# Evening Telegraph

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AT THE EVENING TELEGRAPH BUILDING, NO. 108 S. THIRD STREET,

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MONDAY, AUGUST 17, 1868.

The Law of Charitable Trusts in Pennsylvania.

On Saturday, Hon. F. Carroll Brewster delivered in the Common Pleas one of the most important decisions which has been made from the Bench of Philadelphia for many months. It embraced a full and exceedingly exhaustive series of authorities, and may be considered as settling the law of the State in regard to the administration of charitable trusts. The city of Philadelphia, acting as trustee under the will of Stephen Girard, applied to the Court of Common Pleas for permission to lease certain coal lands in Schuylkill county for a term of fifteen years. Under the will there was an express condition that none of the real estate left by Mr. Girard should be leased for a longer period than five years. The clause of the will reads, "So far as regards his real estate in Pennsylvania in trust, that no part thereof shall ever be sold or alienated by the said mayor, aldermen, and citizens of Philadelphia. \* \* but the same shall forever thereafter be let from time to time, to good tenants at yearly or other rents, and upon leases, \* \* not exceeding five years."

Experience has shown that it was impossible to induce any tenants to take these mines on such a short lease. It was evident that there could be no possible profit result from the establishment of large improvements on these lands, at the lessee's expense, if the term could not be extended beyond five years. Hence the city petitions the Court for leave to lease the lands for three times the length specified by the testator. Judge Brewster in deciding the question, evinced a nicety of legal discrimination, a profundity of research, and a wide-spread knowledge of English law, which fully comes up to the high expectation formed of him by his friends on his accession to the bench. The opinion is exceedingly able and conclusive. It not only abounds in law precedents, but it conforms entirely to the dictates of common sense. The Judge granted the petition, and authorized the leases as prayed for. In doing so, he examined the case in two lights. Had the Court the right to digress so widely from the express will of a testator, and had the necessity for such an exercise of its right, supposing it possessed it, now arisen? In answering the first question, the learned Judge goes back to the days of the Stuarts, and cites precedents which cover over two hundred years. In the history of Great Britain's jurisprudence, he finds many cases in which the expressed wish of the testator was secured by deviating from his expressed directions as to the manner of carrying it out. He states that the directions of the will are three-fold:-

First. To keep these mines "constantly

Second. To let them "from time to time to good tenants at yearly or other rents."

Third. "Upon leases in possession not exceeding five years."

It is found impossible to lease them for five years, and the question arises, as the Judge well puts it, "whether it is better that a member of this testament die than that the whole body of the trust perish." That it has been the custom of British jurists to go far out of he way of the direction of a will in order that a charity might be successfully carried out, is clearly shown. In one case a devise merely said that it was to "assist the poor." The Court directed it to be applied to the support of forty poor boys. Another case, so late as 1863, involved the disposition of £1000 to charitable uses. The Court named Christ's Hospital as the donee. In 1785 a legacy was left to establish a Bishopric in America. Although there was no probability of such a consummation, the bequest was held good. Probably the case involving the largest sum was that of Ann Carn, who left £50,000 to aid clergymen with large families and who were poor, provided her executor thought proper. The executor died before the testatrix; yet the bequest was held to be good. These are but a few of the cases cited, the whole of them following the general doctrine of Sir Richard Pepper Arden, who said that a charitable bequest cannot be defeated by the negligence or default of the person to administer it, or by the "impossibility to give effect to every circumstance."

" \* \* If the mode becomes impossible, the general object, if attainable, shall not be defeated."

To this doctrines, so wise and at once so consonant with justice and common sense, Judge Brewster gives his decided approbation. He looks at the end designed by the testator, and adapts the means to secure its accomplishment. He therefore grants the petition to the city. The ability and thorough research evinced by his decision may be considered as settling the law in Pennsylvania. We must congratulate the people on the adoption and judicial recognition of a doctrine which is the only one consistent with reason. It sweeps away the mass of technicalities which are so often clustered around a charitable bequest, and does much to make the will of the dead at once practicable and consistent with his expressed wishes.

-On Thursday morning, July 16, the last remnants of the Paris Exhibition of 1867 were carted away, and in the course of the day the ground was given up to the authorities. Not a trace now remains of the vast building or its surroundings, which attracted so much attention a year ago, and the Champ de mines has resumed its old desolate aspect.

The War of Factions in Maryland. A SIGNIFICANT war of factions is now progressing in Maryland. The Democratic party of that State, like their political associates further South, favored the Rebellion from the outset. and did all in their power to secure the passage of a secession ordinance. They would probably have been successful if General McClellan had not arrested their treasonable State Legislators, an offense for which he was never fully forgiven by the ultra Democratic Rebels. A small portion of the Democracy, and a considerable number of Conservatives, subsequently united with the Republicans in opposing the Rebellion-the bulk of the Democracy continuing to render active aid and comfort to the Confederacy. A Union party, composed of the material indicated, carried the State politically during the war against treason-loving Democracy, partly because the latter had sent forth a large portion of its forces to join the army. After Andrew Johnson quarrelled with the Republican party a number of the so-called conservatives and more patriotic Democrats united with the bulk of the Democracy in opposing Republicanism, calling their organization a Democratic Conservative party, and securing its triumph by the strength of their peculiar alliance. The Democracy, elated by the victories thus obtained, have recently determined that their conservative and patriotic associates must occupy subordinate positions in the Saymour and Blair party, and that no men who did not fully sympathize with the Rebellion in all its phases, shall be elected or appointed to prominent positions. In accordance with this policy the re-election of Reverdy Johnson as United States Senator was prevented, and the best offices in Maryland have been given to men who fought for the Confederacy. The conservatives have at last grown restive under this treatment, particularly as it is openly justified and advocated by the leading Democratic organ of the State, and as they are plainly informed that their aspirations to leadership will be crushed, and that they must be content with the dignity of serving as hewers of wood and drawers of water to their rampant Rebel associates. What will be the final result of this factional fight remains to be seen, but it can scarcely fail to strengthen the Republican party of the State, and to ada onish voters in all sections of the Union that alliances with the Democratic party can only be perpetuated on condition that the rebellions elements of that organization shall possess an absolute ascendency. The sympathy between Democracy, as it has been preached and practiced during the last twenty years, and the doctrines which precipitated the Rebellion, is so complete, that for all practical purposes they are identical; and, instead of learning wisdom by experience, the oracles of that party adhere to their old principles with unyielding tenscity-their attachment to the remaining vestiges of the old pro-slavery regime being unabated.

THE FUNERAL OF MR. STEVENS .- To-day the remains of Thaddeus Stevens were consigned to their last resting-place, followed by a multitude of his fellow-citizens. From all portions of the State came the throng to do him honor. Philadelphians were well represented at the grave of the "great Commoner." Her Mayor and City Councils, a committee of the Union League, a committee of fifty of the Republican Invincibles, a committee of the Banneker Insti tute, a deputation of the School Boards, and a vast crowd of private citizens. The scene cannot fail to be impressive and solemn. They are well calculated to excite the young of Pennsylvania to rival and imitate the dauntless courage, with the energy and indomitable will of Mr. Stevens. To-day the last of his mortality is hidden from the public view, but his deeds live after him. His reconstruction measures and his great championship of Common Schools cannot die. So long as education and equal rights are held dear, so long will we be enabled to say, "he being dead yet speaketh."

Patti's Marriage.

And so our little Patti, as we used to call her, has married a nobleman, has she? Why not? Noblemen are plenty, good soprani and tenori very scarce. "Madam, the salary you demand," said a Russian Emperor to the great Catalani, "is more than the salary of one of my Field Marshals!" "Hum!" said the fair singer, "perhaps your Majesty can easily make Field Marshals, but where will you get another Catalani?" As to marrying noblemen, did not the fair Anastasia Robinson marry one of the boldest, most chivalrous of men-in truth, his history is more interesting than many a novel-the eccentric Earl of Peterborough? And Lavinia Fenton, did she not catch the Duke of Bolton? Her performance in a piece that would not take nowadays-The Beggar's Opera-her singing of "Oh, Ponder well" completely bewitched that nobleman. So did the famous Miss Paton marry Lord William Lenox. This lady, so well known afterwards in this country as Mrs. Wood, was the best "Amina" in Sonnambula that ever appeared in this country. We wish we had time to speak of her achievements, 'especially of her "Norma." Then, did not Henrietta Sontag become the wife of Count Rossi? lovely, ill-fated genius, to die in Mexico after delighting the most fastidious audiences in every part of the civilized world. If that is not enough of singers marrying noblemen we will throw in one more. The piquante Marietta Piccolomini, like our Patti, took a Marquis; his name is Gaetani. If we wished to rake up old scandals we might allude to the fondness of the first Emperor Napoleon for the lovely Grassini; or how the late Lord Melbourne, once Prime Minister of England, fought a duel with M. de Melcy, the former husband of Giulia Grisi. But our readers will perceive that we have no liking for that sort of thing! What a world of delightful recollections does the mere

heard all the singers above enumerated, but we have heard Mrs. Wood, Jenny Lind, Sontag, and Grisi. Without trying to remember many more, there is one who, in the galaxy, must not be overlooked. All who had the pleasure of listening to the late charming, and in some rare characters the almost, as we were going to say, unequalled Angiolina Bosio, will agree with us in believing that a long time may elapse before another will apear qualified to take her place. We do not believe the musical world was ever so startled since the death of Malibran as when it was announced that she was dead. She died in St. Petersburg in 1859, after having created a sensation in Paris and London, such as was seldom witnessed. Like Adelina Patti, she first succeeded in this country, for it was only after her return from America that she succeeded in winning her proud position on the American stage. As lovers of song, as sons of the soil on which the fair Patti's first triumphs were won, we most heartily rejoice both at her success pecuniarily and, we may hope, matrimonially, for not having heard of ker husband except as being attached to the French Court, we must hope that it will prove as happy as so consummate an artist deserves to be.

United States Government will soon establish a protectorate over Mexico, receiving in exchange for the privilege of controlling that country a cession of territory already owned by American speculators, for which, it is probable, a good round sum would be demanded. This is one of the many schemes devised to plunder the treasury, and to increase the heavy burdens imposed upon the people. Practically it would benefit only the vena! politicians of the two countries, and lead to unnecessary and expensive complications. It will be infinitely more profitable for the nation to expend its energies in developing the varied resources of the vast expanse of territory it now possesses than to seek extension of boundaries at this period. Opportunity will never be wanting when we really need more land, to make the necessary acquisitions, but now the prime necessity is to improve the districts already partially occupied, and to reduce expenditures to the lowest possible standard.

A WASHINGTON TELEGRAM announces that the

MR. STRVENS' GENEROSITY,-There is an incident of the late Tnaddeus Stevens, which first appeared in a biography of him in THE EVENING TELEGRAPH on Wednesday last, and which has been widely copied into many of our exchanges. The anecdote called forth a number of communications, some of which we published. So far the facts of the case, though substantially correctly stated, are not exact We give them as they were told us by the gentleman who, of all others, is best qualified to know the precise truth. After Mr. Stevens' speech in favor of the school bill there appeared a little peem in a country paper, highly culogistic of his course, and which was without flattery and of great literary ability. Judge Ellis Lewis, a personal friend, though a politicat opponent of Mr. Stevens, came across a copy of it and showed it to Mr. Stevens. That gentleman expressed great pleasure and never intimated to the Judge but that he then saw it for the first time. "What shall I do for her?" Mr. Stevens; "I don't know her." "Give her a book or a farm," said the Judge, laughing "Well." said Mr. Stevens, "she don't want book, but she may want a farm. Judge, find ner out and buy her one Draw on me for the money." "What is the limit?" asked the Judge. 'Nothing at all, so that she gets what she wants," replied Mr. Stevens. Judge Lewis, full of the milk of human kindness, sought the lady out, and found that she was living on a farm which had been sold to satisfy a judgment against her husband, a worthless sort of a customer and that she would be turned out of her home in a month. The farm had been bought by Judge Anson V. Parsons, then a practising lawyer. On finding the lady Judge Lewis discovered for the first time, that Mr. Stevens had already sent her \$100. The Judge told the lady to write to Mr. Parsons, and tell him her condition, and he, the Judge, would call and see him. She did as directed, and when Judge Lewis called, the lawyer, moved by the note just received, professed his willingness to sell back the farm if the judgment of his client would be paid off,

Judge Lewis drew up the deed in the office, had it signed, and gave a draft on Mr. Stevens for the money. It was duly honered. Years afterwards, Judge Lewis found the lady in indigent circumstances, in Wisconsin, and out of his own good feeling and warm heart, purchased some land there, and gave her a life estate on it, to prevent it being sacrificed by her husband. As she is now dead, it has reverted to him. These little incidents, hidden for years, show the eminent generosity of Mr. Stevens, and of his brother in good feeling, if not in political life, Judge Eilis Lewis.

CRIME.

Desperate Fight with a Surglar.

The Louisville (Ky.) Courier of Saturday last A desperate fight occurred on Second street yesterday morning, between four policemen and a burglar whom they were endeavoring to secure. It seems that as Lieutenant B. Priest, of the Third District Police, in company with Detective Jack Gallagher, and Policemen Joseph Batman Pat McGrath, were leaving the First street station, having gone off duty, they discovered a suspicious looking individual sitting at the back door of a grocery on Second street, near the corner of Green. Supposing him to be drunk, Gallagher walked up to him and began to make the usual inquiries, and the fellow not giving a satisfactory enswer, the officer proceeded to arrest him. To the astonishment of the officers, the man suddenly jumped to his feet and struck Gallagher down: but Gallagher was up again in an instant, and this time the stranger went to the earth. Getting vp. however, he let into Gal-lagher with a vim. and Lieutenant Priest and the two other policemen came to Gallagher's assistance. A terrible struggle now ensued. The man fought with the ferocity of a tiger, and seemed possessed of the strength of half a dozen ordinary men. Pulling, jerking, and striking alternately he fought with the fury of despair, and had evidently made up his mind to surrender his life rather than his liberty. The officers, however, proved too much for him, and he was soon secured, though he came out of the fight a frightful object to look upon, his clothes being torn to tatters and stained with blood from his bruises. He was onickly bruises. bruises. He was quickly hustled off to the sta-tion house, where he gave his name as William Warren. On his person were found twenty dol-lars, two fine gold watches, and a silver watch. The money and one of the watches were identited as property stolen from the house of Charle Myers, on Broadway, near Eighteenth street, which had been broken into the night before. Another of the watches was identified as belonging to Oran Rawson, a merchant on Main street, and was also burglary booty. The prisoner appealed to be a stranger, and claimed to have served in the Confederate army. He gave no For Cotton or Woollan Kannacturers. [719mw@sp.] recital of these names awaken! We have not

other items of his history. He will be up before Judge Craig this morning.

A Prot and an Arrest.

A correspondent of the Buffalo Express, writing from Hornesville, says: - The recent confisgration which consumed so large a portion of the buildings on Main street, has been traced to a very curious cause. A young man (of the fast order, of course,) became somewhat involved in his business. He had a stock of goods in a rented store, and so he went to a lawyer for sidvice—a very safe place of resort. This "mem-her of the bar," true to the instincts of his profession, gave the much needed counsel. But how unlike the 'regular practice" in character. He hinted that if the store would only by some fortunate accident take fire and burn down, his chent would then be able to get his insurance money, pay his debts, and save his reputation This was all. Of course it was a "clear case." In a very short time from this the terrible con flagration occurred, and it was found to have originated in the store of the lawyer's client. Sufficient evidences of guilt have come to light to indicate a plot, and the lawyer and his unfortunate client are in jail awaiting examination

-Another Tyng is to be a clergyman. The pulpit can find room for any number of sons of such a sire.

#### SPECIAL NOTICES.

DOVE-LIKE EYES SPARKLE WITH pleasure as the exquisite tragrance of Phalon's new performe, "FLOR DE Ma YO," steals upon the senses of languid beauty. Habylon had her bancing gardens filled which choicest flowers; but such devices are not needed now. You have only to open a build of Phalon's peerless extract, and the hended perfumes of a hundred exotics are at once suspended in the air. Sold by all druggists. the air. Sold by all druggists,

WRIGHTS ALCONATED GLYCERIN Tablet of Solidified Glycerin tends to preserve the skin from dryness and wrinkles, imparts a won-serful degree of softness and delicacy to the complexion, and whiteness to the skin; is an excellent dentifrice, grateful to the taste and tonic to the mouth and gums; imparts sweetness to the breath, and renders the treeth beautifully white. For sale by all drawings in the control of the property of the control sale by all drugglets. R. & G. A. WRIGHT, No. 524

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The next term commences on THURSDAY, September 10. Candidates for admission may be examined the day before (September 9), or on Tuesday. July 28, the day before the Annual Commencement. For circulars apply to President CATTELL, or to

Professor B, B. YOUNGMAN, Clerk of the Faculty.

Easton, Pa., July, 1868. PHILADELPHIA AND READING RAILEOAD COMPANY, Office No. 227 FOURTH Street. PHILADELPHIA, May 27, 1868 NOTICE-To the holders of bonds of the PHILA DELPHIA AND READING RAILROAD COM-

PANY due April 1, 1870. The Company offer to exchange any of these bonds of \$1000 each, at any time before the (1st) first day of October next at par for a new mortgage bond of equal amount bearing seven per cent, interest, clear of United States and State taxes, having twenty-five years to run.

The bonds not surrendered on or before the lat of October next will be paid at maturity, in accordance with their tenor.

S. BRADFORD,

Treasurer.

PHILADELPHIA AND READING PHILADELPHIA, June 25, 1868, DIVIDEND NOTICE.

DIVIDEND NOTICE.

The Transfer Books of this Company will be closed on TUESDAY, June 30, and be reopened on THURSDAY, July 16, 1868.

A dividend of FIVE PER CENT, has been declared on the Preferred and Common Stock, clear of national and State taxes; payable on Common Stock on and after JULY 15 to the holders thereof, as they shall stand registered on the books of the Company on the 30th instant, All payable at this office,

8 26 2m

S. BRADFORD, Treasurer.

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The Automnal Session will open ou MONDAY,
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o'clock in the morning.

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812 wim4w

Head Master.

CHESNUT STREET FEMALE SEMINARY,
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Miss BUNNEY and Miss DILLAYE will reopen
their Boarding and Day School (Thirty-seventh
Session), September 16, at No. 1613 Chesnut street,
Particulars from circulars.

DIANO .- MR. V. VON AMSBERG WILL RE I sume his Lessons September 14, No. 234 South FIFTEENTH Street, 8 15 lm\*

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house must surpass any other at the Capes, as well for its outside attractions and conveniences as for its extensive and well regulated interior. The COLUMBIA has long been sustained by a substantial and select patronage from all parts of the country, and its appointments may be depended upon as strictly first class. For rooms, etc., address

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sir. Will you please to tell me how soon I can have the photograph after I get my measure taken, sir?" And the man of photographs was taken with a fli of laughter at the nice young lady, and she was afraid the measure wouldn't be a good fit; and she went to her home in the country, and she hasn't any photo

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p. mile heats in three to harness.
John Turner enters b. s. American Star, Jr.
Royal Stetson enters br. s. Creton' Patchen Colt.
The above Exhibition will be structury limited to
those having author/zed privilege of as mission.
Positively no public admission.
Omnibusses will leave Library street at 2½ P.
M. 817 34

CODGERS' AND WOSTENHOLM'S POCKET ENIVES, Pearl and Stag Handles, of beautiful Eniah. RODGERS' and WADE & BUTCHER'S RAZORS, and the celebrated LECOULTRE RAZOR SCISSORS of the finest quality.

Razors, Knives, Scisors, and Table Ontiery Ground and Polished, at P. MADERA'S, No. 115 S. TENTH Street, below Obeannt. DEAFNESS.-EVERY INSTRUMENT THAT aclence and skill have invented to assist the hearing in every degree of deafness; also, Respirators; also, Crandall's Patent Crutches, superior to any others in use, at P. MADEIRA'S, No. 11s. S. TENTE Street, below Cheanut.

DATENTED.—PANTS SCOURED AND STRETCHED from 1 to 5 inches, at Mottes, Trench Mean Dycing and Securing, No. 509 N. NINTH Street and No. 750 RACE Street. First 69