GOULD'S TERRITORY SCHEME.

UNDER WHICH ONE OF HIS RAILROADS IS TO BE THE CHIEF GAINER.

A Bill that Appears to Abolish his Land Grant but which in Reality Does Not—Missouri, Kansas and Texas Stock Placed—Money or its Equivalent to be Liberally Used.

WASHINGTON, Jan. 22.—For years past there has been a persistent effort at every session of Congress to have considered a bill creating a territorial government for the Indian Territory. By this bill a new Territory by the name of Oklahoma is created and a form of government for it. A Governor is to be appointed by the President of the United States, and a Secretary of the Territory and a Surveyor-General. There is to be a Territorial Legislature consisting of a Council and Assembly, the former of thirteen members, and the latter double that number. They are to be eligible from Indian members of the tribes settled there who have adopted the customs of civilized life, and all citizens of the United States who shall have lawfully lived in the Territory one year before the passage of the act creating the Territory of Oklahoma. No progress beyond favorable reports from the Committees on Territories has ever been made. John J. Patterson, who was Chairman of the Senate Committee on Territories in the summer of 1878, had a so-called investigation to discover the sentiments of the Indians. He took a mass of rubbish, dignified with the name of testimony, which was procured by getting fellows along the line of the Missouri, Kansas and Texas, the Atchison, Topeka and Santa Fé, and the old Atlantic and Pacific railroads, to represent themselves to be Indians. The whole thing was engineered by the railroads interested, and Patterson was paid a large sum of money for doing the work.

A new impetus to this scheme has been given by the purchase of the Missouri, Kansas and Texas by Jay Gould's syndicate. This road has, under the act of Congress approved July 26, 1866, a grant of land in the Indian Territory of 3,622,400 acres in the valleys of the Grand and Arkansas rivers, and is the finest in the Territory, if not in the world. It is of the same quality as that along the Arkansas in southern Kansas, the fertility of which is unrivalled. This grant vests the land in the railroad company, which was originally the Union Pacific Southern branch, whenever the Indian title shall be extinguished by treaty or otherwise. The bill creating the Territory of Oklahoma provides that the lands of the Indian Territory shall be surveyed, and that each and every person who at the passage of this act is a member of any tribe or nation occupying a reservation of said Territory, by birth, marriage, or adoption, including adults, minors, males and females, shall be entitled to a homestead of 160 acres of land embraced in said reservation of the tribe of which said person is now a member. If any Indian is in possession of a homestead, and has improved it, he or she shall have a prior title to it. Patents are to be issued to them, and they cannot be alienated for twenty years, unless they become naturalized citizens of the United States, which the bill provides for through the medium of the United States Courts. A census of the Indians is to be made, and, after deducting the homesteads, any lands left are to be divided in severalty to the members of the respective tribes, and these lands can be alienated as the Indians individually see fit. A pretence of repealing all acts granting lands in the Indian Territory to railroads is made. The phraseology of the section on this subject is as follows:

That all acts granting lands in said Territory of Oklahoma to railroads, either in terms or by the establishment of the Indian title, be and the same are hereby repealed, and that the lands of any Indian reservations in said Territory shall remain the common property of all the Indians rightfully occupying the same until such time as said lands shall be selected as homesteads, or allotted in severalty, as herein before provided.

But the Missouri, Kansas and Texas Railroad Company has a vested interest in the lands along its line under the act of July 26, 1866. By that act they were given every alternate section of land designated by odd numbers to the extent of ten sections a mile, and whenever by treaty or otherwise the Indian title shall be extinguished this land becomes theirs and the Secretary of the Interior must patent it to them. A mere declaratory act of Congress does not affect vested rights. The railroad was built within the period named in the act making the grant, and it has complied with all the requirements of the law. The moment the Indian Territory is superseded by the Territory of Oklahoma, the railroad companies having grants of lands by acts of Congress can claim their patents under the law, and their title thereto must be decided in the courts. The whole question, therefore, becomes a judicial one. A declaratory act of Congress, like the section of the Oklahoma bill above quoted, becomes mere bantam fulmen. This, by the way, is true of Senator Morgan's joint resolution, introduced some time since in the Senate, declaring void land grants to a number of railroad companies not built within the required period. The only way this can be accomplished is for the Senate or the House to instruct the Attorney-General to proceed by information to have these grants declared judicially forfeited.

It is well known here that a formidable movement is on foot in the Senate and the House to have the Indian Territory created into Oklahoma Territory at this session of Congress. The whole power of the Jay Gould syndicate is already brought to bear, and money or its equivalent will be employed liberally to effect the desired result. Of late years no visible lobby is employed to effect results of this kind. The plan is to employ members of Congress who understand the business. There is a modicum of cost with large continents in blocks of stock set apart for that purpose. It is asserted that a big pool of Missouri, Kansas and Texas stock was made more than a year ago at 37, contingent upon the passage of favorable legislation. That the Fraudulent Administration is favorable to the scheme of creating the Territory of Oklahoma is apparent from the following language, used by Mr. Hayes in his last annual message to Congress. In speaking of the attempt last year to send organized bands of settlers into the Indian Territory, he says:

It would be unwise to ignore the fact that a territory so large and so fertile, with a population so sparse, and with so great advantages for commerce, will be looked upon as a prize by the population of such adjacent States as happened to grow, when the surrounding States are more densely peopled, and the public lands are all taken up, and speculators largely for real lands to occupy. Under such circumstances, the difficulty of maintaining the Indian Territory in its present state will greatly increase, and the Indian tribes would do well to prepare for the contingency. I therefore fully approve of the action taken by the Secretary of the Interior on a recent occasion in driving back settlers who were in violation of the law, and I recommend that the Indians be encouraged to divide among themselves the lands in which they have a common property, and to secure individual titles in fee instead of their present tenure, which is inconvenient in many respects, and to consider in what manner the balance of their lands may be disposed of by the Government for their benefit. By adopting such a course they would more certainly secure for themselves the value of their lands, and at the same time preserve their preserve in civilization and prosperity, than by endeavoring to perpetuate the present state of things in the Territory.

FINANCIAL DEBATE IN CONGRESS.

Mr. Bayard's Resolution in the Senate—The Bank Reserve Bill Killed.

WASHINGTON, Jan. 22.—The morning hour having expired, the Senate resumed consideration of the Bayard resolution, proposing to abolish the legal tender quality of United States notes. Mr. Coke (Dem., Tex.) said that whatever might be thought of the policy of issuing greenbacks, they had been issued, pronounced constitutional, and formed for many years the principal part of our currency. They were no more questionable than the other results of the war. Greenbacks were a part of the public debt, guaranteed by the Fourteenth Amendment to the Constitution. But the resolution under discussion proposed to destroy part of their value, thus violating the spirit of the Constitution. Its passage would lead to wholesale impairment of the obligation of contracts.

The House resumed the consideration of the Bank Reserve bill, the pending question being on seconding the demand for the previous question. The previous question was seconded—109 to 48—and the main question ordered. Debate was begun by Mr. Gillette (Greenbacker, Ia.), who said that if this bill were passed the greenback would be rejected by the bankers, and it would be easy to destroy it. Then the triumph of national banks would be complete. The people would have surrendered their most sacred rights to usurpers, and the republic would be one only in name. This bill simply accomplished the degradation of the greenback by imposing upon it a new limitation.

Mr. Weaver (Greenback, Ia.) opposed the bill, on the ground that it discriminated against the greenback. The gentleman from New York (Mr. Chittenden) had said something against the "clipped" dollar, and had preserved at the greenback. It was a "clipped" dollar when the bondholder was to be paid, but when the bondholder wanted to keep lawful money reserve to pay off his notes to the common people the "clipped" gold was good enough. That was a discrimination against the people and in favor of the bondholder again. It depended on whose ox was gored.

Mr. Whitthorne (Dem., Tenn.) said the bill discriminated against legal-tender notes and undertook to take away from a portion of the legal money of the United States part of its high character. The bill meant to say that national banks might have all its reserve in gold or in silver, but it could not keep its entire reserve in legal tender notes. The bill was the entering wedge which would destroy and totally discredit the greenback of this country. Was the country prepared for that?

Mr. Keifer (Rep., O.) said that the sole effect of the bill was to put the padlock of the law upon $50,000,000, which the people could not reach by any process whatever. This was to turn out instead $50,000,000. What for? Did the people want them? Not a single petition for this bill had been presented. The House was asserting to legislate on a subject not presented or asked for by the people anywhere.

The amendment proposed by the Committee providing that the coin reserves of national banks shall be kept in their own vaults was rejected—33 to 79. The vote was then taken on ordering the engrossing and third reading of the bill, and the House by a vote of 78 yeas to 158 nays refused to make the order, thus killing the bill.

THE STATE AND THE RAILROADS.

The Majority Report of the Hepburn Investigating Committee.

ALBANY, Jan. 22.—The majority report of the Hepburn special Committee on Railroads was presented to the Legislature to-day. Nearly eighty pages are devoted to a resumé of the testimony taken by the Committee and its deductions from and recommendations upon it, and several amendatory and original bills are appended. The testimony which accompanies the report is contained in about 4,000 pages. After a brief history of the growth of railroads in this State, the report proceeds to a discussion of the relation they bear to the State. On this point the Committee agree with Mr. Vanderbilt to the effect that railroads are organized for the benefit of the people, and that the pecuniary consideration is secondary, but necessary to induce citizens to assume the performance of the duty of the State. The wisdom of lending State aid to encourage railroad building during its incipiency is not questioned. But this aid has been abused. The State has contributed in round numbers $8,000,000 to aid railroads, and various localities an aggregate of $31,000,000, for which unwise action many localities are now suffering. The laxity of the laws and absence of governmental control, there have crept in those abuses, "so glaring in their proportions as to savor of fiction rather than actual history." The investigation, it is premised, must prove of value to the railroads as well as to the public, for, while disclosing their mismanagement, it will clear up many erroneous impressions in relation to supposed abuses.

The principal points relative to which the investigation was made are taken up apparently in the order of their importance. The Albany bridge is dismissed in a paragraph and without comment. Fast freight lines are passed without criticism, except the Merchants' Despatch, which is non-coöperative and practically owned by the New York Central. "It is wrong in principle and admits of all the abuses that have been practised upon stockholders through similar organizations." Sleeping car and express companies are not especially criticised.

Relative to stock yards the report reads:

"It may be stated as a general proposition that railroads ought not to farm out to individuals or associations any portion of their business which can as well be transacted by the roads. The objection to a road's farming out its functions is that such instrumentalities have been the most fruitful sources of abuse, and are usually attended with additional taxes upon transportation."

Upon the management of the Erie road the Committee remark that "it is but just to President Jewett and his associates to state that with their trust they inherited a legacy of debt, impaired credit, and mismanagment that must continually embarrass their action, and of necessity, in some instances, render their only course a choice of evils. The investigation, however, has established an honest disposition on their part and an earnest effort to extricate the road from its embarrassments."

The elevator association in Buffalo is characterized as a barnacle upon the commerce of the canals, and seems to have been organized for the purpose of subjecting the commerce of that port to the greatest possible extent. The subject of elevators and their charges is summed up in these words: "The attempt to cheapen transportation by doling away with tolls upon the canals must inevitably result in failure, so long as the entrance to the canal and the point of delivery are subject to the control of such combinations as these."

The watering of stock provokes considerable severity, as witness the following, relative to the Erie: "It matters little for the purposes of this report, whether fifty or seventy millions of dollars, representing nothing save mismanagement, prodigality and pilfering, have been injected into the capitalization of this road, and are now seeking to drain interest and dividends from the commerce of the country. In either case the wrong is equally glaring, and the demand for the remedy equally imperative."

And of the $53,507,000 added to the capital of the Central at the time of its consolidation with the Hudson River road, the report reads:

"Either a gross wrong was perpetrated upon the stockholders prior to 1869 or a gross wrong was perpetrated upon the public at that time. The premises admit of no doubt. These several dividends were fictitious, and the said premium bonds. The Legislature legalized it. The Legislature, too, passed the Erie "Classification bill" but does any one imagine that the passage of those laws was the deliberate act of conscientious conviction on the part of the bodies who passed them—that a patriotic sense of public duty and regard for the public interest inclined their votes in favor of their passage? It is proper to remark that the people are quite as much indebted to the venality of the men elected to represent them in the Legislature, as to the rapacity of railroad managers for this unfortunate state of affairs."

"That this stock watering is not ancient history, it is cited that "as late as June, 1879, parties in New York, by a clever arrangement, added $13,000,000 of watered stock, pure and simple, to the capital of the elevated roads."

The question of terminal facilities occupies a large portion of the report. "While other States and cities," the Committee say, "are subsidizing their roads and incurring vast amounts of indebtedness in acquiring a larger share of transportation, New York must not pursue an obstructive policy, which the testimony seems to fasten upon her."

This portion of the report seems to be nearly exhaustive, and contains numerous tables of distances from New York city to the principal Western commercial centres, via different routes. Though other seaports are nearer these centres, the Committee are of the opinion that the New York roads can afford to carry freight from the West as cheaply as the other roads to their respective termini, and if they can afford to they ought to. But some means ought to be devised to bring the railroads and steamships in closer connection in New York.

Owing to the refusal of several of the members of the Standard Oil Company to obey subpœnas, and the refusal of those who did obey to answer questions, the Committee confesses its inability to ascertain as much as it desired concerning "this mysterious organization, whose business and transactions are of such a character that its members declined giving a history or description of it, lest their testimony be used to convict them of a crime."

The subject of freight discriminations also occupies a large place in the report. The charges that such discrimination does exist is considered amply proven. Upon this and other subjects the Committee presented its recommendations in the shape of several bills appended to their report. In the main, these bills are identical with the comprehensive draft of a general railroad law prepared for the Committee by its counsel, a summary of which was published in THE SUN of Jan. 12.

Upon the increase of capital stock it is provided that the written approval of the State Engineer must be obtained until such time as a Board of Railroad Commissioners shall be appointed. In event of the consolidating two or more roads, the capital stock shall not exceed that of the aggregate capital stock of the companies consolidating.

Relative to proxies, it is provided that the actual owner, and not the broker or tanger with whom the stock has been pledged, shall be the stockholder of record. The bill prohibiting discriminations makes any violation of its closely-drawn provisions punishable by a fine of $100 for each offence. The draft relative to a Board of Railroad Commissioners is similar in all its essentials to that recently published. Upon this subject the Committee remark:

"The claim recently put forth through the press by Mr. Vanderbilt that in case of a commission the Commission must either own the railroads or the railroads own it, presupposes an absolute hostility between the interest of the railroads and the interest of the public, which in the judgment of this Committee does not, or at least should not, exist; and also a degree of venality on the part of public officials, which a judicious executive will easily avoid."

An amendment to the general law of 1850 is recommended, which would compel the railroads to make much more detailed and exact than at present their reports to the State Engineer.

After the report had been presented, Mr. Thomas P. Grady rose and said that he had just received a copy of the majority report, and that it contained statements and recommendations to which he could not give his consent. He objected to the control of the railroads by the administration, and also to advantages to the country districts at the expense of New York city. He promised to present a minority report next Tuesday.

Pacific Railroad Legislation.

WASHINGTON, Jan. 22.—There are indications that considerable legislation affecting the interests of the Pacific railroads will be recommended at the present session. At the meeting of the House Committee on Pacific Railroads this morning a sub-committee composed of Messrs. McLean, Bliss, Harmer, Clark, and Newberry was appointed, to which was referred the report of the auditor of Pacific Railroad accounts and all matters affecting the interests of the road, and which receives considerable attention in the report. Messrs. Chalmers, Ellis, Weimore, Newberry, and Harmer were appointed a sub-committee to consider all bills and petitions concerning new roads.

Why there is Indignation in Montana.

SHERIDAN, Montana, Jan. 22.—There is great indignation here because the only Judge of ability in the Territory has been removed in favor of a Congressional political office grounds. THEODORE C. WILSON.

Bartley Campbell's Great Story

Will be commenced next Monday in No. 13 of the *New York Weekly*. It is entitled "That Dreadful Night."—*Adv.*

THE JERSEY CITY MURDER.

WITNESSES AGAINST MRS. JENNIE SMITH AND BENNETT.

The Strange Man who is Said to Have Been Seen in the Cellar, and the Man a Policeman Saw—The Bottle with Chloroform.

Long before the hour for the opening of the Hudson County Over and Terminer in Jersey City yesterday morning, a throng of people surrounded the old stone court house and struggled to obtain admission to the building. When Sheriff Toffey arrived at his office and saw the throng, he detailed a special force of constables to maintain order. With much difficulty the police succeeded in keeping back the multitude, and when the doors of the court room were thrown open, many persons who applied for permission to enter were of necessity refused. A tipstave was stationed at the foot of the main stairway, and two others were placed on guard in the lobby. The gallery, which had been reserved for women, was crowded to its utmost capacity, and among those who occupied seats in it were several ladies well known in Jersey City. The benches and aisles of the court room were uncomfortably packed with spectators. At 10 o'clock Judge Knapp and Lay Judge Brinkerhoff ascended the bench, and the court was opened. The prisoners were conducted to their chairs at their counsel's table. Bennett seemed stolid and indifferent, but Mrs. Smith listened to every word that was uttered by the witnesses, and frequently conversed with Mr. Collins. After the jury had been led to their box by an escort of constables the cross-examination of Mrs. Susannah McGregor was begun. She testified that while she and Mrs. John Smith were conversing together in a whisper in the murdered man's bedroom, after Mrs. Jennie Smith had given the alarm that her husband was dead, Mrs. Jennie Smith suddenly remarked, "We had no carving knife." At the time that remark was made the police were engaged in searching the vault, in which a carving knife was found.

John F. Bennett testified: "I am an ex-member of the Jersey City Police. I was on the force as a patrolman in July and August, 1878. I was on duty from 9 o'clock on the night of July 31 (the night of the murder) until 5 o'clock on the morning of Aug. 1. Policeman Smith's beat was near my post. I visited the house after being informed of the murder. The east side of the bed opposite to that on which the body lay was only slightly disturbed, and didn't look as if any one had lain there all night. There was blood on the edge of the closet door near the west side of the bed. Wm. Capt. Lennon of the Fourth Precinct police arrived he came into the bedroom. Mrs. Smith went to the east side of the bed and picked up a bottle, which she handed to the Captain, saying, 'Here's a bottle with something in it.' It was a Lubin's extract bottle. It was about half full, and was not corked. There was a pair of ladies' hose at the side of the bed near where Mrs. Smith picked up the bottle. I had been to that side of the bed before during the morning, and had seen the hose, but not the bottle. Mrs. Smith was very calm, and answered questions very readily. While I was standing at the corner of Whiton street and Communipaw avenue, at sixteen minutes to 4 o'clock that morning, before I was informed of the murder, a man passed me. He was dressed in an English skirt coat, or a walking coat, and he had a handkerchief around his neck, and was a little taller than myself, and stood about five feet four inches in height. He was walking very rapidly down Communipaw avenue, in the direction of the Communipaw station on the Central Railroad. He came from the direction of Pacific avenue. As it was a common thing to see railroaders passing at that hour, I did not notice him particularly.

"I went down to the cellar of Smith's house with the other policemen to search it. I found a clean, empty, square-shaped two-ounce vial either on the girder that ran under the first tier of beams, or close by one of the beams that were placed on the girder. Policemen Irving and Finckman were there at the time. I handed the bottle to Irving, and when he returned it to me I placed it on the tubs in the cellar, and left it there."

"Didn't Mrs. Smith say to you," asked Mr. Wickham, on cross-examination, "that she was awakened by feeling cold?"

"No, sir," the witness answered. "She said she was aroused by feeling something cold pressing on her right side. Those were the exact words she used."

"Did you smell any ether in the house?" pursued counsel.

"I think I did.

"On the first trial you swore that you did smell it; on the second trial you swore that you didn't smell it, and now finally you again swear that you did smell it. Isn't that true?"

"Yes, sir."

"Then which statement is correct?"

"My memory soon after the murder was probably better than now."

Dr. Jacobus was the first physician to arrive at the scene of the tragedy, testified that he had examined the bottle which Mrs. Smith found on the bedroom floor, and that it contained chloroform in an apparently weak solution. He added that when he felt Smith's hands and feet they were warm.

County Physician Charles B. Converse described the wounds on the dead man's body. The contused wounds on the head could, in the opinion of the witness, have been inflicted with the sash weight that was found in the cellar, and the incised wounds might have been caused by the carving knife. Two turned and blunted point on that knife would probably have resulted from the weapon's striking against one of the ribs. The fatal wounds, the doctor thought, could not have been inflicted by Mrs. Smith, although her strength might have been equal to inflicting the lighter stab wounds.

Mrs. Charlotte McGregor, the wife of James McGregor, testified that on the 31st of July, 1878, she saw a man standing in the front cellar of Smith's house, and that when she told Smith of it, he went into the cellar, but could not find any one there.

Capt. Lennon testified that on the morning of the murder Mrs. Smith picked up from the floor a towel that bore the marks of a bloody hand, and had delivered it to him with the remark that it might be the towel that the tall man wore over his face, or that it might be the towel that the tall man had put over her face. As he was going through the house, Mrs. Smith preceded him, and, on reaching the closet between the kitchen and the bedroom, she opened the door and exclaimed: "Oh, look! They have moved my bonnet!" The bonnet and shawl that were in the closet had evidently been disturbed, and a board was missing from the floor. Blood spots were traced from the west side of the bed, on which the body lay, around the front of the bed and thence to the door leading to the kitchen, but there they became imperceptible, owing to the color of the carpet.

A Phase of Child Life in New York.

A puny babe, its mother, a midwife, and a policeman faced Justice Murray yesterday, in the Essex Market Police Court.

Hannah Goodman of 219 Second street, the mother, carried the infant in her arms. She said its name was Ansena Hornez. She gave the child to Helena Miller, midwife, of 20 Avenue C, to be taken to the Foundling Hospital. In answer to questions the woman said she had hired the child for that purpose, she was astonished when Wednesday night Policeman McGeriraty knocked at her door with her baby in his arms.

Policeman McGeriraty said he was passing the tenement house at 20 Second street on Wednesday night, and heard children cry in the room on the dark hallway. He struck a match and found the child lying on the floor.

Helena Miller, the midwife, said: "I am not guilty of the charge. I received the child from its mother in the presence of another woman. I paid another woman $1.20 to have it taken to the Foundling Asylum. When I heard the child was found in the hallway I surrendered myself to the police." Justice Murray held Mrs. Miller for trial.

Fire in a Public School.

A fire that caused much excitement among the pupils broke out at 3 P. M. yesterday in Public School No. 7, in York street, Brooklyn. It originated in some waste paper piled up in one corner of the boiler room. The children were promptly marched out in good order by the superintendent and teachers, who acted coolly and with nerve. The fire was extinguished before it had done any damage. It was started, it is believed, by some loose matches. There were 900 children in the building. One girl fainted.

Court Calendars This Day.

SUPREME COURT—CHAMBERS—Nos. 8, 26, 31, 47, 48, 75, 88, 119, 120, 122, 136, 137, 141, 147, 153, 160, 166, 177, 184, 210, 218, 221, 225, 226, 227, 230, 243, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 20, 23, 24, 26, 38, 40, 41, 48, 49½, 54, 55, 57, 59, 62, 63, 91, 97, 110, 114, 174, 104, 205, 243, 294. Special Term—Law and motions, Nos. 84, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 106, 108, 109, 160, 161, 163, 170, 174, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 344. Part I—Nos. 1807, 1351, 1352, 1792, 993, 1795, 1224, 980, 1537, 1538, 1743, 1361, 1443, 1273, 1117, 1072, 1475, 1585, 1722, 1581, 1812, 328, 1808, 1509. Part II—Short Cause—Nos. 2247, 2097, 2416, 2418, 1929, 1931, 2215, 2220, 2383, 2110, 2503, 2277, 2281. Part III—Short Cause—Nos. 1397, 1694, 1672, 1694, 2264, 2484, 2369, 2350, 1918, 1292, 2308, 2402, 2473, 2345, 1114.

SUPREME COURT—GENERAL TERM—Adjourned for the term. SPECIAL TERM—No. 1. Part I—Case on—No. 1091, Havemeyer a. Havemeyer.

COMMON PLEAS—GENERAL TERM—Adjourned for the term. SPECIAL TERM—Part I—Motions and short causes—Nos. 2355, 2384, 980, 2144, 2397, 2122, 2128, 2463, 2470, 2407, 2461, 2471, 2475.

MARINE COURT—GENERAL TERM—Adjourned until Jan. 26. Part I—Short cause—Nos. 3700, 3804, 3808, 4139, 4042, 4043, 4146, 3690, 4110, 4115, 3569, 4?8, 4078, 4273, 3535. Part II—Short Causes—Nos. 4020, 4091, 3868, 4095, 3361, 4143, 3273, 4, 4?, 3984, 477, 4?02, 4?03, 4212, 4?0?. Part III—Short Causes—Nos. 3930, 394, 4007, 4050, 4088, 3940, 3961, 3420, 3671, 3550, 3585, 4193, 3908, 4195, 4196, 4143, 4?0?, 3?0?, 3?0?, 3?03, 3704, 3694, 4193, 4210, 4214, 42?5, 4171, 4258, 42?7.

UNITED STATES DISTRICT COURT—IN ADMIRALTY—Nos. 150, 151, 125, 114, 73, 101, 128, 159, 160, 161, 117, 129, 130, 171, 170, 178, 127, 138, 139, 152, 144, 228, 237, 129½, 82, 249, 236, 255, 86, 112, 113, 63.

That Dreadful Night.

Bartley Campbell's new story. "That Dreadful Night," written expressly for the *New York Weekly*, will be ready next Monday.—*Adv.*

Consumptives Need Not Despair.

You can be cured by using Phillips' "Palatable" Cod Liver Oil, in combination with Phospho-Nutritine. Best lung preparation. All druggists. Depot, 2 Platt st., N. Y.—*Adv.*

JUDGE COWING SUED.

Charged by his Ward with Buying Land from him Beneath its True Value.

Mr. George E. Tugnot, a young man residing in this city, owned a share in a tract of 5,000 acres of land in McKean County, Pa. Somebody discovered oil on the land, but Mr. Tugnot says he knew nothing of the important discovery. A year and a half ago, being pressed for ready money, he says, he offered to sell out his interest in the 5,000-acre tract, which had been bought for mining purposes, but had proved a failure in that respect. City Judge Rufus B. Cowing, Mr. Tugnot's brother-in-law and guardian, and who, it is averred by Mr. Tugnot, was fully aware of the enhanced value of the land, offered his young ward $1,000 for his interest in the 5,000-acre tract, and the offer was accepted. Mr. Tugnot's shares, at par value, amounted to between $6,000 and $7,000, but with the accumulated interest of nearly ten years added, his claim amounted up to more than $10,000. All this Judge Cowing got, Mr. Tugnot says, for $1,000. Mr. Tugnot now sues his guardian and brother-in-law for the recovery of the difference and $10,000 damages, on the ground that he was fraudulently induced to sell at a price far below the real value of his share in the tract of land.

George Tugnot, father of George E. Tugnot, the plaintiff, helped to organize about fourteen years ago what was called the Lafayette Mining Company. That company bought on speculation the 5,000-acre tract in McKean County, paying $100,000 for it. Mr. Tugnot investing about $25,000 in the enterprise. For three years the land was worked for coal, but as the mineral was to be found only in "pockets," instead of in seams, it did not pay to operate. The money obtained from the contents of one coal pocket had to be nearly all expended in the search for another deposit. The miners were dismissed, all operations ceased, and for several years the land lay idle, being regarded as so much barren waste.

In 1873 George Tugnot died, leaving his shares in the Lafayette Mining Company to his four heirs, one of whom was his son, George E. Tugnot, then only seventeen years old. Judge Cowing, then of the law firm of Sahler & Cowing, had been appointed by the father to be the young man's guardian. Meanwhile prospectors for oil had made numerous rich discoveries in the neighborhood of the tract. The Lafayette Mining Company became hopeful. As there were two mortgages on the land, amounting to $10,000, the full price paid for it, it was thought would be forfeited unless a purchaser could be found on the tract, the company would be free to sell. This was accomplished, Judge Cowing and his partner attending to most of the legal work in the different transactions. It is upon this latter fact that the present plaintiff bases his complaint against Judge Cowing, as guilty of fraud in accepting his shares at a price so small.

Young Tugnot had received no business training, and, it is said, is still quite unsophisticated in all affairs of trade and finance. His guardian, on the contrary, had made business enterprise upon his own resources both as to money and judgment was in the theatrical line, and it speedily proved a failure. He was married, and he found himself without ready means of support. He applied to Judge Cowing for a loan of $1,500 on the strength of his shares in the Lafayette Mining Company. Judge Cowing, the complaint says, refused to lend him any money, but offered to buy up his interests, provided Mr. Tugnot's own brothers did not want to buy them. These brothers the Judge promised to see, so the complainant avers, to find out whether they could buy or not, and to let Mr. Tugnot know at another meeting. When Mr. Tugnot called on the Judge again he was told, it is averred, that the latter had seen the brothers, and that they had said they did not want to buy. It is added that he had not, in fact, asked them. Judge Cowing himself offered $1,000 for the shares, the offer was accepted. The plaintiff alleges that at the time he sold out to his guardian, Judge Cowing knew very well that the land was then held at not less than $50 an acre. As a matter of fact about 2,000 acres of the land have been sold at prices ranging all up and down from $50 to $250. The whole original cost has thus been paid up, with a good deal to spare, besides the remaining 3,000 acres of land.

Judge Cowing has, it is alleged, already received $5,100 on the shares which he bought of Tugnot, and he is now suing for another $10,000 if the bond has been sold, he will be entitled to an additional sum about equal to that already paid him, besides a proportionate share of all the profits.

The case was brought before Judge Donohue in the Supreme Court, and an order to permit the plaintiff to examine Judge Rufus Cowing before trial was granted. The defendant put in a general denial of the allegations of the complaint.

AMUSEMENTS.

Italian Opera at Booth's—Debut of Mlle. Singer.

The Italian opera season at Booth's Theatre was last evening suddenly lifted out of the doleful level of mediocrity and commonplace in which it existed the first three nights of the season, and was set upon a really high artistic plane. This was in part owing to the character of the opera performed, for Verdi's "Aida" is laid out upon so sumptuous a scale, is so rich in scenery, so sonorous in its musical effects, so pompous in its processions, groupings, and martial pageants, that of itself it always lifts the public interest to a high pitch, and if it is at all well given, rewards those who take part in it with liberal applause.

Last night it was so well done as to emphasize the fact that it has not been performed, as originally designed, for the opening night, so as to give the season the benefit that would flow from a brilliant opening.

At all events, it is pleasant at last to be able to say some cordial words for the company and to record a really meritorious performance. A large part of the credit of this is due to Mlle. Teresina Singer, who made her first appearance in this city last night in the character of *Aida*. She is announced as a great dramatic prima donna, and with entire justice. No one since Titiens has so filled the scene with her voice and presence. She is a large woman, with an intensely fine face, of the most marked Slavonic type, strong, earnest, and intelligent. Her voice is of a large and noble quality, but never harsh, and though of such great power as to be heard in the climaxes above the din of soloists, orchestra, chorus, and martial supplementary band, she never seems to force it, and still preserves the singing, not the screaming, quality of tone. Moreover, it is as strong in the low notes as in the high, and of remarkably even texture. She sings with ease, and with a true and finished vocalism, and as an actress has great passion and dramatic power.

Frequently these large voices are lacking in the capacity for the expression of delicate sentiment, but this does not appear to be the case with Mlle. Singer, since her voice is under excellent control and capable of being subdued to any requisite extent.

These are the impressions that Mlle. Singer produced in *Aida*. Whether she would be equally effective in the other roles it is not so easy to say. *Aida* seems specially adapted to her.

One characteristic she has that in another opera might not be so tolerable, and that is a frequent, almost excessive use of the *tremolo*. As *Aida* is in trouble from the beginning to the end, this *tremolo* is not so much out of place, as it is, when used with moderation, an aid to the expression of emotion, but when pure sustained singing is required it would certainly mar the effect.

Mlle. de Belocca also shared largely in the credit of the performance. Her personal beauty and her excellent voice made the character of *Amneris* interesting. It is her misfortune to find it necessary to force her lower tones and to make so striking a difference in the way she produces these from that which she uses in her middle and upper notes as to make it seem like the voices of two different persons. Apart from this she is a very charming singer, and she is also a very graceful actress.

Another artist who made his début last evening was Signor Castelmary. The role of *Ramphis* did not give him the opportunity to show his best qualities, but it was sufficient to furnish assurance that he is an admirable basso, and adds greatly to the strength of the company. The cast was completed by Signor Storti, who did himself much honor in the rôle of *Amonasro*, Signor Petroviteh, who assumed the character of *Rhadames*, appeared to much better advantage than he did in *Elgardo* on the opening night, for the music of *Rhadames* is bold and vigorous, and therefore better suited to his voice than such as is delicate, tender and impassioned.

The Chess Players.

The next to the last deal among the chess players took place yesterday. By Monday night all the ten contestants will have played two games with each other—ninety in all. Yesterday's arrangement brought Mackenzie and Judd together, Selman and Ashufeldt, Delmar and Ware, Grundy and Ryan, and Mohle and Consten.

Messrs. Grundy, Mohle, Delmar, and Selman were looked upon as almost certain to defeat their opponents, while an even fight was expected between Judd and Mackenzie. This programme was carried out, the game between the two last named players resulting in a draw, and the four other named winning. This made a very quiet day in the tournament.

The score now stands:

Players.	*Won.*	*Lost.*	*Drs.*	*Players.*	*Won.*	*Lost.*	*Drs.*
Grundy	10	0	0	Delmar	7	5	0
Judd	9	3	0	Ryan	5	10	0
Mackenzie	6	2	1	Ware	3	9	3
Mohle	6	3	1	Consten	2	10	3
Selman	7	3	0	Ashufeldt	0	14	1

Trotting on the Western Boulevard.

A large number of persons assembled on the Western Boulevard, Long Island, yesterday afternoon, to witness a trotting match for $250, mile heats, road wagons. The contesting horses were Thos. Fearing's b. g. Belmont and Hunt Craig's g. m. Dairy Maid. The former was a strong favorite before the start. Dairy Maid won the first heat by three-fourths of a length. Dairy Maid also won the second heat and the trot. No time was taken in the second heat.

JUDGE PATTERSON'S ANGER.

CAN LAWYERS BE DISBARRED FOR WHAT THEY SAY AS EDITORS.

New and Strange Sequels of an Old Liquor Case—A Pennsylvania Magistrate on his Dignity—A Queer Colloquy in the Court Room.

LANCASTER, Pa., Jan. 21.—A. J. Steinman and W. U. Hensel are the responsible editors of the *Intelligencer*, an evening newspaper printed here. They are also members of the bar. For editorial comments in their newspaper upon a recent acquittal, an offended Judge threatens to punish the two lawyers for contempt of court, and even to disbar them. Of course this state of things has excited a lively interest, both in the bar and the community.

The story, briefly, is this: One Mike Snyder, a liquor seller, was brought to trial just before the election of 1878, for an alleged infraction of the liquor law. He was a man of some political influence. The District Attorney was the Chairman of the Republican County Committee; his assistant was an ex-Chairman of the same committee, as was also Snyder's counsel. They assured the Court that there was nothing in the case, and a verdict of "Not guilty" was taken. A newspaper, the *New Era*, charged that Snyder owed his good luck to promises of future help in politics made to the District Attorney and his assistants. They brought a libel suit, but it was compromised after, as it is alleged, the testimony had shown that their interest in the case had been secured by the representation that the Snyders, Mike and his brothers, were "the best Republican workers in their ward," and the acquittal was necessary to party success. The *Intelligencer* and the Philadelphia *Times* called upon the Court to deal with its unfaithful officers, but nothing was done.

On Monday of this week Snyder was again put on trial. He pleaded that he had been already acquitted of the offence charged in the indictment. The Court accepted the plea, and set Snyder at liberty. On Tuesday evening the *Intelligencer* said:

Legally the last acquittal, like the first, was secured by a prostitution of the machinery of justice to serve the purposes of the Republican party. But as all the parties implicated, as well as the Judges, belong to that party, the court is unanimous for once that it need take no cognizance of the opposition practiced upon it by the abuse of the divorce attaching to it.

This morning the editors of the *Intelligencer* were notified by a tipstaves that they were wanted in court. When they arrived Judge Patterson asked if they were the editors of the *Intelligencer*, read them a portion of the article including the sentences above quoted, and asked them in turn if they had written it. They declined to answer. He said they were jointly responsible for whatever appeared in the newspaper. "Then you admit these as your sentiments?" asked the Judge. "We have not said so," replied the editors, adding that they did not propose to be committed just then. That they had denied the Judge's right to call them to account in that place for editorial utterances, but if