

MR. W. R. SMITH'S CASE.

FIFTEEN INDICTMENTS.

Action of the Grand Jury—Specimens Cases of the Bills Found—Perjury Discharged—Amount Involved, Nearly \$60,000.

The grand jury of the Hustings Court yesterday evening brought in fifteen true bills of indictment against William R. Smith.

THE CITY BANK. Virginia—in the Hustings Court of the City of Richmond—City of Richmond—to wit:

The grand jurors of the Commonwealth, for the body of the city of Richmond, on their oaths present that William R. Smith, on the 30th day of June, in the year 1883, at the said city, and within the jurisdiction of the said Hustings Court of the city of Richmond, divers notes and coin of the currency of the United States, the numbers and denominations of which are to the grand jurors unknown, but amounting to the sum of \$400, and of the value of \$400; the said sum of \$400, secured and payable by and upon the said notes and coin, being then and there due and unsatisfied to the City Bank of Richmond, an incorporation duly incorporated by the laws of Virginia, and of the money and property of the said City Bank of Richmond, incorporated as aforesaid, then and there being found, feloniously did take, steal, and carry away, against the peace and dignity of the Commonwealth of Virginia.

And the grand jurors aforesaid, on their oath aforesaid, do further present that William R. Smith, on the 30th day of June, in the year 1883, at the said city, and within the jurisdiction of the said Hustings Court of the city of Richmond, divers notes and coins of the currency of the United States, the numbers and denominations of which are to the grand jurors unknown, but amounting to the sum of \$400, and of the value of \$400; the said sum of \$400 secured and payable by and upon the said notes and coins, being then and there due and unsatisfied to the Commonwealth of Virginia, then and there being found, feloniously did take, steal, and carry away, against the peace and dignity of the Commonwealth of Virginia.

THE BROWNELL CASE. In the Hustings Court of the City of Richmond—to wit:

The grand jurors of the Commonwealth for the body of the city of Richmond, on their oaths, present W. R. Smith on the 31st day of October, 1884, at the said city, and within the jurisdiction of the said Hustings Court of the city of Richmond, on a warrant issued and returned from the office of the Auditor of Public Accounts of Virginia, at Richmond, Va., and directed to the Treasurer of the Commonwealth of Virginia by Morton M. Payne, Auditor of Public Accounts for the Commonwealth of Virginia, in favor of Henry Richards, and another for the sum of \$111.56, on account of repairs for scales near Richmond for weighmaster live stock of the value of \$111.56, the property of the Commonwealth of Virginia; one check on the back of said warrant drawn by J. R. Barksdale, Treasurer of the Commonwealth of Virginia, on the cashier of the Planters National Bank of Richmond for the payment of the sum mentioned in the foregoing warrant, to wit, the sum of \$111.56, in full of the value of \$111.56, in the words and figures following, to wit:

COMMONWEALTH OF VIRGINIA, OFFICE AUDITOR PUB. ACCTS., RICHMOND, October 31, 1884. Pay to Henry Richards and another \$111.56 on account of repairs for scales near Richmond, weighmaster live stock.

MORTON MARVE, Auditor Public Accounts. Attest: W. R. Smith, To the Treasurer of the Commonwealth of Virginia, the property of the Commonwealth of Virginia then and there being found, one check on the back of said paper, commonly called a warrant, for the payment of the sum mentioned in said warrant, of the value of \$111.56, in the words and figures following—to wit:

Cashier of the Planters National Bank of Richmond; Pay within mentioned sum to bearer, and charge same to my account. J. R. BARKSDALE, Treasurer.

There are three other copies of the same indictment to the same effect, and bearing upon the same charge.

There were thirteen other indictments against Mr. Smith in the following cases: Dr. Q. R. Hume, \$187; George W. Carter (two indictments), \$195.35; B. T. Taylor (five indictments), \$277.60; T. J. Lundy (three indictments), \$1,022.68; Merchants National Bank, \$290; and Domestic Sewing-Machine Company, \$50.

A very delightful musical was given at the Mozart last evening. Miss Alice Waltz, of Brooklyn, N. Y., favored the Association with several charming vocal solos, and gave unfeigned pleasure to the very large audience present. Miss Waltz possessed a rich, pure voice of great compass. Her low tones are full and round, while her high notes (she sang up to B flat last evening) are sweet and flute-like. She executes with great taste and finish, and gives decided evidence of excellent training and application. She was encored time and time again, and received quite an ovation.

The flute solo of Mr. Farmer and duet for clarinet and trombone between Messrs. Jarnell and Ebbi were beautifully-rendered numbers. The orchestra played unusually well, and were forced to respond to the encore upon their rendering of "The Turkish Patrol."

The Magruder Concerto To-Night. Miss Kate Magruder, the daughter of the late General J. B. Magruder, will give a concert to-night at Sanger Hall, in which she will be assisted by some of Richmond's favorite musicians. The following is the programme: 1. Violin solo, Mr. Henry Laube. 2. Duet, Masnadieri, (Verdi), Mr. and Miss Magruder. 3. Piano solo, Miss Magruder. 4. Valse, (Weber-Landini), Mr. Bauer. 5. Song, (Schumann), b. To Ancher (Hatten), Mr. Magruder. 5. Charming Overture, (Tebelin David), Miss Magruder. 6. Piano solo, Fantasie de Kotski, (Fauts), Mr. Bauer. 7. Duet, Serenade, (Rossini), Mr. and Miss Magruder. 8. Serenade, (Gounod), Miss Magruder and Mr. Laube. 9. Violin solo, Mr. Henry Laube. 10. C'Est l'Espagne, Mr. Henry Magruder.

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Yesterday morning, about 11 o'clock, Mr. Charles L. Page, Commonwealth's attorney for Manchester, who was on Wednesday honorably acquitted and discharged by the Mayor on the preliminary examination upon the charge of forgery, appeared in the Hustings Court.

Mr. B. A. Hancock, who has been representing the Commonwealth in all of these cases, stated to the Court that he had attended the proceedings in the Mayor's Court, and being satisfied after a full examination of witnesses and a thorough investigation of the facts of this case that the charge of perjury could not be sustained, as there was not even a suspicion of guilt against the accused, asked the Court to enter a nolle prosequi in this case. Then, at the request of the counsel for Mr. Page, with the consent of Mr. Hancock, the Court entered the following order: "This day came Beverly A. Hancock, the attorney prosecuting the pleas of the Commonwealth pro tem. in this court, and gave the Court to understand that he was present January 28, 1885, representing the interest of the Commonwealth before his Honor the Mayor

JUDICIAL LIABILITY.

JOHNSTON VERSUS MOORMAN.

A Case of Importance Decided by the Supreme Court—Justice and Their Official Actions.

The case of Johnston vs. Moorman, on appeal from the Hustings Court of Danville, was yesterday decided by the Court of Appeals, Judge Richardson delivering the opinion. The facts, as certified, were fully set out and reviewed. It appears that in 1882 Moorman brought an action of trespass against Johnston to recover damages for false imprisonment. The case was tried, and resulted in a verdict and charge was entered, and Mr. Charles L. Page resumed his duties as the Commonwealth's attorney for the city of Manchester.

After the above order was entered Mr. Page made a feeling speech, briefly thanking Messrs. S. B. Witt, Meade Haskins, Charlie Meredith, William I. Clopton, and A. C. Atkinson for their kindness in volunteering their services to represent him in this case, and thanking Mr. Hancock for representing the Commonwealth during the time that he (Mr. Page) was under this charge.

Pires Yesterday. Yesterday afternoon about a quarter-past 5 o'clock Mr. R. E. Blankenship received a message that a fire was in progress at the Old Dominion Iron and Nail-Works, on Belle Isle. He made several attempts to get to the place, but on his way he was stopped by a fire engine, and on his return he was met by a fire engine and hose-carriage responded quickly, and Mr. Blankenship sent them down to the Richmond and Danville Railroad depot, where they were placed upon a flat, and were about to be taken to Belle Isle, when a message was received that the fire was under control. The fire originated in a framed building secured by a carpenter-boy, near the centre of the works, supposed to have caught from the stove-pipe in a room occupied by the watchman, which burnt through the roof, setting fire to the rafters.

The men at the works, by the aid of crowbars, hooks, and buckets of water, succeeded in extinguishing the flames. Damage, two or three hundred dollars. There was another alarm of fire about 8 o'clock yesterday morning, but it did not amount to anything.

Mr. Needham's Meetings. Yesterday afternoon at 4 o'clock the spacious audience-room of Dr. Read's (Grace-Street) Protestant church was filled with people. The reading was on "Christ, the Rock," and was not only deeply interesting, but very practical and instructive.

At the close of Mr. Stevens sang as a solo, and with great sweetness and power, "The River Rock," which was composed by Mr. Needham himself for Mr. Sankey. Last night Grace-Street Baptist church was, if possible, more completely packed than ever with a deeply-interesting congregation, largely composed of boys and girls, but embracing all classes.

From the text, "I go to prepare a place for you," Mr. Needham preached a simple, earnest, and practical sermon, admirably adapted to the children, but not unshared to the grown people as well. There were probably 300 who were drawn into the inquiry-meeting—over 100 of them inquirers—and many of these professed conversion.

This afternoon at 4 o'clock Mr. Needham gives his last Bible reading at Dr. Read's church on "Peculiar People," and at 7:30 he preaches at Grace-Street Baptist church.

Broad-Street Methodist. The revival services at Broad-Street church were well attended last night. Rev. Dr. Edwards preached a most earnest and effective sermon on "The folly and Danger of Procrastination." Three persons presented themselves at the altar, two of whom made a profession of faith in Christ. Services to-night at 7:30.

Manchester Union Meeting. Rev. Mr. Thornhill preached at the Fifth-Street Methodist church in Manchester last night to a crowded house. An overflow-meeting was held at the Central Methodist church, which was well attended. Deep interest was manifested at both places, and, in addition to several requests for special prayer, there were a number of conversions.

These meetings continue to the same effect. Services will be held at the same churches to-night.

Not Identified Yet. The body found in the dock on Wednesday and taken to the almshouse was on yesterday seen by a number of persons, but not positively identified. Coroner Taylor made as close an examination as the condition of the man allowed, and thinks it probable that it was a mullah.

One or two persons said that very likely it was the body of Fleming Clark, a colored man, who was a fireman on the Alleghany railroad, who lived at No. 20 west Broad street, and who disappeared about Christmas.

The body will be buried this morning by the city authorities unless previously claimed.

The Mozart Last Night. A very delightful musical was given at the Mozart last evening. Miss Alice Waltz, of Brooklyn, N. Y., favored the Association with several charming vocal solos, and gave unfeigned pleasure to the very large audience present. Miss Waltz possessed a rich, pure voice of great compass. Her low tones are full and round, while her high notes (she sang up to B flat last evening) are sweet and flute-like. She executes with great taste and finish, and gives decided evidence of excellent training and application. She was encored time and time again, and received quite an ovation.

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for which amount he holds her past-due obligations, being 80% of her coupons for \$30 each, cut from bonds of the Commonwealth issued under the act of the General Assembly dated March 30, 1871; that the Commonwealth had refused to pay them, and therefore prayed judgment against it for that amount and interest according to law; and that a summons issue requiring the said Commonwealth of Virginia and Morton Marve, Auditor of the Commonwealth of Virginia, to appear on the first Monday of February, 1885, and answer said petition, and show cause, if any he can, why the prayer thereof should not be granted, and why judgment should not be entered in his behalf against the Commonwealth of Virginia for the sum of \$24,000, with interest, as demanded." On the 24th day of December, 1884, before any appearance for any of the defendants, the Court, of its own motion, "ordered that the order herein entered upon the 22d of December, 1884, be set aside; and upon consideration of the petition heretofore filed, this court being without jurisdiction to entertain any suit against the Commonwealth of Virginia, it is ordered that the said petition, as to the Commonwealth of Virginia, be dismissed. And it is further ordered that Morton Marve, Auditor of the Commonwealth of Virginia, do file his answer to said petition on or before the first Monday of February, 1885, and show cause, if any he can, why the prayer of the petition should not be granted."

From this last-mentioned order in the cause by the Circuit Court this appeal is taken. The question presented by the record seems to be more of mere form than of importance; for while the order complained of does amend the first order by dismissing the petition against the Commonwealth, *in nomine*, as a party, yet it expressly retains the petition against the Auditor (Martye), and summons him to answer and show cause why the prayer of the petition shall not be granted and judgment against the Commonwealth entered for the amount claimed. And this, according to the ruling of this Court in Higginbotham's executor *vs.* The Commonwealth, 25th Grattan, fixes the amenability of the State to the judgment of the Court. On page 637 of 25th Grattan Judge Bouldin, for the court, in Higginbotham's executor *vs.* The Commonwealth, *opina*, said: "My opinion is that under the statutes of the State she is liable to be sued in this case by petition against the Auditor, and that judgment should have been rendered against her. I do not mean to intimate that a State can be sued in any case either by her own citizens or by others, in her own courts, without her authority and against her consent. But it has ever been the cherished policy of Virginia to allow her citizens and others the largest liberty of suit against herself; and there never has been a moment since October, 1778, (but two years and three months after she became an independent State) that all persons have not enjoyed this right by express statute."

The petition filed in this case is under the forty-fourth chapter of the Code of 1873, whose sections, from one to six inclusive, set out the mode of procedure to recover claims against the State; and the order of the Circuit Court of the city of Richmond complained of is a mere matter of pleading or procedure, for it still entertains the cause as it is made in the petition; and upon proper and sufficient proofs judgment can be rendered against the Commonwealth for the debt claimed. The State has by statute allowed herself to be sued in her own court—to wit: the Circuit Court of the city of Richmond. But this *sub modo*. "In every case of public accounts shall the auditor be a defendant. He shall file an answer stating the objections to the claim. And the cause shall be heard, upon the petition or bill and answer and the evidence." Section 2, chapter 44, Code of 1873. The order of the Circuit Court in this case may have been unnecessary, as under the first and unamended order in the procedure the judgment of the Court would have been exactly the same, yet it has not affected the rights of the remedy of the applicant, and he has no cause for appeal.

The judgment or order complained of is affirmed.

Supreme Court of Appeals. The following cases were disposed of yesterday morning:

Brown, Davis & Co. against Greenhook, Treasurer. From the Circuit Court of the city of Richmond. Reversed, Judge Lewis delivering opinion.

Strother's administrator against Mitchell's executor *et al.* From the Circuit Court of Frederick county. Reversed, Judge Lacy delivering opinion.

Strother's administrator against Naupli *et al.* From the Circuit Court of the county of Clarke. Reversed, Judge Lacy delivering opinion.

Hatcher against Hatcher. From the Circuit Court of Bedford county. Affirmed, Judge Hinton delivering opinion.

Bowman against Wolford. From the Circuit Court of Rockingham county. Affirmed, Judge Hinton delivering opinion.

Thomas against Thomas, trustee. From the Circuit Court of Madison county. Affirmed, Judge Hinton delivering opinion.

White against Freeman; Gill against Barbour; Wayland against Cranks, executor. Motions to rehear cause denied.

Denslow against Bertha and Edith Gold Mining Company. Argued by Jackson Guy, Esq., for plaintiff in error and J. J. A. Powell for defendant in error.

Circuit Court. The City Circuit Court was engaged all day yesterday hearing evidence in the damage suit of Robert A. Bryant against Bruce & Archer.

Police Court. The following cases were disposed of yesterday morning: 1. L. Lewis, Limberbury (colored), drunk and a vagrant. Sent to jail for three months.

Bessie Lee and Carrie Brown, charged with being drunk. Fined \$2 each.

George Fleet (colored), charged with stealing one box of cigars and five pounds of bacon. Sent to jail for sixty days, with labor.

The Henrico Circuit Court was in session yesterday; no important cases tried.

Dickson's Sketch Club.

Last night Dickson's Sketch Club commenced an engagement at the Theatre. The company deserved a better house than was present, and really gave a good performance. Those present were delighted, and laughter and applause were given without stint. The play commenced with "Editha's Burglar," and was followed by a two-act musical comedy called "Combustion," which was very amusing indeed. To-night the performance will be repeated.

Bureau of Credits. There will be a meeting of the subscribers to the Bureau of Credits this afternoon at 5 o'clock at the Commercial Club rooms for the purpose of electing a Board of Managers, &c. It is asked that merchants who are not members but who feel an interest in this important enterprise, will attend, as the whole system employed will be explained.

Sharp Banking Practice. It is a somewhat impressive spectacle of wealth which the New York banks present in their revenue of \$100,000,000 gold, besides their stock of greenbacks. This accumulation of gold in the banks of one city exceeds anything that the country has previously witnessed, but it has been accomplished by a net little artifice at the expense indirectly of other large cities—by discriminating, in fact, against silver and silver certificates, while the banks of other cities have received them. In compliance with the act of 1882, all national banks are compelled to accept silver certificates, under certain limitations; the banks of New York do not reject such certificates, but effectually rule them out of their circle by means of a mutual agreement to abstain from offering the same to each other in settling balances. The Sub-Treasurer of the United States at New York actually connives at the scheme and makes his payments to the banks of that city in gold and legal tenders—the latter being of course equivalent to gold, and convertible at the Treasury. Boston bankers are complaining bitterly of this manipulation, not as accomplishing this depletion of their gold and legal-tender resources, but also on account of the fact that in recent remittances they have been compelled to pay premiums of 75 cents to \$1 (on a \$100 for funds bankable in New York, while making their collections largely in silver certificates, which are not available in settlements through their New York correspondents. It is the alternative either to submit to this tax or to decline to make collections for a metropolitan. It is a perfectly clear position that the act of 1882 should be repealed, or that such artifices as the New York banks are practicing, through the help of the Treasury Department, should be immediately forbidden. Without the help of that act the scheme of the New York banks would fail.—Louisville Courier-Journal.

The New York Poe Memorial.

A New York telegram says: The Poe memorial provided by the actors of the United States has been set up in the Museum of Art, but will remain veiled until the public ceremonies of unveiling take place. The statue represents the Muse crowning a medallion likeness of Poe. It is the work of W. H. Park, an American artist at Florence, from which city the memorial arrived a few days ago. The date of unveiling is as yet somewhat indefinite, owing to the uncertainty when Irving, Booth, and other attend and take part in the ceremonies. Irving has consented to recite "The Raven," and both Barrett and Booth will give recitations. A poem will also be read by William Winter, the dramatic critic of the *Tribune*. The representative poets, authors, and dramatic artists of the country will be assembled here at the unveiling.

Ten Days Only.

We will offer for ten days only our stock of Ready-Made Clothing and Furnishings at prime cost for cash. This is an opportunity to obtain first-class clothing at very low prices. No hunching, but strictly a prime cost sale for cash for ten days. E. B. SPENCE & SON, 901 Main street.

Harper's Weekly, Puck, and Puck's Annual.

Harper's Weekly, Puck, and Puck's Annual have been received from N. Leonard, 908 Main street.

Rosebuds, Hyacinths, Carnations.

Floral designs for all occasions, made of the choicest flowers. Mail and telegraph orders receive prompt attention. Fresh supplies of flowers every day at my store, No. 6 north Third street. H. A. CATHLIN, Florist, Post-Office Box 271; phone, 312.

We Mean Business.

There is no mistake about it. We mean that we will sell our stock of Winter Clothing and Overcoats at PRIME COST FOR CASH for ten days. Now is your opportunity to get your clothing at the lowest prices. E. B. SPENCE & SON, 901 Main street.

Caution.

Consumers of "Dill's Best" tobacco will please notice carefully the yellow tag on the same, and see that it has the words in black letters, "Dill's Best." Other tobaccos are being placed on the market with a tag similar in coloring to the "Dill's Best" tag, and may mislead consumers of this celebrated brand of tobacco. To be genuine, the little yellow tag must have on it "Dill's Best." In buying, do not ask for the little yellow tag, as formerly, but "Dill's Best," and see that you get what you ask for.

Old newspapers for sale at the Dispatch counting-room at 25 cents per hundred.

I have a large stock of Albums, Biscuits, Biscuits, etc., still on hand, which I will close out at cost; also a fine assortment of Engravings and Picture-Frames to be sold at low figures. 912 Main street, SMOKE TRIXY CIGARS.

PICTURE-FRAMES made to order in latest styles at low prices. 912 Main street, SMOKE TRIXY CIGARS.

THE DISPATCH JOB-PRINTING HOUSE is thoroughly equipped to do all kinds of BOOKING AND JOB-PRINTING at the shortest notice. SMOKE TRIXY CIGARS.

AUCTION SALES TO-DAY.

E. B. COOK, 10 A. M. household furniture. WILLIAM JENKINS, sale of bananas, oranges, &c., at 1 o'clock P. M.

LATE WEATHER REPORT.

(Special telegram to the Dispatch.) WASHINGTON, January 30—12:56 A. M.—For the Middle Atlantic States, fair, warmer weather, winds generally southerly, falling barometer. For the South Atlantic States, partly cloudy weather, local rains, warmer, variable winds, generally easterly.

The Weather in Richmond Yesterday was clear and cold. Range of Thermometer Yesterday. 6 A. M. 22 9 A. M. 26 Noon 38 3 P. M. 40 6 P. M. 42 Midnight 35 Mean temperature 36

KILLED ON THE RAILROAD.

Thomas Spaulding's Mysterious Death at Sapelo Island, Ga.

A Macon (Ga.) special of the 28th says: This morning about 1:30, after the cars had been placed in position, the engineer and fireman took the engine to the shops. When they reached a point below the car-shop a sudden jolt was heard by the fireman, the engine was stopped, and an investigation was made. About thirty steps from them was the body of a man lying across the track, with his head nearly severed from his body. When he was approached, he gave one gasp and life was extinct. An examination was made to establish his identity. In his pockets was discovered a gold watch and several papers and letters. On his shirt was the name "Thomas Spaulding." The body was taken to the City Hall, where an inquest was held by the coroner. After a thorough examination of the body by the jury and city physician the jury returned a verdict that an engine over his body, but they were unable to decide whether or not it was suicide. When Dr. Charles H. Hall learned of the death he hastened to the City Hall and identified the body as that of a relative of his family.

The deceased is Thomas Spaulding, of Sapelo Island, Ga., son of the late Colonel Randolph Spaulding. He was colonel of the Hon. Thomas Spaulding, of Savannah, who represented the State in Congress from that district, and for whom he was named, and at whose death he inherited the south end of Sapelo Island, comprising 9,000 acres. He was last seen in Macon last Friday, when he dined with friends. He was in perfect health, and was going to Atlanta to sell Sapelo Island to a northern syndicate. The manner of his death is regarded as a mystery by the people. It has been religiously conjectured that he was dragged and placed on the track. He was known to have been temperate, and the entire community is much aroused at the sad ending of his life.

GREAT ATTRACTION.

Professor GOODIE will give a CALISTO-LIGHT EXHIBITION, under the auspices of the Boys' Branch of the Young