The National Republican.

VOL. XIX---NO. 146 WASHINGTON, D. C., THURSDAY MORNING, MAY 15, 1879. FIFTY CENTS PER MONTH.

CURRENT CAPITAL TOPICS.

Action of the House and Senate Committees.

The Case of Senator Ingalls—Public Printing—The Knott-Hutchins Scheme—Freedmen's Savings Bank—Postal Matters—The Case of Standing Bear—A Blow at the Indian System, &c.

Senate Committees.

A subcommittee of the Senate Committee on Judiciary yesterday heard Joseph Hambline and William B. Matchell, of Washington, and William P. Wood, ex-chief of the Secret Service Division of the Treasury, as witnesses in support of an affidavit filed by Hambline, alleging that R. Stockett Matthews (whose nomination for appointment as district judge for Maryland is pending before the committee) took a large fee some months ago for services which he never performed.

Messrs. L. F. Eggers and F. S. Stumbaugh, of Kansas, appeared before the Senate Committee on Privileges and Elections, and asked, and were granted, a hearing in regard to the allegations of the memorial signed by them and others, charging that the election of Senator Ingalls was procured by bribery. The committee have not yet decided whether, in view of the investigation of this Senatorial election made by the Kansas Legislature, it is advisable for the United States Senate to institute any further inquiry concerning it.

House Committees.

The House Committee on Post-Offices and Post-Roads yesterday authorized a report to be made to the House on a post-route bill covering 138 new routes.

The House Committee on Printing took up for consideration Representative Knott's bill providing that the Senate shall elect a competent person, who shall be experienced in the details of printing, to take charge of and control the Government Printing-Office, and authorizing the joint Committee on Printing to establish a schedule of prices at which the work shall be executed, such prices to be at a rate at least 10 per cent. below the cost allowed for the same class for 1878. Mr. Stilson Hutchins addressed the committee at length in advocacy of the measure, and Mr. John D. Defrees, the Public Printer, submitted in writing a brief statement in opposition to the proposition. The bill will be further considered by the committee on Friday next. The matter of printing the Glover report of his investigation into the expenditures of the Treasury Department during the Forty-fifth Congress was brought up, but action was deferred.

The Freedman's Bank.

Chairman Bruce has called a meeting of the Select Senate Committee on the Freedman's Bank for next Tuesday, when the commissioners in charge of the affairs of that insolvent institution will lay before the committee a detailed account of their management and personally respond to cognate inquiries. The committee intend to apply to the Senate at an early day for authority to sit during the recess and also for sundry powers not explicitly conferred by the resolution under which the general investigation was originally ordered.

Postal Regulation.

In the new postal regulations of the postal service there will be a section providing that mail matter directed to a public official or to an officer of a corporation or person holding a position therein, having an official designation, should be delivered to the person actually holding the office or that position designated, notwithstanding the name of another person may also appear thereon, the presumptive intention of the sender being that the article of mail matter shall reach the officer, &c., addressed rather than the individual named.

The Standing Bear Habeas Corpus Case.

Considerable surprise is expressed at the decision by Judge Dundy in the United States court in the Standing Bear *habeas corpus* case. It is said by Indian officials that if this decision is allowed to stand the power of the Government to keep the Indians upon their reservations is destroyed and the whole race will become tramps, with nothing to keep them in check but the rifles of the frontiermen. It is said that it is impossible for them and the whites to live together peaceably, as experience has shown; and the change of status can but result disastrously to the Indians in the end, and prove unfortunate for both in the immediate future.

Although the dispatches to the Attorney-General are even less full than the press dispatches, that officer sees the dangers likely to grow out of what he considers a grossly erroneous decision, and steps will at once be taken to carry the question up, if necessary, to the Supreme Court of the United States for a final decision. There are numerous decisions by that court believed to be directly antagonistic to the decision of Judge Dundy. Meanwhile Secretary McCrary has sent a telegraphic order to General Crook directing him to release the Indians, in compliance with the decision of the court.

The Deadwood Post-Office.

The Senate Committee on Post-Offices and Post-Roads have had before them for some time past the nomination of Mr. Solomon Starr for postmaster at Deadwood, Dakota Territory. This is the second nomination for this position sent to the Senate since the present occupant has held the office. The confirmation of the first nominee, a Mr. Warner, of Dakota, was defeated by the gentleman then and now holding the office. This gentleman, Mr. Adams, was the private secretary of ex-Senator Caldwell when he occupied a seat upon the floor of the United States Senate. Mr. Adams was here for some weeks this spring, endeavoring to defeat the nomination of Mr. Starr; but he will probably be confirmed in a few days.

Executive Session of the Senate.

The Senate, in executive session, yesterday adopted a resolution, submitted by Mr. Whyte, authorizing the Judiciary Committee to send for persons and papers and administer oaths in furtherance of their investigation of the charges which have been filed against R. Stockett Mathews for the purpose of defeating his confirmation as United States District Judge for Maryland. The greater part of the session was consumed in continued discussion by several Senators of the contested Deadwood postmaster case. The report of the Judiciary Committee on the subject of army promotions was laid over for discussion and possible action at the next executive session.

Uniform of Railway Mail Employees.

By a clause in the Post-Office appropriation bill of March 3, 1879, it is provided that "postal clerks, route agents, and mail route messengers shall not be required to wear uniform other than a cap or badge."

Those best conversant with the workings of the railway mail system assert that the adoption of a uniform for the employees has been of great benefit in the improvement of the service, and regret the enactment of the law. The Postmaster-General takes a like view of the subject, and has written a letter to Superintendent Thompson in which he says he "is satisfied that the adoption of a uniform for the railway mail service has been productive of great good to the service by elevating its tone and provoking a spirit of manly pride in the caps, and thus increasing its efficiency. While the law forbids him to require any uniform to be worn other than a cap or badge, and no distinction can be made between those who wear the uniform and those who do not, he believes that the interests of the service will be promoted and the safety of the mails increased if all the employees, of their own free will and accord, continue to wear the entire uniform formerly required—a uniform which any man should be proud to wear on account of the honorable record which the railway mail service of the United States has made since its adoption.

Edison's Telephone.

Messrs. Marcan and Royce, of the Western Union office, in this city, have recently been engaged in a series of experiments with the Edison telephone and have succeeded in carrying on conversations between this city and Baltimore, Richmond, and Lynchburg with as much freedom as if the parties were in adjoining rooms. The writer was invited a few days since to a talk with a friend in the Baltimore office, and a conversation was carried on with perfect ease for some time. The line used was one of the Western Union wires, and was very much affected by induction from the other wires on the same poles, but the words came clear and distinct over the hum which prevailed when sounds of the voice were not being transmitted.

More Decapitations.

The latest removals in the offices of the Senate are Timothy Griffith and Z. Moses. Mr. Moses has held an office at the Capitol for many years, among others that of secretary to the Vice-President at the period of the electoral count. It is understood that he is to be succeeded by an ex-Confederate from North Carolina.

Capitol and Departmental Notes.

Revenue receipts yesterday were—from internal revenue, $490,430.72; from customs, $433,709.

Outstanding circulation of legal-tender notes and fractional currency: United States notes, new issue, $17,250,397; United States notes, series 1869, $124,188,156; United States notes, series 1874, $31,827,636; United States notes, series 1875, $129,040,222; United States notes, series 1878, $44,374,605; total United States notes, $346,681,016; fractional currency, $15,911,981.45; grand total, $362,592,997.45.

WASHINGTON TERRITORY.

Products and Prospects of the Coming New State.

Hon. Thomas H. Brents, the present Delegate from Washington Territory, gives a very gratifying account of the condition of the people and the affairs of that Territory—their remarkable progress in agricultural pursuits, lumbering, stock-raising, fisheries, coal-mining, and their advancement generally. The settlers are as a general class hospitable, generous, and always willing to help and endeavor to assist those who arrive and intend to settle with them and grow up with the country.

The tide of emigration for the past few years has steadily set toward the fertile plains of the eastern part of the Territory on account of the large scope of rich land. Vast herds of cattle, sheep, and horses are raised, subsisting winter and summer on its natural pasturage alone.

Mr. Brents, in speaking of the richness of its production, says that in no other part of the country can the lands be equaled, as far as the raising of cereals is concerned, and states that sixty bushels of wheat, seventy-five of oats, and sixty of barley is the average yield per acre on these lands. The climate is as mild as that of Maryland, and in the middle of April apricots and peaches are as large as peas.

The western part of the Territory is noted for its vast timber land, coal-mining, and fisheries. Mr. Brents states that last year there were exported from the Territory 100,000 tons of coal and 210,000,000 feet of lumber, and that over 600 ocean vessels arrived and departed in the same time, making two arrivals and two departures daily. As there is but little coal found on the Pacific coast outside of Washington Territory it makes this product a very valuable one, and capitalists are invited to prospect, as they can find a ready market for the same in California, and on the Pacific coast in general.

The heavily-timbered lands and its vast forests give employment to thousands.

In reference to the salmon fisheries of the Territory Mr. Brents (although not able to give a correct and succinct account) speaks very encouragingly of the same; that it has become of considerable interest, and that the value of canned and salted salmon exported last year was over $2,000,000, and is steadily increasing.

There are organized in the Territory immigration aid societies, and every inducement is offered to settlers on the Government lands. Mr. Brents advises emigrants to have some means to subsist for a short time in settling in the Territory, and, as the country is developed, the outlay would be fully realized and in a short time fortunes would be made. Schoolhouses and churches appear in most of the settlements, and it is the aim of the local government to spare no pains to secure advantageous educational facilities; and, in consequence thereof, the moral condition and intelligence of the people are of a high order.

Railroad facilities are progressing. The Seattle and Walla Walla and the New Castle Railroads, which pass through the coal fields, have been completed for the last five years. The Northern Pacific has completed a considerable portion, and, in speaking of this road, Mr. Brents favors its extension conditionally. First, guarantee of its speedy completion, or, in case of failure, forfeiture of all grants of lands. Second, favors a reasonable price being fixed for the lands to actual settlers—say, from $2.50, and not to exceed $5. Third, that one of the conditions should be that they construct a branch road through the Yakima Valley; being a transcontinental road, it should pass through the Yakima Valley, as all the timber and coal lands are situated there, and, in fact, it connects most of the interests of the Territory.

In speaking of the navigation of the Columbia River he says they need more steamboats to bring the products to market, and that the monopoly which now exists should be broken up. There is room for opposition, and it would be well for steamboat owners to risk.

Mr. Brents states that the political aspect of the Territory is improving. Last fall a constitution was framed and submitted to the people and was ratified by at least a two-thirds majority, petitioning Congress and in favor of an act for the admission of Washington Territory into the Union as a State. Hon. Orange Jacobs (his predecessor), on the 24th of last February, made an exhaustive argument in the House of Representatives in favor of the same.

In this connection it is proposed to extend the Territory as far east as to include the three northern counties of Idaho, namely, Nez Perce, Shoshone, and Idaho, which have a voting population of 1,043, which, added to that of the Territory, namely, 12,647, gives a total vote of 13,690.

As soon as an opportunity offers Mr. Brents will bring this matter again before Congress, and has in his possession data and statistics which when made public will so exhaust the subject that success will surely crown his efforts and the Territory become a State.

As a general rule the Indians located in the Territory are peaceable, but on the frontier near Idaho the settlers need more protection from the army. Mr. Brents has urged the matter before the proper authorities and received a favorable reply. In this connection Mr. Brents, on the 21st of last month, introduced a bill for the establishment of a military post in the vicinity of Yakima Valley.

OUT-OF-DOOR SPORTS.

Base-Ball, Racing, Rowing, and Shooting.

A Defeat for the Nationals Yesterday—Good Time in the Kentucky Races—Trotting at Suffolk Park—Mollie McCarthy's Time at San Francisco Yesterday—A Yale Victory—Rifle Shooting, &c.

The Worcesters Have a Change of Luck.

The Worcesters turned the tables on the Nationals yesterday and won a ball from them by a score of 3 to 2. The attendance was not as large as uniformly, but the spectators fortunate enough to be present witnessed the prettiest exhibition of the beauties of the game, with one exception, that has been shown here this season. The only drawback was the miserable base-running on the part of the home club. They outbatted and outfielded the visitors, but in running around the bases displayed very bad judgment, and sacrificed at least three runs they ought to have scored. Either the proper coaching was lacking or the men were indifferent to the instructions imparted.

In the third inning McClelland could have come home from third base on Derby's hit to the right field, and in the last inning two runs were lost by Holly, after making a good hit, jogging to first base on what he, perhaps, regarded as a sure bat for a base, but found that the ball was sent to first ahead of him. His traveling was so slow that even the umpire passed him on the journey down to the base. There was another instance of reckless running, but the above are sufficient to demonstrate how the game was lost. The Nationals made ten first-base hits and four errors to their opponents five base hits and seven errors, and, withal, were beaten, which does not speak very flatteringly for a first-class professional club.

This is not the first occasion where they have made an exhibition of poor running of the bases, and if they expect to win against the strong nines they must meet they cannot afford so much generosity in giving uncalled-for opportunities to become slaughtered on the bases. The only batting done by the visiting club was in the fifth inning, when they put in four base hits and profited by a fair-foul to the right field, the ball passing through and beyond the seats. In this inning the Worcesters scored all the runs they obtained.

Perhaps it will not be out of place here to say that considerable comment is made on the decisions passed by the umpire upon the balls falling near the foul lines, especially those in the right field. The precincts of the field are bordered by white chalk lines, and many persons can see, more particularly those in the grand stand, with as much clearness as the umpire if a ball drops inside or beyond the line; and upon two occasions certain balls have been declared fair that went outside the prescribed limits for a fair ball, and in all cases where these decisions came it so happened that hits were made by the visitors and decided in their favor.

Yesterday parties occupying the seats adjacent to the right field asserted most positively that the ball which passed through the seats hit the ground outside the line and should have been declared a foul. The decision was the other way, and a run was made upon it.

In fielding it would be invidious to select players from either side, for, taken collectively, they all did well and acquitted themselves handsomely. The Worcesters have gathered courage from the game given them yesterday and believe that their spell of bad luck is at last broken.

The wagers on the game were few, as the Nationals were the favorites even up to the close of the ninth innings and nobody was inclined to back the visitors to win, unless at long odds.

Appended is the score:

NATIONALS.	AB.	R.	1B.	2B.	3B.	PO.	A.	E.
Holly, lf	5	0	0	0	1	0	1	
McClellan, ss	4	0	1	1	0	5	0	
Derby, p	4	0	2	3	1	8	0	
Baker, m	4	1	2	4	1	0	0	
Glick, 3b	4	0	0	0	0	3	2	
Lynch, rf	4	1	2	2	1	0	0	
Meyerle, 1b	4	0	3	5	14	0	0	
Booth, 2b	4	0	0	0	4	4	0	
Trott, c	4	0	0	0	5	1	1	
Total	37	2	10	15	27	21	4	
WORCESTERS.								
Brady, 2b	4	0	1	1	3	7	1	
Knight, rf	4	0	0	0	1	1	0	
Myers, lf	4	0	0	0	2	0	0	
Whitney, 3b	3	0	1	1	3	1	1	
Heifer, m	3	0	0	0	1	0	0	
Sullivan, 1b	3	1	1	1	13	1	1	
Bushong, c	3	1	1	1	2	2	2	
Nichols, p	3	1	1	1	0	1	2	
Corcy, ss	3	0	0	0	2	3	0	
Total	59	3	5	5	27	16	7	

BY INNINGS.

	1	2	3	4	5	6	7	8	9
Nationals	0	1	0	0	0	0	0	1	—2
Worcesters	0	0	0	0	3	0	0	0	—3

Two-base hits—Derby.

Three-base hits—Baker and Meyerle.

Left on bases—National, 8; Worcester, 2.

To-morrow the Springfields and Nationals meet, and it is anticipated that there will be a large gathering of spectators to witness the contest.

GAMES ELSEWHERE.

UTICA, N. Y., May 14.—Uticas, 9; Manchesters, 5.

NEW HAVEN, CONN., May 14.—Yale, 5; Holyoke, 1.

ALBANY, N. Y., May 14.—Albanys, 6; New Bedfords, 3.

NEW BRUNSWICK, N. J., May 14.—Princetons, 6; Unions, 4.

ROCHESTER, N. Y., May 14.—Hop Bitters, 5; Troy Citys, 4. Exhibition game.

Shooting at Stockton Range.

PHILADELPHIA, May 14.—The first match shot to-day at the Stockton Range was for a prize offered by Quartermaster-General Perrine, of New Jersey, open to members of the National Guard of that State. The distance was 100, 200, and 500 yards, and each man was allowed five shots at each position. No sighting shots. The following is the score:

	100 Yards.	200 Yards.	500 Yards.	Total.
J. B. Jones	18	17	14	49
G. W. Labree	20	13	4	37
H. B. Messimer	21	11	12	44
H. Reeli	23	19	5	47
A. Sanemann	22	10	44	46
H. Lee	10	7	0	17
E. H. Lee	22	18	0	40
Colonel D. Loder	19	24	19	62
A. J. Millette	20	12	0	32
William Struthers	23	15	7	45
R. W. Kenwell	20	17	0	37

Best possible score, 75.

The second match contested for was the Schuyler, Hartley & Graham prize, which consisted of a case of pistols. The distance shot was 200 yards, with rifles. L. J. Somers and B. Tower were the highest, each scoring 42 out of a possible 50.

Second-Best Time on Record.

SAN FRANCISCO, May 14.—In the California Blood-Horse Association races to-day Mollie McCarthy won the mile and a quarter dash in 2:08¾, under a strong pull, the second-best time on record. Clara D. won the two and a quarter mile dash easily in 4:03¼.

Kentucky Races.

LEXINGTON, KY., May 14.—The weather continues fine and the track is in excellent order. The first race—purse $200; one mile dash—D. Swigert's Perle, by imp. Glengary, 1; B. Pettit's Glendalia, by imp. Glenelg, 2; J. T. Williams' Checkmate, by Planet, 3. Time, 1:44. The contest between Peru and Glendalia was close at the finish and was won by a length.

Second race, a selling of one mile and a quarter; eight starters—J. T. Williams' Empress, by Enquirer, 1; John Jackson's Brilliantine, by War Dance 2; F. B. Harper's Dunkirk, by Enquirer, 3; G. W. Hancock's Croplet, by War Dance, 0; F. J. McGibber's Grapple, by Baywood, 0; Hurt & Sculty's Stilton, by imp. Scrachino, 0; J. W. H. Reynolds' Caligula, by Enquirer, 0; Richard's Chief, by War Dance, 0. Time, 2:11. Caligula was a great favorite in the pools.

Third race—mile heats, King Faro, 1, 1; Alice Bruce, 2, 2. Time 1:47½, 1:46¾.

Racing at Suffolk Park.

PHILADELPHIA, May 14.—Suffolk Park, second day of the spring trotting meeting. Purse $500, divided, for horses of the 2:26 class—Glide, 1, 1, 3, 4, 1; Gray Salam, 2, 2, 2, 1, 3; Lady Blessington, 4, 6, 1, 3, 4; Gray Chief, 6, 3, 4, 2, 2; Mollie, 5, 4, 5, 5, 5; Delaware, 3, 5, 6, 6, dr.; Sans Souci, 8, 7, 7, dr.; George Henry, 7, 8, dis.; Iron King, Forrest King, and Phil Dougherty drawn. Time, 2:24, 2:24½, 2:27, 2:28, and 2:27.

Purse $300, divided, for 2:34 class, pacers and trotters—Pearl, 1, 1, 1; Phil Dwyer, 4, 2, 3; Don Cameron (pacer), 3, 0, 2; Jennie, 2, 7, 7; Buzz Medium, 8, 3, 4; Charge (pacer), 5, 0, 8; Music-in-the-Air, 7, 6, 5; Baywood (pacer, formerly Logan), 6, 8, 6; Belmont (pacer), 9, dis. Time, 2:31, 2:31, and 2:30.

Yale Spring Regatta.

NEW HAVEN, CONN., May 14.—In the Yale spring regatta to-day G. M. Edwards, of the class of 1879, won the single scull race of two miles. Time, 18:48¾.

The barge race—two miles—was won by the class of '80. Time, 14:08¾. The class of '82 was second and '83 third.

The Dunham Club four-oared race was won by the seniors in 7:52¼, and the senior race by the Blues in 7:30.

THE COLORED REFUGEES.

A Denial by Steamboat Officers.

ST. LOUIS, May 14.—The officers of the steamboat companies having their headquarters in this city, and officers of steamers plying between here and New Orleans, deny having refused transportation to colored refugees whenever the latter have had money to pay their passage. They also deny that there has been any generally expressed disposition on the part of merchants and planters to withdraw patronage from boats which carry immigrants. This has been done in a few instances; but the desire to prevent the negroes from leaving the South is changing, and now planters do not seem to care whether they leave or not. Officers of the latest arrived boats say they were not hailed on the way by negroes, and they do not believe there are any such numbers of refugees on the river banks as has been stated. They further say the excitement is fast dying out, and will close altogether in a short time.

The Virginia Miscegenation Case.

RICHMOND, VA., May 14.—In the United States Circuit Court to-day a writ of *habeas corpus* in the miscegenation case of the negro Edmund Kinney and the white woman Mary Hall, now confined in the penitentiary for violation of the statute prohibition the intermarriage of races, was refused by Judge Hughes on the ground that the United States Courts have no jurisdiction over questions of marriage.

The opinion holds that the laws of marriage are at the sovereign control and will of each State, unaffected by any provision or any article of the Constitution of the United States; that absolute and entire power over these laws is necessarily left all over the world, and in this Union of States, to the government of local society; that the law under which the parties were convicted was with the unrestrained legislative power of Virginia to enact it, and that it is not prohibited by any provision of the National Constitution. As to making contracts, the opinion holds that section 1977 of the Revised Statutes, which secures to all persons within the United States the right in every State to make and enforce contracts, &c., can only refer to contracts lawful under the law of the States wherein it is proposed to enforce them. Admitting that marriage is a contract, to hold that the privilege of enforcing it extends only to lawful marriages, and that if a citizen of Virginia went to the District of Columbia, or to the Territory of Utah, and was there married in accordance with the local law, he could not return with his consort or consorts to Virginia and expect to subordinate her laws of marriage to the laws of the other jurisdiction. The case will probably be taken to the Supreme Court of the United States.

Chicago Custom-House Cases.

CHICAGO, May 14.—W. W. Boynton, architect, continued his testimony to-day in the Custom-House cases, and was questioned regarding the seeming discrepancy between the present testimony and his report made some time previous, which was more favorable to the character of the stone. He explained that the stone had deteriorated rapidly. Mr. Boutelle read figures showing that 2931 days had been charged for in cutting and 1,003 days in carving. The actual work performed was in cutting, 216 days; in carving, 510 days.

Mr. Boynton said he didn't know of efforts being made to secure him the position of supervising architect. Witness had constructed several buildings of stone used in the custom-house. Did not know but that he would have accepted the stone used in the Government building. Witness was subjected to a vigorous cross-examination by Messrs. Swett and Lachner on behalf of the defense. Reading of correspondence respecting the sawing contract was then resumed.

A Strange Fever in Hayti.

PORT-AU-PRINCE, April 25.—There have been of late several sudden deaths from a fever which by some is supposed to be the yellow fever, of which heretofore only foreigners lately arrived have been victims. The crews of several vessels now in port are sick, but no fatal case has yet occurred among them. The French man-of-war La Bourdonais, which had been stationed some time here, left on account, it is supposed, of this sickness. It is difficult to determine whether the fever is epidemic or otherwise and whether it will spread. No opinion can be formed at present. Nothing has been done toward disinfection. Our streets are in such a filthy condition that it is astonishing that epidemic disease has not developed before. The warm weather is approaching, and there may perhaps be many victims to the fever.

A Brutal Tragedy.

LOUISVILLE, KY., May 14.—A special dispatch to the *Courier-Journal* from Paducah, Ky., says: "Two years ago a man named Daniel Edmunds, who lived in Livingston County, Ky., left his wife and family and eloped to Arkansas with a neighbor's daughter. A short time ago he started back to his former home with the woman and her child, and, when near the Mississippi River, killed and buried both. On returning to his old home he took up again with his lawful wife. The bodies of the murdered woman and child were found and identified and a search was then instituted for Edmunds. Yesterday an officer from Arkansas arrived at the home of the murderer, arrested, and took him back to the scene of the tragedy."

Mysteriously Hung.

SAN FRANCISCO, May 14.—A Marysville dispatch says the wife and a five-year-old daughter of Martin Sulzberger, of Sutler County, were found this afternoon suspended by their necks, in an outbuilding on his ranche, about three miles North of Yuba City. A mystery surrounds the affair. This evening the husband was arrested for making threats against his wife.

THE GLENWOOD CEMETERY

An Opinion in Favor of the Lot Owners' Company.

Points Decided by the District Supreme Court—The Lot Holders Sustained in Control of the Affairs of the Company—The Original Owner Entitled to Compensation for His Investment.

The Contest Over the Glenwood Cemetery.

In the Supreme Court of the District yesterday Justice Cox delivered the opinion of the court in the case of the Glenwood Cemetery Company vs. Close et al., sustaining the company organized by the lot-owners in all the franchises they now enjoy, and declaring that corporation in full possession and control of the property held under the charter, while recognizing Close's original title in the property and his right to claim for it. The following is the substance of the opinion: It recites the facts concerning the purchase of the cemetery tract by William S. Humphreys, of New York, in 1852, for $9,000, and its subsequent complete transfer in 1858 or 1859 to Joseph B. Close, of New York, to satisfy claims of Close against Humphreys for moneys advanced, to be used in the conversion of the property into a cemetery; the incorporation of the proprietors of the Glenwood Cemetery by act of Congress in 1854, which act Close claims was procured by Humphreys without his knowledge; the subsequent dedication of the cemetery with religious ceremonies and the issuing of a pamphlet containing the charter and a description of the grounds, which was generally circulated, and came to the hands of Close, who admits that he made no objection to appropriation of the property in the manner shown, and that he never made objection to any part of Humphreys' proceedings, although he denies any knowledge of them at the time they transpired. With the full knowledge on the part of Close, then, that this publication was at least in existence, Humphreys, either in the character of mortgagor in possession or as agent of Close, proceeded to sell the lots and receive the purchase money. In the course of twenty years Close executed nearly or quite 2,000 certificates or deeds of lots, which he signed as president of the company and which have the seal of the company, and on which were printed the bye-laws, the first of which declared that the lots "shall be held in pursuance of the act of Congress," &c.

All this was a full ratification and adoption of Humphreys' previous management and disposition of the property, so far as any authority from Close was needed. If, at this late day, Close can be allowed, as against the lot-owners, to deny the existence of the corporation and assert a private ownership of this property inconsistent with the dedication before mentioned, there must be a grave defect in the ethics of the law or in the machinery of justice. We hold him irrevocably committed in favor of the lot-owners to a recognition of this original charter as in force and of the legal consequences of it. Close, after proclaiming himself the president of an existing corporation through a period of twenty years, is clearly estopped from now asserting the contrary against those who have dealt with him on the faith of this declaration. If the original charter is to be considered in force, then the reservation of the right to Congress to alter, modify, or repeal the charter is also in force.

Under the first charter just in proportion to the sales of lots the interest of these original proprietors was disappearing. With this change of interests it was eminently proper that a change of management should take place, and that the managers should in part be elected by the lot-holders. The court thinks this amendment a legitimate consequence of the vitality of the original charter; that Close has committed himself in favor of the lot-holders and to the recognition of the corporation as reorganized; that the lot-holders and the corporation are the same, and the corporation, as their organ and representative, is entitled to the benefit of this equitable estoppel. The corporation as reorganized under the amendment, the opinion holds, is lawfully in court for the enforcement of Close's obligations in respect to the cemetery for the benefit of the lot-holders.

The opinion reviewed the obligations of Close and the legal effects of the acts before mentioned, holding that the mere ceremonial of dedication had no legal effect whatever; but when nearly or quite 2,000 grave-lots were sold on the faith of the representations already spoken of, the dedication was complete, and the lot-owners acquired the right to every easement, privilege, and advantage which was held out to them as a part of the scheme. Close is bound in equity to transfer the property to the corporation in the interest of the lot-holders. This does not mean that he is estopped from claiming further compensation for the land, for this is not inconsistent with the right of the corporation to hold and manage the property. The court interpreted the dedication as meaning that the cemetery should be forever under the protection of a perpetual corporation, and that the resources of the institution were pledged as far as necessary to its preservation and perpetuation. It was in this faith that the lot-holders bought, and certainly with no idea that the corporation would sell all the lots, appropriate the entire proceeds, and then declare itself dissolved, and leave the lot-holders to assess themselves for all the future needs of the cemetery. In reviewing the rights of the original proprietors of the ground, the opinion states that Close, as the owner of the land, has not parted with the legal title, nor been paid any stipulated price for it. He has, however, appropriated and administered the property as if it had been transferred to the corporation until it has passed beyond his control; he is no longer in a position to dictate terms or fix his own valuation on his interest; but if the land is not yet paid for it is evident that he has an interest of value which cannot be taken from him without compensation. Although he is bound to make the title good in the corporation, he is still entitled to say that, as owner of the land, he has not been compensated for it, and to have this judicially determined.

After the delivery of the opinion His Honor said that here they would pause for the present, for they had not yet determined on the mode of relief that should be granted, but that might be determined upon if it could be settled by consultation between counsel. If they could not agree on the way the proportion of sales are to be divided between the interested parties, then the court will be called upon to settle the question.

Mr. Wilson was sure that they could not agree as to a settlement, and much preferred that a decided decree be made.

Chief-Justice Cartter said then they would make up a decree upon further consultation.

Mr. Davidge hoped in drawing the decree that the interests of Mrs. Close would be protected, as she now virtually entered upon the stage.

Chief-Justice Cartter stated that they would study the question, but he was inclined to make the support and protection of the cemetery precedent to all other interests.

The matter here closed for the present.

The Weekly Mortality Report.

The total mortality in the District of Columbia for the week ending May 10, as shown by the records of the Health Office, was 03, or at the rate of 20.075 per 1,000 per annum. Of the decedents 24 were white males, 19 white females, 25 colored males, and 20 colored females, showing a death rate of 19.64 per 1,000 per annum for the white and 41.41 per 1,000 per annum for the colored population. The deaths by classes were as follows: Zymotic diseases 16; constitutional, 24; local, 32; developmental, 9, and from violence, 2. Eighteen deaths resulted from consumption; from pneumonia, 8; bronchitis, 2; congestion of the lungs, 2; scarlet fever, diphtheria, dysentery, rheumatism, cholera morbus, croup, cerebro spinal meningitis, intermittent and remittent fever, 1 each; typhoid fever, 2; whooping cough and senile debility, 3 each, and from diseases of the nervous system, 7. Of the deaths 65 occurred in Washington, 7 in the county, 4 in Georgetown, and 4 in the hospitals. Fifty-one of the decedents were natives of the District, 28 of other parts of the United States, and 4 foreigners. Twelve white and 20 colored were under five years of age, and 5 white and 4 colored were sixty years and over. The greatest mortality (16 deaths) occurred on the 4th and 7th, and the least (6 deaths) on the 8th. There were 13 marriages reported—8 white and 5 colored. Births reported, 61—white males, 15; white females, 9; colored males, 15, and colored females, 22. Still-births, 6—white, 3; colored, 3.

The City Post-Office.

Proposals have been filed with the Senate and House Committees on Public Buildings and Grounds, to be considered in connection with the resolution authorizing the leasing of a building for a city post-office, adopted yesterday, as follows:

W. F. Hellen offers the old Canterbury property, on Louisiana avenue, free of rental for the first two years, and for subsequent years at $1,800 per annum, taxes to be paid by the Post-Office Department. R. H. Hoe proposes to erect a fire-proof building at the corner of Eighth and E streets, square 406, provided the Government will rent or lease it for not less than ten years. Mr. A. L. Barber proposes the Le Droit building. W. W. Weigley (for J. W. Forney) offers the Waverly House, on Eighth street, between E and F streets, for $1,500 a year. James L. Barbour and Edmonia Semmes offer part of the Seaton House property for five years at $5,000 a year, with privilege of renewal for five years at the same rental. The entire property will be rented for $7,000 a year, or sold for $110,500. They offer also the Bank of Washington property for $95,000, and the property east of it, owned by Marshall Brown, for $10,000. Mr. Laughorne, attorney, offers house and lot, No. 703 E street northwest, for $50,000, and will sell 5,400 square feet adjoining on the west for $32,500, and 4,000 square feet on the east for $34,000. Mr. A. Watson submits a suggestion to erect a new office in Judiciary Square for $500,000.

Greenbackers Repudiated by the Assembly.

WASHINGTON, D. C., May 14, 1879.

To the Editor of the National Republican:

SIR: A statement was made in the *Star* of to-day that the Greenbackers had raised $90 for a grand blow-out to-morrow evening in honor of the adoption of the new constitution of California, and had turned the same over to a committee of the National Workingmen's Assembly to be used by them. We most emphatically deny such a statement. No one has any authority to receive or act as such committee from the Assembly except the mass meeting committee, and no member of that committee has been informed as to any such action. We wish, however, to state that we indorse the new California constitution, but the Greenbackers cannot make a cat's paw of the Workingmen's Assembly to further their individual ends. J. P. Hamilton, chairman mass meeting committee; T. McGowan, B. G. McDonald, J. F. Clarkson, E. L. Barker.

An Evening Spent Pleasantly.

The annual banquet of Lincoln Council, O. A. U., came off at Kaut's last evening, and proved very enjoyable to the participants. The evening was passed in drinking toasts, singing songs, and short addresses. An episode of the affair was the presentation of a handsome Masonic jewel to Mr. W. H. Decker, president of the council. The presentation speech was made by Mr. A. M. Hardy, and appropriately responded to by the recipient. Among those present were Messrs. Edwin C. Cowles, editor Cleveland *Leader*; Hon. A. M. Clapp, C. A. Cox, Indiana; Jewett Palmer, Ohio; J. L. Kilgore, Delaware; E. C. Ford, J. F. Miller, William Sickels, H. J. Pearce, S. T. Suit, District of Columbia; John T. Clements, Missouri; John McDonald, Pennsylvania; T. M. Reynolds, Michigan; R. M. Thompson, D. W. Glassey, Tennessee; Daniel Johnson, Maryland, and George W. Goodall, District of Columbia.

Celebrating the California Constitution.

A call has been issued from a Greenback source to the workingmen of Washington to celebrate the adoption of the new constitution in California this evening, if the weather is clear, or, if not, on the first fair evening. The programme includes a national salute of twenty-one guns at Judiciary Square, at half-past seven o'clock p. m. The workingmen participating will assemble at the City Hall and proceed, with music, to the residence of Hon. Thomas Marsh, of Maine, on Thirteenth and H streets, where an address is expected from that gentleman; then, returning to the Metropolitan Hotel, a serenade will be tendered to the Greenback Congressmen. Congressmen Weaver and Gillette, of Iowa; Lowe, of Alabama; Jones, of Texas; Russell, of North Carolina; De La Matyr, of Indiana; Yocum, of Pennsylvania, and others are announced to speak.

The Horticultural Society.

The regular monthly meeting of the District Horticultural Society was held last night in Shea's Hall, with Mr. Saul in the chair and Mr. Chase as secretary. There was a large attendance, with a sprinkling of ladies.

Professor William Saunders, of the Agricultural Department, read an essay on "The Potato," which was followed by remarks by Professor Taylor, also of the Agricultural Department, Mr. Clark, Mr. Saul, and Mrs. Elliot.

It was decided that the next meeting would be held on the 28th of May, at German Hall, when an essay by Mr. James McPherson will be read.

There was a large exhibit of rich and rare flowers. Mr. Saul's exhibition included gloxinia, calceolarias, clematis, xanthemis, sorbefolia, aquelegia, and iberis; Mr. Fowler had on exhibition begonia, cinraria, and amaryllis, and Mr. Hammon cactus blooms.

FIRE RECORD.

Serious Fire in Lexington, Ky.

LEXINGTON, KY., May 14.—A destructive fire broke out at a quarter past eight o'clock to-night in Silas Wolverton's omnibus and livery stable, on Main street. The flames spread rapidly, and within five minutes Wolverton's and the adjoining stable of Treacy & Wilson were one sheet of flame, spreading rapidly, until the Phœnix Hotel, on one side, and the residence of General Leslie Combs, on the other, were in flames. The destruction of these buildings was completed, and it was with the utmost difficulty that the fire department was able to keep the fire within its limits, and at this hour (eleven p. m.) the fire is still raging, but under control. Loss, $200,000; insurance about $75,000.

LEXINGTON, May 14, midnight.—The fire is entirely under control. The Phœnix Hotel, Treacy & Wilson's livery stable (the largest in the city), Silas Wolverton's stable, and General Leslie Combs' are entirely destroyed. The furniture and movables in the Phœnix Hotel were saved in a damaged condition. General Combs had no insurance.

District Bonds for Savings Banks.

ALBANY, N. Y., May 14.—The Senate to-day passed the bill authorizing savings banks to invest in District of Columbia bonds.

MORNING NEWS BY CABLE.

Two New American Bishops Nominated at