## Baily Evening Bulletin.

GIBSON PEACOCK. Editor.

OUR WHOLE COUNTRY.

F. L. FETHERSTON Publisher.

VOLUME XXI.—NO. 266.

PHILADELPHIA, SATURDAY, FEBRUARY 15, 1868.

PRICE THREE CENTS.

THE EVENING BULLETIN PUBLISHED EVERY EVENING

AT THE NEW BULLETIN BUILDING, Of Chestnut Street, Philadelphia,
EVENING BULLETIN ASSOCIATION.

MARHIED. BLAND COXE. On the lith December, 1867, at the hurch of the Incarnation, by the Rev. J. D. Newlin, as dated by the Rev. F. H. Bushnell, Grorac Hiand to Sarak Matilda Long, youngest daughter of the late Richard S.

GERS-FISH.—In New York, on Thursday, Feb. IR, Mark's Church, by the Rev. Alexander II. Vinton, Wm. E. Rogers, of the Engineer Cerps, U. S. Army, am Letoy, daughter of Hamilton Fish, Esq.

CARSON.—Suddenly on the 12th instant, Thomas B. arson, in the 5th year of his age.

The relatives and friends of the family are invited to attend the funeral, from his late residence, No. 805 forth Thirteenth street, this (Saturday) afternoon, the 15th sat, at 20 velock. Interment at South Laurel Hill.

KOONS.—On the 14th instant, after a lingering illness, sary H. wile of Frederick Koons, aged 74 years.

The relatives and friends are respectfully invited to trend the funeral, from her husband's residence, 655 orth Thirteenth street, on Monday, at 2 o'clock. To reced to Laurel Hill.

Mokay.—On the 15th instant, Mrs. Elizabeth McKay. ellet of the late Jareniah McKay.

Due nesico will be given of the funeral.

Minnick.—On Friday, 14th inst., Catharine Misnick, a the 5th year of her sats. The relatives and friends are respectfully invited to attend the funeral, on Sunday, Feb. 16th, at 20 clock, from the residence of her husband, No. 812 North Fifth

reet.

RINGEL.—On the 18th inst., Mrs. Ann Ringel, relict of le late Augustus F. Hingel, in the flat year of her age. The relatives and friends of the family are respectfully vited to attend her funeral, from her late residence. No. 5 Corinthias avenus, on Monday, the 17th imstant, at 10 clock, A. M., without further notice.

LINGUAL ST. On the 18th inst., Wranciska; wife of the 18th clock at the 18th inst., at 10 clock without further tice. Proceed to Mt. Vernon Cemetery.

W HITE PURE M MAIR FOR EVENING DRESSES,
WHITE OF THE CLOTH,
SCARLET OPERA CLOTH,
WHITE MERING AND DELAINE,
FYRE & LANDELL,
FORTH AND AND AND ARREST

"THE GREAT WORK" BY REQUEST OF THE YOUNG MEN'S CHRISTIAN ASSOCIATION.

RELIGIOUS NOTICES.

Rev. A. A. WILLITS, D. D., Will preach on the above subject, in CONCERT HALL,

TO MORROW (Sabbath) EVENING, at 22d o'clock.

y. Chestnut and Finteenin access, as NING next, at 7% o'clock.

seats in the middle aisle will be reserved for Stu-

TRAVELS IN SYRIA AND PALESTINE.

Rev. J. WHEATON SMITH, D. D., on the above subject at Fifth Baptist Church, corner of Eighteenth and Spring Gorden streets, on THURSDAY EVENING, Feb., 20th, at 7% o'clock, in aid of the Spruce Street Mission, Tickets, 26 cents.

CHURCH OF THE INTERCESSOR, SPRING Garden, below Broad. The funeral sermon of C. H. Wakely, late Vestryman of the Church, will be preached by the Rector, Sunday morning, The next of the series of sermons to Women will be preached Sunday evening. Service at 10.30 A. M., and 7.30 P. M. it CHURCH OF THE HOLY APOSTLES.—bunday-School at S.A. M., and Church at 3% P. M., in the lecture-room of Tabor Prosbyterian Church, Eighteenth below Christian street; entrance on Montrose street, bermon by Rev. R. S. Parvin.

WEST ARCH STREET PRESBYTERIAN

WEST ARCH STREET PRESBYTERIAN

Pastor, will preach To-morrow, at 10%, A. M. on 'Thelast
regal act of King Bavid." Rev. J. Howard Suydam, D. D.,
will preach at 7% P. M. JACOB'S NIGHT OF WRESTLING WITH the Abgel at Fenici.—Sixth sermon of series, by Rev. Dr. March, to-morrow (Souday) evening, at 7% o'clock, in the Clinton Street Church, Teuth, below Spruce. All perrors are cordially invited to attend. It MISSIONARY SERVICES AT ARCH STREET M. E. Church, Sabbath, Feb. 16th, Rev. J. F. McClellan will prozeh in the morning at 10% o'clock, and fev, T. M. Griffiths in the evening at 7% o'clock, Missionary collection morning and evening.

FIRST PRESBYTERIAN CHURCH, WASH-ington Square. The Rev. J. H. McIlvain, D. D., of Princeton, will preach to-morrow morning at 10% o'clock, and in the afternoon at 3% o'clock. It THE REV. DR. TOMPKINS, OF LONDON, England, will preach on Sabbath afternoon, in Rev. Dr. Crowell's Church, at Broad and Penn Square, at haif, part three o'clock.

CHILDREN'S CHURCH.—THE NEXT BEIGHOUTE of the young on "Bible Wonders" in the Church of the Epiphany, to-morrow afternoon at three o'clock.

CALVARY PRESBYTERIAN CHURCH, LO-cust street, above Fifteenth.—Preaching To-marrow morning and evening by Rev. J. Glentworth Butter, D.D., of this city.

NORTH BROAD STREET PRESHYTERIAN Church.—Rev. W. M. Wines, of Rechester, New York, will preach to-morrow at 10% A. M. and 7% P. M. OLD SPRUCE STREET BAPTIST CHURCH, Spruce street, below Fifth, Rev. J. Wheaton emith, D.D. Pastor.—Preaching To morrow Morning, and Evening, Strangers welcome.

ST. PAUL'S CHURCH, THIRD STREET, below Walnut, will be open as usual to-morrow evening, at 7% o'clock. WESTERN PRESBYTERIAN CHURCH, SEVEN-tectib and Filbert streets. Rev. Mr. Bridells will preach Fabbath morning and afternoom. It

AFTERNOON SERVICE.—AT 3% O'CLOCK TO-morrow, at St. John's Lutheren Church, Race street, below Sixth. Dr. Seies, the Pastor, will preach. TRINITY CHURCH, CATHARINE, SABOVE Second street.—Rev. John W. Brown, Rector. Services to morrow at 10% A. M. and 7% P. M.

SPECIAL NOTICES. APPEAL BY THE MAGUALEN SOCIETY.

ASYLUM TWENTY-FIRST AND RACE STREETS,
PHILADELPHIA JAMES AND RACE STREETS,
The MAGDALEN SOCIETY-for taskleformation of Rallen
Women was founded 1801. It has resence nearly a thousand isomerison ruin, and restored many of them to
paths of institutes. It has now atlantly of Twenty-Six,
and is in need of immediate aid to carry on its work. In
co-operation with the Midnight Meeting Association, just
organized in this City, considerable additional expenses
will be incurred, and there are no funds to meet thom.
This Society has rarely appealed of late years to the
public, and comes now with that additional claim for
favor. public, and comes now with that additional claim for Tayor, The City of Philadelphia contains over Twelve Tayors and Fallen Wohren. What further is necessary to appeal to your sympathy? What citizen in the full enloyment of his own virtuous fielde needs any other argument than that Twelve Thousand Friendless, Outcast Women, he crying out to his for help?

Of the whole number of fallen women who tahabit our city one-third at least are decirous of reformation but know not what stop to take. They want only the guiding hand of sympathy tylend them into paths of usefulness and virtue. iss and virtue.
To do this is the work of the Magdalen Society, and for hich it now appends to the public. Three Thousand oldars will be required to carry out the proposed plan. Contributions to make up this sum are carnedly solited by the Managers, and may be cent to the Treasurer, bit N W. BIDD. E. No bill Chestmat Street, or to any of a Managers named below.

cited by the Managers and Managers and Managers and Bill Chestrian Bircet, or to any or the Managers named below.

Yory Respectfully, AMBRORE WHITE, President.

BOARD OF MANAGERS.

M. L. DAWERS, COFFIN, No. 232 Walnut street.

A. G. COFFIN, No. 232 Walnut street.

JAMES K. GREPVES, Church Lane, Germantown.

J. FISHELL LEAMING, No. 231 Chestons street.

WILLIAM FULVES, No. 235 South Ninth street.

WILLIAM FULVES, No. 236 South Ninth street.

WILLIAM FULVES, No. 236 South Ninth street.

WILLIAM FULVES, No. 236 South Ninth street.

WILLIAM FULVES, No. 258 Si Juce street.

JOHN M. WHITALL, No. 1817 Filler street.

L. MONTGUMERY BOND, No. 1828 Chestons

street.

Street.

OFFICE OF THE LEHIGH COAL AND NAVIGATION COMPANY. This Company is prepared to purchase its Loan due in 1870, at par. SOLOMON SHEPHERD, Treasurer. No. 122 South Second Street.

O. S. FOWLER'S LAST DAY OF PHENOlogical examinations and advice as to best business,
marriages, children, de de. from 8 A. M. to 10:F. M.,
at the Upninental till Monday at 3 F.M., only 16024 are

ja30-tfrp

plaintiff, ordered, that M. Meuler's letter should be inserted within three days at the head of the leading column of the Courrier Français, and fined the manager fifty france.

SPECIAL NOTICES.

ARTISTS' FUND SOCIETY. Galleries 1334 Chesthut St.

The Exhibition of February and March will

be free to the Public. Open daily from 9 A. M. to 5 P. M.

fe13 15 18 20-4trp§ From Joppa to the Jordan.

A descriptive Lecture on the above subject will be de Dr. WEL WILSON TURNER, in the NORTH BAPTIST CHURCIL, EIGHTH street, above MASTER. Tickets, 25 cents.

S. K. MURDOCH, FSQ.:

DEAR SINX—Having frequently been gratified auditors at your Readings, and knowing that your clocutionary abilities have been often exercised in the cause of patriotism as well as instruction, as the inmates of both camp and hespital during the rebellion can gratefully testify, we, the undersigned citizens of Philadelphia, and your warm personal admirers, hereby tender you a complimentary testimonial of our appreciation of your morits as a scholar, your unselfish conduct as a particl, and your unblemished character as a man, and would request you at your carllest leisure to name a suitable time and place for a Public Reading, at which we can again be permitted to enjoy your masterly renditions of the gems of pocesy and proce.

mitted to enloy your me poesy and prose.
Morton McMichael,
Wm. E. Feiree,
B. H. Brewster,
W. B. Mann,
Dan'l Doughorty,
Wm. H. Allen,
Geo. I. Riché,
Geo. W. Fettera,
L. C. Casaldy,
Joshua T. Owen,
Jas. Pago.
Peter Lyle,
Sam. IM. Zulich,
Chas. H. T. Collis,
Hor. Hubbell,
Edw. Shippea,
H. W. Kanaga, PHILAPELPHIA, Feb. 14, 1863.

Gentlemen: Your very complimentary request is re-ceived. I am deeply sensible of this mark of your kind-ness and encouragement; my study shall be to deserve so itattering a proof of your consideration. A would name the evening of the 24th instant, at Con-

Kours, respectfully, S. K. MURDOCH. To Mearre, M. McMichael, W. S. Peirce and others. 115

THE SECOND AND LAST LECTURE OF Prof. ROBERT E. LOGERS, before the TEACH-ERS' INSTITUTE, will be delivered at HORTICULTURAL IJALL, WEDNESDAY EVENING, FEBRUARY 19.

"ELECTRICITY, WITH B-ECIAL REFERENCE TO GALVANISM AND MAGNETISM."
The Lecture will be brilliantly illustrated by new and novel experiments.
Tickets of admission, 50 ccuts. For sale at Trumpler's, 226 Chestnut street. No extra charge for reverved seats.

OFFICE OF THE CITY TREASURER.

NOTICE—City Warrants issued in 1837 will be paid in the following order: Warrants issued in 1837 will be paid in the following order: Warrants issued from January let to July 181 will be paid from March 181 to 16th; those issued from July 181 to December 21st will be paid from leth to 20th; warrants of 182 will be paid after the 20th March. All interest on Warrants will ceuse after the dates above named. Holders of five or more Warrants will present a schedule of the same, for adjustment, before the time of payment.

JOSEPH N. PEIRSOL, fel5-5trp:

Women Target Annual English (1937)

feli-Strp;

NOTICE—THE ANNUAL MEETING OF THE METROPOLITAN STEAMSHIP COMPANY will be held at the Artor House, in the city of New York, on TLESDAY, March 10th, 1883, at one o'clock, P. M., for the election of sine Directors and three Inspectors of Election, and for the transaction of such other business as may properly be presented. Polls open from 1 to 3 o'clock, P. M. C. FERSON, Secretary.

BT. MARY'S HOSPITAL, CORNER OF FRANKFURD ROAD and PALMER STREET (opposite New York Kensington Depot), in charge of the (opposite New-York Kensington Depot), in charge of the Sisters of St. Francis. Accident crass received if brought immediately after reception of Injury. Lying in cases received at a moderate rate of board. Free medical and surgical advice given on Wednesday and Saturday Afternoons between 4 and 6 o'cls. fel2-tirp HOWARD HOSPITAL, NOS. 1818 AND 1520 Lombard street, Dispensary Department.—Medical treatment and medicines furnished gratuitously to the

NEWSPAPERS, BOOKS, PAMPHLETS, WASTE, Paper, &c. Bought by E. HUNTER, No. 613 Jayne etreet.

MUSICAL.

MENDELSSOHN SOCIETY'S CONCERT.—On Thursday evening, Feb. 22nd, the Mendelssohn Society will give their second subscription concert at Con-Tickets for sale at Meyer's Music store No. 1230 Chestant street.

CARL SENTE'S ORCHESTRA MATINEE On Thurscarl Sentz's Orchestra Matiner on Thursday afternoon was well attended, and passed off with some iclai. The orchestral pieces were admirably rendered, as usual, by this superior and well-appointed orchestra. We cannot permit a performance like that of Mendelssohn's Concerto composed for violin and orchestra, to pass without some remark. Mr. Wm. Stoll, Jr., was the executant, and he was rewarded by long and warm appiause from his audience. Three things are all-important for a successful performance of are all-important for a successful performance of advanced violin music. These are quality of tone, just intonation, and graceful freedom in the bowarm, and it is not overstating when we say that this youth is in full possession of them. That he this youth is in full possession of them. That he is yet deficient in maturity of intelligence and expression is certainly no disparagement to him when we consider his years. He is happily not a precoclous prodigy, but developes his talent naturally and in good season. By carefulstudy and following good models, there may be promised to him a brilliant career. It was not an uninteresting sight to see this young rightists. an uninteresting sight to see this young violinist step out from the ranks of the first violins and modestly place himself in position to play the great concerto, which he did well, but would have done better had there been a more liberal rehearsal given by the orchestra, for although his aplonb was admirable, there never can be too great certainty felt by a soloist and his accompa-

MENDELSSOHN SOCIETY'S SECOND CONCERT WILL take place on next Thursday evening, in Con-cert Hall, when it will have the assistance of a number of professional solo singers and per-formers, and also Carl Sentz's excellent orchestra. One of the attractions which claim particular attention is the first performance in America of Ferdinand Hiller's Cantata of Lur-Loreley has been worked up into an interesting libretto. Hiller, born at Frankfort, and living at different times in Dusseldorf and Cologne, (where we saw him in 1860), was admirably fitted to compose the music for such a wild story, full, as it-is, of German fantasy and poetry. The music is light, graceful, at times impassioned, and throughout of a pleasing character. It is, in fact, an opera without scenery and costume, and

will no doubt give great pleasure. ITALIAN OPERA.—On Monday, the second of March, the La Grange-Brignoll opera troupe will begin a short season of Italian opera at the Academy of Marie. demy of Music.

ANOTHER NEWSPAPER CASE.—Another novel action against the Courrier Français has been tried in a civil court in France. A member of the staff of the Journal, a M. Menier, who writes under the algnature. "Penot," complained that a paragraph not written by him appeared in the paper with his name attached to it. He required the Courter Français to invert. the Courrier Français to insert a letter from him denying the authorship, and upon the question whether this was a legal demand, or not, issue was joined. The court decided in layor of the legislet ordered that M. Menley letter this

A MILITARY SCHOOL.—At Orenburg, on the borders of Turkistan, a military school has been established for two hundred pupils, one hundred and twenty of whom are to be selected from the sons of Tartar and Kirghis chiefs. As Russiana and Tarters generally get on well together the new school will probably confirm the good relations between the free probability in the honder. tions between the two nationalities in the border

GIRARD COLLEGE.

Important Application in the Supreme Court.

THE COURTS.

Proposed Appointment of Trustees by the Court.

A Bill in Equity has been filed in the Supreme Court, in which John A. Barclay, surviving executor of the will of Stephen Girard, joins with several other prominent citizens in praying for a change in the mode of governing Girard College, which will save it from all political influence. Mr. William Welsh, who was for more than thirteen years a director, would have joined in the action, but he may be needed as a witness. He has, however, prepared a statement which will shortly appear before the public. The Bill in Equity is as follows:

Equity is as follows:

To the Honorable the Judges of the Supreme Court for the Eastern District of Pennsylvania—Sitting in Equity.—Between John A. Barclay, surviving Executor of the last will and testament of Stephen Girard, deceased; Thomas Robins, John O. James, Stephen Colwell, Thomas T. Newlin, James Magee, John C. Cresson, Charles Macalester, and William Duane, citizens of the city of Philadelphia, residing within the limits of said city, as it existed at the time of the death of eaid Testator; also, Jehn B. Pye, an orphan residing within the limits of said city as it existed at the time of the death of said Stephen Girard (by his next friend and mother, Ann Pye); Geo. Cornish, an orphan residing within the same limits (by his next friend and mother, Matlida Elliott, formerly Cornish); Graham McCullein, an orphan residing within the same limits (by his orphan residing within the same limits (by his next friend and mother, Eve McCullen); for themselves and all others interested in the subject matter of this Bill, who may hereafter join as plaintiff, and the city of Philadelphia; also, William S. Stokley, President. | Here follow the names of members of both branches of Councils and of the Directors of the College, which we

Your Orators complain and say: I. That Stephen Girard, late of the city of Philadelphia (as the said city existed prior to the 24th of April, 1854, under the corporate name of the Mayor, Aldermen and citizens of Philadelphia), died in 1831, having first made his last will and testament, of all parts of which having any bearing on the issues raised by this bill, a copy is hereto annexed which plaintiffs pray may be taken as part of this bill.

II. That the said Testator, being "particularly

desirous to provide for such a number of poor male white orphan children as can be trained in one institution, a better education, as well as a more comfortable maintenance, than they usu-ally receive from the application of the public funde," after having, by various bequests, made provisions for relatives and friends, devises and bequesths all the residue and remainder of his bequeaths all the residue and remainder of his real and personal estate to the "Mayor, Aldermen and Citizens of Philadelphia, their successors and assigns," in trust for various purposes; of which the principal one, as expressed by the testator, "the prinary object" of his said residuary bequest, was the erection and maintenance of a permanent college, consisting of suitable buildings, to be constructed from time to time in proportion as the number

from time to time in proportion as the number of orphans applying for admission increases, the expressed 'design and desire of the Testator being that the benefits of said institution shall be extended to as great a number of orphans as the limits" of the ground appropriated to the purpose by him, and the building that might be erected thereon, can be made to accommodate.

III. That the Testator's purpose and intention in regard to the said College was, not merely to confer a benefit on the orphans who should be maintained and educated therein, but also to bequeath and confer a direct and substantial benefit on the great body of his fellow-citizens of Philadelphia; which benefit did not consist, solely or mainly, in providing for the main-tenance and education of the male orphan children of their community, though he gave them a priority in the right to maintenance and education, which, if the trust had been properly administered, would have been and could still be extended, so as to embrace not only all the qualified male orphans of the old city, but also a large number, if not all, the qualified orphans of the

number, it not all, the qualified orphans of the State of Pennsylvania.

Lut the peculiar and great benefit intended to be conferred on his fellow-citizens of Philadelphia in connection with the provision for the maintenance and education of their orphans, consisted in giving them the control and management of the Callege where their orphans were the ment of the College where their orphans were to be thus maintained and educated, including the right to appoint teachers and care takers who would take personal interest in said orphans, and who, besides possessing the moral and other qualifications for their respective offices, would be persons whose character, opinions and prejudices should accord with those which might from time to time prevail in said commu-nity, so as to bring up said orphans in the man-ner preferred by the community of which they formed part, and in intrusting to said community the administration of the estate from the income of which the college should be supported, so that in amount and in the manner of its application, it should prove sufficient to give to all their or-phane "a more comfortable maintenance, and a better education" than is usually received from

the application of public funds.

IV. That by thus inseparably connecting the IV. That by thus inseparably connecting the administration of the estate by the income of which the College was to be supported, and the management of the College itself, with the enjoyment of its benefits in the education of the orphans of the community, to whom such administration and rights were delegated, the Testator reasonably believed that he was adopting the most certain means to insure that the duties of the Trust he was creating would be faithfully and the Trust he was creating would be faithfully and judiciously discharged; all of which he expressed in the 21st clause of his will (being the principal clause in which provision is made for said Col-

lege), as follows:
"In relation to the organization of the College and its appendages, I leave necessarily many de-tails to the Mayor, Aldermen, and Utilzens, of Philadelphia, and their successors; and I do so with the more confidence as, from the nature of my bequests and the benefit to result from them, I trust that my fellow-citizons of Philadelphia will observe and evince especial care and anxiety in selecting members for their City Councils and

other agents."

V. That at an expenditure of nearly two millions of dollars a College was erected on the ground appropriated by the Testator, and opened for the reception of orphans in the year 1848, and until April, 1854, was under the control and charge of the Councils of said city, of which the Testator, had been a member in his lifetime for many years and which represented his said followed. many years, and whigh represented his said fel-low citizens.

VI. That by and under the provisions of an VI. That by and under the provisions of an Act of Assembly of this Commonwealth, entitled "A further supplement to an Act entitled 'An Act to incorporate the City of Philadelphia," passed the 24th day of April, 1854, and usually known as the "Consolidation Act." the city of which the corporate name was. "The Mayor, Aldermen and Cilizens of Philadelphia," the citizens whereof were the fellow citizens referred to by the Testator as his beneficiarles, together with twenty-nine other adjoining municipal corporations, were consolidated into one corporation, under the title of "The City of Philadelphia.

VII. That by the terms of said act and of the

various supplements thereto, the title to all property of the old city was declared to be vested in the consolidated city. That plaintiffs are advised and charge that the right to the legal title of the residuary estate, real and personal, of said of the residuary estate, real and personal, or said testator, is an entirely different thing from the personal right of acting substantially as testamentary guardians of the persons of said orphans and of their property rights under said will, and that nothing in said act can be properly construed to deprive the community of the old city of the personal rights and benefits conferred on them by the testator. Including these of having of the personal rights and benefits conferred on them by the testator, including those of having their male orphans maintained and educated under their own guardianship and control, or that of officers directly representing said community, or to extend said rights and benefits or any of them to persons outside of the limits of said old city. VIII. That the city of Philadelphia has heretofore purported to apply the whole net income derived from the residuary cetate of Stephen Girard, with the exception of the amount set apart by the terms of said residuary devise for the improvement of Delaware Avenue, and of the amount given to the Commonwealth of Pennsylvania for internal improvements, to the maintenance and education of the said orphans

Pennsylvania for internal imprevements, to the maintenance and education of the said orphans at the College; and that the whole thereof, with said exception, has been, and would, in fact, now be required for those purposes, and therefore that the whole is the property of said orphans for the purposes of maintenance and education.

IX. That the legal title to the residuary estate of Stephen Girard became vested in the consolidated city, under said Act of 24th of April, 1854, in trust, to allow the community comprising part of their own municipality, on whom the Testator substantially devolved the duties and rights of testamentary guardians of the persons of said orphans, and of their property rights under said will, by and through the instrumentality of agents, trustees, or officers, who may be considered, and, in fact, be municipal officers of the present city, but who, whatever the style of their office, should be elected by and exclusively represent should be elected by and exclusively represent the community, a component part of said present city, on whom the office of testamentary guardians was so delegated, to take charge of the property and receive the rents, income, and profits neces-sary for the maintenance of said College, and properly applicable thereto, and control and en-force the application thereof to the charitable purposes of maintaining and educating, orphans in the manner in said will provided and di-

X. That, in fact, no officers or agents have been elected or appointed capable of discharging the office of such, substantially, testamentary guardians aforesaid, on behalf of said community or citizens of the old city, or otherwise representing their rights and interests under the will of Stephen Girard, and there is no existing law prescribing the manner of the election or appointment of such officers. rected. pointment of such officers.

XI. That under the Act of Consolidation, the Al. That under the act of consolidation, the consolidated city was divided into 24Wards (since increased to 28), covering a territory manifold greater in extent than the old city, and of said 28 Wards the whole of the old city is included in 6; that, therefore, the old city has but a small minority of representatives, and that said Councils, collectively, can in no way correctly represent the community to and in whom were conferred and vested the personal rights and duties as beneficiaries under the will of Stephen Girard aforesaid.

aforesaid.

XII. That, nevertheless, the Councils of the consolidated city have usurped and assumed the management and control of the persons of said orphans, their maintenance and education at said College, and their rights of property under said will, and all and singular the rights of the fellowicitizens of said Testator composing the community of the old city, in all respects as if said community had no special rights, interests, or duties in the premises other orgreater than all the citizens of the present consolidated city.

XIII. That the Councils of the said city, acting directly and through committees, directors, and other agents appointed under them, have,

and other agents appointed under them, have, since 1854 grossly mismanaged and abused the trusts under the said will; among others, in the following particulars:

1. When the Councils of the new city came into power, the College was managed by a Board of Directors, eixteen in number, appointed by the representatives of the old city. Four vacancies occurred yearly, which would have enabled the Councils to change the whole Board in a few years.

years; but, apparently desirous to place the management in the hands of those who would discriminate unjustly against the old city, by an ordinance dated in 1856, the old Board of Directors was at once abolished, and a board of eighteen, a large majority of which was composed of men whose opinions and sectional prejudices corresponded with those of the majority of Councorresponded with those of the majority of Councils, was created, by whom, accordingly, apparently with a view to deprive the community of the old city of the benefits to which they were entitled as aforesaid, it was shortly afterwords determined, contrary to what they were informed by their legal advisers was the true construction of said will, and to the unformer practice of the College diversity. form practice of the College since its opening, that "the Committee on Admission be instructed thereafter to give preference in admission to applicants who are destitute of both parents; provided that the condition of such applicants is of a character to render them special objects of con

sideration;" which, if acted on, even apart from any effect of the pregnant provise to the resolution, would have reduced the number of orphans entitled to education, from the old city, to less than one half the number that would otherwise be entitled, and cnabled the Directors to fill the deficiency by admitting orphans from sections of the present city, outside of the limits of the old Having been enjoined by this Court from acting on this resolution, the Councils of the con-solidated city, their agents and directors, have

ing on this resolution, the Councils of the consolidated city, their agents and directors, have nevertheless passed such rules, and acted on their rules for the admission of orphans, in such way as to practically deprive the orphans of the old city of part of the benefits of said charity, to which they were justly entitled, and to transfer said benefit to orphans from parts of the present city, outside of the limits of the old city. Thus, while it is admitted, as decided by this court, that orphans from the old city have an established right of priority, and, after them, all orphans of the State of Pennsylvania have an equal right, orphans from the present city, outside of the old city limits, having no preference over those from any other part of the State.

Since 1854 a very large number of orphans, born within the limits of the old city, and in all respects qualified, who have applied for admission to said College, have been excluded on the plea of insufficiency of funds till after they passed their tenth year, so that they never can be admitted; action on the applications by others born within the old city limits and equally qualified has been suspended for the same reasons, and the orphans are now waiting for admission; and

the orphans are now waiting for admission; and hundreds of orphans born in the old districts, now part of the consolidated city, have been now part of the consolidated city, have been admitted into the College, making a large proportion of all the orphans received; while not more than ten or twelve have, during the same time, been received from the State of Pennsylvania, outside of the present city of Philadelphia.

2. That said city, ever since 1854, have in a measure disregarded their duty as. Trustees, and the corress directions of the will in recent to the express directions of the will in regard to the appointment of instructors, teachers, assistants and other necessary agents, and for several years past have wholly done so, and, instead of appointing persons of tried skill in his or her department, and of established moral character, partment, and of established moral character, exclusively on account of their merits, and not through favor or intrigue, as expressly directed by the Testator, they have been in the habit of appointing a Board of Directors, to whom they delegated the power of making ether appointments, and instead of selecting Directors on account of their merit, established moral character, and other qualifications for the office, they have been selected and appointed by reason of political influence and political sorvices rendered, or to be rendered to the political.

vices rendered, or to be rendered, to the political party to which the majority in Councils for the

time being, belonged; and the Directors, so appointed, have been in the habit of making other appointments, substantially in the same way, selecting persons to fill offices on political grounds, without regard to their qualifications for the office to which they were appointed, or to the terms of the will, or the interests and good of the orphans under their charge. And some of the most experienced and best of the Directors have at various times resigned, because they could not check the corrupt. signed, because they could not check the corrupting influences of party pellities, or prevent the consequent abuse of the trust. This evil has been gradually increasing; yet, in 1865, when it was much less than it is at present, the Directors it was much less than it is at present, the Directors of the College, in a report made by them to Councils, officially confessed the then existence of this abuse of trust, and, quoting the opinions of a learned man residing in another State, as to which they say that, regarding the source from which they came, they may be cited as authoritative, they agree with him, that for the good government of the College, it was absolutely necessary that "some mode must be devised by which the politics of the city shall cease to influence the choice of Directors: in other words. Girard Col-

choice of Directors; in other words, Girard College must be taken out of politics."
Since then this abuse of trust has so much increased that now, for the first time in the history of the College, the Directors, without exception, all belong to one political party, and in the words of a sworn statement made by a late President of the College, the members of the Board of Directors. tors took no interest in the discipline of the Institution, or in the personal welfare of the boys, and seem to have secured their places only that they might procure their friends to furnish the supplies to the Institution, or procure some of the subordinate places for their relatives; while by a published statement of a majority of while by a published statement of a majority of the Directors at present in power, it is acknow-ledged that the College has, for years past, been managed without regard to the good of the orphans, and that, in direct violation of the re-quirements of the will, and their duties in the premises, they have permitted the orphans to be habitually subjected to cruel and inhuman pun-ishment, wholly unnecessary for their govern-ment, and directly, the reverse of "the mild

ishment, wholly unnecessary for their government, and directly the reverse of "the mild means of reformation" prescribed by the will.

That no proper system of moral training is adopted, but such an entire disregard thereof that, unless the evil is stopped by the interposition of the powers of this Court, and the College placed under the control of parties who will manage it with a view to the interests of the orphans, and the public in accordance with the orphans, and the public, in accordance with the will of the testator, there is reason to fear that will of the testator, there is reason to rear than a this charity will prove an injury, rather than a blessing to the public, and a certainty that its sphere of usefulness will in the future be, as in the past it has been, much less than what it might 3. That the residuary estate of the testator, the

income of which shall be applied to maintain the Orphens' College, and to the erection of new buildings, until the benefits of the Institution should be extended to as great a number of or phans as the limits of the forty-five acres approprinted to it can accommodate, has been, and is being corruptly and badly managed; agents and mechanics are employed to manage and repair the same because of their political opinions and services, and are expected, in return for the employment given them, to subscribe money to aid in defraying the expenses of political contests, in which the members of Councils, and the political party to which a majority are attached, are interested; and the practical consequence has been, that, whereas, the estate, if honestly managed, would have been, and now would be suffi-cient to extend the benefits of said charity, not only to all the qualified male orghans of the old of those of the State of Pennsylvania ornhans from the old City have been excluded, on the plea of want of sufficient funds as aforesaid, and from outside of the old City none have been admitted save only from the districts of the present City, represented in the Councils of Philadelphia, with the exception only of about six orphans from the State of Pennsylvania. XIV. That the said John A. Barclay is the only

su vivor of the executors appointed by the testa-tor; that by the 26th clause of said will the power of visitation of the said charity was bequeathed to his executors and the duty imposed on them, and the survivor of them, of seeing that the intention of the testator, in respect to his residuary bequests aforesaid, should be strictly compiled with. XV. That the said surviving executor is advised by his counsel that, in view of the provisions of the will in this respect, it is his right and his duty to bring this bill against the said

defendants.

XVI. That the executors of Stephen Girard have distributed all the funds that came to their bands, and have handed over to the city of Philadeluhia, defendants aforesaid, all and singular money and assets of every kind remaining after payment of debts, legacles and expenses; consequently the said surviving executor has no tunds in his own hands to defray the expenses

incident to the discharge of his duty in prose cuting the present suit.

XVII. That the said Thomas Robins, John O. Avr. That the said Thomas Robins, John O. James, Stephen Colwell, Thomas S. Newlin, James Magee, John C. Cresson, Charles Macalester, and William Duane, plaintiffs, are citizens of the city of Philadelphia, residing within the limits of said city as it existed at the time of the death of said testator, and as such interested in seeing that the Trusts created and appointed by the will of said Stephen Girard are faithfully exe-

cuted and carried out.

XVIII. That the said orphans, John B. Pye,
George Cornish, and Graham McCullen, plaintiffs, were formerly inmates of the said College, and, as they allege, were unjustly expelled there-from, by officers and directors who did not repre-sent the old city of Philadelphia, and were not appointed by any one who did represent said community, or by any proper authority. RELIEF PRAYED FOR.

1. That the city of Philadelphia, defendants, be ordered to advance the money which plaintiffs om time to time, may require to pay counsel A defray the expenses of this suit.

That the Court should decree that the said of Philadelphia has abused and misused their

and should thereupon displace them, and tother proper trustees to take charge of inary estate of Stephen Girard, and to said Trust.
Sourt should decree that the Counthe will of Stephen Girard, to competen and duties of maintaining discharge to discharge t.

and duties of maintaining, educating, at any for the orphans provided for by said character and their rights of property under said will, but that all rights and duties in the nature of those belonging to testamentary guardians of the persons of said orphans, and of their property-rights under said will, belong of right to the people or community of the old City, and that the Court appoint trustees, se-lected from said community, to discharge the

4. That plaintiffs should have such further and other relief as to this Court shall seem meet, and equity may require.

FALLON & SERRILL,

TALLON & SERRILL,
GEO. W. WOODWARD,
For Plaintiffs.

Thomas Robins, one of the plaintiffs above named, being duly sworn, says, that the facts, set forth in the foregoing bill, so far as the same are stated from his own knowledge, they are true, and so far as they are derived from the information of others, he believes them to be true.

Thomas Robins THOMAS ROBINS

The League Island Award Confirmed. COMMON PLEAS—Judges Brewster and Peirce.
In the matter of League Island. Exceptions to report of jury.

Brewster, J.—The exceptions to this report and the arguments thereon may be considered

under two general all gations:

1. That the act of Assembly which is the corner stone of this proceeding is unconstitutional.

2. That the damages are insufficient.

The objections to the constitutionality of the law are "that the State cannot take property to give it to the United States; that she cannot make such a title thereto so the General Government will accept; that the United States is as to the

will accept; that the United Blates is as to the State of Pennsylvania a separate nation; that the right of eminent domain is inallenable, and that the Government cannot be compelled to take or use the land."

The simple statement of these objections is sufficient to show that few, if any of them approach to the dignity of a constitutional question. When we are considering the validity of a statute, what have we to do with the questions of title to the land, the acceptance or refusal of the government, or the inability to coerce a public use of the property?

The constitutionality of State laws has been no frequently discussed that certain principles have

use of the projecty?

The constitutionality of State laws has been so frequently discussed that certain principles have become well understood, and are now regarded as canonical guides in every such argument.

The first of these is that the presumption is in favor of the Legislative act.

The second is that he who attacks a State law must point to the constitutional clause which prohibits or condemns it.

We do not regard the United States as a foreign nation—nor can we subscribe to the suggestion—for it was not pressed as argument—that the erection of forts and navy yards for the protection of this city and State, and perhaps for the whole Union, is not a dedication to public use. "To provide for the common defence" was one of the great purposes which led to the formation of a Nation and the adoption of its Constitution. With the present improvements in science, an iron-clad navy is regarded as an indispensable arm of defence, and the National Legislature have selected League Island for its depot, as combining more important advantages than any other place upon our coast. If the equipment, repair and maintenance of a power-ful facet in our very waters is not a "public use" of our harbor, it is difficult to understand what is meant by that expression. The authorities cited do not seem to appoint the second of a nation and the same of a power-ful facet in our very waters is not a "public use" of our harbor, it is difficult to understand what is meant by that expression. The authorities cited

meant by that expression. The authorities cited do not seem to support this exception.

Wilkinson vs. Leland, 2 Peters, 627 (1829), simply decided that the Legislature of New Hampsimply decided that the Legislature of New Hampshire could not pass estates lying in another State. Benaparte vs. Camden & Amboy Railroad. 1 Bald: 205 (1830); Beekman vs. Saratoga Railroad, 3 Paige 45 (1831), and Bloodgoad vs. Mohawk Railroad, 18 Wend: 14 (1837); are to the familiar point that a State can take Land for a Railroad upon compensation to the owner. The Albuny Street Case, 11 Wend: 149 (1834), decided that the city of New York could not take for a street more land than was required for the for a street more land than was required for the

Varick vs. Smith, 5 Parge 137 (1835), rules that the right of eminent domain can only be exercised where the public interest is to be promoted. Norman vs. Heist, W. & S. 174 (1843), and Lamberson vs. Hogan, 2 Burr 24 (1845), decide that the Legislature cannot take away vested estates by a retrospective act. Pittsburgh vs. Scott, 1 Barr 309 (1845), sustained the constitutionality of the act

(1845), sustained the constitutionality of the set for the opening of Duqueane street, in the city of Pittsburgh; and Sharpless vs. City, 9 Harr 157 (1853), is the well-known citation favoring municipal subscriptions. None of these cases has the remotest beating upon the question before us.

The West River Bridge Company vs. Dia, et al. 6 Howard, 507 (1848), is directly against the position assumed by the exceptants. It was there held that a bridge belonging to an incorporated company may be taken as part of a public road, and the dissenting opinion of Mr. Justice Woodbury, to which we were specially referred, contains this expression:

"Where the public use is one general and pressing like that aften in war, for sites or batteries, or for provisions, little doubt would exist

teries, or for provisions, little doubt would exist us to the right."

In Reddal vs. Bryan, 14, Md., 444 (1859), the act

of the Legislature of Maryland authorizing a sking of land by the United States for the purpose of supplying the city of Washington with water, was held to be constitutional. Mr. Justice Bartai clearly demonstrates that this was a "pub-

Gilmer vs. Lime Point, 18 Cal., 229 (1861), is Gilmer vs. Lime Point, 18 Cal., 229 (1861), is also a direct authority, for there the Legislature of California had, by act of February 14, 1859, authorized the United States to condemn land within the State for military or naval purposes. The opinion of Mr. Justice Baldwin (with whom Field, C. J., and Cope, J., concurred) covers the whole ground of this controversy and leaves nothing for discussion. The authority of the State to take the back channel of Leavne Island would seem to be clearly estabof League Island would seem to be clearly established by the recent opinion of Mr. Justice Strong in Comm. vs. Clark, Leg. Int., Feb. 7,

Upon principle, then, as well as upon authority, we are satisfied, first, that a national is a public use, and, secondly, that for such a purpose the State may take land in order that she or her agents may give it to the General Government. We have already said that we do not regard the United States as a foreign government.

Having thus disposed of the first exceptions, there remain only for consideration the objec-

to the awards as inadequate and in-The mass of testimony and the arguments submitted have been carefully weighed, and have led our minds to different conclusions. We all agree

that ample damages have been awarded for the meadow land. Our difficulty has been as to the marsh land or flats, being the ground comprised between high and low-water mark. Judge Lud-low thought these damages were too low, and should be increased. I felt myself bound by the report of the jurors; and, upon consultation with the other members of the Court, a majority are in favor of affirming the awards, and, therefore, the exceptions are dismissed. Landlord and Tenant Case

Hoeger vs. Herizog.—Browster J.—This is a rule to show cause why the judgment of affirmance entered by us up on a certiforari, to remove a landlord and tenant's proceeding under the act of 1830, should not be slaved. The reason assigned is that some months prior to the commencement of the case returned upon the certiorari the landlord obtained a judgment for the rent then due, from which judgment the tenant appealed, and gave as required by law, accurity for all rent accrued and to accrue up to

final judgment.

The Appeal being undisposed of the tenant argues that it would be unjust to proceed upon the second judgment obtained for another month's rent, until the final determination of the first controversy, and that the plaintif's hands should be stayed because he has security. hands should be stayed because he has security. However plausible this argument may be, it is a sufficient answer to say that this application has no warrant in any statute or decision to which we have been referred. The irregularity of such a proceeding is well illustrated by looking forward to its palpable results. If the landlord should be successful in the first case, then the result would condemn our action. If the tenant gain the victory it would still be no bar to the second judgment, which must at all events be then executed with all its rigor. In either aspect we should be delaying rigor. In either aspect we should be delaying justice and he who delays the right denies it. The rule is discharged.

The North American Land Company.

In this case the rule was discharged, but executions allowed to issue.

Kellogg vs. Kellogg. Libel for divorce. Judge Peirce delivered an opinion in which it is sisted that the testimony shows ground for the divorce, but owing to the fact that the libellant had not resided in the State one year before the filing of the libel the divorce was refused.

The Remission of Sentences. SUPREME COURT—Chief Justice Thempson and Supreme Court—Chief Justices Thompson and Justices Strong, Agnew and Sharswood.—This morning was fixed for the argument of the writ of hubeas corpus and writ of error, in the case of Mallory and Keating, involving the right of the judges of the Quarter Besslops. At the opening of the Court, Mr. Crawford amounted that Attorney-General Browster was actually engaged in the District Court, and could not be present. The Court then fixed Wednesday next The Court then fixed Wednesday next

or the hearing.

[Continued on the Eighth page.]