

survivors relates his efforts to save her. He had her at his side for some hours, until he could no longer hold her up, and she sank exhausted. Doubtless many were eaten by sharks, for the second mate and his companion, who were floating with a plank to support them, saw a shark approaching, and managed by climbing on top to avoid him a moment, when he turned and went away.

The Pajaro was owned by R. Herrera, of Havana. It was formerly an American vessel known as the *Niagara*, and ran between New York and Havana. The captain and men speak in the highest terms of the officers and crew of the steamer *Louise H.*, for the manner in which they were treated. An Englishman furnished clothing for the naked and attended to those who were hurt. Thirty-three of the passengers and crew are still missing.

YORKTOWN, Va., 23.—The centennial of the surrender of Cornwallis was celebrated here to-day with extensive ceremonies, oratory, etc. A number of prominent Northern and Southern orators were on the stand. Prof. Charlier, representing the French government at New York, also spoke in a patriotic strain. Major Burmish, of Her Majesty's service, who has been in this country four months, travelling, was then introduced and made an amusing address. He did not wish to rob them of their honors, which had been fairly won, as both the British and Americans won them at the point of the bayonet. [Cheers.] He hoped the British and American bayonets would never again be crossed in strife, but combined together against the common foe.

WASHINGTON, 23.—In the Supreme Court, the question of the right of the United States courts to punish offenders against the United States election laws during the vote for congressmen, was before the court to-day, the case being that of Augustus F. Clark, of Cincinnati, who was indicted in the United States Court in 1878 for failing to perform the duties of judge, which position he then had, the case was fully argued by Judge Hadley, for applicant and Attorney General Devens for the Government.

COLUMBUS, 23.—The official count of the gubernatorial vote shows a total vote cast for governor of 668,667, of which Foster received 336,261; Ewing, 319,132; Stewart, Prohibition, 4,145, and Pratt, National, 9,129. Foster's majority over Ewing is 17,129 and Hickenlooper's majority over Rice is 15,678.

Washington, 23.—Sec. Schurz to-day received the following telegram from the governor of Colorado:

DENVER, Oct. 22.

Information from Southwestern Colorado satisfies me that the most of Ouray's warriors were in Thornburgh's fight. To surrender the criminals Ouray must surrender his tribe, which he is powerless to do. They adhere to him for protection only and will not submit to punishment; neither will they surrender the White River Utes who are bound to them by the closest ties and are no more guilty than themselves. They whipped Thornburgh's command, and now Merritt's relics. It cannot be disguised that the fighting men of the tribe are hostile, and, flushed with victory, that they are savages. They take no prisoners except women. Their trophies are not banners but scalps. If the policy of military inactivity continues, our frontier settlements are liable to become scenes of massacres. Unless the troops move against the Indians the Indians will move against the settlers. Must 300 miles of border settlement be subject to this peril? The general government is doing nothing to defend our settlements; the State cannot defend all this border, except by attacking the enemy. In behalf of our people I represent this danger to you, and urge that the government recognize that a war with barbarians now exists, which involves the lives of numerous exposed mining settlements. It can be terminated only by most vigorous and uninterrupted warfare.

(Signed) FREDK. W. PITKIN,
Governor.

To this message the Secretary telegraphed the following reply: Your dispatch is received. I entrusted with the important duty of special agent to the Utes, General Charles Adams, a citizen of Colorado, who, a month ago, was represented to me by yourself as a gen-

tleman of excellent character, uncommon ability and energy, intimately acquainted with the Utes, and eminently qualified to deal with them in an emergency. He is with them now, and his last report was that none of the Southern and only part of the White River Utes seem to be engaged in the trouble, and all rumors of depredations off the reservation are untrue, except the driving off of horses from Bear River, and this was before Ouray's order to cease fighting was received.

General Adams reports this after having traversed Southwest Colorado, the source of your information. He also states that the "captive women and children, who I have assurance are safe, will be delivered: The troops should not proceed south from White River, as I believe that your condition to secure peace will be complied with."

The report of a responsible man who has your confidence as well as mine, and who speaks from personal observation, is certainly entitled to credit. The liberation of captive women and children is the first thing to be accomplished. General Adams expects to bring them in if not interfered with in a few days. He will then also report on the surrender of the guilty Indians. Meanwhile military preparations are not relaxed, so that a failure of the efforts mentioned may be followed by energetic action. We are endeavoring to prevent a general war with the whole Ute tribe, which will be a better way to protect your border settlements than a general attack upon Indians by armed citizens, as your dispatch seems to suggest. It is, therefore, earnestly hoped that every effort will be made to prevent an unnecessary extension of trouble, which may be precipitated by inconsiderate action.

(Signed) C. SCHURZ, Sec'y.

MEMPHIS, 23.—There was one new case and one death this afternoon. There will probably be frost to-night. On Sunday the Board of Health will announce that absentees will be safe in returning home, provided the homes are thoroughly fumigated.

NEW YORK, 24.—It is the coldest morning of the season. The thermometer sunk to 42, and it is growing colder. No rain of any account has yet fallen, and now there are no signs of any.

A Washington special says: Senator Hill, of Georgia, passed through here yesterday. He seemed very much annoyed at the dismal prospect of the democracy. He visited New York in the hope that he would be able to reconcile the discordant elements of the democracy and his signal failure has discouraged and embittered him. He is represented as having expressed himself in very uncomplimentary language about the Kelly faction, and regards the loss of New York by the democracy as a foregone conclusion.

WASHINGTON 24.—At the cabinet meeting to-day, Gen. Sherman and Sec. Hawley represented the War and Treasury departments respectively. The meeting was devoted principally to discussion of the Indian troubles. Sec. Schurz and Gen. Sherman gave all the information in the possession of their departments. The discussion turned up on what steps should be taken towards the Indians, and it was decided that for the present only precautionary measures should be adopted.

General Sherman reported that the troops concentrated in southeastern Colorado, under the command of Gen. Merritt will be in readiness to move upon the Indians immediately, in the event of the failure of the mission of Special Agent Adams. It was agreed on all hands that the best way to meet the contingency should be continued, although no aggressive movement will be ordered while awaiting Adams' return.

Secretary Thompson submitted some dispatches received at his department from naval officers at Sitka and the Samoan Islands. Their tenor indicated the advisability of establishing a civil government for Alaska, and that measures should be taken to secure the rights obtained by our treaty with Samoa for the possession of the harbor of Pago Pago as a mid-Pacific naval station. It was agreed that the Navy Department should, at an early day, send a supply of coal to Pago Pago, to be stored there for the use of United States cruisers; and the President will probably in his next message recommend to Con-

gress the proposed establishment of a civil government for Alaska.

The Commissioner of Indian Affairs yesterday received a dispatch from agent McGillicuddy, at Red-donny Agency, saying that 20 of Sitting Bull's Indians were just in with a pass from Major Walsh, a British officer at the nearest post across the border. Many will come when the Missouri freezes. Do you want them fed? To this Commissioner Hoyt replied as follows:

"Require the Sitting Bull Indians to surrender their arms and ponies, place them by themselves under the surveillance of the police and feed them. Further orders will be sent shortly."

EZRA A. HAYT,
Commissioner."

The commissioner sent to Agent McGillicuddy the following telegram:

The Secretary desires me to say that the Sitting Bull Indians returning must be looked upon virtually as prisoners of war. They must surrender their arms and ponies. The idea must not be permitted to spread that they can simply come back and be fed. Every one of them, if fed, must be made to earn his rations by work for the government. Enforce this policy strictly and keep them well watched.

A letter received from the same Indian agent to-day, reports that the Sioux under his charge are exceedingly anxious to enlist and assist the Great Father in the war against the Utes.

The Acting Commissioner of the General Land Office, upon the application for a patent for the Headlight lode, in Mono County, California, has rendered a decision of much interest and importance to all mineral claimants in general. The mineral entry in controversy was made last February by Edward Clark, attorney for Geo. S. Dodge, Britton & Gray, Washington attorneys for the Vivian claimants, five months afterwards, filed a protest against the issue of the patent upon the ground that among other things the application was by an agent and not by the alleged owner.

Acting Commissioner Armstrong now sustains this portion of the protest, and directs the entry to be held for cancellation. After quoting section 2,325 of the Revised Statutes, he says: This is the only manner in which a patent for mineral lands can be obtained, and the successive steps are specifically detailed. "May file" is therefore, by a well known rule of statutory construction, equivalent to "must file." The statute does not say any person or his duly authorized attorney "may file," etc. Its authority extends only to the person, association or incorporation, and the plain intent of the statute unquestionably is that the owner and applicant for the patent shall file his own application under oath. Moreover the claimant did not file his own affidavit showing that the plat and notice were posted in a conspicuous place on the claim during the 60 days of publication required; but substituted that of his attorney, and the statute has not in this respect been complied with. It requires the person who owns, the claimant who asks for a patent to make the affidavits therein named, and fails to make provision for these being made by any other person. It is a personal act required of the claimant analogous to that provided for in other laws for the disposition of public lands, and in no case in any other of said laws where an affidavit is required of the claimant has it ever been conceded that it could be made by an attorney, wherever the legislative intent has been to permit an agent to act for the owner in such matters the statute has expressly so provided. The language of the law is plain beyond reasonable doubt, and must be strictly followed.

This decision is severely criticized by the opposing lawyers, among them Col. Ford, late chief of mineral lands division, who says it reverses the practice of the department for many years, and will, if sustained, be very injurious to mining interests by embarrassing sales of mining property at distant points. The present land office officials, however, deny both these propositions. An appeal will be forthwith taken to the Secretary of the Interior.

The Treasury Department has transferred an additional ten millions in gold to the assay office at New York to facilitate foreign exchange. The San Francisco mint

is coining small gold pieces to supply the demand. The Philadelphia mint is at work principally on silver dollars. It is expected that the Treasury will be able to purchase sufficient silver for delivery at San Francisco to enable that mint to relieve Philadelphia of the silver dollar coinage. The latter mint will then work on small gold pieces.

The *Utica Herald* says: The language of Justice Field's dissenting opinion in the Pacific Railroad case reads very much as though the catastrophe to Thurman and the impending catastrophe to Tilden in New York made an opening for himself in the matter of the next democratic nomination for President, which it behooved him to push, for the purpose of his denunciation of centralization is so obvious that its effect will be absolutely nothing except, possibly, in the way of starting a "boom" for himself.

Five hundred and fifty men, a larger number than at any previous time, are now employed upon the New York approaches to the East River bridge. The first row of arches of the upper pier for the span across Gold Street was finished yesterday. All the buildings between Rose and William Streets have been torn down within two weeks. The work will then be within a block of Chatham Street, from which the approach will start.

MEMPHIS, 24.—Hon. John Johnson, superintendent of quarantine, has telegraphed J. D. Plunkett, president of the State Board of Health at Nashville, the following: The continued favorable cold weather, in my opinion, renders the transfer of freight, passengers, inspectors, pickets and patrols no longer necessary. With your approval they will be discontinued from and after to-day.

CHICAGO, 24.—The *Inter-Ocean's* special reports the body of a man found on the Lake shore, near Tolleson, Ind., this afternoon, upon whose clothes and sleeve buttons were the initials of Webb, who accompanied Professor Wise in his balloon ascension from St. Louis. The body was otherwise unrecognizable on account of decomposition and bruises.

CHEYENNE, Wyo., 24.—A dispatch of last night regarding the Uintah Utes being on the war path, is confirmed by private telegram to-night. Governor Hayt has telegraphed to Washington for military assistance.

Yankton, 24.—Information from the Indian country is that last Friday 56 lodges of Minneconjon Sioux, under Chief Burnt Face, left Cheyenne agency and started out on the war path. The only depredations thus far reported is a profitable raid on a Black Hills wagon train. Two companies of the 11th Infantry are in pursuit.

San Francisco, 24.—Tucson dispatch. A special to the *Star* from Silver City, New Mexico, to-day, says of the depredations committed by the Indians since the 15th: The reports are that Victoria's band has divided, one party going in the direction of Florida Mountains and the other for Burro Mountains. Captain Boyer has issued a warning to all the settlers on upper Gila to be on the alert, as there is great danger ahead. Major Morrow is in hot pursuit of Victoria with 300 soldiers. The citizens of Silver county have organized, and fifty men well equipped are ready to move at any moment.

NEW YORK, 25.—The *Herald's* special from Cairo, says: The Governor of Alexandria, yesterday, delivered to Lieutenant-Commander Garringe, of the United States navy, by order of the Khedive of Egypt, the obelisk known as Cleopatra's Needle. The work of removal began yesterday afternoon. The English manufacturers have supplied, as stipulated, the money necessary for transporting the obelisk and Garringe hopes to get it on board the ship at an early day. It will probably reach America about a month after it leaves Egyptian soil.

The *Times* says, editorially: It is reported that the United States Supreme Court will make a new rule requiring that all minority opinions shall be submitted to the majority of justices before being published. Of course, this is provoked by the extraordinary performance of Justice Field, who used language in reference to his associates' opinions which would not have been permitted from an attorney at the bar. It seems a strange thing that so conservative and dignified a body

as the Supreme Court should be obliged to exercise a species of censorship over the official utterances of its members in order to prevent public scandal. If the court could adopt a rule forbidding its members to become candidates for the presidency, perhaps the same end might be reached.

ST. LOUIS, Mo., 25.—The body found yesterday on the shore of Lake Michigan, near Miller's Station, is identified from descriptions of it in the dispatches by Wm. E. Burr as the remains of his brother, George Burr, who ascended with Prof. Wise in the balloon "Pathfinder" three weeks ago to-morrow. Mr. Burr has telegraphed to have the body properly cared for, and a friend left this morning for Miller's Station, to bring it home.

MEMPHIS, 25.—The following telegram came this morning:

Hon. A. S. Marks, Governor, Nashville, Tenn.

The epidemic is declared ended this day. The camps will be broken up on Monday morning. I thank you Excellency in behalf of the people of Memphis for the material assistance rendered, and for the further aid promised if necessary. We have sufficient funds to carry us through, and will not be compelled to draw on you for any.

(Signed) D. T. PORTER,
Pres. Taxing District.

PETERSBURG, Va., 25.—The first ice and the heaviest frost of the season hereabouts, was seen this morning. It is feared that great damage is done the tobacco crop. The weather is very cold.

FALL RIVER, 25.—The property of the Niantic Thread Company, attached on suit of Second National Bank, has been placed in the hands of trustees, and an advisory committee for disposal for the benefit of all creditors. The liabilities are \$65,000; assets \$25,000.

SAN FRANCISCO, 25.—Gen. Grant, last night attended a banquet given in his honor by the society of California Pioneers. A number of distinguished guests were present including Senator Sharon, ex-Senator Cole and others. In response to a toast by W. T. Coleman, President of the Society, General Grant responded as follows:

"California Pioneers, when your worthy president began and mentioned 'Ohioan' I didn't know whether he was addressing his remarks to me or the senator from Nevada, who has commanded almost everything on the coast, who lives in California, votes in Nevada and carries the State in his pocket. I have already, to-day, thanked some of you at your hall, and others at another society to which many of you belong as Mexican war veterans, and I again thank you for the distinguished honor which you have paid me."

The company broke up at a late hour.

At the Recreation Grounds to-day the Chicago's defeated the Mutuals, 11 to 1.

FOREIGN.

LONDON, 23.—The mate of the British ship *William*, from New York, for Havre, has been arrested on a charge of attempting to murder Captain Journeany, and failing in that, attempting to set the vessel on fire.

The proprietors of the *Marsellaise* announce they will appeal against the sentence of fine, imprisonment and suspension, and will publish their journal during the suspension.

A dispatch from Jellalabad says: Gen. Gough, commanding the forces along the line of communication, has arrived at Shuturgardan from Jellalabad. He met with no opposition. He will bring away all the stores, and the Kurum Valley route will be closed for the winter.

The Porte has prohibited the exportation of cereals.

A certain newspaper libeller in London has been tried and found guilty. To-day he received sentence of two years' imprisonment, at the end of which time he is to be bound over in £1,000 for good behavior for 18 months. Serves him right.

Good Company number two in every way equals the first number. It is the interesting magazine—*Sunday Afternoon*, under a new name. It is published at Springfield, Mass., and contains good, sound reading matter, spiced with light reading of the better class. Ability is exhibited in all its departments.