# DAILY DISPATCH.

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THE DISPATCH.
BY COWARDIN & ELLYSON.
CASH—INVARIABLY IN ADVANCE.
The DAILY DISPATCH is delivered to subscribers at FIFTEEN CENTS per week, payable to the carrier weekly. Mailed at $6 per annum; $3 for six months; 75c. per month for a shorter period.
The SEMI-WEEKLY DISPATCH at $3 per annum, or $1.50 for six months.
The WEEKLY DISPATCH at $2 per annum.


## Richmond Dispatch.

☞ THE CIRCULATION OF THE DISPATCH IS LARGER THAN THE COMBINED CIRCULATION OF ALL THE OTHER DAILY NEWSPAPERS OF THE CITY.

SATURDAY.........OCTOBER 26, 1878.

### WEATHER REPORT.

INDICATIONS FOR TO-DAY.—For the Middle Atlantic States, clear or partly cloudy weather, cold northeasterly veering to warmer southerly winds, stationary or lower pressure.

For the South Atlantic and East Gulf States, clear or partly cloudy weather, winds mostly southerly, stationary or higher temperature, and stationary or lower pressure.

THE WEATHER YESTERDAY was clear, mild, and pleasant.

THERMOMETER YESTERDAY: 6 A. M., 48; 9 A. M., 60; noon, 69; 3 P. M., 68; 6 P. M., 62; midnight, 55.

Mean temperature, 60½.

## LOCAL MATTERS.

POLITICAL ITEMS.—In response to a question in a letter from a gentleman on the Southside, Chief-Supervisor M. F. Pleasants yesterday made answer, by quoting the law, that supervisors have the right to be present at the counting of the ballots.

The registration-lists will be open to-day (and for to-day only prior to the November election) for changes and additions. Those who have moved from one voting-district to another since the last election must obtain transfers from the old place and have their names recorded at their new place of registry. Those males who will be twenty-one years of age by the 5th of November have the right to register now.

General Joseph E. Johnston, Captain George D. Wise, and G. K. Macon, Esq., will address the voters at Ettrick and Mattaoca near Petersburg to-day.

General Joseph E. Johnston, Colonel John B. Young, and others will be at White's Tavern, on the Charles-City road, Henrico county, on Monday. The citizens of the county propose having a Conservative barbecue.

General Joseph E. Johnston, Hon. W. D. Quesenberry, Major W. F. C. Gregory, Colonel W. S. Gilman, Major Robert Stiles, and others will be in Caroline next week.

INJURED BY A FALL FROM A SWING.—Harvey C. Davis, aged about fifteen years, son of Mr. T. Wiley Davis, while at play yesterday morning in the grounds attached to the High-School building, on Marshall street, fell from a ring-swing and received very severe, but it is hoped not fatal, injuries. It seems that he was exercising himself in the swing, and when it was about its level, some fifteen feet from the ground, his hands loosened their grasp of the rings and he fell to the ground, striking his back and head. A carriage was immediately called and he carried home, on Union Hill, and a thorough examination made by Dr. R. S. Vest. He reported that no bones were broken, but discovered severe bruises, and probably some internal injuries.

SERIOUS ACCIDENT.—Ellis P. Hodgson, Esq., of Brookland township, Henrico county, while hunting with a number of his friends yesterday evening near his residence, was severely wounded by the premature discharge of one of the barrels of his gun while in the act of ramming the other. The thumb and a portion of the first finger were blown off, producing very serious and painful wounds. When the friends of Mr. Hodgson left last night his condition was much improved, and strong hopes are entertained of his speedy recovery.

ROLL OF HONOR AT THE RICHMOND HIGH-SCHOOL.—The following is a list of the pupils on the roll of honor at the Richmond High-School for the past week: Senior Class—Augusta Anderson, Fannie Blake, Imogen Cottrell, Bertha Dickinson, Alice Eubank, Stella Hogan, Bena Leftwich, Maggie Mitchell, Fannie Moon, Zaidee Morton, Annie E. Simms, Sarah Simpson, Bettie Sundberg, Emma P. Turner, Jeannie Whittet, Annie Woodson, Fannie Wyatt, William J. Boykin, William T. Dennis, Morris H. Hutzler, Charles P. Lee. Intermediate Class—James Armstrong, Charles J. Billups, George McCann, Amelia Brimmer, Jennie Cook, Juliet Marks, Ida Meyer, Susie Walker. Junior Class—Mary Pulliam, Cora Perrini, Josie Henderson, Cornelius Ammons, Albert Myer, William Wills, Joseph Dickerson. Attendance for the week, 98.5 per cent.

LEE-MONUMENT FUND.—The treasurer of the fund has received the following:

"BALTIMORE, October 23, 1878.

"*Hon. R. M. T. Hunter:*

"Dear Sir,—Inclosed herewith please find Messrs. Wilson, Colston & Co.'s check on the Farmers and Merchants Bank for ten hundred and sixty-seven dollars and fifty-two cents, being net proceeds of subscriptions to date to Lee-Monument fund.

* * * * *

"I have the honor to be yours, very truly,
F. M. COLSTON,
"Treasurer Lee-Monument Fund."

[Five hundred dollars of this was realized by the Maryland musical festival; Archbishop J. R. Bayley, $200.]

THE JAMES RIVER AND KANAWHA CANAL.—An order has been entered in the Circuit Court of this city, in the case of Spiller *vs.* James River and Kanawha Company, overruling the demurrer and referring the case to one of the commissioners of the court to ascertain—first, the amount of all the indebtedness of the company and the demands of every description, arranged according to priority; second, the assets of the company; third, the annual income of the company since January 1, 1867, and, so far as practicable, the prospective income of the company; and such other information as may be deemed pertinent. The Attorney-General, as counsel for Mr. James C. Southall, filed the petition to be made plaintiff and obtained the order referred to.

WARRANT OF RENDITION.—On the requisition of Governor George B. McClellan, of the State of New Jersey, Governor Holliday yesterday issued his warrant to the Sergeant of the city of Alexandria for the rendition to the authorities of New Jersey one John Mattison, charged with forgery and breaking jail in the county of Warren, N. J.

Mattison was one of the board of freeholders of Warren county, and he is under eight indictments for forgery of county orders and bonds, and five indictments for conspiracy to defraud the county.

He is now in the custody of Sergeant Krutz, of Alexandria.

UNCLAIMED.—Letters and postals addressed as follows remain in the Richmond post-office. If they had been directed correctly to the street and No. of the residence of each person addressed they would have been delivered by the carriers: George Lafong, Louisa Lervis, H. B. Lawton, N. B. Lipscomb, Dr. Malcolm, J. H. Mahoney, R. Martin, Dr. A. Mays, Isham Mead, Miss S. E. Meredith, Mrs. A. Miles, Mrs. E. Miles, Mrs. P. Moore, Belvidere street; E. L. Moon, Morris Brothers, E. A. Murphy.

COUNTY CASES.—Clarence Barnet (colored), charged with stealing corn from Captain R. T. Stoops, was tried before Justice J. N. Hopkins yesterday morning, found guilty, and ordered to receive thirty-nine lashes on his bare back.

Richard Winston, charged with unlawfully shooting Clarence Barnet, tried and the warrant dismissed.

## FIGHTING FOR THE ASSETS.

### Contention Over the A., M. & O. Railroad Property.

JUDGES BOND AND HUGHES NOT AGREED ABOUT THE DUTCH; BUT THE DUTCH GET SUBSTANTIALLY WHAT THEY ASKED—THE DECREE URGED BY THE ENGLISH UNDER DISSECTION—A LITTLE QUESTION OF TWO MILLION DOLLARS—ATTORNEY-GENERAL FIELD WANTS THE STATE'S INTERESTS PROTECTED—OBJECTIONS TO THE DECREE.

At half-past 10 o'clock yesterday morning Judges Bond and Hughes resumed their places upon the bench of the United States Circuit Court. There was a large attendance of lawyers, and as Judge Bond proceeded to handle his papers as if about to render a decision, they drew near to him, and heard him read the following:

*Parish vs. Skiddy, Duncan & Co.:*

The defendants of record in this cause on the 9th day of September, 1871, executed a mortgage of their railroad and effects to the complainants to secure the payment of certain bonds mentioned therein and the interest thereon as it fell due. There was default in the interest, and the complainants, the mortgagees, brought suit to foreclose the mortgage. Everything has proceeded regularly from time to time without complaint on the part of the *cestui que trust* under the mortgage until the filing of the petition now under consideration, which is a petition by certain of the bondholders, alleging that they should be made parties to the suit. The reasons given for this request are:

1st. That the petitioners are a committee known as the Amsterdam committee for the protection of the rights of the consolidated bondholders of the defendant company, by which is meant that they are bondholders under the mortgage to the complainants or their representatives.

The petition then alleges that these proceedings on the part of the trustees were commenced by a minority of the bondholders, but it does not seek on that account to dismiss them, nor does it allege that the proceedings were taken against their objection or wishes.

They allege that for the protection of their interests they have appointed counsel to represent them in this country, and that they hold one half of the bonds, or nearly so, under the mortgage above mentioned, and that, not being parties to the suit upon record, they do not receive notice of the proceedings as they go on from the trustees or their counsel, and they pray that they may be made parties to the suit in order that they may take part in the proceedings in the cause as it progresses from time to time.

This petition was filed on the 21st of December, 1877, and was signed by James C. Parrish, who was not alleged in it to be a bondholder nor the counsel for any such in this court.

Upon April 4, 1877, another petition was filed amending the first, already referred to. In this amended petition it is alleged—first, that certain proceedings have been had heretofore between the bondholders represented by a committee of the Amsterdam committee with a like body representing English bondholders at London, and after a long recital of interviews between the parties of bondholders—the one in England and the other in Amsterdam—respecting a reörganization of the defendant company, it states they could not agree upon a plan for such reörganization, and that the English bondholders had the aid of the counsel of the complainants in drawing up and advocating their plan of reörganization, in opposition to that of the German bondholders; and it further alleges that the English bondholders, through their agent, had advertised that their plan of reörganization had the approval of the receivers of the road and of the counsel of the trustees of the mortgage, the complainants in this suit.

It is alleged that the agent of these European bondholders applied to the trustees under the mortgage to be supplied with copies of the papers filed from time to time in the cause, and that they have not done so, and have refused so to do. And it is charged that the trustees are carrying on the suit in furtherance of the plans of the English bondholders without reference to those of the German bondholders or their committee, and the prayer is that they may be made parties to the suit.

It is nowhere alleged in this petition, original or amended, that the trustees or their counsel, so far as this suit has progressed, have not acted for the benefit of all the bondholders under the mortgage without partiality or prejudice. No single act of the trustees in the conduct of the suit is referred to as detrimental or in antagonism to the interest of the petitioners. Nor is the Court asked, on account of their negligence, fraud, or incompetency, to remove them and give to the petitioners or the bondholders the conduct of the suit.

The sole objection is that among the bondholders themselves there has arisen a dispute respecting the reörganization of the defendant company, and that the trustees or their counsel have, in consultation with such bondholders as they have had access to, given preference to the plan of one party of the bondholders rather than to that of the other.

No allegation is made, however, that this preference has been expressed in any proceedings taken in court, or that it has influenced in any way the conduct of the suit on the part of the trustees.

Of course in every cause in equity all the parties in interest must be made parties to the suit, but in the case of Richards *vs.* The Chesapeake and Ohio Railroad this Court has already held that to foreclose a mortgage given by a railroad company to trustees to secure the payment of bonds and coupons mentioned in it, as they mature, the trustees are the only necessary parties to the suit; that the proper parties to be defendants are the parties who hold or claim in opposition to them is equally clear.

In order, therefore, to disturb the rights of the trustees to bring and conduct this suit, in which they represent every bondholder known to the mortgage, at the instance of such a bondholder, it must be shown to the Court that the trustees have done, or contemplate doing, in the cause some act which will be detrimental to the interest of such bondholder or set of bondholders. This is not averred or proved in the matter of this petition. It is alleged that the trustees have approved a plan of reörganization proposed by one set of bondholders rather than another. But the Court cannot consider any proceedings among the bondholders or trustees which are not the subject of proceedings in this court and this cause; so that until it is proved, as it is not now asserted, that the trustees under this mortgage ought not, by reason of negligence, fraud, or incompetency, to conduct this suit, the petitioners have no right to ask that they be appointed plaintiffs to share in such conduct, or to conduct it wholly themselves. I know of no instance in a case of foreclosure of a railroad mortgage where the trustees have been displaced or required to take an adjutant bondholder to assist in the conduct of a suit, except where some malfeasance or incompetency is alleged on the part of the trustee.

But the petitioners ask in the petition, as amended, at once to be made parties, whether plaintiff or defendant, and cite numerous instances where the courts have allowed bondholders of different interests or classes, who, though represented by the same parties, had, or thought they had, different interests to be defended or asserted, from others represented under the same mortgage or deed of trust. It seems to me none of these cases apply to the matter of this petition. There is but one class of bondholders under this mortgage. The interests of each bondholder are identical. Some of the bondholders have moved the action of the trustees and others have not. The one are active bondholders and the others are inactive. Some of them are represented by one committee and others are represented by another, but this does not constitute a class of bondholders; their interests are identical, and one might as well say that because bondholders under the same mortgage were represented in court by different counsel, that constituted them a different class of bondholders, and that they were because represented by different persons entitled to be parties to the suit.

The moment a petition is presented to this Court by any party interested in the conduct or result of this suit which alleges that these trustees are derelict, incompetent, or partial in any action they propose to the Court, that petition shall be, as it is entitled to be, respectfully heard; and if, after consideration of the proof, it shall be ascertained that the petitioner is correct, the trustees will be removed, and the bondholders allowed to conduct the suit in their own way without the intervention of trustees, except so far as they may be nominal parties to it.

And these petitioners, who now ask to be made parties, plaintiffs or defendants, while we refuse them the conduct of the suit or to be made parties to it, are at liberty, wherever a motion is made in this cause which in their judgment is hostile to the interests of their clients, to oppose it, as they have done in this instance, by petition. If the circumstances show bad faith on the part of the trustees, they will be removed and others appointed to conduct the suit. This serves all the purposes of this petition except that the bondholders represented or alleged to be represented by the signers of it may not have the right of appeal from any decree of the Court which they think unfavorable to their specific and personal interests, unless made parties to the record. Under those circumstances, when they arise, we think any bondholder who feels that his rights are injured by the action of the trustees, or of the Court, has a right to be put in such position, either as plaintiff or defendant, as will enable him to have them adjudicated by an appellate court. That case is not presented to us by this petition, and the prayer of it is, therefore, in this instance refused.

#### JUDGE HUGHES DIFFERS.

Judge Hughes said: I have differed so seldom with the presiding judge (whose opinion is the law of the Court) that it is with great reluctance that I now express a difference of opinion. In the result at which he arrives, in the decision just read, I concur substantially, as the petitioners can gain all they now desire under the ruling of the Court.

I think that the bondholders who did not unite in directing the trustees to move in this cause for foreclosure may of mere right be made parties defendant.

In considering the petition of the Dutch bondholders I have been content to look at the terms of the trust-deed securing the bonds of the consolidated company. A provision of that deed authorizes the trustees to proceed for foreclosure at the direction of one-fifth of the bondholders secured. It thereby classifies these bondholders into those who move in the suit and those who fail or refuse to move. It has never appeared affirmatively in this cause how many of the bondholders united in instructing the trustees to proceed for foreclosure. That question, I believe, went by default at the commencement of the suit, which began with a consent order for the appointment of two receivers. It now appears that the holders of about two millions of the bonds are represented by the trustees; that the holders of another two millions are not in sympathy with the trustees, and are here petitioning for a standing in court with a view to looking after their own interests; and that the holders of still another million and a half of bonds are taking no part in the proceeding one way or the other. Thus the petitioners are neither actually nor presumptively complainants in this cause. Inasmuch as the trust deed itself classifies the bondholders into those by whose instruction the trustees are acting, and those who may see reason to dissent from that action; and inasmuch as actual objection to the policy of the trustees is made by the holders of the imposing amount of two millions of bonds, it seems to me that the Court is bound to recognize the classification of bondholders made by the deed itself, and, of mere right, to let into the cause, in the person or persons of some authorized representative, as parties defendant, in the manner prescribed by Rule 48 in Equity, the petitioners for the Dutch bondholders.

I should prefer that this should be done, and I have no doubt the petitioners themselves would prefer it to be done under their original petition, in which they pray to be admitted as of mere right.

This would relieve them from the necessity, which is doubtless an unpleasant one, of formally arraigning the trustees before the Court for any sort of dereliction; and I suppose, if they were allowed, they would withdraw their amended petition and stand upon the mere right of being parties to the cause of the class contemplated by the trust deed, who did not move as plaintiffs, and who are not in sympathy with the policy of the trustees. None but those bondholders who gave instructions to the trustees to proceed for foreclosure are technically or theoretically complainants in this cause; and I see no technical irregularity and no violation of the theoretical or logical proprieties of equity practice in allowing to a large class of interested persons who, under the terms of the trust-deed, cannot be presumed to be represented by the trustees, or to be parties complainant in this suit, either in law or fact, a standing in court as parties defendant.

#### WE ARE ALL HAPPY.

Judge Green, of counsel for Dutch bondholders, said that the opinion of the Court was satisfactory to them, as it gave substantially what they asked.

Mr. MacFarland, of counsel for trustees, stated that the opinion gave, what the trustees had never sought to deny, as the court would bear him witness.

So it seemed to be satisfactory all around.

Several petitions and claims were then filed; among them one for payment of a bond of the Norfolk and Petersburg railroad, stolen from the Auditor's office during its occupation by the Federal military, and now alleged to be the property of a *bona fide* holder for value.

Judge Green prepared and presented to the court an order which embodied his idea of the substance of Judge Bond's opinion.

Mr. MacFarland and Judge Shipman objected to the order.

Judge Bond said that the Court would prepare the order.

#### THE DECREE OF SALE.

Judge Bond asked if counsel had anything more to say concerning the motion for sale.

Mr. MacFarland said that they had not.

Judge Green preferred to wait and hear what the defendants (the Atlantic, Mississippi and Ohio Railroad Company) had to say.

Judge Crump, of counsel for divisional bondholders, remarked that the interests he represented would not object to the entry of an order for the sale of the road as soon as the decree was properly amended and the rights of the parties adjusted. The decree applied for made no provision for payment of certain divisional bonds which had been extended, and others which had matured. That was one defect. The inventory of the property of the company, the subjects of sale, would, according to the proposed decree, be seen for the first time on the day of sale. That was another. In his judgment, the subjects of sale should be made reasonably certain. As one of the elements of grave uncertainty, Judge Crump referred to a lien for $1,000,000 made to the State by the Virginia and Tennessee railroad in 1852, and claimed to have been discharged by the payment of Confederate money, but for which a release-deed was never given.

Mr. MacFarland said that the lien was included in the State's sale to the Atlantic, Mississippi and Ohio railroad and in the subsequent mortgage, and they proposed to sell it for what it was worth.

Judge Crump held that it was the duty of this Court to clear away all such uncertainties as this; that not only the existence of the mortgage should be determined, but it should be ascertained if there was any payment in its discharge.

Judge Hughes asked if the Atlantic, Mississippi and Ohio did not pass this as a part of their assets in the mortgage of 1870.

Judge Crump said that they did in bulk; not specifically. He maintained that it would not be creditable to this Court to leave this matter to be determined by the Master and afterwards fought over. He was endeavoring to show how unwise it was to refer a purchaser to a Master's report, as proposed in the decree. What is to be sold should be specifically and emphatically known. Judge Crump thought that unless the Court pressed upon this question this (first) lien might be resurrected, and as it now amounts to $2,000,000 (if anything) it would swamp all subsequent liens on the Virginia and Tennessee road.

#### THE DIVISIONAL BONDS.

Mr. Clarke, of Baltimore, construed this decree to authorize the sale of all the divisional bonds which were turned over to the Atlantic, Mississippi and Ohio road at consolidation and delivered to receivers when the road went into their hands. He made the point that such of these bonds as had never been uttered could not be fairly claimed as assets going from the divisions to the Atlantic, Mississippi and Ohio railroad.

Mr. Clarke suggested some other objections to the Master's report, and indicated his purpose to file objections to it unless the decree was amended to protect the rights of his clients.

Mr. Brown, of Lynchburg, was anxious to have the liens well defined before the Court sells the equity of redemption. He wanted to know if the Atlantic, Mississippi and Ohio road claimed anything under the $1,500,000 lien of December, 1852?

Counsel for trustees knew nothing of any such claim. Mr. Brown had said that he had heard such a claim would be set up. The other side said it was news to them. Anyhow, Mr. Brown desired all the clouds to be cleared away.

Mr. MacFarland thought that there was something in Judge Crump's remarks about the million-dollar mortgage, but nothing in the other objections; which he proceeded to clear away.

#### THE MILLION-DOLLAR MORGAGE.

Mr. MacFarland, however, showed that "all and every interest" of the State of Virginia was conveyed by the consolidation act to the Atlantic, Mississippi and Ohio road. More than this, this lien was specifically transferred by the State to the Atlantic, Mississippi and Ohio. There is no proof of payment, but the State has released her claim to the Atlantic, Mississippi and Ohio. Mr. MacFarland would say frankly that it didn't seem to be a matter of much moment, though perhaps it might prove to be a matter of considerable moment. He went on to give his views of the matter in detail. The Atlantic, Mississippi and Ohio received the Virginia and Tennessee division from the State subject to this mortgage. Then the State assigned the mortgage to the Atlantic, Mississippi and Ohio. It might be said that for all practical purposes the mortgage was thus extinguished. But this, he thought, was not the time for the discussion of this matter. It should have been brought up in objection to the trustees' report a year ago. Whoever succeeds to the mortgagees will succeed to their rights. They may hold it as a muniment of title, or it may become a vital thing. So far as he was concerned, he was willing to have the decree reformed so as to be without prejudice to the interests of the other mortgagees of the Virginia and Tennessee road. That would be for the protection of the Virginia and Tennessee bondholders. As to the Atlantic, Mississippi and Ohio itself, the lien could not affect it at all at the sale.

Mr. Choate discussed the legal effects of the mortgage, its supposed payment in Confederate money by the Virginia and Tennessee Company, and its assignment to the Atlantic, Mississippi and Ohio road by the Board of Public Works, in accordance with law. He thought it no part of the duty of this Court at this time to annihilate this lien. The purchasers are entitled to whatever of value there is in it.

Colonel W. W. Gordon declared that they were not raising a new or unnecessary question. Suppose this is a lien. Why, then, there is that much more lien on the Virginia and Tennessee railroad. So it is better for all interests to have the matter settled. The representatives of the divisional bondholders would contend that it had been paid; or if not paid that the Atlantic, Mississippi and Ohio were estopped from enforcing it.

Colonel Gordon stated that this lien (now amounting with interest to $2,000,000) was mentioned in the Master's first report as not a subsisting lien; in the second there was a doubt implied. He wanted this obscurity removed before there is a decree for the sale of the property. Unless the other side would say in this decree that the lien is *not* a subsisting one they would oppose a final decree, at least until the Court had passed upon this question.

Judge Green would oppose the question being reserved until after decree, and would object to any property or interest of the *cestui que trust* being thrown away.

Judge Shipman: That's your mode of securing postponement.

Judge Green: No, sir; that is my mode of holding you (the trustees) to your responsibility.

Mr. MacFarland saw no difficulty in ordering a final decree. The very utmost that can be asked is that the decree may be taken without prejudice as to priority, &c., of Virginia and Tennessee bondholders. How the Court could do more now he could not understand.

Judge Crump thought that the question should here be decided whether the case should go back to the Master, or his report be interpreted by the Court. He would be satisfied with nothing less than the striking of this lien from the list of encumbrances.

Attorney-General Field said that if it was to be claimed in any contingency that this mortgage was superior to that of the State of Virginia (for $4,000,000), he would like to be heard in opposition thereto, and ask to have the matter adjudicated. He suggested that the report be recommitted to the Master.

Here this matter ended.

Judge Bond said the Court wanted to hear all objections to this decree and suggestions for a better one.

#### THE DUTCH BONDHOLDERS.

Judge Green, of counsel for the Dutch bondholders, suggested numerous amendments to the decree, all of which he regarded as important.

As the Atlantic, Mississippi and Ohio mortgage named Petersburg as the place of sale in the event of foreclosure, Judge Green thought that the Court's officer executing that mortgage should go to Petersburg instead of selling at Richmond, as proposed. He wanted, too, the prior liens set forth in the decree, believing it not safe to rely for record upon the Master's reports alone. The matter of postponement of the sale he wished to be in the hands of the Court, not in those of the complainants' (English) solicitors.

Judge Green having made all his suggestions, the court adjourned.

HYMENEAL.—Mr. W. T. Dill and Miss Mary Ellen Fox, daughter of a well-known citizen of the East End, were married at the residence of Mr. Fox, on Church Hill, on Tuesday night, by Rev. Dr. Warren. The happy couple left at night on the northward-bound train for a wedding tour.

## THE STATE MEDICAL SOCIETY.

### Last Day's Session.

PROCEEDINGS OF THE MORNING MEETING—READING OF PAPERS ON VARIOUS TOPICS—ROUTINE BUSINESS—COMMITTEE ON MINERAL WATERS—ADJOURNMENT—THE BANQUET, &c., &c.

The Medical Society met again Friday at 11 o'clock—President Claiborne in the chair.

Prayer by Rev. Dr. McDonald, of the Second Baptist church.

The treasurer reported that his receipts had been $634; expenditures, $994.48.

The report was referred to a committee consisting of Drs. Randolph, Upshur, and Conway.

On motion of Dr. Hooper, the thanks of the Society were tendered Dr. Weisiger for his interesting microscopic exhibition.

The Chair appointed Drs. Harris and Apperson to conduct Dr. Joynes, the newly-elected president, to the chair.

Dr. Claiborne welcomed Dr. Joynes, who responded appropriately.

On motion of Dr. Edwards, Dr. John Herbert Claiborne was elected an honorable fellow of the Society.

Dr. Riddell nominated Dr. Oscar Wiley, of Salem, to deliver the next oration before the Society. Dr. Wiley was chosen unanimously.

Dr. Robinson, of Danville, read a volunteer paper on the Use of Oxygen Gas in Diphtheria. Referred to the Committee on Publication.

Dr. Bramlette, of Pulaski, read a volunteer paper on the Use of Sulphate of Quinine and Sulphate of Chinconidia as an Anti-pyretic and Anti-periotic. Referred to the Committee on Publication.

Dr. Barrett, of Louisa, read a paper on Typhoid-Fever.

Addresses were made on this subject by Drs. Brock, of Richmond, and Jackson, of Norfolk.

Dr. J. S. D. Cullen, of Richmond, read a paper on the Diseases of Women. Referred to the Committee on Publication.

Dr. R. T. Coleman, of Richmond, read a paper on Obstetrics; which was referred to the Committee on Publication.

Dr. Hooper read a paper on Knee-Joint Diseases, and illustrated the subject by an instrument of his own invention, and which Dr. Sayre pronounced wellnigh perfect. Referred to the Committee on Publication.

Dr. J. G. Skelton, of Richmond, read a paper on the Diseases of Children; which was referred to the Committee on Publication.

On motion, the usual fee was ordered to be paid to the janitor for attendance on the meetings of the Society.

Recess to 7 P. M.

#### EVENING SESSION.

Dr. Joynes resumed the chair shortly after 7 o'clock.

Dr. Riddell, from the Committee on Nominations, presented the name of Dr. James H. McCaw for fellowship, and he was duly elected.

The secretary was authorized to appoint an assistant.

Dr. Edwards reported that he would appoint Dr. Charles S. Brittan.

Dr. Randolph, from the committee appointed to examine the treasurer's report, reported the Society in debt $313.94. The committee also presented a resolution directing the secretary to drop from the rolls of the Society all persons who may be delinquent in the payment of their dues ninety days after the presentation of their accounts by the treasurer. The report created considerable discussion. Dr. Randolph stated that there was about $700 on the books of the Society due from members who are able to pay, and if they pay up there need be no further embarrassment. The resolution was adopted.

Dr. Cullen presented a resolution looking to the more prompt presentation of reports by committees.

On motion of Dr. Parker, the day and hour for the next meeting was left to the Executive Committee.

On motion of Dr. Wellford, "Antiseptics and Disinfectants" was selected as the subject for discussion at the next meeting of the Society.

The Chair announced the following commission to examine and report on the mineral waters of the State: Drs. James B. McCaw, Richmond; William Selden, Norfolk; W. C. N. Randolph, Charlottesville; J. S. Apperson, Smyth county; M. G. Ellzey, Blacksburg; S. W. Carmichael, Fredericksburg; M. P. Christian, Lynchburg; J. S. Wellford, Richmond; A. M. Fauntleroy, Staunton; O. F. Manson, Richmond. Also, the following committee to petition the General Assembly for action in relation to a National Board of Health: Drs. W. W. Parker, Richmond; J. L. Cabell, University of Virginia; S. K. Jackson, Norfolk; J. G. Cabell and George Ross, Richmond.

Dr. M. L. James, of Richmond, read a paper on Consumption. Referred to the Committee on Publication.

The usual thanks customary on such occasions were returned, and the Society adjourned to the banquet hall.

#### The Banquet.

Last night at the St. Claire Hotel the members of the Medical Society were entertained by a banquet, tendered by the members of the profession in this city. It was a most elegant affair, and was heartily enjoyed by all present. The speeches were of unusual sprightliness.

The following regular toasts were responded to:

1. *The Medical Profession*—The prime necessity of disordered nature, and the very capstone, next to that of the great Physician of Souls, in the new order of things consequent upon the fall of man.

2. *The Virginia Medical College*—Whose glorious privilege it is to exclaim, as they see their Alumni shining in the midst of thousands, "These, these are my children."

3. *Virginia*—Our beloved mother, having given *birth* to the Union, States, and statesmen—a noble progeny—and preserved amid the desolations of war her priceless jewel of States' rights, now rests from her *labors* in the enjoyment of a blessed Holliday.

4. *The Legal Profession*—A first-class wind instrument, whose breath is potential for the enforcement of the rights and the adjustment of the wrongs of mankind; the original, genuine, and only valuable "Keeley motor."

5. *The Medical Men of the South*—Although out of her abundant intellectual wealth the South has bequeathed to the North Chapman, Meigs, Gibson, Thomas, and a host of others, and to the world her Sims, yet she has not impoverished herself, since the names of Battey and many illustrious compeers grace her roll of honor.

6. *Dr. Sayre*, whose magic skill, informed of divinity itself, makes the lame to walk.

7. *Woman*—Last in the order of creation, but first in the hearts of humanity.

8. *The Church*—Her interests will be ever safe while she has hearts stout and *arms strong* (Armstrong) to defend them.

9. *The Press*—Truly the palladium of our liberties, since "error ceases to be dangerous when truth is left free to combat it."

10. *Calomel—The Old Wheel-Horse*—

Eternal Mercury! when yonder spheres sublime
Peal'd their first notes to sound the march of Time,
Thy joyous youth began, but not to fade;
When all the other physics have decay'd—
When quacks and editors have ceased "to blow,"
And "Liver-Invigorators" vex the world no more—
Thou, undismay'd, shall o'er their ruins smile,
And stand the sole unquestioned "*Boss of Bile!*"

At a late hour the festivities were concluded.

WYMAN.—This prime old favorite will be at the Virginia Opera-House during Fair-week. He will give away one hundred gifts nightly.

*Waverley Magazine, Detroit Free Press,* and *Leslie's Lady's Journal,* for this week, received from Ellyson & Yancey, 1112 Main street.

### Important Decision in Regard to the Capitation Tax.

Auditor Taylor, in response to an inquiry in reference to the clerks of courts receiving the capitation tax, rendered yesterday the following decision, which is concurred in by the Attorney-General:

COMMONWEALTH OF VIRGINIA,
OFFICE AUDITOR PUBLIC ACCOUNTS,
RICHMOND, October 17, 1878.

*B. W. Hoxsey, Esq.:*

Dear Sir,—I have received your favor of the 16th instant, and would very gladly submit the question contained therein to the Attorney-General for his opinion but that he is now absent from the city, and will, most probably, not return for a week or ten days. I will, however, give you my own views of the law in compliance with your request.

The opinion of the Attorney-General, given some time prior to the amendment of section 29, &c., by the act approved March 12, 1878, was that the delinquent capitation, as well as delinquent personal property, could be paid either at the Treasury or to the clerks of the several counties and corporations of the State. The act of March 12th aforesaid changes the laws of the preceding year so as, among other things, to provide as follows:

"A certified copy of the first and third lists, heretofore returned, shall be placed by the Auditor of Public Accounts, within sixty days after receiving the originals, or as soon thereafter as practicable, in the hands of any sheriff, sergeant, constable, or collector, for collection." This duty I am now endeavoring, as far as possible, to perform. In some cases, however, nothing can be done, as the lists have not, up to this time, been returned to this office. In other cases I am satisfied that copies of the list cannot be made out and placed in the hands of collectors in time to enable persons returned delinquent to pay their taxes in advance of the coming elections.

What, then, must be done? I answer: My opinion is that in all cases where the returns have been received at this office and copies have been made out and placed in the hands of collectors, the clerks would have no authority to receive the tax, but that where the returns have not been so received, or when, for any reason, the Auditor has has been able to make out copies of the returns and place them in the hands of collectors in time for the election—in such cases it would be perfectly competent for the clerks to receive the taxes, capitation as well as personal property, as the Attorney-General decided.

You will observe that section 26, which gives the authority, is not repealed. It is my view simply held in abeyance, so to speak, subject to the Auditor's action under section 29, from which I have quoted.

I am very respectfully yours,
W. F. TAYLOR, Auditor.

I fully concur in the opinion of the Auditor.
JAMES G. FIELD,
Attorney-General.

POLICE COURT, YESTERDAY.—Louisa Brown (colored), beating Annie Hall, was discharged.

Robert Schneider, abusing and threatening to beat Elizabeth Schneider, was sent to jail in default of security in the sum of $100 to keep the peace for three months.

Topsy Peterson, *alias* Annie Hall, fighting in the streets, fined $2, and sent to jail for thirty days in default.

YELLOW-FEVER FUND.—Total receipts to date, $10,825.60.

From Amelia Lodge, No. 101, A. F. Masons, $7.25.


ONLY ONE HUNDRED PAIRS
BOYS' KNEE-BREECHES,
BOYS' KNEE-BREECHES,
at ONE DOLLAR,
at ONE DOLLAR.
LONG PANTS $1.25.
These are a great bargain, and we invite parents to look at them.
A. SAKS & CO., Boys' Clothiers.
1013 Main street.

MEN'S READY-MADE DEPARTMENT.
ALL SIZES AT ALL TIMES.
OUR OWN STYLES AND DESIGNS.
THE FINEST EXHIBITION
OF SUPERIOR GOODS.
Nice Cassimere Suit at $8.
Nice Cassimere Suit at $8.
Better grade at $10.
Better grade at $10.
Boys' Suits from $3.50 to $15.
Boys' Suits from $3.50 to $15.
Endless variety—Low prices.
A. SAKS & CO., 1013 Main street.

OUR TAILORING DEPARTMENT.
PRICES BASED ON THE CASH SYSTEM.
PERFECT FIT GUARANTEED,
OR NO OBLIGATION TO TAKE.
PROMISES FAITHFULLY KEPT.
A. SAKS & CO., Tailors,
1013 Main street, opposite post-office.

IN OUR READY-MADE DEPARTMENT the same supervision is given to our LOW-PRICED garments as is bestowed on the finest we offer.
A. SAKS & CO., Clothiers,
1013 Main street.

SUPERIOR FRENCH CANDIES at ANTONI'S Main street.

FINE PEARS at PIZZINI'S.

ELECTION TICKETS!
ELECTION TICKETS!
ELECTION TICKETS!
Send your orders for ELECTION TICKETS to DISPATCH PRINTING-HOUSE, and you will get them promptly and at low rates.

PASTRY AND PIES made fresh daily at PIZZINI'S.

LADIES' AND GENTLEMEN'S RESTAURANT at ANTONI'S, Main street, below post-office.

DISCOLORED TEETH rendered beautifully white by the use of MEADE & BAKER'S SAPONINE DENTIFRICE. Fifty cents a box.

THE GLORIES OF WOMAN are luxuriant hair and fine teeth. The first is secured by J. & E. ATKINSON'S Balsam of White Roses, and the latter preserved by their Quinine Powder.

YELLOW BANANAS at ANTONI'S.

PIZZINI has some fine YELLOW BANANAS.

A CAUTION TO OUR READERS.—The almost invariable fruit of a successful invention is a host of inferior imitations. The patent LINOLEUM floor-cloth is no exception to this rule. Its durability and beauty is proved beyond controversy. Be sure, in purchasing the goods, that you look on the back of the cloth for "LINOLEUM"; none other is genuine. All carpet-dealers keep it.

GO TO PIZZINI'S and get some of those nice CREAM PUFFS.

CALIFORNIA PEARS at ANTONI'S.

PALATE AND STOMACH.—If you would have your biscuits, bread, rolls, corn-bread, cake—in short, all articles prepared from flour, thoroughly enjoyable and digestible, use DOOLEY'S YEAST-POWDER, which is not only free from adulteration, but wholesome, and makes food very nutritious. This Baking-Powder is used by the most eminent chemists and physicians. Buy it only in cans; never loose or in bulk.

TAKE AYER'S SARSAPARILLA to purify the blood and purge out the humors, pimples, boils, and sores, which are merely emblems of the rottenness within.

CHOICE FRUITS at ANTONI'S.

FOR ULCERATED MOUTH, the healing properties of MEADE & BAKER'S CARBOLIC MOUTH-WASH are unexcelled. Fifty cents a bottle.

AS A FRAGRANT AND PLEASANT WASH for the mouth, there is nothing so good as MEADE & BAKER'S CARBOLIC MOUTH-WASH. Fifty cents a bottle

MALAGA GRAPES at 25 cents a pound at PIZZINI'S.

FOR OFFENSIVE BREATH from decayed teeth and diseased gums, use MEADE & BAKER'S CARBOLIC MOUTH-WASH. Fifty cents a bottle.

ELECTION TICKETS printed at the DISPATCH PRINTING-HOUSE at low prices. Send in your orders now.



THE DISPATCH.
TERMS OF ADVERTISING.
CASH—INVARIABLY IN ADVANCE.

| | |
|---|---|
| One square, one insertion | $0 75 |
| One square, two insertions | 1 50 |
| One square, three insertions | 1 75 |
| One square, six insertions | 3 50 |
| One square, twelve insertions | 5 50 |
| One square, one month | 10 00 |
| One square, two months | 18 00 |
| One square, three months | 25 00 |



LADIES' AND GENTLEMEN'S RESTAURANT at ANTONI'S, Main street, below post-office.

NEW BUCKWHEAT,
SELECT CREAM CHEESE at 15c. per pound,
GOOD MIXED TEA at 40 and 50c. per pound,
FRESH MALAGA GRAPES at 25c. per pound,
Large SMOKED TONGUES, 90c. each;
GOLDEN SHERRY, $2 and $2.50 per gallon;
HAMS (very superior), 16c. per pound;
LAGUAYRA COFFEE, 18 and 20c. per pound;
KENTUCKY and BUCKNER'S WHISKEY (four years old), $2.50 per gallon, at
CHRISTIAN & WHITE'S.

THE BEST ARTICLES AT LOWEST PRICES:
Laguayra Coffee at 18c. per pound;
Rich Cream Cheese at 15c. per pound;
Really good Tea at 50c. per pound;
Fredericksburg Family Flour at $6.50 per barrel;
Choice Hams at 16c. per pound;
Finest Beef-Tongues at 90c.;
Duff Gordon Sherry at $2 per gallon;
"B Select," "Glenwood," and "Alleghany" Whiskeys, finest French Brandy, &c., at lowest prices. Cigars of all grades.
W. D. BLAIR & CO.,
903 Main street.

MALAGA GRAPES at ANTONI'S.

INCIPIENT TARTAR AND SCURF removed by MEADE & BAKER'S SAPONINE DENTIFRICE. Fifty cents a box.

ELECTION TICKETS.—Don't delay sending in your orders. Have your tickets printed in time. The DISPATCH PRINTING-HOUSE prints them promptly and cheaply.

CHOCOLATE CARAMELS at ANTONI'S.

FOR BLEEDING GUMS, use MEADE & BAKER'S CARBOLIC MOUTH-WASH. Fifty cents a bottle.

TAKEN IN AND DONE FOR.—"A young man from the counter-re," who was advised by a real friend to get a bottle of DR. HERNDON'S GYPSY'S GIFT, applying to a certain druggist who didn't have it on hand and who wanted to get off some of his dead stock, was induced to take something else "just as good." The result was he wasted his money and saved his rheumatism—rather bad economy, by the way—until he got the Gift from a live druggist. Don't let 'em serve *you* so.

LADIES' RESTAURANT at ANTONI'S, Main street, below post-office.

FOR ALL DISEASES OF THE TEETH AND GUMS use MEADE & BAKER'S CARBOLIC MOUTH-WASH. Fifty cents a bottle.

LADIES' AND GENTLEMEN'S BOOTS and SHOES—hand-made—to order—best quality—guaranteed to fit—at BOSCHEN'S, 509 and 511 Broad street.

ELECTION TICKETS printed at reduced prices at the DISPATCH PRINTING-HOUSE.

500 PERCALE SHIRTS, 50 cents each, at
A. GREENTREE'S, 815 Broad street.

THE LARGEST STOCK OF HATS for men, youths, boys, and children, in the city.
A. GREENTREE, 815 Broad street.

BEAVER OVERCOATS for men, from $6 up to $30;
CHINCHILLA OVERCOATS for men, from $5 up to $20;
DIAGONAL OVERCOATS for men, from $8 up to $25;
ULSTERS for youths and boys, from $4 up to $12, at A. GREENTREE'S, 815 Broad street.

SUITS FOR MEN, from $5 to $30;
SUITS FOR BOYS, from $4 to $20;
SUITS FOR CHILDREN, from $3 to $15.
A. GREENTREE, 815 Broad street.

CANDIDATES, have your TICKETS printed at the DISPATCH PRINTING-HOUSE. Work promptly done, and at low prices.

SCHOOL-SHOES, all the styles, cheap at
BOSCHEN'S, 509 and 511 Broad street.

LEVY BROTHERS
CONTINUE TO-DAY THEIR
GRAND DISPLAY
of
FALL AND WINTER DRESS GOODS,
PARIS AND BERLIN CLOAKS,
all of which are
OFFERED
at
ATTRACTIVELY LOW PRICES.
We invite you to call and inspect the novelties.
LEVY BROTHERS.

ELECTION, NOVEMBER 5, 1878.—Candidates can have their TICKETS printed at the DISPATCH PRINTING-HOUSE promptly, and at reduced prices.

SAVE MONEY by having your printing done at the DISPATCH PRINTING-HOUSE. Good work, low prices, and satisfaction guaranteed.

M. ELLYSON & CO., advertising agents, insert advertisements in all of the newspapers of the United States at publishers' rates. Orders left at the *Dispatch* counting-room will receive prompt attention.

AUCTION SALES THIS DAY.

☞ *On all sales of Real Estate made between the 1st of January and last of June the taxes for the present year have to be paid by the purchaser. On all sales made between the 1st of July and last of the year the taxes have to be paid by the seller.*
[This custom was adopted about fifteen years ago by all the real estate agents in Richmond, and applies to Richmond and vicinity.]

DAVIS'S STABLES—C. C. Burton, Auctioneer—twenty head horses and mules, phaetons, buggies, harness, wagons, horse-blankets, &c.
WM. IRA SMITH, 3½ P. M., sale in Merchant-Tailoring Department.
T. L. WHITING, High Constable, 10 A. M., at 314 west Main street, furniture, piano, &c.

FOR THE FAIR.

OMNIBUSES FOR FAIR-GROUNDS.
To accommodate persons living on Church Hill and Main street and vicinity, during the four days' exhibition at the Fair-Grounds I will run a LINE OF OMNIBUSES from
TWENTY-FIFTH AND MAIN STREETS
TO THE STATE FAIR.
THE ROUTE will be from Twenty-fifth up Main street to Morton's Flower-Garden, and thence to the ladies' reception-room in the Grounds.
Commencing at 8½ A. M. each day, the omnibuses will run each way every twenty minutes.
FARE: 25c; children, 15c. Five tickets, $1; children's tickets, four for 50c.
Remember, this is the only line that will land passengers in the centre of the Grounds WITHOUT TRANSFER. Persons holding regular Main-Street Omnibus tickets can use them on this line between Nineteenth street and Morton's.
A. W. GARBER, Proprietor.
To save time and trouble at the gate, passengers will please provide themselves with the entrance-fee, 50c.
oc 26-5t

LIME, CEMENT, AND PLASTER.

LIME! LIME! LIME!
Daily expected per schooner "Sardinian,"
1,531 casks EXTRA WHITE "ROCKLAND" LIME, for sale low from vessel.
THOMAS ELLETT,
oc 26-1Nc21 1007 Basin bank.

HORSES, MULES, &c.

JUST ARRIVED AND FOR SALE AT THE LOWEST PRICES,
THIRTY-NINE HORSES and MULES,
among them a pair of BAY and GRAY MARES suitable either for driving or farm use.
EDMOND BOSSIEUX,
oc 26-eod3t* 1808 and 1812 Franklin street.

BUSINESS CHANCES.

FOR SALE OR RENT, A FIRST-CLASS PHOTOGRAPH GALLERY, with all the implements ready for work, on Main street in Farmville, Va. Any man, with strict attention to business, can make it pay well. Apply to
oc 22-4t* N. H. CHAMPLIN, Farmville, Va.

BANKRUPTCY.

[No. 5669.]
IN THE DISTRICT COURT OF THE UNITED STATES FOR THE EASTERN DISTRICT OF VIRGINIA—IN THE MATTER OF JONES BROTHERS & CO., BANKRUPTS, IN BANKRUPTCY.
RICHMOND, VA., October 22, 1878.
TO THE CREDITORS OF ABOVE BANKRUPT:
You will please take notice that a meeting of the creditors of above bankrupt, for the purpose of declaring a dividend, will be held at the office of Thomas S. Atkins, Esq., Register in Bankruptcy, in the custom-house in the city of Richmond, in said district, on THURSDAY the 7th day of November, 1878, at 11 o'clock A. M., in accordance with the provisions of the Revised Statutes of the United States—title, Bankruptcy—and the amendments and supplements thereto.
HENRY G. CANNON,
HILL CARTER,
oc 26-S2w Assignees.

BILL-HEADS, $5.50 to $8 per ream, at the DISPATCH PRINTING-HOUSE