SPORTING NEWS.

The Fistic Encounter Between Allen and Rooke.

Thomas Explains Why He [illegible] Confident of Victory.

Principally Because He Thinks [illegible] the Better Man.

O'Leary Begins Another Walk Against Time.

He Expects to [illegible] 500 Miles in 156 Hours.

THE PRIZE RING.

[illegible] ROOKE.

Special Dispatch to The Chicago Tribune.

ST. LOUIS, [illegible] 16.—The *Globe* of this morning contains the following in reference to the forthcoming mill between Rooke and Allen:

A night or two since the sporting reporter of the *Globe* and a gentleman having the appearance of a Bank President were seated together at a table in a rear room of "The Champion's Rest." From the surroundings, it was evidently the home of a pugilist. A steel engraving of Joe Goss, in ring costume and fighting attitude, was hanging from a peg, flanked on one side by the All England Eleven at the Oval, and on the other by an excellent portrait of the proprietor himself. Behind the bar were several gold-headed canes, a massive silver goblet, and a mammoth gold belt, proclaiming for itself that the owner was Champion of America.

He it was who conversed with the reporter. Few would suspect that the personage attired in a perfectly fitting black coat and vest, lavender pantaloons and silk hat, neat necktie, and immaculate linen, was none other than Tom Allen, the famous knight of the fives. On the little finger of his left "duke" sparkled a valuable diamond. The broken nose and scarred features always coupled with a pugilist's appearance were missing, thus denoting that science had kept the face well protected in his numerous battles. Tom is not only a magnificent specimen of physical manhood, but is handsome, otherwise.

The reporter had called to interview him in regard to the approaching "mill" with Rooke, and have a chat on ring matters generally. Did he object?

"Not in the least."

The reply being courteous, the conditions of the battle were first discussed, and it was ascertained that the fight comes off on the 17th of June, within 50 miles of Pittsburg, and is for $1,500 a side.

"WHAT GAVE RISE TO THE MATCH?"

"You see," said the champion, "Rooke challenged me in the New York papers, and then went around giving exhibitions and announcing on his bills that he would fight Tom Allen. He also stated that I challenged Joe Coburn because I knew he would not fight me. His original challenge was for $2,500 a side, and I got to hear of it through Arthur Chambers. Although I had determined to quit the ring, this bluster annoyed me, and I authorized Arthur to cover the deposit. They met at Harry Hill's, in New York, on the 16th of February, when Rooke wanted to reduce the stakes to $1,000 a side. We wouldn't accommodate him at this, but finally compromised at $1,500. I blamed Chambers for giving Rooke his own way in everything else, but Arthur said not to let the bloke out of it.

"Will there be any excursion?"

"No. Rooke wanted one, but I wouldn't have it unless all the money went to the winner."

"Who is this Rooke, any how?"

"He is of Irish descent, and, like myself, was born in Birmingham. We were boys together. He is about 31 years of age, one year older than myself. He is pretty clever with the gloves, but, bless your soul, gloves is nothing to go by. He can't fight above 140, let them fatten him as they please. He has never licked any first-class man. Why, Collins, the Cast-Iron Man, and Rocky Moore, both novices, beat him. Jack Madden whipped Collins in ten minutes over the river."

"How long will it take you to use him up?"

"I shall lick him in ten or fifteen minutes. I'm as clever as he is, and it stands to reason that a man 49 pounds lighter than me, with less science, must cry enough. I shall go at him like a bloody Turk, and fight him in the middle of the ring. Bet you a bottle of wine he won't have his hands up two seconds till I'm at him. He's so narrow, you see, that a thump in the ribs will make him sick. I'll hit him where I hit Hogan. It makes them tremble all over. If you hit a man below the belt it don't hurt him at all, but just above it is the spot, especially for a narrow man. I'm so thick he can't hurt me, and I know his every move. It takes an extraordinary small man to beat a bigger one, especially at my weight, even if he don't know much."

"What do you suppose induced Rooke to make the match?"

"They had it in New York that I was as fat as a prize hog, and couldn't get in condition. He thought to get away with his bluff, and on the strength of it made a big stake by his sparring exhibitions. If I get him in the ring he's got to fight, even if it's for fun, only. I won't have my trouble for nothing."

"As usual, you are the picture of health.

HOW DO YOU FEEL?"

"Never was better in my life. I'm as hard as door-nails. Have reduced myself by preliminary exercise from 225 to 190 pounds already, and will fight at about 170 pounds. I haven't had a sick day since I came to St. Louis, eight years ago, and could lick a whole street full of such men now, as I could then. I consider myself younger to-day than I was then. You see I was a wild young fellow in those days, but have been very steady since my marriage. Never drank anything but beer and ale in my life. Keep good hours, and naturally am in splendid condition. Feel them muscles," said Allen, straightening out his leg.

The thigh and calf were assuredly as hard as metal, causing the newspaper man to wonder where the other twenty pounds of superfluous flesh were to come from.

"When do you leave for Pittsburg?" continued the reporter.

"On Sunday night, and I go into training at McKee's Rocks, six miles below there, at once. That's my old training grounds. Johnny Nowell, of Pittsburg, and Young Donnelly will look after me. Sam French's, 54 Tenth street, will be my headquarters in Pittsburg."

"Who will second you?"

"Barney Aaron and Owney Geoghan. I understand Joe Coburn and Butt Riley are to esquire Rooke."

"Is all the money up, and who is final stakeholder?"

"No; only $1,000 a side has yet been posted. The other $1,000 is to be put up at Harry Hill's on the 1st of June, when the choice for place of fighting will be tossed for. Hill is the stakeholder."

"Do you anticipate foul play?"

"Not at all. I have lots of friends in Pittsburg who will see that I get a fair show. A number of my St. Louis friends are also going to the fight. Looney and others will be on hand. Arthur Chambers, Patsy Shepherd, and a big delegation from New York and other Eastern cities are going. The mill will take place to a certainty."

"Will the authorities interfere, think you?"

"I think not. From the articles, we can fight either in Pennsylvania, Ohio, or West Virginia, each State being within 50 miles of Pittsburg. After this battle, I will under no circumstances whatever again enter the ring. I had abandoned it for good, but was abused so by Rooke through the press that I could not resist the temptation to punish the braggart. I am comfortably situated, and want to quit the business. No challenges whatever will be noticed by me in future, and no inducements will be strong enough to get me in the ring again."

"A pugilist must have queer feeling when time is called?"

"I'm very peculiar that way, and don't want to be bothered by any one. I have certain resolutions made up in my own mind, and, while watching my opponent, am figuring how to carry them out."

The public would like to hear something regarding your

CAREER AS A PUGILIST

from yourself."

"There ain't much to tell. I've fought (pronounced 'phote' by all prize-fighters) twenty-one times, and won eighteen battles. I was brought up in Birmingham, the Iron City that has turned out more first-class men than all the rest of England. When only 17 years old I ran away from home and enlisted in the Eighth Hussars, and was all through the Indian mutiny, under Gen. Havelock. My first ideas of the manly art were learned in the army. My maiden effort in the ring was with one of the Thirteenth Infantry at the Punjaub Forts in India for ten shillings, or two dollars. I never knew I could fight till then. On returning to England I became prominent as a pugilist. I was whipped twice there, but both were off-handed matches. [illegible] beaten in England in a match for which I trained. When 22 years old, and weighing only 133 pounds, one Saturday night, I was matched to fight Posh Price on Monday morning. He was 28 years old, and 16 pounds heavier. He licked me! in two hours and four minutes. My longest battle, which lasted two hours and forty-seven minutes, was with Bob Smith, the Black. This was also an off-hand match, being made at 1 o'clock in the morning, and fought at 5. I got even with Price in our second battle, for which we both trained. Joe [illegible] and I fought a draw, which was a tough [illegible]. My shortest fight was with Gallagher, [illegible] put me to sleep in a couple of minutes by a [illegible] blow on the jugular."

"Whom do you consider the most scientific exponent of the fistic art?"

"Mace by all odd."

"How did Sayers compare with him?"

"Mace was the cleverest, but

SAYERS WAS ALL GAME,

and was also very clever."

"How did Sayers compare with you, as to build?"

"*Bell's Life* said there never were two men put up so nearly alike as Sayers and Allen. When in condition, we were exactly of a weight, our bodies being the best part of us."

"What do you think of McCoole?"

"He is a game man, and can stand a fearful lot of punishment. It ain't everybody can lick Mike, to-day. He is liable to get in on anybody, and knock him out of time. I've fought him so often I know every break he makes, when to go at him, and just when to keep out of his road."

"You think, then, that this fight is sure to come off?"

"There's hardly a doubt of it. You better come on and see it. I'll see that you are made comfortable at French's, and my word for it, Rooke, having blackguarded me in the match, will be made short work of. They should have arranged the fight one day later, so we could celebrate the anniversary of the battle of Waterloo."

From this point the interview drifted into a discussion on ring matters generally, and the champion entertained his visitor with some interesting anecdotes of his connection with the fistic fraternity in Europe and America. He referred to many memorable meets in Merrie England, and rehearsed many historical scenes of the Indian mutiny that occurred while he was drawing his shilling a day as a British hussar. Tom referred to the first visit of himself and Bill Ryall, who, a couple of years ago, threw up the sponge to Death, to St. Louis in 1868, when a mill on Bloody Island was an every-day occurrence, and no interference was feared from the municipal authorities. The fatal fight between Fagan and Andy Love was spoken of. During the conversation the reporter learned that there was not a dollar at stake when Allen and Mace faced each other in the squared circle near New Orleans, and that Harry Slade, the amateur sparrer, was more than a match for the cleverest professional with the gloves. He learned that Slade is going into business on his own account as a commission merchant in Chicago, and that the champion was married in Vincennes, Ind.

ALLEN EN ROUTE.

ST. LOUIS, May 16.—Tom Allen, the pugilist, left here to-night for Pittsburg, within 50 miles of which city he is to fight George Rooke on the 17th of June. He will go immediately to McKee's Rocks, 5 miles from Pittsburg, where he will go into active training under direction of Johnny Nowell and young Donnelly. He has been in preliminary training here for some weeks past, and reduced himself from 225 to 190 pounds. He expects to take off 20 more pounds of flesh and fight at 170. Barney Aaron and Owney Gagon will second him. It is expected that Joe Coburn and some other Eastern bruiser will second Rooke.

PEDESTRIANISM.

O'LEARY'S GRAND WALK.

The boasts made by the friends of Daniel O'Leary that he is the champion pedestrian of America are apparently not vainglorious or ill-founded. O'Leary, who, less than a year ago, was utterly unknown in pedestrian circles, has, within a very brief time, accomplished feats which have placed him at the very head of those who follow professionally the "heel-and-toe" exercise. He has vanquished several of well-established ability, and that he has not defeated those whose merits are trumpeted the loudest is no fault of his own. His performances against time have outrivaled Weston, and that hero of the Portland-Chicago walk resisted all efforts to bring him into a trial of speed and endurance with the Chicagoan when O'Leary was recently in the East. O'Leary's achievements while there won him the highest praise and gained him, in the matter of walks, not of great distances at least, the right to the title he now claims.

He has now undertaken a feat which, if accomplished, will settle all questions of his endurance and outrival all performances of this class on record.

Yesterday afternoon at the West Side Rink, corner of Randolph and Ada streets, he began the great task of walking

500 MILES IN 156 CONSECUTIVE HOURS,

or in six and one-half days. It was at first the intention to begin the trial to-day, but as that time of starting would oblige the walker, in case he holds out, to walk all day next Sunday, it was thought advisable to commence it yesterday. The rink, which, during the winter, was used for skating, was found to be in a horrible condition for walking. The flooring actually rested on a bed of mud and water, which splashed up between the boards at every step. It was impossible to undertake the task on such a course, and much time was necessary to prepare a half-way suitable one. O'Leary and his friends, the pedestrian working as hard as anybody, went to work, and securing a quantity of boards placed them around the circumference of the track, covered with large quantities of sawdust and shavings, and then formed a track somewhat above the muddy bottom. This caused a delay beyond the time announced, and it was not until 4:31 that Mr. O'Leary received the word to go, and

STEPPED FORWARD

on his arduous undertaking. Prior to the start, Judge Scully, J. B. Roach, and Philip Collin were chosen judges, and Mr. Thomas Allcox appointed time-keeper.

A large crowd was in attendance, a small portion being ladies. They were kept back from the track, and confined to the limits of the encircling platform by a railing which had been erected.

The track was surrounded on the outside by a rope supported by stakes at the four corners and at the intermediate points. This provision obliged the pedestrian to turn sharp corners.

O'Leary set out, accompanied by

OFFICER CONNORS,

of the Sixth Police Precinct, who had agreed to do 50 miles with him. The ambitious peeler dropped out before the third mile was made, and thought he started off again in the sixth will probably make 50 miles sometime next week. It is singular that a man of such sedentary and somnolent habits as a policeman should undertake to walk at all. It is not natural for a policeman to walk, and it was not surprising that he was soon fagged out.

O'Leary stepped out at about a 6½-mile gait, making his first mile in 9:05. His second was not so brisk, taking just 3 minutes more. He struck a terrific gait in the third, walking at a good 7-mile rate. In this and several subsequent miles he was accompanied by an ambitious young man named Jack Stearns, and the way O'Leary shook him up was a caution. He often led him half the length of the rink, when he would ease up a little, and let the lad catch up, and then he would break away from him again.

HIS CONDITION.

O'Leary seems to be in the very best condition. He has not been in very special training for this event, but, by reason of his Eastern performances, has kept himself in perfect trim.

He walks with a light, easy, and graceful step. His gait is not long or swinging, but he has a short, quick hip-step, which gets him over the ground very fast. In style, he resembles the late James Smith, though his stride is shorter, being generally but about 2 feet 6. He carried his arms high, with the elbows thrown far back, and head erect to give his lungs the greatest expansion. He walked his 10 miles in one hour and thirty-six minutes without a stop, and without starting the perspiration. He will not stop, except for an occasional instant to sip a little beef-tea, until his first 50 miles are accomplished.

At 1:30 O'Leary had accomplished 50 miles in 8 hours, 56 minutes, and 28 seconds.

THE TURF.

THE LOUISVILLE RACES.

LOUISVILLE, May 16.—An extra race has been arranged for at the opening day of the Jockey Club to-morrow, for which sixteen horses were promptly registered and will start. Forty-three horses will run during the races, being a larger number than ever before started on one day.

THE FRENCH RACES.

PARIS, May 16.—The spring meeting at Chantilly began to-day. The race for the prize of Diana resulted in a dead heat between Tyrolienne and Almanza, with Constance third. A deciding heat was run, and won by Tyrolienne.

UNION PACIFIC RAILROAD.

Where Is the Eastern Terminus of the Line?

The United States Circuit Court, at Des Moines, Decides in Favor of Council Bluffs.

The Missouri-River Bridge Declared to Be a Part of the Line of the Road.

And the Company Ordered to Operate Its Whole Road as One Continuous Line.

The Opinion as Delivered by Judge Dillon.

Special Correspondence of The Chicago Tribune.

DES MOINES, Ia., May 18.—Judge Dillon this morning delivered the opinion in the case of the United States, ex rel. Hall et al., vs. The Union Pacific Railroad Company, to a crowded courtroom. I send the head-notes and opinion, omitting the statement of the case.

HEAD-NOTES.

1. The charter of the Union Pacific Railroad Company (12 Statutes at Large, 489, Sec. 12,) required its "Iowa Branch to be constructed westward from a point on the western boundary of the State of Iowa to be fixed by the President of the United States." Held, on a consideration of various provisions of the charter, that the eastern terminus of said branch was on the Iowa shore of the Missouri River,—not on the Nebraska shore, nor at a point "on the middle of the main channel" of the river, although that was the legal western boundary of the State of Iowa.

2. The right to erect a bridge across the Missouri to the eastern terminus of the Iowa branch on the Iowa shore, was given to the Union Pacific Railroad Company, by implication, in the original charter of the Company, and was expressly conferred by the 9th section of the amended charter of the Company, of July 2, 1864 (18 Statutes at Large, 356); the powers given and the duties imposed by these acts in respect to privileges were recognized, increased, and regulated, but not repealed, by the special act of Feb. 24, 1871, entitled "An act to authorize the Union Pacific Railroad Company to issue bonds to construct a bridge across the Missouri River at Omaha, Neb., and Council Bluffs, Ia. (16 Statutes at Large, 431).

3. This last-named act, construed in connection with the other legislation of Congress, and held not to change the eastern terminus of the Iowa branch of the Union Pacific Railroad Company from the Iowa shore of the Missouri River, nor to disconnect the bridge from the road of the Company, so as to relieve the Company from the duty imposed by its charter, and other acts of Congress, to operate its whole railroad as "one continuous line."

4. A peremptory mandamus to compel the Union Pacific Railroad Company to operate its road over the bridge in the same general manner that it operates the other portions of the road, was granted; and the device of a separate transfer over the bridge by local trains held to be in violation of the duty of the Company to the public.

5. Amendments in form and substance may be allowed in mandamus proceedings in any step thereof where justice will thereby be promoted: in this case, the alternative writ was amended by leave of Court, by striking out part of its mandate, and the peremptory writ, instead of being denied, because the alternative writ was too broad, was ordered to be issued in conformity to the alternative writ as amended.

OPINION OF THE COURT.

Dillon, Circuit Judge.

In a controversy which has excited intense local feeling, and one involving such large interests, and to which so much attention has been drawn on the part of the public and of Congress, and which has been so freely argued at the Bar, the Court would be justified in stating with more than usual fullness the grounds of its judgment. But, as its determination is not final, and as it is understood that the unsuccessful party, whichever it may be, will carry the order here made for revision to the Supreme Court, it is not our purpose to discuss the case with that degree of elaboration we should otherwise do, and which its intrinsic importance would well warrant.

We now proceed to notice the material questions involved in the application for the peremptory writ. If the road which the respondent is bound to operate has its terminus on the western shore of the Missouri River, as its counsel have contended; in other words, if, under the acts of Congress applicable to the respondent, it was not authorized to build the road it is required to operate to the Iowa shore of the river,—it may be conceded that the result would be, that the relators would not be entitled to the writ they seek. What point, therefore, does the charter of the Company fix as the commencement of what is therein termed "the Iowa branch"? This question is answered by the following language in the act of 1863: "The said Union Pacific Railroad Company is hereby authorized and required to construct a single line of railroad and telegraph from a point on the western boundary of the State of Iowa to be fixed by the President of the United States." In the Executive order of Nov. 17, 1863, and March 7, 1864, President Lincoln did not undertake to change this provision, but carefully conformed to it. Accordingly those orders named "the western boundary of the State of Iowa" as "the point from which the Company should construct their branch road to the 100th meridian." Indisputably, then, the commencement-point of the Iowa branch is on "the western boundary of the State of Iowa." This precise language, as descriptive of "the point of commencement," is twice used in the section (Sec. 14,) which provides for the building of the branch, and prescribes its commencement, course, and termination. Indeed, the counsel for the Company do not deny, in argument, that the commencement-point of the road, as prescribed by the terms of the charter, is upon the Western boundary of Iowa; but they raise the question as to what is the western boundary of that State, and deny that this language means the eastern shore of the river. The argument of the Company's counsel on this subject can best be presented in his own language. He says: "The western boundary of the State of Iowa is 'the middle of the channel of the Missouri River' (9 Statutes at Large, 52). The road is to be constructed, then, from a point, to be fixed by the President, in the middle of the main channel of the river. But it is said, that is impracticable, and you must put your initial point on the Iowa shore, or a part of the authorized road cannot be built. But there is this rule, that a grant of this kind is to be strictly construed. You cannot go beyond the limits fixed, and, if you cannot go to the limits fixed, you must go as near them as you can, always keeping within them. If it is impracticable to begin the road in the middle of the river, you must begin on the Nebraska shore."

If it is granted that Congress, by the use of the words, "point on the western boundary of the State of Iowa," as descriptive of the "point of commencement" of the "Iowa branch," meant to refer to the legal boundary of the State as declared in 1846 (9 Statutes at Large, 52), the views of counsel would be sound. And, if there is nothing to show that Congress meant some other than the legal boundary, there would be a strong presumption that the legal boundary was the one here intended. There is, however, in the various provisions of the charter of the Company, evidence of a very satisfactory character that Congress, in the language under consideration, referred to the boundary of the State on the river, rather than on the ideal line in the middle of the channel. It had no question of territorial jurisdiction before it, and hence its attention was, probably, not drawn to the act of 1846, fixing the legal boundary. Congress, in the charter of the respondent, meant either the Iowa shore or "the middle of the channel of the river," and "from a point" on the one or the other authorized and required the road to be built. Bearing in mind the nature of a railroad, and the objects for which this road was created and aided by Congress, it will not do to impute to that body, upon doubtful language, the singular, the inexplicable purpose of requiring the road to be built to a point on the middle of a wide and rapid stream like the Missouri. One shore or the other of the river was meant undoubtedly. Which? If the Nebraska shore, why is Iowa mentioned at all? If the Nebraska shore, what propriety is there in referring to the Iowa boundary, or in calling the road "the Iowa branch"? Again, the same act provides for close and immediate eastern connections with the other branches. The northern branch is to be constructed by this very Company "from Sioux City," which is in Iowa, on the eastern shore of the Missouri River, when a line of road from Minnesota or Iowa shall be completed to that place. And a like close and direct connection is provided for the Missouri branches at St. Joseph and Kansas City,—leaving no hiatus or break in the line, and not keeping out of or beyond the territorial jurisdiction. What reason is there, then, for supposing the central or Iowa branch was intended to be exceptional in this respect? The Iowa lines of railway had not then been completed to the Missouri River, and hence could not well be mentioned by name; but it is not lightly to be supposed that Congress, in granting the powers and in furnishing the means to construct a great national highway, intended to make no provision for crossing a broad and swift stream like the Missouri, known to be at the western end of the Iowa roads, whose completion so as to connect with the Union Pacific Road was then contemplated and relied on. Therefore, when the original charter of the Company "authorized and required it to construct its railroad from a point on the western boundary of the State of Iowa," it authorized its construction from the Iowa shore, and, if a bridge was necessary to meet this requirement, then the power to build the bridge was given. (Springfield v. Conn., etc., R. R. Co., 4 Cush., 63; City of Clinton v. Cedar Rapids, etc., R. R. Co., 24 Iowa, 455, 470; People v. R. & S. R. R. Co., 15 Wend., 113, 130.)

Indeed, it might well be urged that not only was authority conferred to build the bridge, but that the duty was imposed to build it as part of its "line of railroad" necessary to reach the prescribed point of commencement. The Company did not need, so far as relates to bridges, the power given to it by the 9th section of the amended charter of 1864, "to establish ferries across the Missouri River and other rivers which its road may pass in its course," and "to construct bridges over said Missouri River and all other rivers, for the convenience of its road," and "to enable it to make convenient and necessary connections with other roads."

A bridge built under authority of the act of 1862 or 1864 would be part of the road of the Company, or, in the language of the original charter (Sec. 14), part of its "line of railroad constructed from a point on the western boundary of the State of Iowa;" just as a bridge on a highway has often been held to be part of the highway itself. (Dillon, Munc. Corp., Sec. 579.)

If there was doubt as to the right of the Company to pass beyond the middle of the river and to go to the Iowa shore, the original charter of 1864, in terms, authorizes the Company to construct a bridge over the Missouri River, which presupposes that the eastern end of it shall rest upon the Iowa shore; and this is done, so Congress declares, "to enable the Union Pacific Railroad to make convenient and necessary connections with other roads." The bridge was to be built by the Union Pacific Railroad Company. No provision was made for a bridge company, or for stock or capital for bridge purposes; and, if the structure had not been built under authority thus conferred, and no other, there could be no doubt that it would have been part of the road of the Company in such a sense that the Company would have been bound to operate it, as much as it was bound to operate any other part of its line.

It appears from the return to the alternative writ that the Company, under the authority thus given, and not otherwise, commenced the construction of the bridge here in question, in 1869. It proved to be a difficult and expensive undertaking; and in 1871 the construction was far from being completed. On the 24th day of February of that year, Congress passed "an act to authorize the Union Pacific Railroad Company to issue its bonds to construct a bridge across the Missouri River at Omaha, Neb., and Council Bluffs, Ia." (16 Statutes at Large, 430.)

This enactment is supposed by the defendant to have a controlling effect on the present controversy; and it undoubtedly has an important bearing upon it. It is given in full in the statement of the case. It authorizes the Union Pacific Railroad Company to make a mortgage "on the bridge and approaches and appurtenances," and to issue bonds, not to exceed $2,500,000, to be secured by such mortgage.

Notwithstanding the rule of law that authority to levy and collect tolls must be plainly conferred, and the able argument of the relator's counsel on this point, it is clear to our minds that Congress gave by this act to the Company the right to "levy and collect tolls and charges for the use of the bridge," reserving in the second proviso the "power at all times to regulate said bridge, and the rates for the transportation of freight and passengers over the same, and the local travel hereinbefore provided for." It is manifest from this language that tolls and charges other than those for local travel were contemplated as being within the competency of the Company to levy and collect for the use of the bridge. Besides, the chief value of the bridge as a security would be the tolls; and the authority to make a mortgage for $2,500,000 on the mere bridge-structure and approaches, without the right to levy tolls and pledge the same to the lender, would doubtless have proved a barren power, since it would be quite impossible to negotiate such a security. It is evident from the tenor of the bridge mortgage that all the parties to that instrument thus understood the act of 1871.

The act contains also the important provision, that it shall not "change the eastern terminus of the Union Pacific Railroad from the place where it is now fixed under existing laws, nor release said Company from its obligations under existing laws." It also contains a clause adopting, as far as applicable to the bridge in question, the provision of the Bridge act, July 25, 1866. (14 Statutes at Large, 244.) The act also contains a clause authorizing the bridge to be "so constructed as to provide for the passage of ordinary vehicles;" but this privilege was not used, and so need not be considered.

The Bridge act of 1874, it is to be observed, does not profess to repeal the previous authority express or implied on the part of the Company to bridge the Missouri, but only to confer additional powers and to make additional provisions. All the provisions of the several acts are to be read together; and thus viewed the respondent would have, *inter alia*, the following rights and powers in respect to the bridge in question:

1. To build it under the original and amended charter as part of its road from a point on the Iowa shore. 2. Under the act of 1871, it was so far disconnected from the road as to authorize it to be separately mortgaged as a bridge, and to empower the Company to levy and collect tolls and charges for the use of the same as a bridge, or compensation for the use of it by other railroads constructed to the Missouri River at or near Council Bluffs and Omaha,—Congress reserving the power to regulate the bridge and the rates for transportation of freights and passengers over the same. But it was expressly provided that this act should not change the then existing eastern termination of the Company's road, nor release the Company from its obligations under existing laws. By this last provision it was doubtless intended to declare that the eastern terminus of the road should remain where it had before been established and then existed, namely: on the Iowa shore; and that the existing obligations of the Company, springing from that fact, should remain in full force. One of these obligations is, that, while the bridge mortgage remains unforeclosed, and the bridge is in possession of the Company, the Company must operate it as part of its road, which it has never ceased to be, although it may, under the act of 1871, charge special rates for its use, subject to the control of Congress.

Three several times, first in the act of 1862 (Sec. 12), then in the act of 1864 (Sec. 15), and lastly as late as June 20, 1874, has Congress required the respondent "to operate and use its road for all purposes of communication, travel, and transportation, so far as the public and Government are concerned, as one continuous line." This last act even goes so far as to make it criminal on the part of controlling officers or agents of the Companies, or either of the Companies, to refuse thus to operate the roads, or either of them, thus demonstrating that Congress intended that each road singly, as well as all the roads constituting part of the system of Pacific roads contemplated by the acts of 1862 and 1864, should be operated, without breaks or unnecessary delays, as a continuous line, without favor or discrimination towards either persons or localities.

If we are right in the position that the eastern terminus of the road of the respondent is on the Iowa shore, then, inasmuch as the Bridge act of 1871 upon which the respondent so strongly relies, declares that such terminus remains unchanged. Notwithstanding that act, the conclusion necessarily follows that the respondent must operate its trains over the bridge under its contract, as part of a continuous line of road, and operates them over its entire line of road from terminus to terminus. Such a duty has been enforced by mandamus, with such specific legislation as Congress has provided in this behalf by the act of March 3, 1873 (17 Statutes at Large, 509, Sec. 4, last clause), which in terms gives to the proper Circuit Court of the United States "jurisdiction to treat and determine all causes of mandamus to compel the Union Pacific Railroad Company to operate its road as required by law." (The State vs. Hartford, etc., R. R. Co., 29 Conn., 538, Rex. vs. Severn R. R. Co., 2 Barn. & Ald., 646.)

Suppose the respondent should habitually stop its regular trains 2 miles west of Omaha, and refuse to run them eastward of that point, or only run "transfer trains," is there any doubt, under the legislation of Congress, that it could be compelled to operate and run its regular trains into that city? And so in this case before us, if the bridge on to which its track is extended is to be considered as part of its road within the meaning of the acts of Congress requiring it to operate its whole line without any break in its continuity. In this view, the transfer device of the Company, putting passengers and shippers of freight to unnecessary delay, inconvenience, and expense, is in violation of the duty which the Company owes to the public. It is an indefensible obstruction to the public. If made by the Company with third persons, without legislative authority, it would be *ultra vires*. It is none the less objectionable that it is made with its own employes.

A point is made by the respondent against the writ, on the ground that the bridge-structure is not opposite Sec. 10, as fixed by the President, but some 2 miles down the river. In point of fact, after getting bonds and lands by reason of that location, the Company has abandoned its track through Sec. 10, and, instead of crossing the river opposite that section, has constructed its road so as to connect with the present bridge. If this change in the location of the bridge from Sec. 10 was authorized by an implied effect of the act of 1871 applied to the subject matter, the objection under consideration fails. Originally, under the order of President Lincoln, the bridge should have been constructed so as to reach the Iowa shore east of and opposite Sec. 10. Instead of doing this, the Company commenced a bridge at the site of the present one, 2 miles south. Congress, in 1871, authorized that bridge to be completed and mortgaged, thereby legalizing the change, and doubtless relieving the Company of the duty of bridging the stream opposite Sec. 10. And, therefore, when Congress also said that the act of 1871, in relation to the bridge, should not "change the eastern terminus of the road from the place where it is now fixed under existing laws," it did not mean that the Company should still be under an obligation to build a bridge opposite Sec. 10, but that the Iowa shore should, notwithstanding the Bridge act, remain the eastern terminus of the road, and the Company's obligations in this regard should remain. But, if the change in the location of the bridge was not authorized by the act of 1871, still the Company ought to be estopped to say, "We have reached our eastern terminus at the wrong place, and hence cannot be compelled to operate the whole length of our actual line of road."

Again, it is suggested by the respondent's counsel that this view, if sound, necessarily has the effect to subordinate the bridge mortgage for $2,500,000, which was intended to be a first lien upon the bridge, as well as its tolls, to the Company upon its entire line of road. These respective mortgages are not before us, and their rights cannot be touched by any here decided. We content ourselves, therefore, with the remark, that, on observing the terms of the two instruments, we do not see that the result suggested necessarily flows from the positions we have attempted to maintain. It were premature at this time to anticipate that there will be a sale under the bridge mortgage, and to consider the rights of the purchaser, of the Company, of the public, or of the Government, after that event.

Two technical points are made by the respondent. The first is, that no demand is averred. Under the circumstances of this case, this objection, being made for the first time at the hearing on the merits, and the duty being a public one, which the respondent has all the time denied to exist, comes too late. The object of a demand is to give the option to do or refuse that which is demanded, and it is evident that a demand by the relators would not have obviated the necessity for this proceeding to determine the contested question of public right and public duty here involved. (Dillon, Munic. Corp., Sec. 606.)

The other point is more substantial, and, indeed, fatal to the application, in its present form, for the peremptory writ, unless the objection be avoided by amendment. The proceedings by mandamus and common law are characterized by unreasonable strictness; and one established rule of practice in the Illinois Bench is, that mandate of the peremptory writ cannot be molded by the Court after a hearing upon the return to the alternative writ, but the peremptory writ must be denied altogether unless the sphere of its mandate is exactly coincident to the mandate of the alternative writ. (Queen vs. East.; etc., R. R. Co., 2 El. & Bl., 463; 3 Ad. & Ell., 331; 14 Ib., N. S., 469.) If the propositions heretofore advanced are correct, the mandate of the alternative writ was too broad, in that it commanded the defendant to operate the bridge under a uniform tariff of freights and fares with the residue of the road. We hold that the defendant may, under the act of 1871, exact special tolls or charges for the use of its bridge. Anticipating that this might be the view of the Court, the relator's counsel have, in that event, asked leave to amend by striking out of the mandate of the alternative writ the words, "and freight and passenger tariff," and that the peremptory writ issue so as to conform to the alternative writ as thus amended.

Undoubtedly the amendment ought to be allowed. In this country, and at this day, the writ of mandamus has lost its prerogative character, and the proceedings are governed by the same liberal rules which obtain in ordinary legal remedies. Accordingly, says Chief-Justice Taney, "The right to the writ, and the power to issue it, have ceased to depend on any prerogative power, and it is now regarded as an ordinary process in the cases to which it is applicable. It is a writ to which every one is entitled, where it is the appropriate process for asserting the right to the claims." (Kentucky vs. Dennison, 24 How., 66.)

In our judgment, the true rule is to allow, on proper terms, amendments in proceedings by mandamus at all times, both as to form and substance, in the interest of justice. In England, 9 Anne, Ch. 20, Sec. 7, extended the statutes of jeofails "to all writs of mandamus and all proceedings thereon." Speaking of the power to allow amendments, Mr. Justice Strong, delivering the opinion of the Supreme Court of Pennsylvania, remarks: "Formerly, when the doctrine of amendments remained as at common law, the Court would not allow the writ of mandamus to be amended after return filed; but, as is said by Tapping (p. 331), the strict rule of the common law has been of late years altogether departed from,—the principle as to amendment being, that it shall be allowed in all cases when such a course will promote justice." (Commonwealth vs. Pittsburg, 34 St., 496, 513.) And such is unquestionably the American practice. (Dillon, Munic. Corp., Secs. 699, 701, and cases cited: High on Extr. Rem., 513.) And the allowance of such amendments is within the spirit, if not, indeed, within the terms, of the liberal provisions as to amendments in the 32d section of the Judiciary act. The power there to allow amendments is broad, extending to "any defect," and should not ordinarily be confined to defects of form, and should be liberally viewed, and the power given liberally exercised to promote justice.

Guided by these considerations, why shall the relators be denied the power to amend to conform to the views of the Court, on proper terms, and compelled to commence anew? The defendant, it is to be supposed, has, and feels, no other interest in this controversy than to have its public duty authoritatively settled, and this can be as well done in the proceeding by allowing the amendment as by compelling the relators to retrace all their steps by commencing de novo.

Let an order be entered allowing the proposed amendment to the alternative writ, and thereupon directing the peremptory to issue, conformed to the alternative writ as amended.

Ordered accordingly.

Love, J., concurs.

WASHINGTON.

LIBEL—WILLIAMS' HERITAGE.

Special Dispatch to The Chicago Tribune.

WASHINGTON, D. C., May 16.—William E. Sawyer, a former Washington correspondent, whom over a year ago Attorney-General Williams forbade entering the Department of Justice, threatens to bring suit against Williams for damages for that order. The order was issued on the supposition that Sawyer had surreptitiously obtained and published the papers in the defunct Credit-Mobilier suit. The papers for the libel suit against Williams are now in preparation. They set up that the papers in question were not surreptitiously obtained, but were freely offered, and that all the statements made by the correspondent at that time were strictly true.

CONSULAR.

Gen. W. W. Robinson, formerly Colonel of the Sixth Wisconsin, is here. He has been appointed Consul to Madagascar.

MILITARY ORDER.

Maj. Joseph M. Robinson, of the Third Artillery, has been assigned to the command of the military prison at Fort Leavenworth.

It is said to-night that the Court of Claims will not decide the Union Pacific case to-morrow, as had been expected. The adjournment of the Court will, therefore, be postponed for some days.

A NEW DAILY.

The Washington *Tribune* will appear to-morrow. It is understood that it will be published in the interests of the trades-unions, and notably of the Typographical Union.

SPEAKER BLAINE

left here last night for Maine. He does not intend to return to Washington until fall, and intends to keep away from politics and politicians until the next Congress.

THE ASSISTANT ATTORNEY-GENERALSHIP.

The employes of the Department of Justice are eager to learn the intentions of the Attorney-General as to the choice of Assistants. It is rumored to-night that Edwin Stanton, a son of Edwin M. Stanton, the famous War Secretary, is to be Assistant Attorney-General, to succeed Mr. Hill, of Boston, resigned.

POSTAL ORDER.

[To the Associated Press.]

WASHINGTON, D. C., May 16.—The Postmaster-General, under authority of an act of Congress of June 8, 1872, has ordered that the rate of United States postage on letters sent to or received from foreign countries, with which different rates have not been established by postal convention or other arrangement, when forwarded by vessels regularly employed in transporting the mail, be reduced from 10 to 5 cents for each half ounce or fraction thereof, to take effect July 1, 1875.

THE EXECUTIVE REFORM.

The Select Committee of the Senate, appointed to examine into the condition of the Executive Departments in order to report at the next session of Congress what reforms are necessary, have nearly completed their work.

JESSE D. BRIGHT,

ex-United States Senator from Indiana, is now lying dangerously ill at his residence in Baltimore, with rheumatism of the heart.

BLUE RUIN.

THE ILLINOIS SUPERVISOR.

Special Dispatch to The Chicago Tribune.

WASHINGTON, D. C., May 16.—The successor of Dan Munn as Supervisor of Illinois has been chosen. The Secretary of the Treasury declines to-night to permit the name to be mentioned, but the Treasury officers say that the appointment is likely to be made public to-morrow. Permission is given to-night to say that the new Supervisor has been chosen from one of the present Collectors of Internal Revenue in Illinois, who is one of the oldest commissioned officers in the service in the State.

THE NEW ORLEANS DISTILLERS.

Special Dispatch to The Chicago Tribune.

WASHINGTON, D. C., May 16.—The Treasury Department will soon make extensive seizures in New Orleans. The Whisky Ring there has been more extensive and successful than at any other point. The distillers have become so accustomed to fraud that, when they discovered that they could not corrupt the new Supervisor, they closed their distilleries. Treasury officers have information of the whereabouts of all the illicit whisky shipped from New Orleans, and will seize both it and the distilleries.

THE CROPS.

Special Dispatch to The Chicago Tribune.

DWIGHT, Ill., May 16.—This morning (Sunday) we had to break the ice in our troughs before the horses and cattle could drink. So far as this locality is concerned the corn crop of 1875 is about all planted, but when you have to wear your Ulster and buckskin gloves to keep warm, and lash your boy to the corn-planter for fear that he will be shipwrecked, under these circumstances the heart of the average Granger has not beaten with much enthusiasm; neither is he inclined to curse the middleman or the bloated monopolist. We have had much to contend with during the past week—raining more or less, cold, blighting winds, and still colder nights, the sun obscured more than half the time. It is very easy to imagine that, although our crops are in, yet the prospects are not encouraging. Oats continue to look very thin, and we confirm our former reports, and add that, from extended inquiry and from our own personal observation, there are more fields of oats that will only yield half a crop than there are fields which will make an average crop. Nothing seems to grow. The trees, even yet, refuse to put out their leaves. The pasture is still very short, and will barely sustain stock. The only good news I am able to send you is that the Colorado potato-bug has stepped down and out. He has not been seen this spring. May we never see his like again.

THE BLACK HILLS.

The Indian Delegation to Washington—Warlike Spirit of the Young Sioux Braves.

Two Thousand Gold-Seekers at Cheyenne, Waiting for Governmental Permission to Proceed.

Arrest of More Miners—A Projected Stage-Line Between Cheyenne and the Black Hills.

THE INDIAN DELEGATION.

Special Correspondence of The Chicago Tribune.

OMAHA, Neb., May 14.—The chiefs and headmen of the Ogallalah, Brule, Uncpapa and other bands of Sioux Indians, who have gone to Washington to communicate with their Great Father, the President, in relation to a new treaty for

THE CESSION OF THE BLACK HILLS,

bound themselves by solemn compact, before leaving home, not to talk with any white person on the subject of their country, or the gold therein, until they should have communicated with the authorities at Washington. The only squaw with the delegation—the wife of Bad Wound—seems to have smuggled herself into the party by her own artifice; for, after the departure of the Indians from the Agencies, and when they were some miles upon the road, she mounted her horse, overtook the party, and, vaulting into the wagon where her husband was seated, threw her arms around his neck, refused to be separated from him, and carried her point against all efforts to drive her back to her home. These Chiefs come prepared to treat for the sale of their country, yet the condition of affairs with their people at home is neither a quiet nor a friendly one. Their young men, as a class, are opposed to the cession of their territory, and three war-parties have already started to the north and west for a little practice against the Crows and the Snake Indians, with the intention of concentrating, during the summer, with all other disaffected warriors of their nation, on the Powder River, for a grand Sundance,—which is the preliminary of war,—and a subsequent general attack upon the whites along the border, should the miners invade the Sioux Reservation.

There are now upwards of

TWO THOUSAND PEOPLE AT CHEYENNE,

on the Union Pacific Railroad, though the citizens of the place claim there are 4,000, awaiting the consent of the Government for the occupancy of the Black Hills and Big Horn country. A scouting party, under command of Lieut. Rogers, Ninth Infantry, from Camp Sheridan, 60 miles from Harney's Peak, returned to its station on the 8d of May with five miners whom it had arrested in the Black Hills. The following day, seven more miners, belonging to the same party, came in to the post and surrendered to the military authorities. They were all released on promise not to re-enter the Indian country until permitted to do so by the authorities of the Government. These miners gave

NO ASSURANCE OF THE EXISTENCE OF GOLD

in paying quantities in the country; but they had prospected only in placers, and not in quartz-ledges. About the time of the return of this party, an old miner, who had found his way up to the edge of the reservation, hired a half-breed Indian to guide him to Harney's Peak, reached there in safety, hurriedly dug out a panful of earth, returned with it in hot haste to the Nebraska line, and there washed out from it 20 cents' worth of gold. In addition to the gold-seekers now at Cheyenne, there are several hundred adventurers between that point and the military posts of Fort Laramie and Camps Robinson and Sheridan, and along the border; but it is not thought that there are any now actually within the limits of the forbidden territory.

Mr. George W. Homan, Jr., of Omaha, a gentleman of means and large experience in transportation matters, has entered into a contract with the citizens of Cheyenne to place a first-class

STAGE AND EXPRESS LINE

on the route from that city to the Black Hills and the Big Horn Mountain country, and thence to the settlements in Montana, as soon as the Government shall open the country. The establishment of this line will materially shorten the route from the East to Fort Ellis and Helena, Montana, which is now via the Union and Central Pacific Railroads to Corinne, and then some hundreds of miles by stage. Mr. Homan proposes to commence operations on the route from Cheyenne with a capital of $100,000, and has his agents already engaged throughout the country in the purchase of stock for the enterprise. His line will run in connection with the Union Pacific Railroad, and his passenger-tickets will be coupons of the regular Pacific Railroad tickets, purchasable at all the general ticket-offices in the land.

THE NEW COMMANDER

of the Department of the Platte, Gen. Crook, left Omaha yesterday to visit the troops in the vicinity of the Black Hills, and to inform himself of the condition of affairs there. The Government geologist, Mr. Jenney, is still at Cheyenne, organizing and outfitting his party. The escort of cavalry and infantry which is to accompany him into the Black Hills, is at Fort Laramie, fully equipped, and only awaiting Mr. Jenney's arrival at that place to take the field. Lieut.-Col. Richard I. Dodge, Twenty-third Infantry, who was recently assigned by Gen. Crook to command this escort, reached Fort Laramie on the 10th of May.

THE COMING BIG TALK.

Special Dispatch to The Chicago Tribune.

WASHINGTON, D. C., May 16.—The Black Hills Sioux Indians have arrived here. They expect to have a conference with the Secretary of the Interior and the President this week. In their talk to-day with their interpreters, they give no information additional to that which they have already furnished to the Western press during the progress of their journey. They insist that they have been cheated by their agents, and want new ones, and that their people are starving. They are especially bitter against Dr. Saville, of the Red Cloud Agency. They are not communicative on the subject of the treaty.

THE CAPTURED MINERS.

Special Dispatch to The Chicago Tribune.

SIOUX CITY, May 16.—Wharton's band of Black-Hillers, captured by the military on White River, and taken to Fort Randall Thursday last, have, with the exception of two of the party, been, by order of Gen. Sheridan, released on parole, and their arms, horses, wagons, and outfits restored to them. The two who are held as prisoners refused to sign the parole, and will be kept in confinement until further orders are received from military headquarters.

INDIAN TERRITORY.

The Council of the Tribes—Rejection of the Report Favoring a Territorial Form of Government.

Special Correspondence of The Chicago Tribune.

OKMULGEE, Capital of the Creek Nation, I. T., May 13.—The Council reassembled on Monday morning, and opened with prayer by the Rev. Chilly McIntosh, Chaplain, in the Creek language. It was amusing to hear the wild tribes answer "Ho!" as their names were called. The minutes of proceedings were then read in English, and each interpreter told his tribe what had been done, in their own language; and, as all talked at once, I was reminded of the history of the Tower of Babel, or an afternoon session of the Illinois House of Representatives.

The pending question being that of the Territorial Government, Superintendent Hoag arose and made a speech, from which the following is an extract: "In the treaties, the Government of the United States has intrusted powers to this Council. These powers give the Council the right to legislate on all international subjects that do not come in conflict with the laws of the United States. The power is given you to legislate on the matter relating to yourselves, and to carry your laws into execution. Yet, in six years, this Council has not enacted a single law, because it could not have been executed. I have recommended that you exercise your powers to make laws so that you could execute them, and punish criminals. In that you will promote your own safety and protection, and show to the people of the United States and the world that you are people who can manage your own affairs."

Mr. Morris, a Cherokee, said that "The Government of the Cherokees was good enough for him, and that life and property were as safe in their nation as in any country on this Continent;" and concluded his remarks by advising the tribes to "stand still, and see the salvation of the Lord."

D. N. McIntosh, a Creek, spoke in favor of the proposed government. He said that "The talent of this Council was competent to enact laws good enough for their own protection, and that that talent should be used in the direction of wise legislation."

Mr. Morris thereupon replied as follows: "I am ignorant, and the old fable of the Fox and the Crow is re-enacted. The piece of cheese, as many know, went by flattery from the Crow to the Fox." But he made no application of his remarks.

Judge Folsom, a Choctaw, then took the floor, and spoke as follows: "Mr. President and Fellow-Delegates, I propose to open my mouth and sing beautifully, but not to let the cheese go. I love the cheese better than I do the fox, and I therefore move the adoption of the majority report."

Gen. Pleasant Porter, a Creek, then addressed the Council, from whose able and dignified speech I quote: "What I have to say to you is prompted by a true regard for our welfare. We are all of one race, and are here for one purpose, and must achieve a common destiny. If evil befalls me wherever you go, there will I go, and where you die there will I die also. I have been slow to say anything to you in the Council, because I believed there were others here of more sober judgment to advise. But this restraint I can bear no longer, for I feel that, having the true interests of every Indian in my heart, therefore everything that comes from that heart must be beautiful to you. That which I say that will benefit you, take it; and that not good, let it pass off with the wind. We feel there is a necessity to do something; if we did not feel so, why come here year after year with increasing interest? When the elements shake and rouse themselves, do not the animals seek protection? Now, I imagine that, by instinct, we come together to shelter ourselves from some approaching storm; therefore shall not reason direct us in our deliberations? The minority report shows the danger, and says stand still and hunt no protection. The majority report sees the same danger, and advises hunting the *best way* to evade the threatened storm. The Government, seeing our danger, separated as we are, has given us the *means* to stand united, and shall we not heed it?"

On the following morning, the Council took a vote, and the majority report, which favored the Territorial form of Government, was rejected by yeas 36, nays 41—the wild tribes voting in the affirmative, and the Cherokees voting solidly in the negative. A queer commentary on this complex subject. It is, however, understood that the question will come up again in another form; and that a Constitution—purely Indian—may be passed by the Council, and submitted to a vote of all the tribes in the Territory, which will only be binding on such as adopt it. The Council will be in session four or five days longer than was anticipated, owing to the delays occasioned by the interpreting of the proceedings to the wild tribes.

Our old friend, White Shield, appeared to-day in the uniform of a Captain of Artillery, epaulettes and all, which added zest to the occasion.

C. S.

ADJOURNMENT OF THE COUNCIL.

Special Dispatch to The Chicago Tribune.

MUSKOGEE, I. T., May 16.—The Council at Okmulgee adjourned yesterday, to meet again in the early part of September. The vote on the Territorial question was reconsidered and a committee appointed to meet in June to draft a constitution to lay before the September Council.

CASUALTIES.

THE LONG VOYAGE OF THE STEAMER METROPOLIS.

NEW YORK, May 14.—The steamer Metropolis, whose safety was so long in doubt, arrived at this port this morning. With the exception of her broken masts there is nothing in the outward appearance of the vessel to indicate her long and stormy voyage, which sufficiently proved her to be stanch and seaworthy in the opinion of her officers and passengers. The purser, T. L. Crawford, gave a synopsis of the voyage substantially as follows: The vessel left Bermuda on the 15th of April, and for the first eight days encountered constant heavy gales from the northwest, with snow, hail, rain, thunder, and lightning. At midnight on the 10th they carried away their foretopmast, which, in falling, took away the head of the main topmast, and crashed through the ceiling of state-room No. 1 in the first cabin. The heavy timber struck exactly on top of a berth in which J. Beam, an invalid passenger, had slept until that night, when he had changed to a berth on the other side of the room. The vessel pitched and rolled so that some of the steam-pipes were strained and allowed the steam to escape, thereby increasing the consumption of coal. On April 29 the coal was entirely gone, and none could be obtained afterwards from any of the vessels spoken. For cooking purposes during the rest of the voyage it was necessary to use all the available wood in the steamer, including even the wooden coverings of the ventilators. The fragments of the broken masts were utilized in the same manner. The vessel got on the northern edge of the Gulf Stream when she had just steam enough to keep out of it, but was twice blown back across it by heavy northwest gales. A fortnight ago the steamer got within 120 miles of New York, but was blown off again, and has since been drifting at the mercy of the winds and waves. The commander, Capt. Ellis, tried to make every port that he thought he might reach, and at one time came near making Fortress Monroe, but was again defeated by the winds. The best shift possible was made to render the canvas useful, and a coal derrick was rigged in place of the lost gaff. The weather continued very severe until about eight days ago, since when the vessel has still been obliged to contend with baffling winds.

All the fresh meat on board had been consumed when the Metropolis was a week out from Bermuda, the ordinary length of the voyage to this port being but from three to five days. The supply of salt meat was exhausted about ten days before reaching harbor. As the cargo, with the exception of thirty casks of gin and whisky, consisted entirely of potatoes, onions, and tomatoes, there was no danger of starvation, although some anxiety was felt as to the effect of such a prolonged vegetable diet upon the health of the little children, of whom there were six on board. Many of the other passengers were women, and one of these was an invalid. The store of tea, coffee, sugar, and butter was at no time completely exhausted, although these luxuries had to be dealt out very sparingly. There was sufficient flour to afford fresh bread, in addition to the ship biscuit.

DROWNED.

Special Dispatch to The Chicago Tribune.

DUBUQUE, Ia., May 16.—While the steamer Dubuque was towing up a wood barge a few miles below the city this morning, three men were knocked from the barge by one of the oars, and two were drowned. The names of the unfortunates could not be ascertained.

COL. ANTHONY.

To the Editor of The Chicago Tribune:

MORRIS, Ill., May 14.—In the notices you take of the killing of D. R. Anthony, of Leavenworth, Kan., you make no allusion to the fact that he shot and killed Robert C. Satterlee, in May, 1861, for the publication of a squib in the Leavenworth *Herald*, of which Satterlee was editor. As the killing occurred just at the breaking out of the War, and had a political color, Anthony was never punished. May there not have been some retribution in his being himself shot?

T.

LABOR AND CAPITAL.

Special Dispatch to The Chicago Tribune.

QUINCY, Ill., May 16.—The brickmakers have organized a union for the protection of strikers. They have held a series of meetings, at which they have renewed their resolution to insist upon an increase of wages. The proprietors of the yards, with the exception of one, are equally firm in their refusal to yield to the terms demanded.

WEARY OF LIFE.

Special Dispatch to The Chicago Tribune.

DETROIT, Mich., May 16.—J. Nichols, an agent for Singer's sewing-machine, and a resident of Corunna, blew his brains out with a pistol at the Union Hotel, Windsor, last evening. He was temporarily insane, without doubt.

TELEGRAPHIC BREVITIES.

N. W. Clark, the Michigan fish-hatcher, has been engaged by the Ohio Fish Commissioners to superintend fish-hatching in that State.

The Presbyterian General Assembly commences its sessions at Cincinnati on the 20th inst.

A careful estimate based upon sales of tickets place the total attendance at the musical festival in Cincinnati of last week at from 35,000 to 37,000 persons.