# DEPARTMENT OF THE INTERIOR.

## Annual Report of Ex-Secretary Cox.

### The Public Lands—Patents—The Indians—Pensions—The Census—The Pacific Railways—The Capitol.

The following is the report, somewhat abridged, of the operations of the Interior Department for the past year. It was prepared by Secretary Cox before his retirement, and will be presented by the President to Congress at its meeting on the 5th of December:—

DEPARTMENT OF THE INTERIOR, WASHINGTON, Oct. 31, 1870.

SIR—In preparing this report I have compressed within a narrow compass a history of the operations of the department during the past year, and submitted a few suggestions which my brief experience has induced me to believe will, if carried into effect, promote the interests of those branches of the service which are confided to the supervision of the Secretary of the Interior.

PUBLIC LANDS.

During the last fiscal year public lands were disposed of as follows:—

| | Acres. |
|---|---|
| Cash sales | 2,359,415.31 |
| Located with military warrants | 512,360.00 |
| Taken for homesteads | 3,098,910.05 |
| Located with college scrip | 192,848.21 |
| Grants to railroads | 996,685.28 |
| Grants to wagon roads | 38,628.01 |
| Approved to States as swamp | 481,698.31 |
| Indian scrip locations | 16,827.33 |
| Total | 8,095,413.09 |

—A quantity greater by 429,261.03 acres than that disposed of the previous year. The cash receipts of the office during the same period amounted to $3,063,513 90—a sum less by $309,372 30 than was received the previous year.

The quantity of land taken under the homestead act was greater by 961,365 acres than that of the preceding year.

The area of public lands undisposed of is 1,357,732,292 84 acres, of which 1,307,115,448 acres are unsurveyed.

During the last year 18,165,278 acres were surveyed. Boundary lines have been surveyed and established between California and Oregon, between Nebraska and Colorado and between Nebraska and Wyoming. One million, seven hundred and eighty-seven thousand, three hundred and eighty-eight acres in New Mexico and Colorado were offered at public auction.

The grants for educational purposes since the foundation of the government amount to 78,570,802 acres; for military services, 73,463,961 acres; for internal improvements, exclusive of railroads and wagon roads, 12,503,662 93. Swamp lands approved to the States amount to 60,459,368.59 acres; and there have been selected by way of indemnity for swamp lands 637,261.81 acres. There has been paid $726,931 16 as indemnity for swamp lands sold by the government for cash.

PATENTS.

During the year ending September 30, 1870, there were filed in the Patent Office 10,411 applications for patents, including reissues and designs; 3,374 caveats, and 190 applications for the extension of patents. Thirteen thousand six hundred and twenty-two patents, including reissues and designs, were issued, 101 extended and 1,059 allowed, but not issued by reason of the non-payment of the final fee.

On the 1st day of October, 1869, the unexpended balance of appropriations was $416,304 58. The appropriations for the fiscal year ending June 30, 1871, amounted to $550,100, making an aggregate of $966,404 58. The expenditures since that date have been $541,788 68, leaving an unexpended balance of $424,615 49 available for the remainder of the present fiscal year. The fees received during said year amount to $196,304 29 in excess of the expenditures. The appropriation asked for the next fiscal year is $575,000.

The number of patents during the past is less than that issued during the preceding year. This fact is no proof that the enterprise of our countrymen has diminished, or that they have abated in the application of their inventive genius and scientific attainments to industrial pursuits and the mechanic arts. The result is due to the increased care and labor which have been bestowed by the office upon applications, whereby frivolous and worthless contrivances have been rejected. I recommended last year the abolition of the right to an appeal from the decision of the Commissioner to one of the judges of the Supreme Court of this district. This appeal from an executive to a judicial officer—a strange anomaly, unknown in the practice of any other bureau—worked only evil, and that continually. It no longer exists in interference cases, and can now only be taken in *ex parte* cases to the court. Even this limited change in the pre-existing laws has been attended with the best practical results. The Commissioner has published a volume of decisions in cases determined by him on appeal. The circulation of it among the examiners and solicitors has diffused much valuable information and tended to promote uniformity in the administration of the patent system.

INDIAN AFFAIRS.

During the past year the department has habitually pursued that policy in Indian affairs which was inaugurated by your direction. The results have proved most conclusively its wisdom, and shown that, even under circumstances of more than ordinary irritation, a peaceful policy appeals with great power even to the wildest savage.

At the time when Red Cloud and Spotted Tail, two noted chiefs of the Sioux nation, were invited to visit the Capital, very little hope was entertained on the frontier that war could be avoided. The members of that powerful confederation resented what was declared to be the lack of good faith on our part in carrying out the provisions of the treaties of 1868. The building of the Union Pacific Railroad had driven the buffalo from their former hunting grounds so far to the southward that it was impracticable for the Indians to rely upon this natural supply of food, clothing and shelter. Their tents of buffalo skins had rotted with age, their people were in rags and they were reduced even for food to the most absolute dependence upon the rations issued to them by the government. Portions of them complain that they had been unable to understand the provisions of the treaties. With the suspicious nature peculiar to their race they were ready to charge that deceit and fraud had been practised upon them in interpreting the treaties, which had been negotiated under the auspices of commissioners of intelligence and indisputable integrity. A simple, clear, and perfectly frank statement of the attitude of your administration was made to them, both by yourself and the officers of this department. No attempt was made to hide from them the gravity of the situation and the absolute necessity for their accepting a new condition of things. They were made to understand the hopelessness of any continued conflict with such a nation as that through whose country they had passed from the Upper Missouri to the capital and were urged to trust implicitly and peacefully to the good will of the government and people of the United States, and to accept the necessity of looking in the future to agriculture rather than to hunting for subsistence. The visit made a favorable and, I sincerely trust, an enduring impression upon their minds. An impending war, with all its unnumbered horrors—its waste of blood and treasure—has been averted; the influence of the leading Sioux chieftains continues to be on the side of peace, and their example has been followed by all the principal warlike tribes, which last spring were threatening our frontier settlements.

The labors of the unpaid commission of citizens who have been co-operating with the Indian agencies have been very valuable during the past year. They personally superintend the purchase of Indian goods—a work requiring more than a month of their time in the early summer. Sub-committees of the body were present at the payments of moneys to the civilized nations in the Indian Territory, and aided in the negotiation which has resulted in the final settlement of the Osage difficulty. They attended the conferences in this city with the Sioux, and have since visited them, as well as the wild tribes in Wyoming and Dakota. Their work of inspection has been extended to Oregon and Washington Territory. They have shrunk from no self-sacrifice, toil or danger in endeavoring to make the policy you have adopted towards the Indians an entire success. The health-ful effect of their influence and advice is cheerfully acknowledged by the department and the Indian bureau, and has inspired a just confidence in the purity of the transactions which have been conducted under their supervision.

Friends, to whom the agencies in the northern central superintendencies were originally assigned, have most faithfully and industriously continued their beneficient work, with a success even greater than could have been reasonably expected.

The estimated expenses of the Indian service for the ensuing fiscal year, including appropriations that may be necessary to meet the interest on nonpaying stocks held in trust, will be $5,070,000, against an appropriation of $6,150,000 for the current year, showing a reduction of $1,080,000.

I refer for detailed information, in regard to our Indian affairs, to the able and elaborate report of the Commissioner.

PENSIONS.

At the date of the last annual report there were borne upon the pension rolls 887 widows of soldiers in the Revolutionary war. The number on the 30th day of June, 1870, was 727. The reduction was caused by death and by the operation of the third section of the act of Congress approved July 27, 1868. As a result of inquiries instituted by the Pension Bureau the approximate ages of 498 of said widows have been ascertained to be as follows:—15 over one hundred years of age, 113 over ninety years of age, 175 over eighty, 131 over seventy, 51 over sixty, 1 over fifty, and 2 between forty and fifty years of age; 207 are reported as being in good health, 2 as blind and 2 as inmates of almshouses.

There are on the rolls the names of 1,289 widows and children of soldiers who served in the wars subsequent to the Revolution and prior to that of 1861, a decrease of 12 since the last annual report.

During the past fiscal year there were examined and allowed 5,572 original applications for invalid pensions of soldiers, at an annual aggregate rate of $348,943 25, and 3,352 applications for increased pension of invalid soldiers, at an aggregate annual rate of $174,021 30. During the same period 12,340 original pensions to widows, orphans and dependent relatives of soldiers were allowed, at an annual aggregate rate of $1,647,174 75, and 3,6[illegible] applications of the same class for increased pay were also admitted, at a total annual rate of $[illegible] 71. The number of claims admitted, original and increase, during said year, was 24,349, and the annual amount of pension thus granted was $2,184,307 21. On the 30th day of June, 1870, there were on the rolls 86,187 invalid military pensioners, whose yearly pensions amounted to $7,655,749 52, and 100,552 widows, orphans and dependent relatives of soldiers, whose yearly pensions amounted to $14,224,664 53, making the aggregate of army pensioners 195,739, at a total annual rate of $21,880,413 85. The whole amount paid during the last fiscal year to invalid military pensioners amounted to $2,003,913 93; to widows, orphans and dependent relatives, $18,328,306 97—a grand total of $27,332,220 90, which includes the expenses of the disbursing agencies.

During the same year there were admitted 149 new applications for invalid navy pensions, at an annual rate of $13,028; 88 applications for increased pensions of the same class, at an annual aggregate rate of $3,924; 160 original applications of widows, orphans and dependent relatives of those who died in the navy, at an aggregate rate of $24,000; and 20 pensions of the same class were increased, at a total yearly rate of $1,800. On the 30th of June, 1870, there were borne on the rolls of navy pensioners 1,334 invalids, at an annual aggregate of $118,726 25, and 1,613 widows, orphans and dependent relatives at an aggregate annual rate of $261,060, making the number of such pensioners 2,947, at an annual aggregate of $379,786 29. The amount paid during the last fiscal year to navy invalids was $133,448 50, and to widows, orphans and dependent relatives $315,142 41—a total amount of $448,590 91.

During the year there were added to the number of pensioners, of all classes, 24,766; there were dropped, from various causes, 7,498, leaving on the rolls June 30, 1870, 198,886. The amount paid for pensions of all classes during the year, including the expenses of disbursement, was $27,736,811 81, being $642,072 27 less than was paid for the same purposes during the previous year.

There were 1,758 bounty land warrants issued during the year for 277,300 acres, an excess of 108 warrants over the number issued during the preceding year.

CENSUS.

The preliminary report of the ninth census is now printing, and will appear during the earlier days of the next session of Congress. It presents nothing in the way of conjectural or proximate estimates of such results as will be embodied in the subsequent volumes. It is, therefore, necessarily confined to population only, and contains—1st: A comparative table, exhibiting the population, by aggregates and by classes (white, colored, Indian and Asiatic), of each county in the United States from 1790 to 1870, inclusive. 2d: A comparative table, exhibiting the population of all civil divisions less than counties—towns, townships, boroughs, incorporated and so far as possible unincorporated, villages, cities and wards of cities—at each census from 1850 to 1870, inclusive. The population in the latter is classified under the several heads, white, colored, Indian, for 1850 and 1860, and white, colored, Indian, Asiatic, native, foreign, for 1870.

Somewhat over 2,300 counties appear on the first table. The table of smaller civil divisions embraces considerably over 23,000 items. These tables substitute, in many hundred instances, other figures for those set forth in preceding published reports. The latter contain errors, which were detected by thoroughly comparing them with the original manuscript returns deposited in this department.

The statistics of mortality will, it is expected, be ready for the press when the preliminary report shall have been printed. The volumes, containing agricultural, manufacturing and social and miscellaneous statistics, will probably be completed by the 1st of April next and will be ready for delivery as soon thereafter as the facilities of the Public Printing Office will permit.

The volume on population, containing the tables of age and sex, nativity, occupation, illiteracy, &c., will, at the rate of progress already attained, without making allowance for the increased dexterity of the clerical force, be ready for publication on or before the 1st of October next.

RAILWAYS.

The subscriptions to the stock of the Union Pacific Railroad Company amount to $33,733,000 of which $33,732,300 has been paid. The receipts for the transportation of passengers, freight, &c., for the year ending June 30, 1870, were $8,344,371 08, and expenses $5,649,673 45, leaving as net earnings $2,694,797 63. The entire cost of the road and fixtures at that date, not including unadjusted balances to contractors, was $108,722,134 65, and the then indebtedness of the company $76,480,698 61, of which $47,246,512 was for bonds of the United States, and $1,602,157 98 on account of interest paid thereon by the Treasury and not refunded by the company.

A copy of "articles of association, of amalgamation and consolidation of the Central Pacific Railroad Company of California with the Western Pacific Railroad Company," certified to by the Secretary of State of California, has been filed in this Department, as proof that these two companies, on the 22d of June, 1870, were consolidated, in conformity with the laws of the State of California, under the name of the "Central Pacific Railroad Company." Stock of the Central Pacific Railroad Company to the amount of $48,400,100 has been subscribed, and $48,376,740 paid. The receipts from transportation of passengers and freight for the year ending June 30, 1870, were $6,070,173 90, and their expenses $3,542,212 59, leaving net earnings to the amount of $2,527,960 31. At its close the indebtedness of the company amounted to $67,079,750 54, of which $27,861,000 was to the United States.

The act of Congress approved May 6, 1870, provides for fixing the point of junction of the Union and Central Pacific Railroads within the limits of certain sections of land therein specified. I have not been officially advised of the selection of such point.

The last section of the Western Pacific Railroad, of 20.16 miles, was accepted January 21, 1870. This, with the preceding sections accepted, makes the whole length of the road 123.16 miles.

The stock subscription of the Central Branch Union Pacific Railroad is $1,000,000, of which $88,600 has been paid. The receipts for transportation of passengers from August 1, 1869, to June 30, 1870, were $67,899 93, and for freight $114,663 50. The expenses on account of the road and fixtures have been $3,723,700, and the indebtedness of the company, for borrowed money, railroad iron and freights, is $43,551 80.

Stock of the Kansas Pacific Railroad Company to the amount of $5,072,600 has been subscribed and paid in. The receipts for the transportation of passengers, freight, &c., from September 1, 1869, to June 30, 1870, were $2,530,283 90, and the expenses $1,438,815 75. The net earnings of the company were $1,041,458 15. The indebtedness of the company at the last date was $18,362,353, of which $6,303,000 was to the United States. The cost of construction and equipment of 633 miles of the main line and branch is estimated at $26,000,000. The line has been definitely located to Denver, 639 miles distant from the initial point. On the 30th of June last the road was in successful operation to the 500th mile-post, and work was energetically prosecuting on the remaining 139 miles. The cost of surveys during the year has been about $50,000.

The initial point of the Atlantic and Pacific Railroad is near the town of Springfield, Mo., "upon the west line of the northeast quarter of the southeast quarter of section 12, township 29, range 22 west." Work was commenced on the 4th of July, 1868, and fifty miles of road completed, equipped and opened for business on the 18th day of last June. On the report of the commissioners you accepted the work. In October, 1868, stock to the amount of $1,000,000 was subscribed, on which ten per cent was paid. Certificates of stock to the amount of $3,068,200 have been issued in payment for the Southwest Pacific Railroad. The cost of surveys to July 1, 1870, was $30,585 57. The amount received from passengers to same date was $1,937, and that for freight $311 40. The cost of the road and fixtures, west of Springfield, to that date, was $2,760,841 63. The company has issued bonds, secured by mortgage on its lands, to the amount of $3,000,000, of which $1,281,561 64 have been sold; and there is a floating debt, on account of construction and equipment, of $1,735,592 32.

The amount of the stock of the Sioux City and Pacific Railroad Company subscribed is $4,470,000, of which $1,788,000 has been paid. The receipts from the transportation of passengers, freights, &c., for the year ending June 30, 1870, were $501,428 10, and the operating expenses $189,900 10, the net earnings being $111,528. The cost of the road and fixtures is $4,044,320, and the indebtedness of the company, $5,044,320.

At the close of the last fiscal year the amount of subscribed stock of the Southern Pacific Company was $1,800,000, and the amount actually paid in $283,800. Two corps of engineers have been in the field, and explored 510 miles. Notes for a full topographical map of the country thus examined have been taken. The cost of the surveys has been $4,037 50. The completed portion of the road between San José and Gilroy has not been surrendered by the contractors. The company has been at no expense in running it, nor has it received any of the income from transportation of freights and passengers. The indebtedness of the company is $480,000. It has contracted for the purchase of the San Francisco and San José Railroad for the sum of $2,770,000 in gold coin. Payment is to be made and possession taken on or before the 31st of December next.

The Northern Pacific Railroad Company filed a map designating the route of their road from the mouth of the Montreal river, in Wisconsin, to Cimiahmoo Bay, at the forty-ninth parallel of latitude, in Washington Territory. Instructions were thereupon issued for a withdrawal in Wisconsin, Minnesota and Oregon, of the odd numbered sections of land, to which prior adverse rights had not attached, within twenty miles, and in Washington Territory, south of Seattle, of such sections within forty miles of each side of the road.

The first section of twenty miles of the Oregon Central Railroad Company, commencing at East Portland, Oregon, and terminating near Parrott's Creek, has been accepted as constructed in conformity with the requirements of the act of Congress. Evidence has been filed in this department that this company, on the 29th of March, 1870, assigned all their rights and interests to the Oregon and California Railroad Company of Portland, Oregon.

The commissioner appointed to examine and report on the first section of twenty miles of the Little Rock and Fort Smith Railroad reported that it was properly constructed, except as to ballasting. It was, therefore, accepted, but on the express condition that this deficiency should be supplied prior to the completion of the whole line.

The report of the commissioners on 77.6 miles of the California and Oregon Railroad, commencing at Roseville and terminating near Chico, was received some time since. I declined to advise the acceptance of this portion, as it did not meet the description of a first class railroad. I informed the commissioners that on being duly notified by the company that these sections had been brought up to the standard adopted for the construction and equipment of the Union Pacific Railroad, they should re-examine them and report to me the result. I subsequently received representations on the subject from a source entitled to great respect, and I so far modified the order as to allow the chief engineer of the company to file with the commissioners a sworn statement, setting forth specifically the deviations from that standard, and showing in what manner the interests of the public would be thereby benefited. The commissioners were directed to forward such statement when received, with their report thereon, for the final determination of my successor.

The attorneys of the Union Pacific Railway Company, southern branch (now the Missouri, Kansas and Texas Railway Company), the Kansas and Neosho Valley Railroad Company, and the Leavenworth, Lawrence and Fort Gibson Railroad Company were fully heard on the right of their respective companies to construct a railroad from the southern boundary of Kansas through the Indian Territory. I also considered the objections of the representatives of certain Indian tribes through whose lands the projected lines of road would pass. After a most careful examination I reached the conclusion that existing laws and treaties authorized the construction of but one such road on certain conditions, which neither company had then performed. On a subsequent hearing it was shown that the first named company had completed its road to the designated point on that boundary, and I held that it was entitled to extend its line through said Territory. My action in the premises received your approval, and the companies were duly notified thereof.

The semi-annual accruing interest, paid by the United States and not refunded or otherwise discharged by a railroad company on the bonds issued in aid of the construction of its road, forms a part of its just debts. The companies furnish no statement of it. I called their attention to this obvious omission, but in no instance was it supplied except by the Union Pacific Railroad Company. On the 30th of June last there was due from the other companies, on account of such interest, $3,131,891 37.

CAPITOL.

The Capitol may be said to be completed, though its grounds should be largely extended to correspond with its majestic proportions. The architect's report contains the details of numerous repairs and improvements during the past year, to promote the comfort and convenience of the legislators and others who occupy or visit the building. Arrangements have been made to warm the rotunda and improve the ventilation of the Senate chamber. It may be deemed inexpedient to enlarge the area of the Capitol grounds by the purchase of adjacent private property, but no one can seriously question the propriety of suitably improving those which now belong to the United States.

I am, sir, very respectfully, your obedient servant,
J. D. COX,
Secretary of the Interior.

The PRESIDENT.

# OUR HARBOR DEFENCES.

### General Humphreys' Report on the Fortifications of the City of New York.

The annual report of General Humphreys, Chief of Engineers, just prepared for presentation to Congress, contains some important statements concerning the defences of our harbor. The following are the material parts:—

Fort Schuyler, East river, has been carefully studied by the Board of Engineers. The modifications required in the work, in order to arrange it for an armament of heavy guns in earthen barbette batteries, were stated last year. In addition to the appropriation made at the last session of Congress $225,000 will be required to complete the changes. The appropriation asked for the next fiscal year is $115,000. The fort at Willett's Point unites with Fort Schuyler in the defence of the entrance to the harbor through the East river, and the operations for the removal of natural obstructions to navigation at Hell Gate render it even more important than heretofore that this channel be put in a proper state of defence. The appropriation asked is $60,000.

At Fort Columbus, Governor's Island, the new exterior earthen barbette battery projected, for which an appropriation was made at the last session of Congress, will be pushed forward the present year with despatch. A further sum of $62,000 will be needed for its completion. Appropriation asked for the next fiscal year, $52,000. During the past fiscal year no work was done upon this fort.

On Castle William, Governor's Island, during the past fiscal year no work was done excepting a few days' labor in finishing the mastic covering of the terreplein. No appropriation asked for the next fiscal year. At South Battery, Governor's Island, during the past year a dry stone sea wall, 150 feet in length, was built for the protection of the beach. No appropriation asked for the next fiscal year.

The approved project for the modification of the exterior earthen barbette battery at Fort Wood, Bedloe's Island, will require for its completion, in addition to the appropriation made for the present year, $16,000. For the next fiscal year $16,000 is asked. During the past year two magazines have been supplied with conductors and connections for the road. Until the question as to the use of iron to cover guns can be determined no work is proposed on Fort Hamilton other than that necessary for its preservation. The work during the past year has been confined to repairs and the alteration of some embrasures in the officers' quarters.

The new battery near Fort Hamilton is an earthen barbette, exterior to Fort Hamilton, and constitutes a powerful auxiliary in the defence of the Narrows. Projects for its modification and extension have been approved, and the work will be prosecuted during the present year, and in addition to the appropriation made at the last session of Congress $50,000 will be required for its completion. The appropriation asked for Fort Hamilton and additional batteries for the next fiscal year are $50,000. During the past year the north and south magazines and the transverse magazines have been completed, and repairs made to slopes and parapet of the battery of Fort Wadsworth. No modifications are proposed at present, and no funds are asked other than for its preservation. During the year operations were confined to the repair of the long earthen slopes in the rear of the work.

The fort on the site of Fort Tompkins crowns the hill in the rear of the open batteries and other works on Staten Island, defending the entrance through the Narrows to New York Harbor, and, when completed, it will throw a heavy fire from a high elevation upon vessels attempting to pass before it. Projects for its completion have been approved. A further appropriation of $60,000 will be needed for its completion. Appropriations asked for the next fiscal year for this work, and for North and South Cliff Batteries, $104,000. The operations during the past year have comprised the repair of the large slope near the south soldiers' latrine, the erection of a building in the south ditch, with ten dry earth closets, and the grading for and erection of a strong picket fence along the western boundary line.

Battery Hudson, together with those on the north and south cliffs, forms a system of open earthen barbette batteries lying exterior to Forts Tompkins and Wadsworth, and brings a powerful fire to bear upon the channel, up to and through the Narrows. Plans for the modification and enlargement of this battery, to suit it for the heaviest armament, have been approved, and were submitted in the last annual report. A further sum of $35,000 will be required.

During the past year operations at this battery have been confined to furring, with wood, the two principal magazines and repairing and sodding the slopes. A dry stone wall has also been built over the casemated area of the experimental casemate target, and in front of the centre pintle pin form for fifteen-inch gun, the space between the two being filled with earth to secure the foundation of the platform.

The modifications proposed in the North Cliff Battery, Staten Island, are for the construction of a new magazine, and three traverses and for the changes needed to adapt the battery for heavy guns. The estimated cost amounts to $27,000. Operations at this battery during the past year consisted only of slight repairs to the earthen slopes in the rear. The estimate of the cost of changes in the South Cliff Battery, Staten Island, amounts to $17,000.

The operations on the new casemated battery on Staten Island have been suspended to await the determination of the question of casemate cover. The unexpended balances of former appropriations for the work were, by act of July 11, 1870, transferred and made applicable to the fort on the site of Fort Tompkins. No appropriation is asked.

One of the great objects of the fort at Sandy Hook is to prevent the occupation of the lower bay as an anchorage to an enemy's fleet. The work, as projected, is mainly casemated and as yet no satisfactory plans for its modification have been devised. The condition of the work remains the same as at the date of the last report. An appropriation is asked for the next fiscal year, to be applied to preserving the site.

## "SWEATING" UNITED STATES COIN IN CALIFORNIA.

[From the San Francisco Bulletin, Nov. 15.]

About three weeks since Assistant United States Treasurer Felton discovered that some person or persons in the city had been reducing the standard weight and value of the United States gold coin of the denomination of double eagles. The process by which the reduction was effected was not that of "sweating," but the edges were filed and then remilled. Some pieces shown him had been reduced from fifty cents to one dollar each, but the average taken by the shrewd manipulator was fifty to sixty cents on each twenty dollar piece. Mr. Felton called to his aid detectives Ainsbro and Daly, and he received valuable assistance also from several brokers who were made aware of what was being done. For some days the efforts of all the parties to ferret out the guilty parties were fruitless. But they followed such clues as they could obtain, and finally this morning found and arrested two brothers named Biber, who were accused of the crime. Sunday night Ainsbro got a twenty dollar coin from the Treasury, which was of the right standard. He marked the piece and disposed of it according to his information. This morning they called on the Biber brothers, who kept a little cigar stand on Third street, opposite South Park. They made a sudden descent and found them with all their tools and about $850 in gold coin. One of the brothers seized it and ran into the back yard to conceal it, but he was not successful. All the coin had been altered into the manner above described, and in the lot was the identical piece which Ainsbro had marked. Both men were placed in prison to await an examination. It is charged that they had been in the habit of buying silver coin and greenbacks of the brokers and paying them in the altered coin.

Mr. Felton says they have obtained of the debased metal altogether about $1,100. However, he is convinced the operation was not commenced longer ago than one month, and that one establishment only has been engaged in the nefarious business. There is no reason, therefore, to believe that any considerable quantity of it is in circulation.

# UNDER THE HARROW.

### Examination of an Absconding Stock Broker—"He Forgets What He Remembers"—Judge Barnard Punishes Him for Contempt—His Victim's Statement.

POUGHKEEPSIE, Nov. 23, 1870.

For many weeks Richard W. Akin has been confined in the jail in this city. It will be remembered that he was of the firm of Davis & Akin, who collapsed in New York city on the 15th of May, 1869. They were brokers. It is supposed that the firm was originally organized by Akin, Ward E. Robinson and Cornelius D. Robinson for the purpose of cheating and defrauding the public, the spoils to be divided among the conspirators. The testimony given before a referee in this city seems to lend color if it does not entirely prove that such was the case. I make some extracts:—

*Charles W. Newcomb and Joseph M. Cook vs. James W. Davis and Richard Akin.*—Examination of R. W. Akin in proceedings supplementary to execution, before William J. Thorn, referee, conducted by E. Luther Hamilton, of New York, attorney for the plaintiffs. Akin appeared before the referee on October 31, by order of Judge Barnard and refused to answer any question because his New York counsel was not present. On November 2 he and his New York counsel appeared before the referee, and by advice of his counsel he refused to answer any questions concerning his property or the manner in which he had disposed of it for the following reasons:—

*First*—Because the copy of the order made by Judge Barnard was signed "J. Barnard," instead of J. F. Barnard.

*Second*—Because Akin and his family, as he swore, reside in New York city.

The referee reported Akin's refusal to answer to Judge Barnard, who ordered him to answer the questions, and, notwithstanding this order and the express order of the referee, he again refused to answer, his New York counsel, however, declaring it was done "without any intention to be guilty of contempt." On November 4 Akin was brought before Judge Barnard to answer for the contempt, and having given no sufficient excuse he was told that he must either answer or submit to the severest penalty the law authorizes; but if he submitted to the examination this would be considered by the Court in fixing the penalty. He cried *peccavi*, and yielded to the examination, the contempt proceedings being adjourned to November 15.

The examination was then proceeded with before the referee, Akin's New York counsel not being present. The entire testimony shows a

WONDERFUL LACK OF MEMORY

on the part of Akin as to what might be regarded as matters of importance to most people.

In reply to questions Akin stated he was formerly a member of the firm of Akin & Davis, and his connection with it has not yet ceased; but could not tell whether the firm still continues to do business or not. He stated that between May 15, 1869, and February 15, 1870, he resided in Massachusetts and Canada; he arrived in Montreal in May, 1869, under the assumed name of C. P. Curtis; up to the present time he had dealt mostly in horses and stocks on credit, and has earned about $2,500; my other means of support has been borrowed money, and during that period have used altogether from $2,000 to $4,000; the firm of Davis & Akin had from $20,000 to $30,000 special deposits, but Akin could not tell what had become of that capital; he had used some of it; some of either the capital or special deposits; he could'nt tell which; he was very forgetful; he couldn't tell without a memorandum; he hadn't the least idea;

AGAIN FORGETFUL.

Coming to the day Akin absconded, the attorney asked him in relation to his drawing money on that day. He replied, "I drew a portion of the capital of the firm on May 15, 1869—that is, I signed some checks, but didn't fill them out. I didn't draw the money on them. I did not draw any money individually without looking at the check book. I can't tell whether I drew a check on the firm to the order of Charles McClure & Co. for $23,650, or one to the order of Jay Cooke & Co. for $35,475 on May 15. I can't say whether, on that day, I took away any stocks for the office to deliver or for any purpose. I bought some bonds for the firm that day, I mean I as one of the firm; I can't tell the amount; perhaps $5,000, perhaps $50,000; I can't tell anything about the amount; I can't tell who they were bought from; I can't tell who paid for them; I can't tell to whom they were delivered; I can't tell because I can't; I don't know to whom all were delivered; I know to whom part of them were delivered, to me; I can't say the amount; I think $5,000 to me; I can't swear there were not $10,000; I'll swear there were not $80,000.

Q. Will you swear there were not $40,000? A. I cannot swear anything about it.

AKIN AGAIN CONTUMACIOUS.

Q. Did you on May 15, 1869, have in your possession any stocks, or their proceeds, belonging to the firm, or any belonging to yourself, or any bonds purchased for the firm or yourself? A. I can't answer that question.

Q. Did you on that day have in your possession, belonging to the firm, 100 shares of New York Central stock, 100 Pacific Mail, 300 Chicago Railroad, or any bonds bought with either of the checks of the firm to Charles McClure & Co. for $23,650, or to Jay Cooke & Co. for $35,475? A. I can't tell without the books of the concern. (A check of the firm for $35,475 to the order of Jay Cooke & Co. was here shown Akin, and he said, "The signature is in my handwriting." Check of firm for $23,650 to the order of Charles McClure & Co. shown.)

Akin—I can't swear that that signature is in my handwriting; I think it is; I have reason to doubt it.

Q. What are the reasons? A. Because I left checks signed and I can't tell; I don't deny the signature; I don't say it is or is not my signature.

Q. Is that the signature of the firm made by you? A. I should think it was, Sir.

FINED FOR CONTEMPT.

On November 15 Akin was brought before Judge Barnard and fined $125 for contempt, and ordered to jail till the fine should be paid.

HIS MEMORY REFRESHED.

Probably the above fine refreshed his memory, for when his examination was again proceeded with he testified that he recollected the Jay Cooke & Co. transaction, and that the check of the firm for $35,475 was given to Jay Cooke & Co. to buy bonds with, and presumed it was drawn by himself. Finally, after persistent questioning, he said he knew it was, and the bonds were bought for Ward E. Robinson and were delivered to him the same day by himself. At this point Mr. Hamilton pressed question after question upon Akin as to why this money was paid Robinson, Akin invariably replying, "Said to be for a debt I owed him; debt said to be $75,000;" Akin said he never kept any account of the sum he owed Robinson, but supposed it was $75,000 or $80,000; he thinks now he has paid the whole of it, but can't tell; he took no receipt, nor did any papers pass between them; he thinks also that the bonds bought of McClure & Co. were also delivered to Robinson; thinks he delivered them himself at No. 48 Broad street, New York.

AGAIN CONTUMACIOUS.

Q. Did you on May 15 abscond from the city of New York? A. I decline to answer that question until the Judge passes upon it.

Q. Did you when you arrived at Montreal enter your name upon the register of the Ottawa Hotel as "C. P. Curtis?" A. I decline to answer that question until the Judge passes upon it.

Q. How long did you remain there? A. In Montreal and a place called Hochelaga, where the jail is, about ten months.

Q. Did you inform your partner Davis? A. I decline to answer.

In reply to further questioning Akin refused to state whether he received money or means from Ward E. Robinson while at Montreal, but said he always got money—from $5, $5,000 or $50,000—from one man, an old friend of his father's, keeper of the Montreal jail, and paid him back with money borrowed from Ward E. Robinson. He stated, also, that the debt due from him to Ward E. Robinson was for borrowed money and losses in speculations, but he could not name any particular speculation.

In referring to the check book of his firm Akin testified that an account standing on the books in the name of "A. Thorn" was said to be his wife's. He always thought it to be hers. It was opened at his request, not hers, and he put in the money. He got the money by transferring it from another account, from the account of R. S. James. That was a fictitious name. Cornelius D. Robinson worked this account for him, and he paid him for it. Akin put into this account March 20, 1869, $10,000, which he borrowed from one of the Robinsons, C. D. Robinson. Akin could not tell whether he had ever paid him back or not.

THE STORY OF AKIN'S PARTNER.

Mr. Davis, the partner of Akin, was then examined. He testified as follows:—I was a member of the firm of Akin & Davis, and did the buying and selling; we continued business up to May 15, 1869; the cash in bank then was about $15,000 and a deposit of $20,000 in bonds; the firm was broken up by R. W. Akin absconding; the checks for $35,475 and $33,650 are signed and filled up by him; it was our custom to enter on the margin of the check book the amount of any check and the name of the payees; the entry on the margin opposite the check for $35,475, in Akin's handwriting, is "R. W. A., 50," and on the check for $23,650 is "P. B. R., 75."

AKIN IN JAIL.

After May 15 I saw Akin in jail in Montreal; before the last deposit by our firm on May 15 the bank had over certified for us about $80,000; the last deposit was about $52,000, which reduced the over draft to about $37,000, against which the bank sold the bonds deposited, leaving a balance on overdraft of $14,665 55; the last deposit was made after Akin's disappearance.

WHAT AKIN STOLE.

When Akin absconded he carried off $50,000 worth of United States government bonds, 100 shares New York Central stock, worth $18,175; 100 shares Pacific Mail, worth $9,525; 300 shares Chicago and Northwestern stock, worth $27,487 50. These bonds were bought with our checks—one for $35,475, the other $23,650. The stocks were the property of Davis & Akin, received by the firm May 15, to be delivered to parties who had bought them. These stocks were not delivered; Mr. Akin took them. The total loss in our business was $2,800 or $3,000, except the loss by Akin's acts; on May 15, when I saw Akin in jail, at Montreal, he told me he would settle with the creditors, and that he was

SICK AND TIRED

of this business; that he had been in prison long enough; I drew from the concern during its whole period of existence only $1,000.

At this point the examination was adjourned.

Richard W. Akin is in jail in this city. He has, however, a certain amount of liberty granted him, such as going out for his meals, generally being accompanied by Deputy Sheriff Halsted, or at times Sheriff Kenworthy. The legal fraternity up to the present time consider that his examination has been damaging to him in the extreme.

# VENEZUELA.

### Arrival of General Quesada and the Cuban Privateers Virgin and Billy Butts—Guzman Blanco's Extreme Measures—Hernandez Raising an Army to Crush Blanco—German and British Interests.

CARACAS, Nov. 8, 1870.

A great commotion has been created in this city by the Cuban Junta of New York making this place a rendezvous for vessels freighted with munitions of war to be used against the Spaniards in Cuba. On the 21st of October, via Havana, a telegram was sent to New York stating that the steamer Virgin and schooner Billy Butts had arrived at this port from Curacoa. The Virgin's cargo was not known, but it was understood to be, on the best authority, arms. She had acted as consort from New York to the British schooner Billy Butts, which had on board a large quantity of arms. After provisioning the schooner left, leaving the Virgin here. The day after she had left four gentlemen came ashore, one of them reported to be the famous Cuban general, Quesada, and paid a visit at night to one of the leading citizens with respect to four hundred volunteers who were to embark in his vessel and start for Cuba forthwith; but Quesada, as there is but little doubt that it is he himself, said that he would not go there without men, and so set sail the next day for the Gulf of Mexico, but to which port is unknown.

Guzman Blanco has issued stringent orders to the foreign Consulates at New York and other places to clear no vessels for Venezuela which have munitions of war on board. It is said that it is in consequence of these filibustering vessels. He has also forbidden the sale of any war vessels or war materiel belonging to the republic, and says that should such a sale or transfer take place he will nullify it when he becomes President of the United States of Venezuela, which, he believed, would be very shortly. The greatest indignation is expressed against his system of enforced loans, which are for large amounts, on all classes, rich and poor, and have to be paid within three days, otherwise a seizure of goods takes place. So much embitterment has Guzman created on this and other subjects that a combination against him is on foot, and that of no mean order. The next letter received from here will probably tell of a revolution within a revolution.

The government, or, as it is now called, the Monagas party, still held the eastern part of Maricaibo and the city of that name.

From Maricaibo the dates are to the 28th of October. General Hernandez, formerly commander-in-chief of the government army, has proclaimed himself Governor of the State of Zulia, and is about forming a standing army of 1,500 men to attack Guzman and also a national guard. Every man in the State is to bear arms if called upon, and is to be on the same principle as the Prussian Landsturm. He has caused an appropriation of $50,000 in the customs receipts to be made for the use of the forces, and has decreed that no communication of any kind shall take place with Truhillo, which is in the hands of Guzman. All the ports are vigorously blockaded by the navy, which consists of some ten vessels, half of which are steamers. All persons embarking in vessels without passports subject themselves to a penalty of $1,000.

A smart shock of earthquake was felt here and lasted about twenty seconds.

The Consul of the North German Confederation, together with the British Consul, have arranged that a vessel-of-war of either naton shall be present in Venzuelan waters at all times for the protection of their interests. The Meteor (German) has been a long time on the station and is now to be replaced by a British war vessel, momentarily expected.

The United States have promised to send a vessel here, but have not yet done so.

# LITERATURE.

### Criticisms of New Books.

ALMOST A PRIEST. A Tale that Deals in Facts. By Mrs. Julia McNair Wright. Philadelphia: McKinney & Martin.

To those who del