WITH THE RAMBLER

WILTON HALL, a venerable place, steeped in pleasant memories and changed by time and storm into a relic, lies or partly stands so close to Washington that from its decrepit doorway and its lonely windows you can see the domes and spires of Washington. Alexandria's walls and steeples rise between the hall and the great city of the nation and the trees and monuments of Ivy Hill cemetery are in the picture and there sleep the good people whose feet in other years trod the gravel walks that wind among the rank tangled box and ivy that overgrow the garden of Wilton Hall.

It was a beautiful place and it is potentially beautiful today. Nobody lives there, and nobody has lived there for a good many years, though it is easy to feel that ghosts, good-natured and hospitable ghosts, stroll through the ruined garden and stalk across the creaking floors of the bare, cold rooms and the empty halls that are silent save for echoes.

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The Rambler has mentioned Wilton Hall in connection with the story of his visits to Mount Eagle and Mount Pleasant, neighboring properties. The legend of Wilton Hall which the Rambler has heard from the lips of old-time folk whose minds are stored with neighborhood traditions is that when Gen. and Mrs. George Washington were residing in Philadelphia, when that city was the capital, they attended a theatrical performance and heard a boy singing. They liked the little chap and his parents or guardians, if he had any, being willing, the general and his lady finally brought him to Mount Vernon, where he developed into a landscape gardener of no small ability.

It is said that that garden which is now known to everybody as Nellie Custis' garden, was in part his work. The name of the boy was Froebel. That is the story told in the Wilton Hall neighborhood and it has come down from Froebel and from his daughters Anne and Elizabeth, who were known and beloved by all the old dwellers in that neighborhood. Elizabeth Froebel died at Wilton Hall about a quarter of a century ago, and Anne, whom everybody round-about today speaks of as "Miss Anne," lived there until the day of her death a few years ago at the age of ninety-two years. She was a remarkable woman in many ways. She retained a clear memory of all the people who had lived in the neighborhood and of all the events there during her long life, and she preserved a strong memory of all the stories which, when she was young, she had been told by gray and bent men and women. Another of the unusual things about this woman was her extraordinary stature. The Rambler has been told that she was nearly seven feet tall and that all her growth was not in the direction of height.

The persons from whom the Rambler has learned these Wilton Hall stories speak of Froebel as "Bushrod Froebel" and his fame as a gardener survives him. In many of the historic places in that neighborhood old men and women are forever pointing out to you some flower or shrub which they prize exceeding high and they tell you that it came from the gardens at Wilton Hall, or that Bushrod Froebel gave it to their grandmother. The story of Froebel continues that when he had reached manhood the Washingtons at Mount Vernon bought for him the property which he called Wilton Hall, and if one could determine the origin of that name it might throw some light on the history of the man who lived there.

The garden is a wonderful place today, though it has grown wild. You can trace an intricate system of walks hedged with box, but this box has grown so that the design is nearly obliterated and the walks impassable. Ivy of several varieties abounds. For years it has been disputing with the box for possession of the place, and it may be that the contest has not been determined yet, but to the Rambler it seems a draw, or that the box and ivy have agreed to a joint tenantcy of the grounds. A number of old and large trees grow above the riot of box and ivy, and these will be pointed out to you as trees of an unknown species which Froebel brought from Europe. In the garden are several tall buckeye trees and two ancient holly trees. One of the hollies is thrifty and green, the other is ruinous and the story is that one bore scarlet berries and has been rifled and stripped and torn so often that it is nearly dead, while the other being barren so far as berries are concerned has been spared by vandals.

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If you would go to Wilton Hall you should start out along the Little River turnpike from Alexandria, and at the site of the old tollgate turn to the left along the Telegraph road, cross Cameron run, pass the hamlet of Cameron at the juncton of the Telegraph road and the original Mount Vernon road, and keep on along the Telegraph road until near a white chapel which sits on a hilltop surrounded with white tombstones. That is Sharon Episcopal Chapel. Before reaching this chapel a red clay road, deep, wet and sticky at this season, strikes off to the right. It is called the Old Boiling road and would lead you over to Franconia on the Washington-Southern railroad. A few hundred yards along this road a tree-lined lane calls to the left. Walk along that lane for a quarter of a mile and you come to box-bowered and ivy-wrapped Wilton Hall.

That is not the route the Rambler took. Leaving the Telegraph road at Cameron, he took the left-hand fork, which is the old Washington or original Mount Vernon road from Alexandria, and climbed up through the ruins and earth heaps of Fort Lyon. The weather was piercing even for walking and in a sheltered part of the road the Rambler and his friends built a comfortable fire and rested for an hour. Then the line of progress carried them to Mount Pleasant and from that homestead the path lay westward over fields and across the valley through which runs the Telegraph road and White branch, and which has the cheery name of Happy Valley. Climbing out of this muddy vale and passing Sharon Chapel on the right you come to the fencing which incloses the lands appurtenant to Wilton Hall. They are extensive and fruitful, but the Rambler's rain-soaked notes refuse to remind him of the number of acres in the tract.

It was one of the dismal afternoons of the winter that the Rambler and his friends stood shivering and footwet among the box and ivy and under the bare wind-swayed trees in the garden of Wilton Hall. It was the afternoon of Sunday, January 24, the day of the sleet storm which coated everything in the city with ice but did not make the clap roads and fields so hard that a man would not sink to his shoetops in the mud. The sky was dark and the light feeble, and on the whole it was a day many intelligent persons would rather woo a steam radiator than hunt history with a camera and notebook. But such is rambling.

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The house of Wilton is in two parts. The north section is frame and the south part, which is the main section, is of brick. The frame section is the older, as often happens in the country around Washington. Froebel added the brick house to his domain as prosperity blessed him and as his property developed. The front porch has fallen, but the front door, of oak, is stout and sturdy and swings truly on its grating, monster iron hinges. In the rooms are stone-paved open fireplaces with a trace of ashes from cordial fires that burned out perhaps before many of the readers of these lines were born. These fireless fireplaces seemed especially cheerless on the wet and icy afternoon. On the wall between the two front windows of the main room is the relic of what was once no doubt a handsome mirror. It is very heavy glass, but the reflective backing is nearly all gone. In the oaken window frames one sees still the curtain hooks, rusty and misshapen now, but suggestive that once that room was furnished and comfortable. The frame part of the hall is decrepit, but the main or brick portion is in an excellent state of preservation so far as the walls and chimneys are concerned.

Down deep in the garden is a ruin. A chimney stands, and around it are sections of broken brick walls, parts of the walls being tumbled into heaps. Over all this a mat of kindly ivy has spread itself, but whether the ivy has done this to screen the ruin from the eyes of men, or whether to make a right choice meal off bricks, the Rambler does not know. That ruin was Froebel's bothouse.

You will be told by people who live in the region that in the fair and pleasant seasons of the year many strange flowers bear their blossons in the garden of Wilton Hall, and when genial, happy spring returns the Rambler means to ramble there again.

WILTON HALL, A HOME WITH WASHINGTON ASSOCIATIONS.

* * *

Old Washington Landholders.

THE Rambler recently wrote of the farms and the owners of the farms on which the city of Washington came to be planned and built. The occasion of that article was a map prepared by the geological survey called "A View of the City of Washington in 1792 and in 1911." The "view" showed the farms on which the city of Washington was laid out, and was overprinted by a map of Washington of 1911. In 1792 the landholders of the site of the original city of Washington, extending from the Eastern branch to Rock creek and from the Potomac river to Florida avenue, or "the boundary," were Robert Morris and Nicholson Abraham Young, George Walker, the Widow Wheeler, relict of Aquila Wheeler; William Young, Daniel Carroll, Benjamin Oden, James Burnes, David Burnes, Notley Young, Lynch and Sands, John Davidson, Samuel Davidson, Samuel Blodget, Robert Peter and Anthony Holmead.

Although these men were known as the original proprietors, some of them were newcomers to these parts in 1790 and 1792. Some of them bought farm lands near the junction of the Anacostia and Potomac rivers because the land was worth what they paid for it, and there was a probability for some time prior to 1790 that the projected federal territory or federal district or national district might be located here. Some of these "original proprietors" bought farms here soon after the matter of the location of the federal city had been settled. But the Young, Burnes, Carroll and Walker families were not among these. They had long been settled here.

There is a great deal to be determined as to the ownership of the land on which Washington was built and on which the people of the District of Columbia have settled between the time of the Maryland grant to the first Lord Baltimore and the cession of those lands by the state of Maryland for the use of the national government. This question was gone into by the late Hugh T. Taggart in his examination of the history of titles in the Potomac and Eastern branch flats cases, and in his contribution to the Columbia Historical Society on "Old Georgetown," and about all the knowledge we have of District of Columbia proprietors before 1790 is summed up by Wilhelmus Bryan in the first volume of his "History of the National Capital From Its Foundation Through the Period of the Adoption of the Organic Act."

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Mr. Bryan says that "the astonishing fertility of this virgin soil, which continued to yield its yearly crops for a long period without receiving from the tiller anything in return, does not alone account for the continuance of such a method of cultivation. The vast area of the land made it possible for the planter after exhausting one field to abandon it and clear another for the tobacco crop, and hence the abundance of so-called "old fields." The extent of the individual holdings was large.

"As the tide of settlement pushed its way up along the tributaries of the river and the land along the Patuxent was taken," continues Mr. Bryan, "then the settlers advancing still further to the north found their way along the upper Potomac and Rock creek. This movement along Rock creek began, it is estimated, in 1688, and the general tendency in this locality is indicated broadly by the dates of the patents granted by the lord proprietor."

It is shown that the tract still called Blue Plains, though its area is much diminished, on the south side of the Eastern branch and within the District was conveyed to George Thompson by Lord Baltimore in 1662, and that the adjoining tracts, called St. Elizabeth and Giesborough, were conveyed to George Thompson in 1663, and that on the north side of the Eastern branch and comprising a broad belt of land extending from that stream northward, including the present site of the Capitol building and the land for some distance to the north was Duddington's pasture, a tract of some fourteen hundred acres, which tract was also conveyed by Lord Baltimore to George Thompson in 1663.

In 1664 John Langworth acquired a tract of six hundred acres called the Widow's Mite, and in 1696 the Vineyard, part of which is covered by the Soldiers' Home, and about which the Rambler has previously written, was patented to one William Hutchinson. The central part of Washington, through which Pennsylvania avenue runs, from about 2d street to 17th, was called Beall's Levels, containing 225 acres, and was patented in 1703 to Ninian Beal, a Scotchman living at Upper Marlborough.

Duddington Pasture, patented to George Thompson in 1663, was sold by him in 1670 to Thomas Notley for 40,000 pounds of tobacco. Mr. Bryan has gone at length and labor into this matter.

Part of Beall's Levels, which was obtained by Ninian Beall of Upper Marlborough in 1703, was resurveyed in 1769 for James Burnes, a Scotchman, but, dying before obtaining the patent, though he had lived on the land for several years, the patent was secured by his eldest son, David Burnes, in 1774. One of the early patents to land within the limits of what was to become the District of Columbia was that obtained in 1688 by Henry Darnall. His tract, which contained about 6,000 acres, lay along both sides of Rock creek and extending northward included portions of Rock Creek Park, Takoma, Forest Glen and Silver Spring.

Reveries in a Stable.

THERE are times when the Rambler's ardor for rambling is almost chilled and a glowing fire in the open grate seems to offer more pleasure than a long clay road deep with cold mud or roughened by frozen clods and swept by a wind that bites the ears and nose and makes an old frayed overcoat feel especially thin. When this spirit of rest comes over him the Rambler likes very much to sit in the office of a particular livery stable, where, in addition to the warmth of the fire, the air is heavy with the smell of horse, harness, leather polish, coach varnish and lap robes. Not all Washingtonians would enjoy relaxation in this way and place. There are some who would rather sit around a garage and inhale gasoline and axle grease and engine oil, while there are others whose preference is for the stove in the corner of a cigar store where winter base ball is played. Taste is a strange thing, and some tastes are very strange.

But this stable office is a mighty interesting place. The walls are lined with the pictures of old friends that call up sweet and tender, cheerful and exciting memories. There is, of course, a big picture of Flora Temple, that great mare which set a part of the world ablaze by her performance at Kalamazoo, Mich., in October, 1859, of a mile in two minutes, nineteen and three-quarter seconds. And, of course, there is a lithograph of the great Dexter, who at Buffalo in August, 1867, trotted a mile two and a half seconds faster. Then close by Flora Temple and Dexter is a likeness of that marvel mare, Goldsmith Maid, who clipped a quarter of a second off Dexter's time at Milwaukee in September, 1871, and at divers times during 1872 and 1874 at Mystic Park, Boston; East Saginaw, Buffalo and Rochester brought the mile time down to 2:14. And dear famous old Rarus, who at Buffalo in the summer of 1878 brought the mile record down to 2.13¾, is pictured on the wall. In the midst of that glorious company are St. Julien, Maud S., Jay Eye See, Sunol, Nancy Hanks, Alix, The Abbot and Lou Dillon, who at Readville, Mass., August 24, 1903, brought the record down to two minutes flat. Also on the wall are great Cresseus and Uhlan, with Maj. Delmar, Hamburg Belle, Sweet Marie, Harvester and gallant Bertie R., who trotted four miles at Blackpool, England, September 11, 1899, in 9.58.

If your mind inclines to pacers you can sit by the fire and think on the pictures and the achievements of Dan Patch, Morning Star, Prince Alert, Dariel, Directum I and The Fisherman, who went five miles at San Francisco in December, 1874, in 13.03½. Mascot, John R. Gentry and Star Pointer are also there.

Where is the man whose blood has been so cooled by the automobile that it does not thrill hot at the thought of the thoroughbred? And by the cozy glow of the fire the Rambler looks on pictures of Salvator, Kildeer, Amalfi, Stromboli, Maid Marian, Macy, Rapid Water, Banquet, Whiskbroom II, Old Roseben, Irish Lad, Africander and Major Daingerfield, who carried 140 pounds and ran one and three-quarter miles at Morris Park October 3, 1903, in 2.57. Ethelbert's picture looks down at you, a horse that at Brighton Beach August 4, 1900, carried 124 pounds two and a quarter miles in a fraction over 3.49. Elie, brave four-year-old, who raced three miles at Oakland April 8, 1905, in 5.22, looks down at you with flashing, tender eyes.

Do you remember Silvio, ridden by Archer to victory in the English Derby of 1877? Well, he looks at you and from the spirit land of noble horses. Other Derby-winning Archer mounts, Bend'Or, Iroquois, Melton and Ormond, stand before you, and you may gaze on the lithe, heroic forms of The Harvester, who ran a dead heat with St. Gatien in the Derby of 1884; Sir Visto, Persimmon, Jeddah, Diamond Jubilee, Volodyovski, Rocksand, St. Amant, Spearmint, Orby, Sunstar and Durbar II. All these thoroughbreds are mile horses and better.

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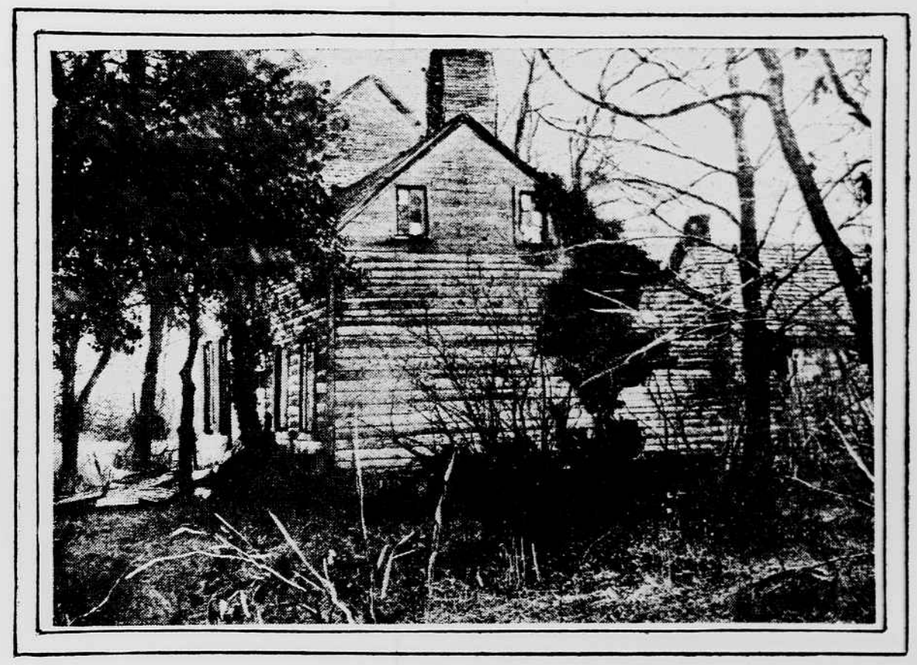
But all the pictures that the glow of the fire lights up are not horses. You can look on the face of Perry, the Tipton slasher, champion of England after his fight with Paddock in 1850, who was beaten, or beat up, by Harry Broome in 1851, and who on Broome's retirement in 1853 held the championship until Tom Sayers beat him in 1857. You can look on the faces of Sayers and Heenan, and perhaps your memory will go back to the battle of 1860. Old Washingtonians will recollect, if they do not remember, Jem Mace, who beat Hurst in 1861, beat Tom King in 1862 and was beaten by King in 1863. Well, the light from the red coals in the open grate shines on his face. Jem Mace was battling as late as 1872, when he fought a draw with Coburn.

John L. Sullivan's face and arms look on you. John wears the costume, or part costume, and appears as he did when he beat Paddy Ryan in nine rounds at Mississippi City in 1882, seven years before he beat Jake Kilrain at Richburg, Miss. Jem Smith's lithograph is there, and across the wall from the horses pose Bob Fitzsimmons, Peter Maher, Jim Corbett (James J. Corbett), Jim Jeffries and Tom Sharkey, who went down before Jeffries in the twenty-fifth round at Coney Island, November 3, 1899. Tommy Burns, who laid low Bill Squires of Australia at San Francisco in 1907, Gunner Moir at London and Jem Roche of Dublin, and himself fell before Jack Johnson in Australia December 26, 1908, has his picture on the wall. Quick and fierce fellows like Jack Britton, Young George Dixon, Joe Jeannette, Sam Langford, Charley Ladoux, Young Shugrue, Gunboat Smith and Adolph Wolgast appear in appropriate posture and recall other days.

* * *

Upon the mantelpiece, above the glowing grate fire, in that stable office is a picture that would stir the fancy and recall the youth of hundreds of the graybeards and baldheads of Washington. It is a lithograph of Lydia Thompson. How time flies! It was only back in 1869 that the "Lydia Thompson Burlesque Company of English Blondes" captured first New York and then the rest of the United States. The play, as you remember, was "Ixion." Pauline Markham, who was in Washington about twenty-five years ago at the Globe Museum, the site of which is covered by the Post Office Department building, led the Amazons in "Ixion." Liza Weber sang

Up in a balloon, boys, up in a balloon,
All among the little stars sailing round the moon.



THE FRAME, OR OLDER PART OF WILTON HALL.

COURT OF CLAIMS IS KEEPER OF THE CONSCIENCE OF UNCLE SAM

PAUSING briefly in his glowing description of the State, War and Navy building, the lecturer on the "rubber-neck coach" remarks: "And on our right we have the Court of Claims."

That is all the average sightseer in Washington learns about this curious court, which is housed in an old-fashioned brick building, with brownstone trimmings, once an art gallery, at the corner of Pennsylvania avenue and 17th street. Also that is about all the average resident of Washington knows about the Court of Claims.

Penetrate into the court and within the walls one finds not only the dry, musty atmosphere of the past, but gets a panoramic view of the great operations of the government in all its ramifications. A legal language is spoken here different from the language of the ordinary courts. The place seems apart from the busy daily life of the federal city. Lawyers and law clerks alone seem to frequent it.

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And yet nowhere else in the government is there a place wherein can be found such a wealth of romance, such a fund of true history, which so often differs from the history found in the text books; such a mass of material for him who would write tales of battle, of adventure, of deeds of derring do.

Also here is a wonderful mine of material for the iconoclast. Here recorded duly may be found in some instances the true relation of the sordid motives that prompted acts which written history knows only as patriotic and disinterested. A veritable charnel house this, containing the bones of ancient scandals, long-forgotten intrigues and traitorous performances.

To the historian, the romanticist or the idol breaker the Court of Claims offers equal opportunities.

Now and then there comes within it one possessed of clear vision and sense of perspective, who sees the possessions of this treasure house in their proper proportions, who is enough of a poet to appreciate their dramatic values.

Such an observer is Huston Thompson, assistant attorney general in charge of the bureau for the defense of suits against Uncle Sam, who has under his direction a corps of twenty-one attorneys and a like number of clerks and stenographers. He is one of the new figures in national government affairs brought in with the incoming of the present administration.

A slender, gray man is he, with silvered hair, and grave, studious lines in his face, although not yet forty years old. He looks like a chancellor, he conducts himself in court as a chancellor; one clothes him in the mind's eye with the bottomed wig and flowing silk gown of the English barrister, so closely does his appearance and the atmosphere of the court follow the Dickens description of those barristers and those courts.

But talk with him about his hobby, which is the Court of Claims, and note the enthusiasm with which he assails the subject. Here speaks the youth and the poet, for neither years nor deep legal studies have robbed him of his inherent possessions.

"In one aspect," said he, recently, sitting at his desk in a quaint old house at No. 8 Jackson place, around the corner from the Court of Claims, "the court is the keeper of Uncle Sam's conscience. It is here that Uncle Sam dispenses equity to those with whom he transacts business.

"In another aspect it is the historian of the republic, for in its files may be read the real history of the nation.

"And in still another aspect it is the place of governmental post mortems, for here are held the final examination into the administrative mistakes that have been made.

"Every great nation in the world has a court such as this; none of them a court containing more color and romance. In England the court is known as the court of the exchequer. Here the simpler and more descriptive name has been adopted. Created in 1855, the court always has been a busy one, now perhaps busier than ever before.

"In making contracts with private individuals, firms and corporations government officers are limited strictly in their operations by the terms of the law, not at all elastic. Hence, when disputes arise they may not be settled in the same manner that such disputes between private individuals are settled, although the equities may lie with the contractor. Hence a very considerable portion of the business of the court is in dealing with such disputes.

"Under the general jurisdiction conferred upon this court, any citizen of the country who has a claim against the government arising upon a contract, express or implied, a law of Congress or the Constitution, may enter suit against the government in this court, and, if the court finds his claim just, judgment is entered against the government and the claim paid as a matter of course."

"But," suggested the interviewer, "I have always understood that no one could sue the government without the permission of Congress."

"That may be the general impression," said Mr. Thompson, "but the fact is as I have stated it. More than 32,000 suits of individuals against the government, of which 2,000 are now pending, have been brought directly under the general jurisdiction of the court and not through the authority of any special act of Congress.

* * *

"When a judgment for the claimant is entered in the court, and appeal is not taken to the Supreme Court, it is certified to the Secretary of the Treasury, who includes its amount in his estimates sent to Congress, and Congress provides the money just as for the ordinary expenditures of the government.

"These cases, which we call general jurisdiction cases, find their origin largely in the numerous contracts made by all departments of the government, and arise by reason of contracts for the building of battleships, cruisers and other vessels; the erection of public buildings, dredging and improvements of rivers and harbors, the building and maintenance of dams, locks and sea walls, contracts for army supplies, contracts with mail contractors and railroad companies for carrying mails, construction of dry docks and the like, contracts arising through the activities of the reclamation service; a large amount of litigation involves the construction of statutes affecting the pay of army and navy and civil employes of the government, the reimbursement of disbursing officers for United States funds lost without negligence.

"The government now permits suit to be brought against it for governmental use of patented inventions. One set of cases now pending involves the use by the government of certain wireless apparatus which the claimants assert are covered by United States patents.

"A typical recent case of suit brought by an individual directly against the government is that of a property owner near Annapolis, Md. He alleges that, in firing practice, projectiles frequently ricochet over his land, making it dangerous to work there, and this, he asserts, is a technical taking of his land for public purpose.

"You will observe that here, as in many of the cases against the government, the action is based on the fifth amendment to the Constitution, which forbids the taking of private property for public purposes without due compensation being made.

* * *

"To give some idea of the magnitude of this class of business in which the Court of Claims stands as Uncle Sam's conscience, I may state that the amount claimed in pending suits under contracts of the navy for the building of war vessels is about $10,000,000; the dry dock litigation approximates $2,400,000; patent suits in the neighborhood of $8,500,000; suits growing out of the improvement of rivers and harbors involve several million dollars.

"One set of claims, known as the divisor cases, involves $30,000,000. They arose from an order made by the Postmaster General in 1907 changing the method of computing the weighing of the mails carried by the railroads. It reduced the amount paid to those roads by one-seventh. Seven hundred and seventy-five railroads have filed claims for the recovery of this additional one-seventh over the amounts paid accruing during the life of the contracts.

"Certain of the cases were selected as test cases. The Court of Claims rendered judgment in favor of the claimants. The government obtained a rehearing, the cases were again tried on their merits and were decided in favor of the government. Thereupon the railroads appealed to the Supreme Court, where the cases are now docketed.

"Another classification of cases pending before the court is known as departmental cases, involving questions referred by the heads of the various executive departments where the opinion of the court is desired for information and guidance. About fifty such cases are now pending.

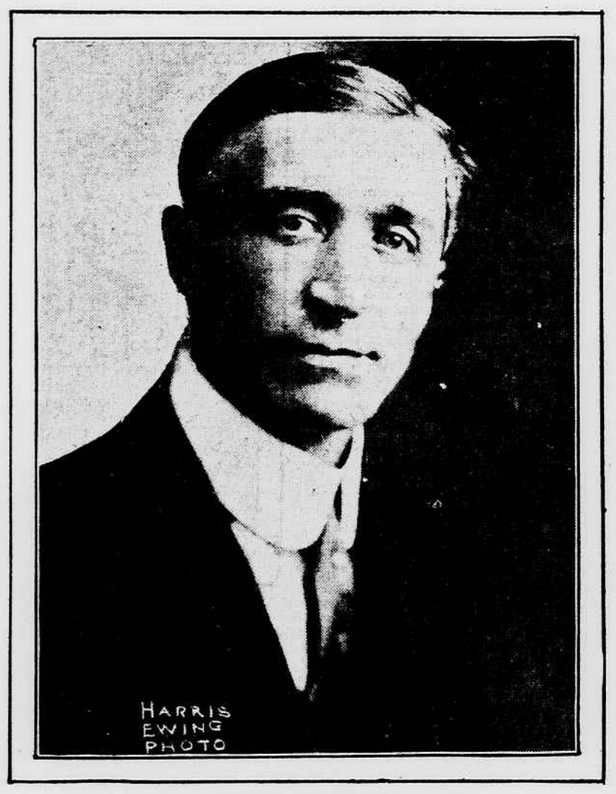
"Congress annually refers to the court about 2,500 cases for findings as to what, if any, amount of damages is due the claimants. Many of these cases are those where the claimant is barred under the statute of limitations from bringing his suit direct. The court certifies its findings to Congress and Congress pays or declines to pay as it sees fit. About $15,000,000 of these cases are now pending.

"Then there are the Indian depredation cases, in which claims are made for property of citizens taken or destroyed by Indians belonging to any band or tribe which are wards of the government. More than 500 of these cases, involving more than $2,000,000, are now pending.

"But of far more general interest to the public is the historical side of the court. As I told you at the start, the history of the country could very well be written from the files of the court. First there were the revolutionary war claims; then the French spoliation claims, of which I shall speak presently at greater length; claims arising from the war of 1812, Mexican war claims, claims arising from depredations along the line of the Santa Fe trail, civil war claims, cotton claims, so called, arising out of the war, and numerous interesting claims arising out of the Spanish-American war and our operations in the Philippines.

"Typical of these cases and involving an almost forgotten incident in American history was what is known as the Thurston case, finally decided in favor of the government and against the claimant last year.

"The records disclosed that a party of Gentile immigrants was making its way through the west on the way to the Pacific. One day, in the mountains of Nevada, the party was attacked by a band of what seemed to be Indians. The immigrants gave battle and appeared to drive off their foes. On the second day a party of soldiers appeared, expressed sympathy, promised to give the travelers safe conduct and proceeded with them. Presently, at a place called Mountain Meadows, the soldiers fell upon the party and killed all the adults, sparing only some of the women and children. This was known as the Mountain Meadows massacre.



HUSTON THOMPSON,
Assistant attorney general.

* * *

"Years after Emmy Thurston, one of the surviving heirs, presented the matter to Congress, alleging that the soldiers involved in the massacre were Mormons and asking an appropriation to reimburse her for the loss of the property belonging to her relatives. Congress did not act, and the case came finally to the Court of Claims.

"Here it was pleaded that the massacre was perpetrated by Indians, wards of the government, and no mention was made of Mormons. Obviously, the government could be held for the acts of its wards, but not for the acts of Mormons. The government sought in the of the Senate and found the original affidavits in which the blame had been cast upon Mormons. In the Court of Claims the claimant could not show that the Indians were solely responsible, nor could she show that they were at all responsible. Hence the judgment against her.

"While the largest judgment ever entered by the Court of Claims against the government was in the sum of $5,000,000, arising out of Indian land claims, by far the most interesting litigation with which it has had to do was in what are known as the French spoliation cases, now about to be concluded so far as the court is concerned.

"When the American colonies were fighting for their liberty France came to their assistance with troops and money. This aid turned the scale in favor of the colonies. In 1778, while the war was in progress, the new confederated colonies, out of gratitude, entered into a treaty with France by which they agreed to protect French trade in American waters, to give it certain advantages therein and further to protect the title of France to her possessions in the West Indies. It was a treaty which bound the colonies to certain armed services to France in the case of a rupture between her and England.

* * *

"When, in February, 1793, France and England went to war, the United States proclaimed neutrality, and practically repudiated the earlier treaty. England seized the French West Indian colonies without protest from America. England also treated as belligerent all American ships plying between France and the West Indies. English naval officers were instructed to regard breadstuffs as contraband if bound for France, even though owned by neutrals and in neutral ships.

"France promptly retaliated. She instructed her ships to capture and condemn English merchandise on American vessels. Provisions owned by Americans en route to England were to be forfeited as contraband. Still more rigorous action followed. Our ships were confiscated for carrying English goods, though not contraband. Both France and England were trying to starve each other out, and the United States suffered at the hands of each.

"As a result we were on the verge of war with each. Particularly did our people feel aggrieved against France, for she had seized some 5,000 of our ships, but France had many counter charges against us, arising out of the violation of the treaty of 1778.

"Finally, in 1800, when Napoleon became first consul, France, which had been flouting this new nation in every way, adopted a conciliatory attitude, and Napoleon brought about a settlement. A treaty was negotiated by which France abandoned her claims against this country in exchange for this country's abandoning the claims of its citizens against France for the seizure of their 5,000 vessels. Of course, as a matter of law and justice, this nation had no right so to forfeit the legitimate claims of its citizens, but it did so, nevertheless.

"After many years of agitation, Congress, as a preliminary step to righting the wrong, in 1885 conferred jurisdiction on the Court of Claims to hear and report to Congress its findings and conclusions in the claims arising out of the seizure of ships and cargoes by France prior to the Napoleonic treaty of 1800.

"Under this act there have been 5,569 principal petitions filed in the court relating to 2,399 vessels. There have been certified to Congress cases involving nearly 2,000 ships, the findings aggregating nearly $7,000,000. Congress has appropriated in years past a total of $3,950,452.26 to pay these claims, but for the last five or six years it has not been appropriating, so a considerable balance remains yet to be appropriated.

"Within a very short time the last of these French spoliation claims will have been wound up, either certified to Congress or dismissed. When Congress finally appropriates the last chapter will have been written in this long-drawn-out controversy.

"Of course the original claimants are long since dead, and their heirs, in many instances several generations removed, survive and are the beneficiaries. The evidence in the cases, documentary and taken by commissioners of the court in many parts of this country and in Europe, is voluminous. Quite aside from its importance historically, it sheds a brilliant light on the life and manners of the post-revolutionary period, and is rich in romance and color.

"The Court of Claims, in its aspect as the place of holding post-mortems on governmental activities, offers opportunities to the serious students of government, but they are opportunities quite neglected. Enthusiastic administrative officers agitate for the creation of a new arm of the government, some new device warranted to serve the public in some new and highly beneficial way.

* * *

"A generous Congress provides the necessary funds, and it is established with much acclaim. And always finally it gets into the Court of Claims, where its activities are taken apart and examined and the final analysis made. Sometimes Uncle Sam has to pay heavily for his experimenting; sometimes a marked success is shown. Without prejudice, coldly, clearly, anayltically, the post-mortem is here conducted. The results do not always attract large public attention, but they are none the less valuable for the student.

"It is a matter of gratification that great progress has been made in the last year in clearing up the docket of the court. I am aware that an opinion prevails that procedure in the Court of Claims is slow, but such is far from the truth. When you consider the number of suits brought, the fact that the testimony both for the claimant and the government has frequently to be taken in the uttermost ends of the earth, and tremendous records, covering as many as 10,000 pages, are often to be analyzed and reviewed, the business of the Court of Claims is as expeditiously disposed of as in any court in the land. Where a case stands for two years on the docket without being pressed or we move to dismiss it. During the last fiscal year more than 5,000 such were dismissed.

"The total number of cases now pending, including subnumbered claims, is about 13,000. This includes some 2,500 sent to the court last autumn by Congress just prior to its adjournment. More than $90,000,000 is involved in these 13,000 cases, of which about $15,000,000 is involved in 3,000 cases entered during the year.

"During the fiscal year 1914 the court awarded claimants—French spoliation claimants excepted—a total of $635,563.76, although the total original claims were more than $74,000,000. In addition the United States recovered on counter claims more than $78,000. In other words, Uncle Sam paid to salve his conscience more than $635,000 to his nephews whose property he had taken without due process of law."

* * *

It might be gathered from the above that Assistant Attorney General Thompson is a gentleman who puts a punch in what he does. It is a correct estimate. That is the habit of the man, acquired in his foot ball days. You see, back in 1895 and 1896 he was a famous Princeton foot ball star. He is the Thompson who played end on the Tiger team when in 1895 it beat Harvard 12 to 4, and in 1896 beat Harvard again 12 to 0, while in the same year it beat Yale 24 to 6.

Is it any wonder that the former president of Princeton, now President of the United States, finds this earnest young lawyer, who once contributed so much to Princeton's fame, an congenial member of the President's existing "team"?

Having earned his way through college, Mr. Thompson on graduating turned his attention to foot ball coaching—at Oberlin and subsequently at Lehigh—in order to put himself through the New York Law School. Foot ball coaching led him to Texas, where he formed an acquaintance, which ripened into warm friendship. As coach of the University of Texas team for two years, Mr. Thompson piloted it to a wonderful series of victories. The regent of that institution in charge of athletic sports at the time was Mr. Thomas Watt Gregory of Austin, now Attorney General of the United States. The dean of the university was Prof. David Francis Houston, now Secretary of Agriculture; and an alumnus of the university, dwelling in the university community and taking a deep interest in all university activities, was Representative Albert Sydney Burleson, now Postmaster General.

When Mr. Thompson was called to Washington he was a highly successful practicing lawyer in Denver, Col., where he was admitted to the bar in 1889. The only public office he ever held before entering the federal employ was assistant attorney general of Colorado, in which position he served from 1906 to 1907.

But while he calls Denver home and regards it as home, he still finds a homelike atmosphere in Washington. With his former Princeton and University of Texas connections, why shouldn't he?

ASHMUN BROWN.

Little Tommy's Spirit.

"THE English complain that soldiers' wives, while their husbands are fighting at the front, pay too many visits to the public houses. The Germans complain that their soldiers' wives are extravagant and shop and lunch out too much. The French complain—but why continue this dismal catalogue?"

The speaker, Hamilton Holt of the New York Anti-Armament League, sighed and resumed:

"I am afraid that the spirit of those left at home is but too well epitomized in the anecdote of little Tommy.

"Little Tommy's big brother, a volunteer, was starting off in his new uniform for the front.

"'Good-by, all,' the young man said, 'and if I don' come back——'

"Here a sob overcame Him, but, repressing it, he went on: '——if I don't come back——'

"'If you don't come back, Joe,' interrupted little Tommy, 'can I have your bike?'"