starvation have occurred, 40 parishes are threatened with famine. Frightful accounts have also been received from the counties of Abanj, Heves and Semplin.

A Rangoon dispatch says: King Thebau is in a warlike mood. The Sepoys' barracks in the British residency building have been destroyed.

A formal defensive and offensive alliance between Serbia and Bulgaria is about to be signed.

CITY OF MEXICO, 21.—Charles of Coahuila, anticipating the passage of a law extending federal jurisdiction over the district of Sierra Mojada, telegraphed on the 11th inst., saying that Chihuahua and Durango are not opposing the jurisdiction of Coahuila. Also that several mining companies, hearing the action of the federal government, had dissolved.

Other and richer mines are said to have been discovered near Mojada, and over 12,000 persons have gone to Mojada.

The following cabinet changes are reported: Justo Benitez, secretary for exterior relations; Manuel Payro, secretary of war. Senor Benitez continues to refuse to be a candidate for the presidency, but his party is growing daily, and all probabilities favor the belief that he will certainly accept the nomination in due time.

DUBLIN, 22.—A private conference of tenant farmers was held here to-day. Cork and Man-borough, Galway and Enniscorthy, Ballinrobe, in the County of Mayo, Tipperary and Sligo were particularly strongly represented. Mr. Parnell, M. P., was present. The conference was held for the purpose of forming an Irish land

league, which should compass two main objects, the first being the reduction of back rents, the second that occupiers of land might have facilities for obtaining the ownership of it. Mr. Parnell was unanimously elected president. Long discussions ensued, the sense of the meeting being that the time was gone when landlords could be asked to abate their rents, that the people who tilled the soil had the right to live on it, and that even if a general abatement of rents were made, this would avail little without security of tenure. The charge of reryism brought against the movement by the opposition journals were indignantly refuted, and the sending of "coffin notices" and all violent measures was deplored, but a letter was read from Major O'Gorman, M. P., in which the writer declared before Almighty God that the Irish had more cause for violence than had the French in 1789. Finally it was determined to draw the counties together into a solid organization during the coming winter, and thus defend the farmers against those threats of eviction which now hung over them. Resolutions were passed inviting Mr. Parnell to proceed to America and there win the sympathies of the Irish for their afflicted fellow countrymen.

LONDON, 22.—A military correspondent suggests that the explosion in Bala Hisar may have been the result of a deeply laid plot.

The Emperor of Austria has given to the Spanish envoy extraordinary his formal sanction to the marriage of the Arch Duchess Marie Christine to King Alfonso.

A great liberal demonstration takes place in Manchester at the end of the week. Among the speakers will be Lord Hartington, John Bright, Anthony J. Mundell, Wm. P. Adam and Peter Rylands all members of Parliament.

A dispatch from Constantinople says: The Porte has received news that the revolt in Nevis is not yet suppressed. The Austrians lost 400 killed and wounded. The insurgents are entrenched among the mountains. The Kurdish revolt has ceased to give signs of life. Several Kurds chiefs are on the way to Constantinople under escort.

Attention having been drawn, by the recent extensive departures from Liverpool, of "Mormon" converts, to the proselyting efforts made by the Professors and Elders of that faith, Major Greighead, constable of Liverpool, has issued a notice by way of warning, reciting that there is reason to believe that the system of solicitation of persons to join the faith and emigrate to America extensively prevails, and reminding such persons that by the American law polygamy is prohibited, and that those who practice it are liable to heavy fines and long terms of imprisonment.

## NOTICE.

JACOB SMITH deceased or his heirs or assigns are hereby notified that I have expended in money and work to the amount of two hundred and twelve dollars and 25 cents, being the legal assessments for 1878 and 1879, for your interest in the Garvey Mine, located in the Uintah Mining District, Summit Co., Utah, and unless you pay said amount to me within 90 days, the time specified by law, your interest in said mine will become my property, according to the law of Congress of 1870 relating to mines. JOHN A. NELSON. Park City, Utah, Sept. 6, 1879. 6-9-9 to 6-12-9

## MILLINERY, CLOAKS, UNDERWEAR.

## J. G. BROOKS

Begs to inform his customers and the Ladies of Utah that he has just returned from New York with an Immense Stock of

## Trimmed and Untrimmed Hats

All Shades of SILKS, SATINS, VELVETS AND RIBBONS

For Hats and Dress Trimming.

1,000 CLOAKS, 1,000

For Ladies, Misses, Children and Infant Ladies' and Children's

## suits of Furs,

And a Splendid assortment of UNDERWEAR.

The goods having been bought strictly for Cash will be sold cheaper than ever. Dealers and Ladies should call and examine my Immense Stock. W. 10 ft 10