

By Telegraph.

AMERICAN.

BOSTON, 29.—At the conclusion of the address, the audience united with the choir in singing the hymn—"Nearer my God to thee." Prayer by the venerable Rev. R. H. Neal, D. D., followed. The choir then sang the hymn—"Unveil thy bosom, faithful tomb," after which benediction by the Rev. Phillips Brooks, D. D., closed the services in the Hall of Representatives. The casket was borne out by eight policemen, preceded by the pall bearers, who were the ex-Governors of Massachusetts, Wm. B. Washburne, Emery, Washburne, Gardner, Banks, Boutwell, Bullock, Claflin, the Governor elect, Rice, Hon. Carl Schurz, Senator Kelly, of Oregon, and Frederick Douglass. The casket was preceded by the pall bearers, and, forwarded by a detachment of marines and nine officers of the fifth Maryland regiment, was carried down the main steps and placed on the funeral car, which was an open catafalque heavily draped with black and white entwined with American flags. The car was drawn by eight black horses, caparisoned with black and with heavy black plumes. At 2.30 p. m. the procession started on its way to Cottage Farm Station, down Beacon Street. At least thirty thousand people crowded around and about the State House and Beacon Hill as the procession moved off.

The route of the procession down Beacon street and Brighton Avenue was one uninterrupted contest with the elements, manifested in the raging wind that had prevailed since morning. The cold was extremely bitter, causing much suffering among the troops. Nearly five thousand soldiers were in line, besides a large number of civilians. About fifty carriages, containing distinguished guests, brought up the rear. The division of civilians, owing to the cold, was much smaller than had been anticipated. The escort of militia was one of the finest ever seen in Boston. Thousands of people filled Beacon and adjacent streets, and when the column commenced to move it was with considerable difficulty that a sufficient passage was cleared. At Charles street the carriages formed in double line, and the procession was then at least a mile and a half in length. The street crossing next below Cottage Farm Station was selected for the train that was to convey the body to Natick. A cold biting wind was prevalent at times, so as to retard somewhat the marching of the troops; and yet the multitude of spectators patiently stood their ground. When the procession reached the train the casket was quickly conveyed from the hearse to the train down through long lines of soldiers and civilians, who stood with heads uncovered, a band meanwhile playing a dirge.

Immediately upon the disposition of the casket in the car provided for its reception, the Governor and his staff and council, the pall bearers and others, together with the independent corps of cadets, the marines and officers of the 5th Maryland regiment were assigned seats in the train, which immediately moved away from the city toward Natick. At many of the stations passed crowds of people had collected to pay their tribute to the illustrious dead. Arriving at Natick shortly after four o'clock a great crowd of the townspeople thronged the squares and all the approaches to the depot. The grand army post of the town was drawn up in a hollow square, and immediately upon the arrival of the train the casket was conveyed to the hearse, and the line of march began for the public hall, the church bells in the meanwhile tolling.

The order of the procession was as follows—Brown's Brigade band, Independent Corps of Cadets, the Hearse with U. S. Marines as a body guard, the Officers of the 5th Maryland regiment, Governor Gaston and staff, the Executive Council, and the pall bearers, comprising the ex-governors of the State.

Nearly every building in the village was decorated with elaborate displays of mourning. The sidewalks in the neighborhood of the public square were thronged with people attracted from all the country, about to view the solemn pageant. On reaching Clark's block the casket was conveyed to the large hall in the upper part of the building, and was placed upon the

catafalque. Here the remains were delivered to the custody of the town selectmen by governor Gaston, and were subsequently given into the charge of G. A. R. post, who with the U. S. marines will remain as a guard until the burial on Wednesday. The decorations in the hall are very elegant. The concluding services of the day, amidst Mr. Wilson's time-honored associates, were especially solemn and impressive, deeply affecting the townspeople who had assembled to pay their last heartfelt tribute of respect to their departed fellow citizen.

A severe gale of wind has prevailed here to-day, at one time the velocity of the wind reaching sixty-five miles an hour. It seems to have extended all along the New England coast. Reports from several other points indicate a rapidly falling mercury and an unusually high wind.

A later estimate of the loss by the burning of the factory of the Boston Rubber Shoe Co., at Malden, to-day, places the amount at \$600,000.

WASHINGTON, 29.—The State Department has received official news that the government of Italy has concluded to participate in the Centennial.

The P. O. Department, to-day, issued a circular to postmasters, informing them and the public that on and after January 1st, 1876, the single rate of letter postage between the U. S. and Japan, by direct service, via San Francisco, will be reduced from 15 cents to 12 cents per half ounce, or fraction thereof, prepayment obligatory.

The signal officer reports a wind at a velocity of 156 miles per hour on Mount Washington this afternoon; this is the highest velocity recorded at that station since its establishment. The temperature was 24 degrees below zero.

In February last the Pacific Mail Steamship Company entered suits against the following persons to recover certain sums of money alleged to have been paid them by R. B. Irwin, to secure their aid in procuring congressional subsidies—Charles Albert, \$7,000; G. Bennett, \$10,000; E. H. Cornick, \$5,000; A. B. Corwine, \$3,000; H. G. Fant, \$12,000; J. H. Hersey, \$7,000; Don Piatt, \$5,000; W. B. Shaw, \$15,000; and John Boyd, \$4,500. The plaintiff's attorneys have discontinued the cases against Bennett, Shaw and Hersey, and it is understood that the same course will be taken as to the other cases.

Secretary Chandler has invited Commissioner Smith to remain in the department as his confidential clerk, in immediate charge of the business coming up to the Secretary from the bureau.

The decision of the U. S. Supreme Court in the case of the U. P. R. R. Company against the United States, was delivered, to-day, by Associate Justice Davis, as a unanimous expression of the Court. It opens with a statement of both the sides to the case, which involves the retention or non-retention by the government of half the compensation due the road for the transportation of mails, and military and Indian supplies, as a reimbursement for the interest paid on the bonds issued to the corporation to aid in the construction of the railroad. One of the grounds for retention is the general right of offset, of which the Court says, "This right, as a general principle, exists in the government, and is commonly exercised when settling with those having claims against it; but manifestly the rules applicable to ordinary claims for services rendered the U. S. do not apply to this controversy. The bonds in question were issued by the U. S. to aid the construction of a great national highway. In themselves they do not impute any obligation on the part of the corporation to pay them, and whether, when the government has paid the interest on them, an obligation arises on the part of the corporation to refund it, depends wholly on the conditions on which the bonds were delivered to the corporation and received by it." The Court goes on to review the legislation of Congress and the reasons which made imperative a national highway to the Pacific, which would bind together the widely separated parts of the country and furnish a cheap and expeditious mode of transportation for troops and supplies; and it was felt that the government could not justly ignore the necessity of building this road. So strong and prevailing was this opinion that it is by no means certain that the people would not have sanctioned the

action of Congress had it charged the government itself with the direct execution of the enterprise. Besides, there was a vast unpopulated territory lying between the Missouri and Sacramento rivers, practically worthless without the facilities afforded by the railroad for the transportation of persons and property. With its construction the agricultural and mineral resources of this territory could be developed, and settlements were rendered possible, cheaper transportation was needed for mails and for the supplies of the army and Indians. The building of the road was deemed an unusually bold and hazardous undertaking. It was nothing to the purpose to say that the difficulties disappeared in a great measure after trial, and that the road was constructed at a less cost of time and money than was considered possible. No argument can be drawn from the wisdom that comes after the fact; the project was not conceived for private ends, and the prevalent opinion was that it could not be worked out by private capital alone. It was a national work, originating in a national necessity, and requiring national assistance.

The policy of the government, to say nothing of its subsequent want of power, stood in the way of the U. S. taking the work on its own hands. Even if that were not so, reasons of economy suggested that it was better to enlist private capital and individual enterprise. True, the scheme contemplated profit to individuals, for without a reasonable expectation of that, capital could not have been obtained nor the requisite skill and enterprise; but the government sustained the enterprise to advance its own interests, and it endeavored to enlist private capital as a means of securing the building of a road to be used for government purposes. Whatever obligation therefore rested on the company must depend on the true meaning of the enactment itself reviewed in the light of contemporaneous history.

The Court goes on to construe the acts incorporating the company, and even the title to the original act of 1862, which seems to be the subject of special consideration. It declares the national character of the work. The body of the act contains an expression that its object is to promote the public interests and welfare, and to secure to the government, at all times, but particularly in time of war, the use and benefit of the same for postal, military and other purposes. If that bill had been equally explicit in relation to the bonds there would have been no occasion for this suit. But even in that particular, there is no serious difficulty in getting at the true meaning of Congress. It proffered an inducement to build a road in the way of lands, and interest-bearing bonds of the U. S. There is no controversy about the terms on which the lands were granted, and the only point is the nature and extent of the obligations on the company to pay these bonds. It is not doubted that the government is to be reimbursed, principal and interest, but the precise question for decision is whether the company is required to pay the interest before the maturity of the principal. The solution depends upon the meaning of the fifth and sixth sections of the act of 1862, and the sixth section of the act of 1864.

The manifest purpose of the fifth section of the act of 1862 is to take a lien on the property of the company for the ultimate redemption of the bonds, principal and interest; but the way and time are left to further provisions. That the government was expected in the first instance to pay the interest is clear enough, for a mortgage was taken to secure the repayment of the bonds, together with all the interest thereon paid by the government. When repayment is spoken of, it is understood that something advanced by the U. S. is to be paid back. Had it been the intention of Congress that the corporation itself should pay the interest on the bonds as it fell due, phraseology appropriate to such a purpose would have been used; but when and how this reimbursement was to be made was to be in conformity with the terms prescribed in the other portion of the act.

There are three things, and three only, which the corporation is required to do concerning the bonds in controversy. First, to pay the said bonds at maturity; second, to allow the government to retain the compensation due to the corporation for services rendered, and to

apply the same to the payment of bonds and interest; and third, to pay over to the government, after the road has been completed, five per cent. of the net earnings of the road, to be applied to the payment of the bonds and interest.

It is sought to give to the word "maturity" a double signification, applying it to each payment of interest as it falls due, as well as to the principals; but this is extending the application of the word beyond its natural and obvious meaning, and is contrary to all legal rules. Courts cannot supply a deficiency in legislation, nor afford relief because deficiencies are supposed. The phrase "to pay the bonds at maturity" does not bear the sense sought to be attributed to it. It applies obviously to an obligation to pay both principal and interest, but it does not imply an obligation to pay the interests as they accrue and the principal when due. The failure to perform the conditions is declared a forfeiture, and if the natural meaning is adopted for the phrase "maturity," there can be no forfeiture until the bonds themselves mature. Besides this, when Congress imposed those conditions, it well knew that the undertaking of the government bound it to pay the holders of the bonds the interest every six months, and the principal at the time the bonds matured. The right to retain the amount due the company for services rendered, and to apply it towards the indebtedness of the company cannot be construed into a requirement that the company was to pay the interest from time to time, and the principal when due. It is fair to infer that Congress supposed that the service to be rendered by the road to the government would equal the interest to be paid, and that was not an unreasonable expectation. Congress did not act for the benefit of private persons, but for an object deemed essential to the security of the country, as well as the prosperity of the country. There is enough in the scheme of the act and in the purpose contemplated by it to show that Congress never intended to impose on the company the obligation to pay the current interest.

By the act of 1864 the grant of lands was doubled, and the government lien was made a second instead of a first mortgage, and a provision was inserted that only one half of the amount due by the government for transportation should be required to be applied to the payment of bonds issued by the government in aid of the construction of the road.

The subsequent acts of Congress in relation to the bringing of suits in the court of claims are alluded to, and the court finally concludes as follows—"We cannot go into an argument on the consequences which follow our decision; consequences are not an argument to be considered in the determination of questions. Whether an act of incorporation is less beneficial to the government than was supposed, or whether an act of Congress is more or less politic and wise, it is not our province to determine; when we have declared the meaning of it, if there be power to pass it, our duty in connection with it is ended. The judgment of the court of claims is affirmed."

M. E. S. Tobey, of Boston, informed Secretary Chandler this afternoon that he was obliged to decline the position of Commissioner of Indian Affairs tendered him by the President.

The Commissioner of Indian Affairs authorizes Wm. Nicholson, General Agent of the Associated Committee of Friends in Indian Affairs, to say that Superintendent Hoag has not been removed, and that his removal has not been contemplated, and that his only connection with Pottowattamie matters is that, as an officer of the government, he is diligently prosecuting those who have defrauded the Indians. Friend Hoag desires to retire from his present position whenever the board shall think proper to designate his successor.

It is said, upon apparently good authority, that President Grant has determined to remove F. Dunne, chief justice of the supreme court of Arizona Territory, on account of the position which he has assumed in his public speeches on the school fund question. He is an ardent Catholic, and has indicated his desire that his co-religionists shall have a share of the common school fund set apart for their special control. This places him in opposition to the President's Iowa speech on the school question.

FRANKLIN, La., 29.—On Saturday last Chas. Atkinson, colored, aged 20, raped a little white girl aged five years, the daughter of a respectable widow lady living here; the negro was captured and lodged in jail this morning.

Later.—Atkinson was taken from the custody of the sheriff and hanged to a tree in front of the court house.

NEW YORK, 29.—A dispatch from Fort Washington denies the report that Charles O'Connor is dead, and says he is improving.

MONTPELIER, Vt., 29.—The mercury indicates six degrees below zero, and the wind is unprecedentedly high.

MEMPHIS, Tenn., 29.—A special to the *Ledger*, from Friar's Point, Miss., says—"A fire broke out here yesterday morning, in the store of A. Silverhorn, consuming that and also the Masonic Hall, the lower portion of which was occupied by R. C. Sharp, and the two story building of George Brodie; no insurance, except on the building and stock of Brodie. The total loss will reach \$30,000. The origin of the fire is unknown."

DETROIT, Mich., 29.—A north-west gale of great fury, with intense cold, has prevailed on Lake Huron since last night, and will prove disastrous to shipping outside.

TORONTO, 29.—The weather throughout Ontario and Quebec is tempestuous and cold; the thermometer here has fallen 35 degrees in twenty-four hours. At Quebec and in Ottawa district over a foot of snow has fallen. In Quebec city the thermometer is two degrees above zero.

SAN FRANCISCO, 29.—The bark *Florence*, from Port Discovery, to San Francisco, with lumber, foundered off Umpquay river, Nov. 17; the crew, consisting of Captain Dayton, chief mate Anderson, second mate Carey, five seamen, and a Chinese cook, took to the boat, and on Thursday morning, in attempting to land, the boat capsized and all were drowned except Daniel Deary, who was picked up and cared for by the Indians. The vessel drifted ashore during the night.

Yassett & McCauley, heavy grain and produce dealers, failed to-day.

WASHINGTON, 30.—The following arrangements have been made for a new western postal car service to Cincinnati: The line will leave Pittsburg at 5.50 p. m., Columbus at 12.10 a. m., and arrive at Cincinnati at 4.40 a. m., going east. The mail will leave Cincinnati at 7.05, Columbus 11.45 p. m., and will arrive at Pittsburg at 6.45 a. m. The St. Louis postal car will leave Pittsburg at 8.30 a. m., Columbus at 3.50 p. m., and Indianapolis at 11.25 p. m., arriving in St. Louis at 10 a. m. In other directions it is to leave St. Louis at 7.15 p. m., and Indianapolis at 4.40 a. m., and Columbus at noon, and arrive in Pittsburg at 7 p. m.

Judge Advocate General Joseph Holt, of the army, has been retired on his own application, and Assistant Judge Advocate General McKee Dunn has been appointed to fill the vacancy, the appointment to date from Dec. 1st. There will be no appointment of Assistant Judge Advocate General, Congress having passed a law at the last session providing for the abolition of the office when it should become vacant.

WHEELING, 30.—At 9.30 this a. m., a fire broke out in Washington Hall in this city, totally destroying the building. The third floor was occupied by the Masonic fraternity. Two firemen had limbs broken, and J. Oliver, of Philadelphia, was seriously injured by the third floor falling with them; Oliver is not expected to recover. The loss is estimated at \$50,000. The insurance is not definitely known, but is supposed to be \$17,000. The hall was occupied by the legislature.

WILKESBARRE, Pa., 30.—The damage to the Union and Grand Tunnel mines was not so serious as has been reported; five thousand will put each of them in good order again. The damage was caused by a fall in the roof.

BOSTON, 30.—Unprecedented cold weather for the season is reported from all sections of New England north and east of here, the mercury ranging from four to fourteen degrees below zero.

MELROSE, Mass., 30.—The Concert Hall block, Boardman's block and a block of stores on Essex St. were burned this morning; loss, \$70,000, insurance \$35,000.

ALBANY, 30.—Ira Harris, formerly United States Senator, is dying at his residence in this city.