

BY TELEGRAPH.

PER WESTERN UNION TELEGRAPH LINE.

AMERICAN.

WASHINGTON, 18.—Supreme Court decision No. 707, United States *ex rel.*, Thomas McBride, plaintiff, in error, vs. Carl Schurz, Secretary of the Interior, in error, to the Supreme Court of the District of Columbia. This was a suit for a writ of mandamus to compel the Secretary of the Interior to deliver to plaintiff in error, McBride, a patent for a certain tract of land in the Territory of Utah, which is now embraced within the limits of the Mormon city of Grantsville. The land in controversy had been duly entered by McBride, under the homestead laws of the United States; his entry had been approved by the general land office, and a patent to him therefor had been made out and signed and sealed and recorded, and sent to the local land office at Salt Lake City for delivery. Before such delivery had been made, however, the commissioner of the general land office discovered that the land covered by the patent to McBride was within the corporate limits of the city of Grantsville, and that the municipality asserted title to it under the laws of the United States. The commissioner recalled the patent before it had passed into the possession of McBride, investigated the facts of the case and decided that a patent had not been properly issued and should be cancelled. McBride appealed from the decision to the Secretary of the Interior. The latter sustained the action of the commissioner of the general land office, and refused to deliver the patent to the patentee. McBride then brought this suit in the Supreme Court, in the District of Columbia, for a writ of mandamus. The writ was denied by the court on the ground that the Secretary of the Interior had the right to order the cancellation of a patent at any time before its delivery to the patentee, if in his judgment the patent had been improperly issued. An appeal was then taken to the Supreme Court of the United States. The main questions presented by argument were, first, whether the court below had the jurisdiction to grant the writ; and, second, whether the actual delivery of a duly executed patent was necessary to vest the title in a patentee. This court holds, first, that the court below had jurisdiction; second, that when a patent for any part of the public domain is duly made out, signed, sealed, countersigned and recorded by the proper officer of the United States, the title to such land passes beyond recall to the patentee no matter whether the patent, which is merely evidence of such title, is actually delivered or not. The formal and complete execution of the instrument is a solemn and public act of the government of the United States, and needs no delivery or further authentication to make it perfect, and a valid title passes to the grantee by matter of record, and the delivery which is required in cases of deeds of a private individual, is not necessary to give effect to the granting clause of the instrument. As soon as the last act in the formal execution of a patent is performed the patentee becomes the owner of the land, and the United States has no further power to deal with it, even though the general land office may still hold undelivered the patent. No further authority to consider the patent case remains in the land office, no right to consider whether he ought in equity to receive the patent or not. There remains only the simple ministerial duty of delivering the patent to the owner, and this duty can be enforced by a writ of mandamus when McBride shall have obtained evidence of his title. If there be any reason why, as against government he should not have it, if it has been issued without authority of law, or by a mistake of facts, or by fraud of grants, the United States can, by bill in chancery, obtain a decree annulling the patent. Similar relief can also be had by the city of Grantsville through a suit in equity. Meantime, the land belongs to McBride, and he is entitled to the patent. The judgment of the Supreme Court of the District of Columbia is reversed, and the case remanded, with instructions to issue a writ of mandamus by Justice Mills. Chief Justice Waite and Justice Swayne dissenting.

WASHINGTON, 14.—The following is the bill introduced in the House by Representative Morton for the incorporation of the Nicaragua Company:

Whereas, The republic of Nicaragua has granted to certain citizens of the United States and their associates forming a provisional Inter-oceanic Canal Society, certain powers, rights and privileges in respect to the construction of a ship canal across its territory, with accessory canals, railways and lines of telegraph, and has given full and exclusive rights to a canal company to be organized by said society to do all things necessary to the construction, completion, maintenance and management of such canal.

Whereas, Application has been made by said society for a charter from the Government of the United States, authorizing the organization of a canal company for the purpose of carrying into effect the provisions of said canal concessions.

Whereas, The United States has entered into certain treaty stipulations with the republic of Nicaragua for the protection of a ship canal, the construction of which is within its territory, therefore be it enacted:

Section 1.—That U. S. Grant, E. D. Morgan, H. J. Jewett, Howard Potter, Wm. R. Garrison, Frederick Billings, George W. Riggs, Solon Humphreys, Frederick Butterfield, J. Thomas De Franco, E. F. Bale, E. M. Dennison, and all those who are or may be associated with them, and their successors, are hereby created a body corporate, under the name and style of the Maritime Canal Co. of Nicaragua, by which name said company may sue and be sued, may defend and be defended, in all courts of law and equity within the United States, may have a seal, and generally may have and possess the rights and privileges usually possessed by such companies, and may purchase, hold and convey such real and personal estate as may be necessary to carry into effect the purpose of this act, and may do all lawful things to secure the full enjoyment of the powers, privileges, rights, benefits and grants contained in the canal concession made by the Republic of Nicaragua to the Provincial Inter-Oceanic Canal Society, and confirmed May 18th, 1889.

Sec. 2. That the capital stock of said company shall consist of not less than 50,000 nor more than 1,000,000 shares of \$100 each, which shall in all respects be deemed personal property and shall be transferable in such manner as the by-laws of said corporation may provide, and the board of directors of said company may issue bonds in such form and amount not exceeding one-half of the capital stock as the said board may determine. Ten percent of all subscriptions shall be payable at the time they are made, and all further payments shall be made at such times and in such amount as said board of directors may determine. Sixty days previous notice shall be given of payments required, and of time and place of payment by the publication in one daily newspaper in New York City, San Francisco, London, England, and Paris, France, and in case the stockholders shall neglect or refuse to pay in pursuance of such notice, the stock held by them shall be forfeited absolutely to the use of the company, and also all payments made on account thereof. But the board of directors may allow redemption of said stock on such terms as they may prescribe.

Sec. 3. That the affairs of said company shall be managed by a board of directors, eleven in number, to hold office for such terms as the by-laws of said board may provide, and until their successors are duly chosen and qualified. But at least five or six of the directors shall be chosen every three years. Said board shall elect from its number a President and Vice-President of the company, who shall hold office for such terms as the by-laws of said board may provide and until their successors are duly elected and qualified. One of said directors shall be appointed by the government of Nicaragua as provided in such concession.

Sec. 4. That for the management and disposition of stock, property, estate and effects of said company, the board of directors may make such by-laws, rules and regulations as may conform to the authority granted in such canal concession and not inconsistent with this act or laws of the United States or existing treaty stipulations with the government of Nicaragua for the protection of a ship canal within the territory of Nicaragua, and may, at the time of election of directors, and in case of vacancy in said board caused by death, resignation or otherwise, may fill the same. No person, except the directors appointed by the government of Nicaragua, shall be a

director who is not a stockholder, and anyone ceasing to be a stockholder shall cease to be a director.

Senator Williams introduced a bill into the Senate to-day to prevent the introduction of dissemination of infectious diseases among domestic animals in the United States. The bill makes it unlawful to import or introduce into the United States from foreign countries, or into any State or Territory from another State or Territory, any animal infected with communicative disease, except in accordance with rules and regulations adopted by the National Board of Health at any State or Territory made in pursuance of the bill. It prohibits the sale of domestic animals affected with contagious diseases such as lung plague, pleuro pneumonia, of cattle splenic or Texas cattle fever, foot and mouth disease, hog cholera, etc., in violation of the provisions of the bill. The bill directs the National Board of Health, or its executive committee, to report to the President whenever any place in the United States is considered dangerously infected with infectious disease. The bill also gives power to investigate the subject of such diseases and report. A million dollars is appropriated.

It is understood that a new military division will be created for Major General Schofield, to consist of Louisiana, Texas, part of Arkansas, and part of the Indian Territory, with headquarters at New Orleans.

R. B. Marcy, Inspector General of the United States Army, is ordered to Fort Wing, New Mexico, by the Secretary of War. In spite of the order issued to-day he has made application to the War Department to be placed on the retired list. Gen. Marcy will return from New Mexico about Dec. 24th. It is said by the War Department officials that he will probably be placed on the retired list January 2nd. The order assigning General Howard to West Point will be issued to-day or tomorrow.

The chairman of the Senate finance committee to-day appointed Beck, Kernan and Morrill as a subcommittee to consider and report upon Senator Beck's bill, introduced the last session of Congress, which provides for free purchase and registry of foreign built vessels for use by American citizens in foreign trade. The subcommittee intend to make a thorough investigation of the questions involved in the proposed legislation and will be glad to receive data and written communications from parties interested.

The Senate confirmed the following nominations: John B. Neil, Governor of the Territory of Idaho; Stephen P. Twiss, Associate Justice of the Territory of Utah; Warren Bristol, Associate Justice of the Territory of New Mexico.

LONDON, 13.—A news agency reports that the head of the criminal investigation department visited Gladstone yesterday, from which it is supposed a special detachment of London policemen will be sent to Ireland. Another cabinet council will be held to-morrow.

The *News* denies that the cabinet was summoned hastily, and says the notices for the council on Monday were issued on Friday. There was no new state of facts to present to the ministers. After a minute study of the situation, the ministers concluded that no immediate need existed for authorizing the Irish executive to go beyond the existing law, or for summoning Parliament to sanction new repressive laws, but it was clearly agreed that unless the state of Ireland materially improved by the 6th of January, coercive measures, including a suspension of the *habeas corpus* act, should be introduced, however, in conjunction with remedial proposals, which will, if possible, take the shape of a bill, but may take that of resolutions affirming the principles of the scheme. These conclusions were the unanimous expression of the opinion of the cabinet.

The *Times* says: The issue of the meeting of the cabinet is to introduce a bill immediately on the opening of the session to give government extraordinary powers for the maintenance of law and order in Ireland. Suspension of the *habeas corpus* act will necessarily form part of such measure. The message from the throne will call attention to the terrible condition of Ireland, and will recommend extraordinary powers for the repression of disorders. The declaration of a remedial policy of government will be made simultaneously with the proposal for coercion. The land bill cannot be ready by the opening of Parliament, but a declaration of its leading principles will be made. We

believe fixity of tenure will be one of the chief proposals of government. The resolution to introduce a coercion bill as soon as parliament meets does not exclude recourse to extraordinary powers before then, if necessary.

Dublin 14.—At the Waterford assizes, although the jury panel has been three times called, and on the last two occasions under penalties from £10 to £50 for non-attendance, not sufficient members have answered the summons for a jury to be struck in the Boyd murder case. The Solicitor General has applied for a postponement of the trial. He bases the application on affidavits of police that the district is terrorized.

At an Irish town near Clare Lorness, last night, a body of men attempted to forcibly enter a farmhouse from which a tenant had been evicted. They attacked the constables who immediately fired on them and wounded four. Two were arrested.

London, 14.—The *Times* foreshadowing the reply to the speech from the throne on the opening of Parliament, predicts that the only opposition to the suggestions of the royal speech in reference to Ireland will come from small sections of Irish members, and expresses the belief that the majority of Irish members will act with representatives of Ireland and England, and that the result cannot be doubtful.

NEW YORK, 15.—The *World's* London special says: Although the London papers of this morning profess to believe that no definite action was taken by the cabinet yesterday in matters pertaining to Ireland, I know that the news I telegraphed you last night was true in every material particular, and the proof of this is found in the fact that the cabinet met again to-day and elaborated the details of the measures of coercion which are soon to be put in force in Ireland. As regards the time when the government will put its plans into operation, I may have used the word "immediate" too hurriedly perhaps, but I was not very far wrong after all, as it is announced to-night that on Thursday the cabinet will not consider anything but Irish measures.

On Thursday also Ireland may expect to hear what England proposes to do with her. I am sorry to say that Chief Secretary Forster's extravagant views of the duty of the government in the existing crisis meet with more favor in England than the views of the more moderate statesmen, but I doubt very much if the cabinet can be held by either under the adoption of the measures which he has forced on Mr. Gladstone, Mr. Bright and Mr. Chamberlain, two members who command the respect of the liberal masses in this country in every position they take, have been openly opposed to Mr. Forster, but it is said to-night that the cabinet is unanimous in endorsing his views. It is difficult to see how Mr. Bright or Mr. Chamberlain can consistently co-operate with a government which cannot treat a purely social question, like the Irish land question, except with force. I am told that every member of Parliament who is at all conversant with Irish affairs and who is not an admirer of Mr. Parnell has been requested to submit to the cabinet his views of the measures which should be taken with the prevailing disorder in Ireland. Several of these members have already responded and handed to Mr. Gladstone drafts of clauses for his proposed enrollment of an estates bill which they no doubt believe will work a complete revolution in the social condition of Ireland.

Judge Fitzgerald, in Ulster, said: "The offences were of a character which strikes at the peace and welfare of society, and that if they were allowed to go on they would work a total disorganization of the social system. Some organizations acting on the cupidity, passions and fears of the people have reduced certain districts in the country to anarchy and confusion, little, if at all, differing from civil war. True liberty has ceased to exist. Intolerable tyranny prevails, life is not secure, right is disregarded, the processes of law cannot be enforced, dishonesty and lawlessness disgrace the land. It is said in excuse or palliation that this flood of anarchy and crime has been produced by bad existing laws. It is not for us to consider whether our laws require amendment or whether our institutions are open to improvement. These are matters for the legislature. No candid mind can doubt the disposition of the Imperial Parliament and its anxiety to consider

or redress real grievances. I add, for myself, for you and for all well thinking people, that we are prepared to make all sacrifices, if by doing so we can procure the restoration of peace and prosperity to this distracted country. The primary functions of a government are to protect life and property and repress crime. It is to aid in accomplishing these objects that we are assembled here. Our duty is to administer the law as it exists and endeavor to eliminate crime from the land. With these objects in view, I offer you my best aid and expect from you firm and courageous assistance."

BRIEF TELEGRAMS.

All the ministers were present at the cabinet council to-day.

Davitt urges that there must be no compromise with landlordism.

Reinach, whom Rochefort has challenged, is Gambetta's secretary.

It is announced that the Queen of England will hold a council to-day.

Hanlon has commenced training for the match with Laycock on January 17th.

The success of the Panama Canal enterprise is enormous. The organization is in full swing.

Weavers' wages will be increased five per cent. at Manchester, England, beginning January 1st.

The Barony of Innishowen in County Donegal is in a disturbed state, requiring additional police.

In New York yesterday Edward Reinhardt was sentenced to hang on January 4th for wife murder.

A fire in the telegraph cable manufactory of Marley & Sons, Philadelphia, caused a loss of \$20,000.

The Irishmen charged with the murder of Boyd, near Ross, in August last, have been sent to Kilkeny assizes for trial.

The Irish agitation receives slight sympathy from the Vatican, which, although feeling for the Irish distress, deprecates excess.

Two children and one woman were reported burned by a fire last night in Pennsylvania, which caused a financial loss of \$715,000.

Congressman Chalmers, a very active member of the Pacific R. R. committee says, that there will not be legislation on the Pacific railroads this session.

The population of Oregon is as follows: Males, 103,383; females, 71,379; total, 174,767. Native, 14,437; foreign born, 30,440; white, 163,087; colored, 11,680.

De Lesseps states that 1,300,000 shares of Panama Canal stock have been subscribed by 200,000 persons. The greatest subscription is in France; the next in Spain.

Resolution directing the investigation of the methods and plans of the Northern Electric Light Company for lighting the Capitol and report by bill, was agreed to.

The sentiment of Congress on the Nicaragua canal may be judged by the readiness with which unanimous consent was given yesterday to introduce that incorporation bill.

The British government is considering the propriety of adopting a system of a grand committee as a means of relieving the pressure of business in the House of Commons.

A Colorado dispatch says: The body of Jackson, the freighter was found nearly stripped of flesh by the coyotes. A bullet passed through his heart, but there is no trace of scalping.

In view of the approaching attack on Lima, Peru, the Chilean government has acquainted the Italian Charge-de-Affairs at Santiago with the measures taken for the protection of foreign residents.

Joseph T. Apson, secretary of the Metropolitan Railway Company and Provident Savings Bank in London, arrested in Philadelphia, charged with being a defaulter, has been sentenced to five years' penal servitude.

The rumor of the transfer of the Czar's authority to the council, under the presidency of the Czarowitch, is received with the additional item that the marriage of Princess Dolgorouki with the Czar be declared legal. The Czar and family will retire to Livadia, in the Crimea, he remaining emperor in name, the actual authority, however, residing in the Czarowitch.