

## BY TELEGRAPH

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## AMERICAN.

WASHINGTON, 10.—The *Post* to-day publishes an interview with Hon. Sackville West, British minister, in regard to the seizure of the U. S. fishing vessel *Adams* by the Canadian authorities, in which he says: "I have had no official correspondence upon the fisheries question this year. You see the matter is in the hands of the Dominion authorities at present. They correspond directly with the Colonial Office in London, and it is not until some action is taken by the Imperial government that I should be called upon to act in the matter with the United States." I don't apprehend this question is going to cause any serious difference between the two countries. Of course the seizure of the *Adams* at Digby will increase the unpleasantness which is felt on both sides. Everything might have been avoided had Congress taken the advice of the Administration and appointed a commission to inquire into the whole dispute but it has chosen not to do so. Led by Senator Fye who really does not seem to care what he says, Congress has denounced the treaty of 1871, and it has substituted nothing, leaving us to fall back upon the miserable old treaty of 1818. Instead of progress, there has been retrogression in this matter and we are now acting under a treaty made over sixty years ago. The question now is, as to the interpretation of that treaty. The Canadians may interpret it one way, the Americans another, while the Imperial government may understand it in a way of its own. Everything appears—now to depend on the way in which the British government may interpret this treaty. This seizure of the *Adams* will bring up the question and possibly decide the interpretation. It will come before a mixed court, part British citizens and part Americans. I don't believe there will be any retaliatory action taken by either country. That system is too old and has gone out of use and it has been found always to operate against the retaliator."

A later dispatch says: Snow was convicted under the Edmunds act for unlawful cohabitation and sent to prison where he now is. He appealed from the Supreme Court of the Territory of Utah, which sustained the judgment of the lower court in which he was convicted. The Supreme Court of the United States holds that it has no jurisdiction in the cases and therefore dismissed them. Justice Blatchford delivered the opinion of the court. He held that in the Cannon case the question of jurisdiction was not considered, and as the case was decided at the present term it had been decided to recall the mandate and dismiss the case for want of jurisdiction, in order that the reported decision may not appear to be a precedent for the exercise of jurisdiction by the court in a case of his kind.

The Supreme Court to-day decided *vs. O. J. Hollister*, Collector of Internal Revenue, on appeal from the Supreme Court of the Territory of Utah. This suit was instituted by the city of Salt Lake to recover of Hollister the sum of \$12,057, illegally exacted by him as collector of Internal Revenue for the district of Utah from the city for a special tax upon spirits alleged to have been distilled by said city and not deposited in the bonded warehouse of the United States by plaintiff, as required by law. The court, in announcing its opinion, says: "While the city does not deny the actual fact of distillation, and of fraudulent returns by it, it denies the whole affair by argument. It says that though it is very true that the city did distill spirits, did sell and did receive money into its treasury, it cannot be held liable for this because it had no legal power to do so. Its want of separate authority to engage in distilling is to be received as conclusive that it did not do so, while by pleading it is admitted that it did. But the argument is unsound that whatever is done by a corporation in excess of its corporate powers, as defined by its charter, is as though it was not done at all. The judgment of the Supreme Court of Utah is affirmed."

Number 1291, *United States vs. The Central Pacific Railroad Company*. This was a suit brought in the Court of Claims by the railroad company to recover \$27,453 compensation for services rendered the United States in transporting persons and freight over the unpaid part of its road. The United States demurred on the ground that the petition of the railroad company did not allege facts sufficient to constitute a cause of action. The Court of Claims overruled the demurrer and the United States appealed. This Court decides that the construction of the second section of the Thurman act contended for by the railroad company is right and affirms the judgment of the Court of Claims.

The Commissioner of the General Land Office, in his response to the Senate resolution calling for the number of special agents employed in his office and their duties, says that if the increased force recommended in his annual report be granted, the entries suspended by his order of April 8, 1885, will be investigated and disposed of in about a year and a half. A large percentage of these entries, he thinks, are fraudulent. The proportion of new cases that will require such investigation will be much less than in those previous to April, 1885, since the order

of suspension had the effect to materially check the making or completion of fraudulent entries. It was the case with which frauds could be perpetrated under existing laws and the immunity offered by the hasty issue of patents, he says, that encouraged the making of fictitious and fraudulent entries. The certainty of a thorough investigation would restrain such practices. But great frauds must inevitably exist so long as the opportunity of fraud is preserved in the laws, and so long as it is hoped by the procurers and promoters of fraud that examinations may be impaired or suppressed. The Commissioner renews his recommendation that the pre-emption, homestead, timber land and desert land laws be repealed, and says the questions, broadly stated, are whether the public lands shall be protected and an honest acquisition of title insisted upon, or a dishonest appropriation thereof be allowed. These questions cannot long remain in abeyance. With the present heedless rush of speculation and monopoly, the public domain will be absorbed in a period of time so brief that even preventive measures against fraud and misappropriation may soon be too late to save any considerable portion of the public lands for the homes of the people.

The Commissioner closes his communication with the statement that his general information leads to a conclusion that no large amount of public land remains in the Western States and Territories east of the cattle belt, which an actual settler can take up without first buying off a speculative claim or voiding some invalid entry by a contest proceeding, while within the cattle region, it is notorious that actual settlements are generally prevented and made practically impossible outside the proximity of towns, through the unlawful control of the country maintained by cattle corporations. The demand for free lands for the homes of American citizens, which is daily increasing in intensity, can no longer be met unless the unpatented lands now unlawfully held or claimed can be recovered to the public domain, and future illegal and fraudulent appropriations decisively stopped.

The Comptroller of the Currency to-day authorized the American Exchange National Bank of Chicago, Ill., to begin business with a capital of \$1,000,000.

Second Assistant Postmaster General Kuott to-day let contracts for carrying mails on the Pacific Coast as follows: Route 43,078 from Portland, Oregon, to Vancouver, W. T., twelve miles and back, six times a week on steamboat, \$500 per annum; route 43,078, from Portland, Oregon, to Cascades, W. T., sixty-six miles and back in steamboat, three times a week, \$2,000. Both contracts are let to the Oregon Railway & Navigation Company. Route 43,80, from Seattle via Sackman, Mitchell, Nibbsville and Colby to Seattle, sixty-six miles, equal to thirty-three miles and back in steamboat, let to Wm. H. Ellis of Seattle at \$900.

The Supreme Court has reversed the judgment of the United States Circuit Court for California and the Supreme Court of California in the case of *Wo Lee vs. the Sheriff*. The Supreme Court affirms the judgment of the California Courts in the California railroad tax cases. Judge Field concurring in a separate opinion.

The Supreme Court has decided the case No. 1281 of *Wo Lee*, appellant, vs. the Sheriff of San Francisco, and No. 1280, *Jack Woo vs. the same*. The plaintiffs were convicted under the ordinance of the city and county of San Francisco prohibiting the carrying on of a laundry in a frame building, and were sentenced to prison. The Supreme Court holds the ordinance to be a discrimination against the Chinese, and was therefore illegal and in violation of the Fourteenth Amendment to the Constitution. The decision of the lower courts is reversed and the cases remanded with directions to discharge the prisoners from custody.

In the case No. 2019 of the County of San Bernardino vs. the Southern Pacific Railway Company, the judgment of the Circuit Court is affirmed.

In this, as in the other California railroad tax cases, the assessments, in the case of the court, speaking through Justice Harlan, improperly included the fence upon the line of the railroad and that must be held to be insufficient as a basis for the judgment sought against the people of the State of California vs. the Northern Railway Company.

Number 202, *John Mullan and Francis Avery*, appellants, vs. the United States; on appeal from the Circuit Court of the United States for the District of California. This is a suit brought by the United States to vacate and amend the title of John Mullan and Francis Avery to a portion of the land at Mount Diablo, near Meridian, listed to the State of California as a school indemnity selection, on the ground that when the selection was made and when it was listed the land was coal land, and was so known by officers of the State and by Mullan and Avery when they afterwards acquired title from the State. The Circuit Court of the United States for the District of California entered a decision vacating the title of the State and of Mullan and Avery, and the decree is here affirmed.

No. 1246, *United States vs. Kagama*, alias "Pocah Billy," and *Makawaka*, alias "Ben," on a certificate of division of opinion between the judges of the Circuit Court of the United States for California. The Supreme Court decides to be constitutional the provi-

sions of the Indian appropriation bill for 1885, making an Indian reservation wholly within the State and making such Indians subject to be tried in the same courts and subject to the same penalties as other persons, and also decided that the United States courts have jurisdiction to try and punish an Indian belonging to an Indian tribe for committing murder upon another Indian of the same tribe, both sustaining the same tribal relations, when the crime is committed upon an Indian reservation set apart for the tribe to which they belong.

The following order was made by the Supreme Court: It is now here ordered by this Court that all cases on the docket not rejected and all other business of the term not disposed of by the Court, be and the same is hereby continued until the next session of the Court.

Adjourned until October next.

Commissioner of Patents Montgomery to-day rendered an important decision in the *Reese vs. Thomas* patent interference case. The commercial importance of the invention, the right to which was at issue, lies in the alleged ability to eliminate by its use phosphorus from metal treated by the Bessemer process; that Reese perfected his invention at least ten years before Thomas came with his application. The patent to Reese, however, is directed to be withheld until the question of abandonment by Reese of his invention before filing his application for a patent (thus making it public property) is settled on appeal.

The May crop report of the Department of Agriculture indicates an improvement during April of two points in wheat, with the general average of the condition at 95. The May average last year was 70.

Representative Morrow has received a monster petition from the Knights of Labor of California. It is over 2,000 feet long, and contains the names of over 50,000 persons. Every State, County and municipal officer, and every Knight of Labor of California has signed this petition. Every male adult in many of the counties of the State has put his name to it. It prays for such action on the part of Congress either by appropriate legislation or by a change in the present treaty with China, as may be necessary to forever prohibit the further immigration of Chinese to the United States.

BINGHAMPTON, N. Y., 10.—A terrible tragedy was enacted about four miles from Owego this morning. A farmer named Norman G. Lounsberry, aged 72 years, shot and killed his wife, aged 17 years, Horace Payson, aged about 30, and himself. The weapon used was a shot-gun, and Lounsberry inflicted wounds which in each case must be beyond doubt have proved instantly fatal. He was first married many years ago but was divorced about twenty years ago. Last winter he married Julia Pressher, sixteen years old, and has since lived with his wife in a small house on the farm of Horace Lounsberry, his brother. In Horace Lounsberry's family lived Horace Payson, a coal agent for the Delaware, Lackawanna & Western station at Lounsberry, Erie Station and at Toga. Norman Lounsberry had suspected for some time that improper relations existed between his wife and Payson and had threatened her life several times. She had been to see District Attorney Sears regarding these threats. From all sources of information it appears that the husband first shot his wife in the back of the head, the charge lodging in the temple. She was found lying in bed, which was saturated with her blood. He then reloaded his gun and proceeded to the barn of his brother Horace, where he saw and shot Payson in the head. The charge blew a hole through Payson's head, the ball coming out at the back. The murderer then went back to his home, reloaded his gun, removed his coat and boots, placed the weapon to his forehead and fired. The whole upper portion of his head was blown off, and portions of the skull, shreds of flesh, patches of hair and masses of the brain were scattered about the room.

DENVER, Col., 10.—An Elizabeth, Colorado, special to the *News* says: Bob Wright was shot and killed here to-day by a woman from Denver, whom he had seduced, and who came here on the morning train from Denver, accompanied by her brother. After her arrival she stepped into his place of business and asked him to marry her, and upon his refusing, she fired three shots at him from a Colt's forty-five revolver, two taking effect in his head and one in his chest, killing him instantly. The woman claims to be the mother of his illegitimate child, and that Wright often promised to marry her, but always failed to keep his promise, and she made up her mind to kill him if he refused her again to-day. After the shooting, she and her brother entered a carriage, drove to Kiowa, and gave herself up to the officers, but she refused to give her name.

TORONTO, 11.—The *Globe*, in an editorial on the seizure of the American fishing vessel *Adams* says: "There seems to be no room for doubt that the master of this vessel acted illegally, and that the seizure of property was made. The people of the United States did not know what they were doing when they abrogated clauses in the Washington treaty, and they find now their fishermen cannot pursue their business profitably unless they are permitted to take or purchase bait on our shores. For the sake of Canada, for the sake of the Empire, we hope the Imperial Government, if they interfere in this business, openly or secretly, it

will be to help us to maintain our rights, and not to thwart, hamper or restrain us in enforcing the terms of the treaty."

The *Mail* says: "If as the *London Times* asserts, English people have no interest in seeing their Canadian fellow subjects robbed, be it so, though understand, that fact, if it be a fact, might perhaps set some of us thinking very seriously about the drawbacks of colonial existence, but it would not frighten us into surrendering our property to Americans. Our plain duty to ourselves if Americans will agree to no reasonable settlement, is to continue to protect our fish as best we can. Thirty thousand Canadians are dependent upon the fishing industry, but, even if our fisheries were not worth one poor farthing, we should still be inclined to defend them to the best of our ability, for to tell the truth, we have grown weary of being sacrificed."

BALTIMORE, 11.—The steamship *Acadia*, of Baltimore has been given up as lost. She sailed from Port Antonio, Jamaica, April 10th, with a cargo of bananas, and up to the present time has not been heard from. Ordinarily she made the passage in eight days and was never longer than eleven days. A few days ago a vessel arriving in Boston reported passing the house of a steamer at sea of a description which was much like that of the *Acadia*. Shortly after the *Acadia* sailed a cyclone prevailed in the vicinity of the West Indies, and it is presumed she was caught in it. She had a crew of fifteen.

PITTSBURG, Penna., 11.—The freight wreck in the mountains on the Pennsylvania road last night, demolished 25 cars, killed three men outright and obstructed the tracks so badly that it will take twelve hours to clear them. The accident was the result of a heavy storm which swept along the Conemaugh Valley. Near Conemaugh station a number of empty cars were standing on a siding. A tornado picked them up and carried them over to the main track. A freight train going at the rate of 30 miles an hour came along about midnight and crashed into the obstruction before the engineer had time to reverse his engine. Conductor Thos. Conners, the engineer, Thos. Mowry, and fireman Michael Myers, were killed almost instantly. The remainder of the crew escaped with slight injuries.

CHICAGO, 11.—No attempt to resume operations in the west side lumber district was made this morning, and the eight to ten thousand men usually employed in the yards and planing mills are still idle. The lumbermen claim that a great majority of the men are overawed by Bonemian Socialists who infest the region. A large force of police contingents stationed in the district to guard against any outbreak. The yards in the north and south divisions of the city, and at the South Chicago yards and planing mills have fully resumed on the old basis, ten hours work and ten hours pay, so that the lumber business of this city is in reality only slightly affected. The metal working establishments opened again this morning with larger working forces than yesterday. As a class the furniture workers constitute the only one still holding out for eight hours. The boot and shoe manufacturers who tried the eight-hour day as an experiment are considering the advisability of returning to ten hours. The evidence of the presence of the great strikes is rapidly disappearing in every portion of the city.

KANSAS CITY, 11.—About 8:30 o'clock this morning ominous storm clouds began gathering over the city. They first appeared in the northeast and surging westward across the city, turned suddenly about in their course and descending rapidly broke upon the city in terrific bursts of wind and rain that swept all lighter objects before them. The darkness was almost like night, and people fled to the nearest shelter and awaited with blanched faces the fury of the tempest. The clouds seemed to graze the roofs of the highest buildings and poured out their torrents in apparently solid masses for a time. The storm struck the city in full force about 20 minutes past 11 and raged for half an hour. The streets were running rivers of water, carrying boxes and signs and other similar freight blown from the buildings or swept up by the flood. A number of vehicles were overturned, and in numerous instances the drivers abandoned their horses to their fate and sought refuge in stores and in houses. Some hail accompanied the storm, but the fall was not great; otherwise the loss to property would have been enormous from the water streaming in at the broken windows. As it was the windows in quite a large number of buildings were blown in and the goods and furniture were water-soaked. All this, however, proved entirely insignificant when the full extent of the disaster wrought by the storm became known.

The Lathrop school building occupied a prominent site at the corner of Eighth and Main streets. It consisted of a main building to which an art wing had been added. The building was surmounted by a tower, which for some time had been considered unsafe. It had been twice condemned, once within a few weeks, but no action had been taken in the matter. This morning the building was crowded with children, many of whom went nearly frantic with grief over the appalling darkness and the stillness which preceded the tempest. The winds swept midway across Broadway from the west, and seemed to concen-

trate its force in its descent upon the tower, which vied with a crash, and carrying down the heavy bell, plunged through the intervening floors to the basement. The main building is a mass of ruins within the shattered walls which still stand. The wing was comparatively uninjured and the scholars in it were not hurt. In the main building, however, the effect was awful. The falling floors precipitated the terrified children to the basement where masses of bricks and beams crushed them to the ground and buried them from view. Persons near, hearing the crash made their way as best they could against the beating storm to the scene. The gale quickly subsided and the work of rescuing was undertaken by eager hands. Owing to the prevailing excitement the first work was not very effective, but the Fire Department and police soon arrived, and an organized search was commenced. The dead and wounded were taken out as quickly as possible and carried to the Natatorium adjoining, which was turned into a hospital. Here the parents and friends of the little ones soon gathered, each searching for his or her own and uttering heart-rending cries as they recognized in the maimed and bleeding forms those whom they loved. Among the first taken out several were dead and one or two were mangled almost beyond recognition. Their clothing was torn and their bodies covered with dust and mortar, the deadly pallor of their skin showing in painful contrast against the grime and bloodstains. Many heroic scenes were enacted during the rescue of the wounded children, and some of them seemed to have greater control than their elders. One little girl half buried in the debris, over whom the rescuers were busy, begged them to leave her and help a boy beside her, because she said, he was only five years old. The scenes in the Natatorium, as the little ones were brought in and laid upon the improvised cots, the dead being placed together on one side, were pitiful beyond expression. A dozen dead were taken out during the day and their bodies sent to the sorrowing families, and several of the children belonged to prominent families in the city.

At no 110 West third street, stands a three-story brick building in the middle of the block, the third story of which was used as an overall factory, conducted by Hoar Bros., and the first and second stories by the Graham Paper Company. In the factory were about 25 employees, chiefly girls. When the storm broke out they started for the cellar. The building fell with a crash, being razed entirely to the earth, and most of the affrighted girls were caught in the ruins. Four have been taken out dead. A number of others were wounded, and some are still missing.

A force of laborers is busy to-night by the flickering lantern lights, upturning the confused masses of bricks and timbers.

The county court house stands at Second and Main Streets on a hill exposed to the winds on the north and the west. The building was erected 20 years ago for hotel purposes, but when completed was purchased by the county for \$200,000, and converted into a court house. The building has always been considered rather unsatisfactory, and the roof has frequently suffered injury from the high winds. The storm struck the northwest corner to-day blowing in the roof and the major portion of the walls of the third and fourth stories. The south wall at the east end was blown into the street and Deputy Sheriff Dougherty was caught and killed. All the others succeeded in getting out of the building alive. The jail is located in the basement of the building and that portion escaped injury. The prisoners were intensely alarmed but became quiet when the crash had passed. Judge Stover had been holding court on the third floor and had adjourned just before the storm descended. A portion of the roof in falling struck the chair the judge had just vacated.

Across the street on the northwest corner of Second and Main Streets stood a two-story brick building erected in 1860 by the Santa Fe Stage Company, one of the oldest buildings in the city, from which the stages were formerly started across the plains in stage-coaching days. The building has of late years been occupied by United States engineers. Adjoining that on the west was the three-story brick coffee and spice mills owned by Smith & Moffatt. This building was demolished, falling over upon the adjoining one, and both were completely wrecked. Frank Smith the senior partner of the firm, was taken bleeding from the ruins and died in a short time. Mr. Moffatt was badly hurt and three employees were taken out. The debris is being removed to-night in search for any who might be buried beneath.

The second span from the north end of the bridge across the Missouri opposite the city was blown into the river, the piers being left apparently uninjured.

Great numbers of telegraph wires were carried down with the broken span. Workmen are busy to-night raising the wires from the wreck, and it is hoped communication in that direction will be restored by to-morrow morning.

The bridge is owned by the Hannibal & St. Joe Company, and is used by that road, the Wabash, Rock Island and the Kansas City, St. Joseph and Council Bluffs roads. The bridge owners say they expect to repair the bridge in ten days. Meanwhile the railroads will make temporary arrangements for