THE INDIAN PROBLEM.

General Crook's Views Concerning the Wards of the Nation.

WHY THE CHEYENNES FOUGHT.

Breech-Loading Guns Render the Red Man Formidable.

THE TRANSFER OF THE INDIAN BUREAU.

Report of the Joint Committee Opposing the Change.

OMAHA, Jan. 27, 1879.

The telegraphic reports from Camp Robinson and from Omaha of the recent outbreak and bloody annihilation of the main body of the Cheyenne Indians have brought General George Crook, commanding the department, into marked prominence, and his opinions not only as to the action of the military at Camp Robinson during this outbreak, but concerning the cause therefor, the grievances of the Indians and the government's share of responsibility in the matter, have been in brisk demand. Until within a few days past, however, General Crook has been confined to his residence in this city with malarial fever, and has, therefore, been missing from his office at Fort Omaha, four miles distant. During his years of experience in frontier military departments and his dealings with the Indians Crook has gained the reputation—well deserved, doubtless—of being as direct and honest as the Indian himself. In accordance with an engagement previously made your correspondent called upon the General this morning, and the following interview took place:—

GENERAL CROOK ON THE MASSACRE.

CORRESPONDENT—Have you any further information from Camp Robinson?

General CROOK—Nothing more. The last news was of a character to leave little to follow it until the report of the board of officers now gathered there is ready.

CORRESPONDENT—Was the sanguinary end of the Cheyenne pursuit unexpected to you?

General CROOK—It was only what all who are familiar with Indian character would have expected after the Cheyennes decided not to return. There was not military force enough in this department to have taken them back alive.

CORRESPONDENT—Much sympathy has been aroused for the slaughtered Cheyennes, particularly the women and children. Was it necessary that these should have been killed?

General CROOK—After it was decided to remove the band the army had simply to execute the order, peaceably if possible, by force if necessary, proceeding against them when it was necessary as against any other enemy. I do not suppose a woman or child was killed but by accident. Many soldiers displayed great gallantry in endeavoring to protect them. An effort was made to remove the children and care for them when it was decided to starve or freeze the Cheyennes into submission. The squaws, I understand, were well cared for when they separated themselves from the band. When they had determined to die together rather than be removed they remained with the braves and took the chances of war in a hand-to-hand fight. These matters will be investigated by the board of officers.

CORRESPONDENT—There seems to be a general impression here that the Cheyennes started northward with peaceable intentions, and only because they were starved out; that no depredations or murders were committed until after they had themselves suffered from attacking companies of soldiers, and that even then the murders were done by a few young braves against the advice of the others. Do you think this the truth?

General CROOK—I would prefer to express no opinion on the subject. It is proper matter for a judicial or military investigation, not for an expression of private opinion. It is true that they committed no murders or depredations after entering this department. I have my own opinions on the matter, formed upon the statements of others. The Cheyennes first went to the south voluntarily and with good feeling, and it would hardly be probable that they would prefer to die rather than return toward the south without some reason. They were neither fools nor lunatics, and in deciding upon their course they knew as well as we the probable result.

SUFFERINGS OF THE CHEYENNES.

CORRESPONDENT—Of course they had nothing to hope from the civil authorities of Kansas?

General CROOK—Very little. A civil tribunal is not remarkable for leniency to Indians, particularly where they are members of a band which has committed murders. I suppose they would all have been hanged in Kansas.

CORRESPONDENT—I believe you first brought the Cheyennes into an agency. Will you give the facts in brief?

General CROOK—In the fall of 1876, in the Mackenzie fight, the Cheyennes were badly worsted and many killed. After the fight they were obliged to make that long, terrible march of 100 miles, in snow from six inches to four feet deep, to get to the Crazy Horse band. Many of the Cheyennes had relatives among the Sioux, and they expected to be received with open arms and that the Sioux would divide with them. They arrived from the march in an absolutely destitute condition, having endured great sufferings from cold and hunger on the way. Old women and children perished in the snow; babes were frozen at their mothers' breasts. Crazy Horse received them coldly on their arrival and demanded large prices for everything. In the spring the Cheyennes came to Red Cloud Agency (a few going to the mouth of the Tongue River). Lieutenant Johnson was then in charge at Red Cloud. They expected here to receive only what the Sioux were willing to allow them, which they had reason to expect would be very little. To their surprise they received the allowances to which they were entitled separately, which to them seemed very large, there being nearly tonnage enough for all. Their hearts warmed toward the government. A few weeks later they were told that the Sioux were going to the Missouri River. They shared with the Sioux the prejudice against that region, and when offered the agency in the Indian Territory decided to go there by quite a majority.

CORRESPONDENT—Do you anticipate any trouble at Red Cloud or Spotted Tail agencies?

General CROOK—I see no reason to fear any at present. They are now quiet and contented, and have an honest and capable agent. The action of the stock men to stop the stealing of their ponies pleases them and removes what was becoming a very dangerous source of irritation to the Indians. When removed from the Missouri River they were in an excited condition, and if the removal had been much longer delayed would, I believe, have gone upon the warpath. That would have been a war beside which the troubles with the Cheyennes would pale into insignificance. If the promises made to them are kept I see no prospect of trouble with them. They furnished a company of guides and scouts in the troubles at Camp Robinson, and I know of nothing that creates a better feeling among them, when there is danger of their taking sides against us, than by asking their services against our foe, even though it be a fragment of the same tribe. Any apprehensions of trouble at Red Cloud or Spotted Tail agencies, under existing circumstances, are groundless.

CORRESPONDENT—What are the prospects of trouble with Sitting Bull?

General CROOK—I cannot tell, there has been so much bosh in circulation about him, of whom so little is known. I have seen the statement in the papers that he has crossed the border and is coming south, but don't know how much truth there is in it. I think all the indications in regard to the Indians are more indicative of peace than for several years, provided, of course, that they are properly treated and that all promises are kept with them.

MODERN PHASE OF THE INDIAN QUESTION.

CORRESPONDENT—Have the Sioux the same bravery and stoicism as the Cheyennes, think you?

General CROOK—Under circumstances similar to those of the Cheyennes they would unquestionably have done the same. In their action at Camp Robinson the Cheyennes displayed a trait of Indian character, and not especially of Cheyenne. In any case of trouble with the government the Indians will pursue a very different course now from what they would have taken ten years ago. The breech-loading gun is the chief cause. It has given the Indians great confidence. You were at the Council with Little Chief's band at Sidney, and saw the Indians smile when force with them was mentioned. Unless managed with a strong hand we are just on a mine all the time which is liable to explode at any moment. The whole Indian problem has changed in the last five or six years, with the breech-loading gun, which has given the Indians such perfect confidence in themselves. They will no longer submit to the outrages which have been submitted to so long. They will force this nation of 40,000,000 of people to give them justice or they will die. Talk to them now about fear of soldiers or citizens and they will laugh at you. The Indian sees that there is no future for him unless he is fairly dealt with, that he is being swept off the face of the earth. They understand the situation a great deal better than they get credit for. They do not act through ignorance. Their chiefs have been to Washington and to Eastern cities, and have some idea of the magnitude of the nation and the hopelessness of any contest against it on their part. But they will not long submit, even then, to have their rights taken from them. The Nez Percés and the Modocs are instances of the same feeling. The time when it could be truthfully stated that one soldier was equal to several Indians has gone by. The reverse is now more nearly the truth. They fight with the utmost desperation. Their bravery assumes a different form from that of the whites. It is more of the defensive than the aggressive kind. They will not charge on a strong intrenchment with the confidence and courage of the white soldier, but when an attempt is made to drive them from a position which they have themselves taken no body of men could make a better defence.

METE OUT JUSTICE.

CORRESPONDENT—You speak of the necessity of handling the Indians with a strong hand. You believe in the law of force with them, then?

General CROOK—Only when we are right and they are wrong. It is a grave question in the management of barbarous tribes as to what degree of allowance should be made for their superstitions. These are sometimes very strong, and a tribe will give up their lives before they will surrender them. The Sepoy war was caused because the British used grease on their cartridges. The British government maintained its dignity by ignoring this superstition, and by so doing inaugurated a long and bloody war. The question in my mind for the government to determine is this:—Is it necessary for our dignity as a nation that we should rule the Indian entirely from our own standpoint, or shall we have consideration for his strange nature and to some extent manage him as we would a child which has not learned to reason.

ANOTHER REPORT FROM THE JOINT COMMITTEE ON THE TRANSFER OF THE INDIAN BUREAU—OPPOSITION TO THE CHANGE—TEMPORARY MILITARY CONTROL OF WILD TRIBES RECOMMENDED.

WASHINGTON, Jan. 30, 1879.

The report embodying the views of Senators Saunders and Oglesby and Representatives Stewart and Van Vorhes—four of the eight members of the joint committee on the Indian transfer question—has been completed, and will be presented to the Senate by Mr. Saunders to-morrow. After reciting the law under which the inquiry was ordered into "the expediency of transferring the Indian Bureau to the War Department," and stating that the committee, to fully inform themselves, visited various sections of the country and heard voluminous testimony on both sides of the question, the report proceeds to review the history of the Indian service while it was under the control of the War Department, from the formation of our government up to 1849. It shows that various evils and abuses grew up under the administration of Indian affairs by military officers, and this branch of the report concludes as follows:—

The Secretary of War (James Barbour), in his report of February 3, 1826, said that in the management of Indian affairs "the history of the past presents but little on which the recollection lingers with satisfaction." He said further:—"The future is not more cheering, unless resort be speedily had to other counsels than those by which we have heretofore been governed." The admonitions of the Secretary were unheeded and abuses grew from that time forward; and notwithstanding the reformatory legislation of March 3, 1847, they continued to grow up to the last hour in which the War Department had control of the Indian population, and so little had been done toward Indian civilization under the War Department management that public opinion had acquiesced in the assumption that the Indians were not susceptible of civilization and progress.

REVIEW OF THE QUESTION.

The report continues:—

Since October 18, 1539, the day on which De Soto battled with the Indians at Marilla (now Mobile, Ala.), the Indian problem has been a vexed question. To review further the advancement of civilization on the American Continent, and the consequent decline of the savage, is not deemed within the province of your committee. To take the matter as it now presents itself seems to be the more practicable way of arriving at a solution. We find a quarter of a million of aborigines (Alaska Indians excepted) scattered over twelve States and nine Territories, and by far more than one-half of these are semi-civilized, while not more than 50,000 (scattered as they are) can be classed as the genuine savage; more prone to hostility than inclined to peaceful pursuits. It is estimated that if all the fighting Indians of the country could be got together they would not muster more than 15,000, and the idea of their ever concentrating for warlike purposes is simply preposterous, because it is impossible. The Indian wars on a large scale are over, and we may reasonably hope that that portion of our national history is in the past.

FEELING OF INDIANS AND OFFICERS.

The testimony taken by the committee in Washington, St. Louis, Omaha, Salt Lake City and San Francisco, in the Indian Territory and at various Indian agencies in the Northwest is quoted extensively and described in general terms as follows:—

Your committee find that the general expressions of the Indians and the civilians, with a few exceptions of the latter, are in opposition to the change of control, while the officers of the army give many reasons why the transfer should be made, yet invariably express a personal disapproval of the transfer because, as they allege, it would devolve upon them onerous and thankless duties. Throughout the testimony given by the army officers their disapprobation was stated. This leads the committee to seriously consider the question whether, if the transfer were made, the army would not be much injured thereby, and without any corresponding good result to the Indians. The sentiment of the Indians who were visited by the committee, as their testimony will show, was unanimously against the transfer, except in the case of Young Joseph, chief of the Nez Percés, who was found a prisoner in the Indian Territory. He would make no choice, but said:—

"I think both of them could be set aside," and that "we should have one law to govern us all, and we should all live together."

In reference to the sentiment of the Indians on the subject the Secretary of the Interior made to the committee a statement giving the views and votes of the various tribes, which gives an average vote of sixteen to one against the transfer, nearly all the tribes being unanimously opposed to the proposition.

THE CHRISTIAN VIEW.

The report next sets forth what it terms the Christian view of the subject, and discusses various other topics at some length, as follows:—

The Christian world is watching with intense interest the results of the humane treatment of our Indians under the present peace policy, while all the religious denominations in this country are absolutely opposed to the proposed change of management. Are we not to hope that these denominations comprise, at least, a large majority of the citizens of the United States? Their opinions and behests deserve and should receive respectful consideration.

"What are we going to do with the Indian?" is the everyday question. "Exterminate him," say the thoughtless; "Civilize, Christianize and put him to work," exclaim the larger number. In these last sentiments your committee heartily join, with the opinion, that it is the bounden duty of the government to teach the Indian that labor, morality and honesty are the three chief tenets of civilization, and also to show him that there is something better to live for than the war dance, the tawdry war paint and the murderous tomahawk. That the Indian has repeatedly advanced in civilization whenever he has had a fair chance is shown by actual facts and figures. Out of the 252,000 we find that over 16,000 are attending school. Say that there are 50,000 children, this shows that about one-third of them are now attending school. Should not the blanket, the scalping knife and the war whoop be as novel and repulsive to these children as to the children of the whites? The force of educational training promises to insure this result. When blanket Indians enter the Indian Territory they soon learn to doff their unsightly gear and don more civilizing habiliments. To be respected or honored they must do this, and the force of example is a great incentive to an Indian. If this is the case with the men and the women it will prevail with the children at school. We may reasonably hope that, with the example now before them, we may soon learn of a much larger percentage in attendance than that which is now reported.

ANGLO-SAXONIZED.

That the Indian can be Anglo-Saxonized is proven beyond all cavil in the case of the Winnebagoes and Omahas who reside on reservations in the State of Nebraska. They live in comfortable houses, have good barns, cultivate their lands and raise as good wheat, corn and potatoes as are produced through the labor of the white man. They have churches and schools, and no more orderly community can be found than on these two reservations. They are petitioning to become citizens, a question of such vital importance in their case that it must soon be solved. Is it necessary to place these people under military management? We think not.

The Rev. James H. Wilbur gave the committee an exhaustive and interesting review of the advancement of the Yakinas toward civilization. There are ten tribes composing this agency. They reside in Washington Territory. They were wild and savage in 1866. In thirteen years they have become, to a considerable extent, civilized and Christianized. They number about five thousand. They have houses, farms, workshops and schools. They are industrious, self-supporting and law-abiding. Although Joseph, with his Nez Percés, was at war with our army just across the Columbia River, yet he received no aid or assistance from these Yakinas. It would be very humiliating to these people to be placed under military rule—for such they would regard it if the management of their affairs were transferred to the army, and so we might say of many other tribes who have become partially or wholly civilized under the more humane treatment received in the past few years. If the tribal relations had not always been observed, and if the aborigines had not been treated as foreigners instead of men "to the manor born," it would have been better. The facts above alluded to show what "might have been." Instead of thousands needlessly slain there would be with us to-day a race of men and women in mind and physique equalled by few, if any, of the races of people who have come to our shores "as to a place of refuge."

The proposition that 250,000 men, women and children out of a possible 50,000,000 must be governed and controlled by the military arm of this great nation seems absurd, and to the European savant is a source of much comment and ridicule whenever he alludes to our institutions.

A TEMPORARY CONTROL.

That we have among these 250,000 Indians some unruly tribes is a lamentable fact, and to this your committee would respectfully call the attention of Congress. We are of the opinion that in such special cases the military should have temporary control, and that the President have power to place such warlike or unruly tribes under military discipline, the same as he would a city or State, terrorized by mob law or revolution. If the officers and soldiers of our gallant army bring order out of chaos, and redeem the savage and make a peaceful and industrious citizen of him, their praises will doubtless be sung by every lover of peace and justice. It is proposed by your committee to submit a bill embodying these views, and it is to be hoped that Congress will take early action in relation thereto, whether the management of the Indians remains where it is or is relegated to the War Department. The general system of reform and improvement should continue, and among the most important things commanding immediate attention is to provide that the civil law of the United States be extended over all Indians who will agree thereto, with a code of laws applicable to them, defining crime and providing a judiciary, especially in what is known as the Indian Territory. In the opinion of the committee such legislation is imperatively needed, and no time ought to be lost in making the necessary provisions therefor.

THE INDIAN AGENT.

The Indian agent seems to be the objective point to which all those opposed to the present policy of the government point in scorn and derision. They assert that "Indian agent" is synonymous with "fraud and corruption." The committee made diligent inquiry into the present system of conducting the agencies, and are of the opinion that, as a general rule, the agent is more sinned against than sinning. There are now seventy-four agents employed, and at every opportunity, as we learn, the department propose to reduce this number by consolidation of agencies and lessening of reservations, where it can be done with justice to the tribes. The work of reform in this branch of the service should continue in good earnest, and the services of the very best men as agents be procured, and a fair and living compensation be allowed, so that the agent may be placed above want and temptation, as well as to compensate them for their estrangement from more congenial walks of life. The salaries of Indian agents should be more liberal than now. Few men who are both competent and honest can afford to travel thousands of miles to an Indian agency and then serve the government honestly for the pittance of $1,500 per annum. Men of integrity who are competent to administer the affairs of the Indian agency successfully can, in most cases, earn larger salaries at less sacrifice, nearer their homes. The salary should be large enough to employ honorable men of decided executive ability and to enable them to take their families with them to their agencies and to support them there. The pay ought to be more liberal and the tenure of their office should be secure for a term of years, provided the agent should prove worthy. The laws providing for the punishment of wrongdoers in this branch of the service ought to be exceedingly severe. The guilty should be punished with an unmistakable earnestness that will convince all others of the firm purpose of the government. We are assured that this policy has been inaugurated, and that already the good results are felt, as the Commissioner of Indian Affairs testifies there has not been a single defalcation under the present administration.

THE QUESTION OF COST.

The question of economy is next considered. The signers of the report, after expressing their opinion that it should by no means supersede the consideration of questions of humanity and the progressive civilization of the Indians, say they cannot find any good ground for the common statement that the War Department is any more economical and efficient than the Interior Department in the purchase of supplies and their transportation. It is found that both departments have excellent systems, and that both have made great improvements of late years. The improvement in the management of the Indian Bureau is said to be especially marked. The present system of business is pronounced very effective and the organization of the office is considered complete enough to be a bar to all outside irregularities.

The remainder of the report (omitting a long extract from the utterance of the Peace Commission of 1868) is as follows:—

THE RESERVATIONS.

There are at present 148 reservations, comprising 150,326,715 acres of land. Your committee are of opinion that there are too many reservations and that the number should be rapidly lessened. The smaller bands of Indians who decline to take land in severalty and also refuse to become citizens, should be moved on the large reservations. In this connection your committee would suggest that the present large reservations in the northern part of Dakota bordering on the Canada line ought to be set apart by the government as a permanent reservation for all those Northern tribes whose smaller reservations will be abolished under this system of consolidation. The Northern tribes should not be moved South, nor those of the Southern portion of our country to the Northern reservations. Humanity dictates this course, for it appears that attempts at acclimating those from the North in the Southern reservations have proved a failure. These 143 reservations are scattered over twelve States and nine Territories. A number of them are in the midst of civilization, and the lands therein should be taken by the tribes occupying them in severalty. The Indian should have this land allotted and the permanent title thereto given with the precaution provided that he is not despoiled of his rights, and in addition to this a law should be enacted which will virtually prevent the Indians from selling or disposing of their lands and houses to sharp and designing persons for not less than twenty-five years.

A SEPARATE DEPARTMENT.

It has been frequently urged by many of those who have given the Indian problem much attention and long study that the entire government of the Indians ought to be placed under a separate and distinct department, the chief of which should be a member of the Cabinet. Your committee coincide with such views, and deem that this branch of our government is of such importance that its chief officer ought to be in a position to have direct communication with the President. If he be a member of the Cabinet he can at all times gain access to the President, and advise and counsel with our Chief Magistrate as to the welfare of the Indians. In times of peace neither the War nor Navy Department have so much complicated business as comes under the Indian Bureau. Your committee, however, do not urge immediate legislation on this subject, but do wish to call the attention of Congress to its importance, with the hope that in the near future some change may be made that will give the prominence to this great and grave national question that its importance demands. We think it is a leading prominent feature in the great interest and welfare of the country, and that it should be given a rank in the executive branch that is commensurate with its importance. This is due alike to the Indian and the white man.

CONCLUDING RECOMMENDATIONS.

Your committee have carefully considered all the data, testimony and arguments submitted to them and have made much personal inquiry. They found warm advocates on both sides of the question, to all of whom a patient hearing was given. Your committee think that the President should be empowered in the case of actual or threatened hostilities to place the tribe or tribes that may be hostile or unmanageable under the control of the military, to remain so until permanent peace is assured. We think that the Sioux might be placed under such control at once and thus avoid war, which is being continually threatened by these Indians. Your committee are of the opinion that the reservations should be decreased, and that as rapidly as possible the small tribes or parts of tribes be placed on the large reservations, unless they take land in severalty, do away with their tribal relations and prepare for civilization.

We are of opinion that the Indian Bureau should be a distinct department, with the chief a member of the President's Cabinet. This will aid much in the solution of future complications in Indian affairs. The Indian should be protected in his rights to his land, and safeguards ought to be thrown around him so as to prevent designing persons from filching his homestead or inducing him to sell it for a trifling compensation. He should not have the right to sell his land without consent of the department under twenty-one years.

Your committee can discover no one good reason why the proposed change should be made. They believe that harm rather than good to the red men would result from the change, and that no possible advantage could result to the government from it. Your committee are therefore of the opinion (pursuant to the extended reasons given above on all the points involved) that it is not expedient to transfer the Indian Bureau to the War Department.

Respectfully submitted,

ALVIN SAUNDERS,
RICHARD J. OGLESBY,
On the part of the Senate.
J. H. STEWART,
N. H. VAN VORHES,
On the part of the House.

ACCOMPANYING BILL.

The report is accompanied by a bill authorizing the President to "transfer the custody, control and management of any of the Indian tribes from the Interior to the War Department temporarily whenever, in his judgment, he shall deem it advisable to do so, either on account of actual or apprehended hostilities on the part of the Indians against the United States, or in case of difficulties between such Indians and settlers." The bill further proposes to authorize the President to detail any officers of the army to act as Indian agents or inspectors or in any other capacity in the Indian service, and exercising the same powers and subject to the same rules and regulations as the civil officers, and an appropriation of $15,000 is recommended to pay the travelling expenses of officers thus detailed during the next fiscal year.

THE STATE CAPITAL.

Senators and Assemblymen Calling Aloud for Retrenchment.

LEGAL INTEREST.

Shall It Be Reduced to Six Per Cent?

HUNTING INSURANCE GAME.

Proposition to Facilitate the River Improvements at Spuyten Duyvil.

ALBANY, Jan. 30, 1879.

The utter emptiness of the clamor about retrenchment with which Senators have been for several weeks assailing the ears of their constituents was strikingly illustrated this afternoon. Senator Turner offered a resolution appointing E. A. Carter to the position of clerk to the Committee on Privileges and Elections. There is not a single seat in contest, nor is there, so far as human foresight can tell, the slightest shadow of a chance of there being anything whatever for that committee to do. Probably it will not meet at all. Yet in the face of these facts only five Senators voted in opposition to the appointment, and it was made. Senator Ecclesine tersely stated the situation and voted "No." His example was followed by Messrs. Hogan, Payne and St. John; all the others voting "Yes." Consequently the people of the State will have the pleasure of paying about $6 a day from now until the close of the session to a gentleman who need not make his appearance here except to draw his pay. Only a few minutes before this practical, direct and present test of the sentiments of the honorable gentlemen in the matter of public economy was made there was still another opportunity afforded them to show how anxious they were to reduce expenses sometime in the "sweet by and by"—on paper. They all voted for that at once. It was a resolution, offered by Senator Murphy, calling for a joint committee of three Senators and five Representatives, to investigate the entire government of the city of New York, including the legislative, financial, judicial and law departments. The committee, it is proposed, shall have the power to administer the oath to witnesses and to compel the production of books and papers. It is provided that it shall report to the present session of the Legislature what departments of the city government may be abolished or consolidated with advantage; what salaries may be reduced, what officials dispensed with and generally what measures may be taken to lighten the burdens of the oppressed taxpayers. This was adopted without a dissenting voice. To paraphrase Pope's line it would seem that public expenses never "are," but always "to be" reduced.

FIVE POINTS HOUSE OF INDUSTRY.

The trustees of the Five Points House of Industry, through Judge Robertson, of Westchester, ask for some increased powers. They want authority to adopt into families any whole or half orphans or destitute children that may have been in their charge for one year unprovided for. That applies to little ones under ten years. When children are over ten they ask authority to adopt them out after they have had the care of them six months. A second section of the bill directs the Board of Estimate and Apportionment to hereafter include in the tax levy a sum sufficient to enable the county treasury to pay to the House of Industry $2 per week for every child supported by it. The measure is in the hands of the Committee on Finance.

LEGAL INTEREST SIX PER CENT.

The debate of the day occurred on the bill of Senator Edick, which was favorably reported by the Committee on Judiciary. This bill, it will be remembered, fixes the legal rate of interest at six per cent, and makes another amendment to the laws relating to "Interest of money." This amendment is very important, as it affects every person in the State that has a dollar to lend or that has occasion—and the credit—to borrow a dollar. Senator Edick intended by the change to prevent middle men from getting usurious percentages out of borrowers. So amended the act would not permit any person, corporation, agent or trustee, or any person acting on behalf of the borrower or lender to directly or indirectly receive any recompense beyond the rate of interest mentioned, and the acts of any agent acting on behalf of borrower or lender shall be deemed the acts of the principal. Nothing in the act, however, shall be construed to prohibit the *bona fide* agent or attorney of either borrower or lender from being paid for his services in getting a loan. Senator Edick made a clear and eloquent little address in support of the amendments proposed. Senator McCarthy took a position adverse to them. It appeared to him that the words interpolated into the act could not properly be passed as an amendment, because, in his judgment, they changed the whole statute. As for the first section, changing the rate of interest, that was well enough. Any amount could now be borrowed at six per cent on bonds and mortgages. The proposition to save the borrower all expense, however, would not, he thought, work well. Under the laws incorporating savings banks borrowers were expected to pay all expenses incidental to loans. The trustees of savings banks were, after all, only acting as agents for the poor depositors, and if the banks were compelled to pay for the searching of titles to property on which loans were asked, it would be a severe tax upon the aforesaid poor depositors and would in many instances prevent the loan being made. In this way the proposed amendment would lead to great suffering among farmers and others whose very life depended at times upon their getting loans. This class did not object to paying pretty well for money at such times.

IS THE CHANGE NECESSARY?

Senator Loomis thought that Mr. Edick was in error in saying that poor men and farmers were the borrowers and capitalists the lenders. He was of opinion that farmers were very largely lenders, because their deposits supported most of the savings banks of the State. Senator Raines was not aware of the slightest necessity existing for any change in the rate of interest as fixed by law. He was not in favor of increasing it, and until the business interests of the country demanded a reduction he should not feel called upon to sustain any measure having that object in view. He criticised as inconsistent the position assumed by Senator McCarthy in declaring in favor of a lower rate of interest and then excepting to the second section regarding middle men and incidental charges. The debate was listened to with interest by the Senate, and everybody seemed fully alive to the importance of the proposed amendments. Permission to sit again on the bill was accorded the Judiciary Committee and further discussion was deferred.

ASSEMBLY ECONOMY.

Another lengthy debate was indulged in to-day in the Assembly over the question of reform in legislative expenditures. The matter came up on a motion of Mr. Hepburn to immediately appoint a clerk to the Special Committee on Apportionment. Mr. Brooks took occasion in discussing this proposition to rap the republican reformers over the knuckles for their action in appointing a host of unnecessary committee clerks and messengers who were paid high salaries for doing nothing. Mr. Skinner offered a substitute which called upon the Speaker to designate the messengers already appointed who would discharge the necessary duties incumbent upon a clerk to the Apportionment Committee. Mr. Brooks applied the lash vigorously, and he was supported in his position by Mr. Skinner, a republican member from Jefferson county. The latter called attention to the fact that $3,000 had been expended for messengers and clerk of the same committee last year for work for which an ordinary accountant would be glad to receive $25 as compensation. The usual buncombe was indulged in by several members who wished to "place themselves on record" in this retrenchment business. Mr. Skinner's amendment was declared by the Speaker to be inoperative on legal grounds if passed. Mr. Hepburn's resolution providing for the appointment of a clerk was finally adopted.

REDUCING THE ALDERMEN.

Mr. Dean's bill proposes that the Aldermen shall be elected for two years instead of one, and their salaries made $2,000 instead of $4,000 per annum; the President of the Board to have $3,000.

THE INSURANCE FIGHT CONTINUED.

Another blow has been levelled at the Insurance Department in the resolution of Mr. Fish calling upon Mr. Smyth to furnish the list of Assemblymen of the present Legislature, if any, who have any claims for examiners or appraisers, &c., in insurance matters.

TOTAL ABSTAINERS.

Petitions continue to come in from different parts of the State asking for the passage of a prohibitory liquor law.

REFORM IN BROOKLYN.

Mr. Stevenson aims to cut down the salaries of officials in Brooklyn ten per cent after the 1st of January next. This bill gives the Board of Supervisors authority to make this change after that date. Another proposition from the same gentleman suggests the abolition of the offices of Supervisor-at-Large and County Auditor, and merges their duties with those of the President of the Board of Supervisors.

PECULIAR CREMATORY PETITION.

The House laughed to-day over a peculiar petition from "citizens of the town of Allegany, Cattaraugus county, and surrounding towns," asking for the passage of a law "that will permit said petitioners to erect a building for the purpose of cremating human bodies into ashes on the following grounds:—

"*First*—Of fear to get buried alive, which is proved that was done a many time.

"*Second*—To stop the most horribble criminal act of robbing dead bodies out of their vaults and graves, where they are buried, which is at the present time practised into a great extent.

"*Third*—In reference to the universal resurrection on the day of judgment, the ashes of decayed, cremated, accidentally or sucididly by burning, produced into the same, or preserved corpses or changed in to stone by nature, will, after our own opinion, not being difficult to an Almighty Creator to bring the same to life again, which we believe is a mystery only known to the great Creator where the power is in the Holy Scripture by the writer of the same." The foregoing is a perfect extract from the petition itself, with the exception that the spelling was not closely followed.

Speaker Alvord referred the petition to the Committee on Public Health, amid much merriment.

IMPORTANT TO NEW YORK OFFICE-HOLDERS.

The following is the text of Assemblyman McDonough's bill relative to office-holders who may reside out of New York before or after their appointment:—

No person who is not a citizen of the State and an actual resident for one year of the city of New York shall be eligible for appointment to any office or position in any or either of the departments of the city of New York, either as president or commissioner, chief of bureau, clerk, or officer thereof, or employé therein, whether legislative, executive or judicial, nor shall any person not an actual resident of the city of New York who may be so employed or appointed to have any valid claim against the Mayor, Aldermen and Commonalty of the city of New York for any salary, wages or compensation, or by virtue of holding any office in either of such departments or branches of the New York city government, unless within thirty days of his appointment or employment he shall have become an actual resident of said city.

Any person holding any appointment or office, or employed in any of such departments or branches of the city government, who shall, while holding such appointment or office or so employed, remove his residence from within the limits of the city shall be deemed thereby to have resigned such appointment, vacated such office or abandoned such employment; and it shall be the duty of the head of every department or other person authorized to make appointments or give employment to appoint or employ another person to the office made vacant or employment so surrendered or abandoned by said removal from said city.

MISCELLANEOUS MEASURES.

Mr. Husted's bill relative to the Harlem River and Spuyten Duyvil Creek provides for giving consent of the State to the improvement by the United States government of this river and creek from the North River to the East River through the Harlem Kills, and that the United States may take and hold the lands necessary for the improvement. The State of New York to pay for the same out of its treasury from moneys unappropriated.

Mr. Duguid introduced a bill providing that after a medical school or college has been furnished a human body or remains for study it shall inter the same in some public cemetery, under a penalty of from $25 to $50 for every violation of the act.

Mr. Young's bill relative to wharfage provides that any person charging wharfage in excess of the amount allowed by law shall be adjudged guilty of a misdemeanor.

Mr. Hughes' bill provides that the validity of any actual devise or will of real estate may be determined by the Supreme Court in a proper action for that purpose, in which all persons interested or claiming to be interested may be made parties.

Mr. Simonson's bill relative to contractors' liens provides that such liens in behalf of labor and materials shall have preference, unless the contractor is informed of a prior lien.

Mr. Trowbridge introduced a bill to amend the act to facilitate the trial of certain actions and to provide for counting the ballots in any ballot box or boxes deposited in the Department of Police in the city of Brooklyn, and to authorize evidence in relation thereto. It provides that the Attorney General shall notify the authorities of the pendency of an action and that he requires the ballots to be recounted. Then, instead of the long and tedious course at present pursued, it provides that the Police Commissioners do the counting. The bill is a general one, applying to the whole State.

INSURANCE CASES IN THE COURTS.

In the matter of the people, by the Attorney General, vs. the Continental Life Insurance Company, an order was to-day issued to pay moneys and to fix the hearing before the referee. The matter of the application of the Attorney General, respondent, vs. the Guardian Mutual Life Insurance Company came up in the General Term to-day for argument. The action is an appeal from an order granted by Judge Westbrook at Kingston, October 19, 1878, perpetually staying the proceedings of the plaintiff, William S. Carlisle and wife, in an action in the Court of Common Pleas, in New York, making Henry R. Pierson the receiver, a party to the action.

MERCHANTS AND MECHANICS' BANK OF TROY.

In the matter of the petition for instructions by Charles E. Patterson, receiver of the Merchants and Mechanics' Bank of Troy, Judge Osborn has appointed Charles O. Parmelee, of Lansingburg, referee, to take such proofs as may be offered as to or affecting the question of priority and preference; also to report and return such proofs to the Court, that the latter may further proceed thereon. This order is granted on account of the receiver applying for advice as to whether the Troy Savings Bank has a preference and is entitled to priority of payment over the general depositors and creditors of the defunct bank.

THE CARMAN-DURYEA CONTEST—A DISGRACEFUL CAMPAIGN—HOW DURYEA IS ALLEGED TO HAVE COUNTED HIMSELF INTO THE ASSEMBLY.

ALBANY, Jan. 30, 1879.

The following document was presented to the Assembly to-day by Mr. Baker, of Monroe:—

TO THE ASSEMBLY:—

The undersigned, a majority of your Committee on Privileges and Elections, to whom was referred the petition of George F. Carman, of the county of Suffolk, contesting and claiming the seat of Charles T. Duryea, as Member of Assembly from said county, respectfully report that they have been attended by the respective parties and their counsel, and have heard the allegations and proofs of the parties.

Annexed hereto and herewith returned are the petition of the claimant so referred to your committee with the formal statement of the claims of the claimant, with the grounds thereof and the written answer made and filed by the sitting member. Having considered the allegations and proofs of the respective parties, your committee have found and do hereby respectfully report their conclusions of fact and law as follows:—

FACTS.

There were three candidates for the Assembly in Suffolk county—namely, George F. Carman, the present claimant; Charles T. Duryea, the present sitting member, and Ellis Smith. In the tabular statement of the aggregate vote, filed and published, it appears, and the County Canvassers state, that Carman and Duryea each received 4,571 votes and Smith received 203. In the statement of the result on Assembly afterward made the canvassers state the vote as follows:—For Carman, 4,571; for Duryea, 4,572; for Smith, 204; for Edward Edwards, 1. Four votes blank and one vote returned as defective. Thereupon the Canvassing Board, of which Mr. Duryea was a member and gave the casting vote in his favor, awarded the certificate of election to Mr. Duryea.

The manner in which the Board of Canvassers brought about this result is as follows:—Upon the return of the inspectors of the Second Election district of the town of Babylon there appears a ballot headed "Assembly," with the name of "Charles T. Duryea" printed thereon. The word "Duryea" was erased therefrom by means of a pencil and the word "Carman" written with pencil on the face of the ballot and following the word "Duryea." This ballot the inspectors had returned as "Carman, 1." The Board of Canvassers, by resolution, sent back the return to the Inspectors, and in due time the Supervisor who was entrusted with that duty reported back to the Board that the Inspectors concluded to leave the return as it was. Thereupon the Board of Canvassers, by a vote 5 to 4 (Mr. Duryea's being the casting vote), decided to allow this ballot as one vote in favor of Mr. Duryea, the sitting member, which had the effect of giving him one majority.

In the Sixth district of Brookhaven a ballot was cast and is attached to the return of the inspectors on the face whereof had been printed the words, "For Member of Assembly, Charles T. Duryea." This was all erased by pencil and in their stead was written, as now plainly appears, the words, "George F. Carman." On the back of this ticket the word "Assembly" appears printed. On the return the inspectors say by writing, "This ballot is rejected as defective and not allowed by Board of Canvassers. If it had been so allowed by them in favor of Mr. Carman, the result would have been 4,572 votes for George F. Carman. If the ballot mentioned and referred to, from the Second district of Babylon, had not been counted in favor of and allowed to Mr. Duryea, his vote would have stood at 4,571—thus giving Mr. Carman a majority of 1.

These are the only questions of fact that are presented bearing upon the question as to the rights of the parties as presented by the face of the returns.

CONCLUSIONS.

It is plain upon principle and too well settled by precedent to require the citation of authorities, that the duty of a Board of County Canvassers is ministerial. It is their province to ascertain the result of the election by the expressed preference of the electors as shown by their ballots.

As to the ballot from the Second district of Babylon, it is very clear that the Board of Canvassers did wrong in counting the same for and allowing the same to Mr. Duryea for the reason that the elector who cast that ballot did not intend to vote for Mr. Duryea. This he plainly expressed by striking out "Duryea" and writing on "Carman."

It is equally clear that Mr. Carman should have been allowed the ballot which was returned as rejected from the Brookhaven district.

The elector had said on his ballot:—"Assembly—George F. Carman." There was but one Assemblyman to be elected in the county. This was on a ticket and in such a form as to leave no doubt as to the intention of the voter. It can mean nothing else but a vote for George F. Carman for the Assembly.

It is well said that the laws regulating the forms of ballots are directory, and that if the voter has expressed his will so that it can be ascertained he is not to be disfranchised because he has not observed all the forms.

Your committee have not received any testimony of any facts, except such as show on the face of the returns before the Board of Canvassers and their action thereon, and explanatory thereof, holding that if by a lawful discharge of the duty of the county canvassers, Mr. Carman was entitled to the seat, it should be awarded to him, leaving it to Mr. Duryea to contest if he shall be so advised, rather than that he should continue to hold a seat illegally awarded to him while he shall try to contest the right to the seat by evidence that does not appear on the