Richmond Dispatch.

SATURDAY........JANUARY 12, 1878.

The James-River Railway.

We speak of this project in no impulsive and impetuous spirit. We speak of it as an improvement indicated by the physical geography of the State as necessary to the unity and completeness of the State system of improvement, and necessary to the establishment of the proper commercial power of the Commonwealth. A line of transportation—equal to that known as the most rapid and efficient that prevails at this time in the commercial world—along the main artery of Virginia to her very heart—is indispensable to her proper position amongst the States. From a patient consideration of the commercial advantages of such a completion of the unity of Virginia public works, we say that such accretion and opulence would be secured by it to Virginia commerce, as well as to that of Richmond, that by it there will be built up at the capital a trade and wealth that for massiveness and durability may be compared with the Egyptian pyramids.

The practical and well-reasoned essay in yesterday's *Dispatch*, signed "W.," truly stated that the James-River canal "was born too late," and yet it was begun just a little too early to be prevented: the example of the Erie canal and the wonderful energy and persistence of JOSEPH C. CABELL were too strong to be frustrated by the then partial development of the power of railroads. Most unfortunate was it. This city has been injured to a degree that it will take years to repair. Had a railroad been built instead of the canal Richmond would now have a population of 400,000. Baltimore was but a village in 1835: the Baltimore and Ohio railroad made her a wealthy city of 400,000 people. What had she before the railroad that could equal in advantage the James river to Richmond, or in any way make her position superior to that of Richmond?

Our canal has prevented a railway along James river and put back Richmond a half century. Now the canal has ended its career, and what are the people of Richmond going to do about it?

We sometimes think that there must be something in the atmosphere or scenery about Richmond that tends to constrict the minds of some citizens. But may it not be that our people have so long been deprived of the fulfilment of prophecies concerning the growth and wealth of their city? Their long disappointment has acted upon their minds as do compressing and restraining machines upon the bodies of men.

Consider the James-River valley: It is the richest as well as the loveliest valley in the State—productive, salubrious, and attractive. From Richmond to Clifton Forge is over two hundred miles. Is not such a valley able to furnish sufficient transportation for the support of a cheaply-built railroad? Suppose it draws nothing from the far West and the Southwest, is there not a sufficient local business to make that road a prosperous one? A committee of sensible and practical men would without hesitation decide that the business would be ample to make such a road amongst the most prosperous.

But it is one of the most illogical and erroneous of ideas that there will be no trade drawn to such a road from other roads. It will be the best of all roads in the State for its grades, since it will follow the water from end to end. Will not that road draw transportation towards it? To say that it will not is to deny the law of nature, and, furthermore, to assert that Richmond is so repulsive a place that it will, even with the most powerful natural advantage in its favor, repel commerce from it. Is any citizen ready to admit this? If there is one such he should get out of it as soon as possible. He wastes time to live in a city he regards with such contempt. Richmond has more attractions—commercial, classical, and social—than any other city in the South.

No, fellow-citizens, the James-River railway will draw from a wide distance laterally all along the valley. It will cause a great enhancement of wealth and population in the valley, grace the river elevations with fine residences, and mark the line of railway as with mile stones with flourishing villages. It is the only locality in Virginia east of the Ridge especially adapted to such communities. The unsurpassed grades of the road, and the market of Richmond will draw transportation from other lines, and from the far West and Southwest, and Virginia will at last, figuratively, have her paths straightened and smoothed and her commerce regulated with a proper regard for her own rights and welfare.

Reverting to merely local suggestions, we hear of a man now and then who asks if we have not a railway to Lynchburg. We answer positively *no*, so far as having an efficient medium of commerce with either Lynchburg or the Southwest is concerned. Let us ask a gentleman of this opinion would he be satisfied to live by the food that was fed to another man's stomach? If he thinks he could, then he is logical in supposing that Richmond can in any sense profit by the operations of a road that runs by and far away from her—by the transportation of the Atlantic, Mississippi and Ohio railroad, a corporation which has inflicted more injury upon Virginia and Richmond than its authors could ever efface if they lived, each of them, 900 years.

Now, we began by saying that we are no impulsive supporters of the project of the James-River railway. We look for it calmly but hopefully. We regard it in prospect as a certainty. If the people of Richmond rest satisfied without it they deserve the fate of insignificance, and if they permit a railroad to be built from Clifton Forge to Lynchburg and there stop—well, we would better leave them to consider the situation for themselves.

P. S.—We oppose not the repair, temporarily, of the canal. We consider that there is no hostility between the two projects. But Richmond should never give ground to the idea that she should be made secondary and subsidiary in any charter for a railway along James river. That is a vital matter.

We are referred to chapter 184, section 17, of the Code for authority for the High Constable to retain counsel fees. That section alludes to fees due counsel in the case in which the money was collected. The case we speak of was one in which the party to whom the money was to be paid over, claimed that he owed *no* counsel fee. In such a case it is for a justice, not a constable, to decide whether the fee shall be paid.

TOTE.—We beg pardon, Mr. *Mercury*. We reached "XURY'S" conclusion when we first read BLACKSTONE—many years ago. More: We agree with the *Mercury* as to "inaugurate."

Mr. Brooke's Proposition.

The proposition submitted by Mr. BROOKE to the Senate on Thursday is tangible and earnest. It has the solidity of a foundation, and may be built upon with ease, and should be so built upon with harmony. Let all parties come together and offer up their differences upon the altar of the Commonwealth, and, uniting upon a compromise of a fair and reasonable character, restore to the people peace, and to their pursuits the order and prosperity that will surely follow the ending of the ruinous struggle about the public credit.

We have not for two years seen a bondholder that we knew to be one, and have no especial desire to see one. We speak of him only as a citizen having claims upon the Government that he would like to have settled, and that he is entitled to have settled. How much he would be content to receive in order to end the agitation we cannot say. We have no doubt the public creditors would exchange their claims for a five-per-cent. bond, and are not certain but they would accept one of four per cent.

We trust that Mr. BROOKE's scheme will be made the basis of operations. If it is, and the legislators have a proper respect for the welfare of the Commonwealth, the debt question can be readily settled, and the numerous schemes that are being pressed upon the Legislature be all at once put to rest.

The organ of the Independents and Readjusters disposes of the public schools in short order. Hear it:

The command to support the school fund, in the Constitution, is no more imperative than that to maintain the Legislature, the Executive, or the Judiciary. The schools would be worthless, or a nullity, if all or either of those departments should cease to exist. * * * *

As already stated, of the different departments the school department is that which is least essential to the life of the Commonwealth. Though highly beneficial and important to a civilized community, that community might still continue to exist for a while without free education.

These slurs and this sarcasm we turn over to Mr. MASSEY, who, together with all the Simon-Pure Readjusters and Independents belonging to the Senate, is trying his best to convince that body that the *Whig* is in error on this point.

THE TOBACCO-TAX QUESTION.—We have already published the substance of the proceedings of the tobacco trade of Danville in regard to the tobacco tax. The subject is now before the committee of Congress, and the Danville resolutions have already been "put where they will do the most good."

LAND TAX IN ENGLAND.—In the American Cyclopædia, p. 605 of vol. vi., it is stated that the revenue of England from *land tax* and house duty for the year ending March 31, 1873, was £2,337,000, or $11,685,000.

A QUESTION ANSWERED.—The city ordinance on the subject provides that in case of fire the drivers of all vehicles shall give "the way nearest the middle of the street" to "any hose- or ladder-carriage or apparatus belonging thereto"; and that any such driver failing to do so shall be heavily fined.

Virginia before the war contained over 60,000 square miles. Yes, but 50,000 answered our purpose, and 60,000 won't answer the *Herald's*.

"Ellerslie" is near Charlottesville, the *Chronicle* says.

GENERAL ASSEMBLY OF VIRGINIA.

Thirty-seventh Day.

FRIDAY, January 11, 1878.

SENATE.

Lieutenant-Governor WALKER presiding. Prayer by Rev. George Woodbridge, D. D., of the Monumental church.

A number of House bills were taken up, twice read, and appropriately referred.

House joint resolution for the election of certain officers on Thursday, January 17th, was taken up.

Mr. LEE moved to add Commissioner of Railroads. Agreed to.

Mr. ELLIOTT moved to add Superintendent of Public Instruction. Agreed to.

The resolution was referred to the Committee for Courts of Justice on motion of Mr. JOHNSON.

On motion of Mr. DANIEL, Mr. MURRAY was granted leave of absence for three days.

On motion of Mr. MARSHALL, Mr. DICKENSON was granted an additional leave of three days.

THE AUDITOR AND THE TAX BILL.

The CHAIR laid before the Senate a communication from the Auditor in response to a resolution calling for a general appropriation bill, &c.; which was laid on the table and ordered to be printed. He also laid before the Senate a communication from the Auditor in response to a resolution calling for a statement of the number of polls returned for taxation, &c.; which was laid on the table and ordered to be printed.

COMMITTEE REPORTS.

Mr. BLAND, from the Committee on Privileges and Elections, presented the credentials of senators elected in November last. Tabled.

Mr. DANIEL, from the Committee for Courts of Justice, reported Senate bill to incorporate the Virginia General Manufacturing, Shipping, and Produce Company, with a substitute.

RESOLUTIONS, &C., PRESENTED AND REFERRED.

By Mr. DANIEL: A resolution calling for a statement of the indebtedness of the United States to Virginia and of the State of Virginia to the United States.

By Mr. MASSEY: Petition of citizens of Albemarle county praying for relief from taxation on account of immense loss sustained by them in the great flood of November last.

By Mr. GRIMSLEY: Resolutions of the town of Gordonsville in relation to certain amendments to the charter of the town, so as to make it a separate school district, &c.

By Mr. JOHNSON: A resolution calling on the Second Auditor for amount of fines, penalties, and forfeitures paid into his office for the benefit of the literary fund each year since 1873, specifying the cities and counties from which it has been received, and why it has not been paid to the Board of Education since 1873, as stated by the Superintendent of Public Instruction.

By Mr. FULKERSON: A resolution that the Second Auditor report to the Senate the amount of interest due on the public debt and funded at the session of the Legislature of 1866-'67; also the amount of interest due on the entire public debt on March 30, 1871.

THE SCHOOL BILL—UNFINISHED BUSINESS.

Senate bill prescribing the manner in which public free-school funds shall be collected, and requiring them to be paid to the credit of the literary fund, and used only for public free-school purposes, being the special order of the day and the unfinished business of yesterday, was taken up, the question being on the adoption of Mr. JOHNSON's amendment.

Mr. JOHNSON spoke in advocacy of the amendment. He said this bill requires that coupons shall not be received in payment of money dedicated by the Constitution to public schools. The question has already been decided in Antoni *vs.* Wright, and I here show the pleadings in the case and the brief of the Attorney-General who argued it for the State, showing that this precise question was raised by counsel and passed upon by the court. This settles the legal question, and the court will at once pronounce this act void and not worth the paper it is written on. The decision in Antoni *vs.* Wright having settled this question, it is settled for all time, because the Supreme Court of the United States will follow the first decision of the Court of Appeals of Virginia, and where property-rights have been vested will not follow that court when it reverses its own decisions.

In Iowa and Wisconsin those rough western people tried this trick. They borrowed money and issued bonds, and then attempted to repudiate them. Their Supreme Courts decided that they were bound to pay, and thereupon those half-civilized, uncouth people changed their constitutions and remodelled their Supreme Courts. Such things could only be done among an unsettled, semi-civilized society. Of course no such change would ever be thought of or proposed among decent, law-abiding, property-respecting people. As a matter of course the new Supreme Courts, like military commissions, having been organized to convict, straightway decided all the laws authorizing the issue of bonds to have been unconstitutional and void, and that therefore the people were not bound to pay their debts. But the Supreme Court of the United States, in Kenosha *vs.* Lawson, 9 Wallace, 477, decided that it would follow the first decision of a Supreme Court of a State in construing a State law where bonds had passed under such decision to *bona-fide* holders, and would disregard all subsequent reversals of such decisions by the same court. So the contract of the funding bill stands until it is performed, and no earthly power can set it aside less than an amendment to the Constitution of the United States.

But my amendment proposes real relief for the school fund. It provides that the Auditor shall at the first of every year estimate the amount of revenue that during the year will be coming to public schools, and shall set apart monthly one twelfth of such sum and pay it to the schools each month. My amendment secures the school money out of the first revenue that comes in. The proposed bill only secures it as it is collected, which is in December of the current year and in June of the year following. My amendment is in the interest of public education; and I am no new friend of the education of the people. The first convictions of my life settled me in that opinion, and I have never changed.

I made a speech in Boston in 1872, in which I showed, to the infinite surprise of that people, that Virginia contributed a larger percentage of her taxation to public schools than Massachusetts. Then Virginia contributed 19½ cents per $100 in taxes, and Massachusetts only 17 cents per $100. Now, however, Virginia contributes to public schools, by report of Dr. Ruffner—

Amount expended in 1877	$1,050,000
Bonds held by schools and colleges	60,000
Military Institute	25,000
University	30,000
Total for education	$1,165,000

Now the sum total of property assessed in this State is $320,000,000, and we therefore expend *an annual sum equal to nearly forty cents on one hundred dollars of property*. I am proud of this exhibit. I think education a prime necessity, and as it is diffused will kill out all such crude notions of obligation and the moral law which now appear to be so prevalent. The bill proposed is inconsistent for the supporters of it. They complain of the funding bill that it mortgages the public revenue for thirty-four years ahead; yet under this bill it mortgages the revenue for schools forever. But apart from all considerations of constitutional law, apart from all questions of a technical nature, I object to this bill on the broad ground *that it attacks the public credit*.

The act of the representatives of Virginia says: We pledge her that these coupons shall be received for *all* public dues and taxes. This law says they shall *not* be received for one fifth of the property taxes, nor for any of the capitation tax. The State is pledged to receive coupons for *all* taxes. This bill says they shall not be received for *all* taxes. This is a breach of public faith. I care not whether the law be constitutional or not; whether the Legislature which passed it had the constitutional right to do so or not. They were the agents and representatives of the State. They held out to the world that they could make this contract. The contract was made. The State has received value. Bondholders have surrendered old bonds, which were due and payable. The State has extended their time and given new bonds at thirty-four years on the conditions stated. Now, for the State to disclaim the authority to make those conditions is *repudiation*; that is what it is—repudiation, or a denial and failure to fulfil obligations. It is precisely the case of Mississippi. *She* issued bonds to aid the Union Bank. They were issued and sold in derogation of the law which authorized their issue, and contrary to the Constitution of the State.

But the bonds were sold to innocent parties. The bank got the benefit of them. The bank broke, and then Governor McNutt, the very man who had issued and signed the bonds, took the ground that the State was not bound to pay them on account of the defect in their creation and negotiation. Sergeant S. Prentiss, John A. Quitman, and others, took the ground that, having realized the benefit, the State was bound in honor, not in law, to pay. But Mississippi decided otherwise, and to this time her name and repudiation have been indissolubly linked together. She *repudiated*. That is enough!

William L. Yancey told Dr. Curry, of this city, that one of the greatest difficulties in the way towards a recognition of the Confederacy was the fact that Jefferson Davis, of Mississippi, a repudiating State, was at the head of the Government. Mr. Lamar, senator from Mississippi, is reported to have recently said the same thing.

The repudiation of Mississippi has, therefore, cost us in Virginia the independence of the South. This is what it cost Mississippi: By the report of the Controller of the Currency for 1876 it appears that the banks in Mississippi had—

	Loans and Discounts.	Deposits.
1840	$48,000,000	$8,000,000
1842	15,000,000	611,000
1851	112,000	4,500

Here is a photograph of the distress and poverty brought on by repudiation.

I do not speak here in the interest of the public creditor. It is some time since I have owned a Virginia bond, or allowed any one I could control to own one. I would not trust my property in such a shape. But I speak for the landholders, the merchants, the workingmen of Virginia. The shadow of this crime hangs over us and has withered all prosperity. No man will buy land in a repudiating State. No immigrant will settle here. Repudiation erects a Chinese wall around Virginia, shutting out capital and population for generations to come.

Therefore, for the men who now throng the galleries of this chamber because they are out of work, for the suffering merchant and the languishing farmer, I plead with you not to commit Virginia to this policy of repudiation.

My friends tell me all around that we must settle this debt question now, or next year the people will repudiate all. I do not know who these people are, unless we are part of them. *We* are servants and representatives of the people, and I do not believe that they can be brought to this enormity if we do our duty.

In 1861 Virginia took up arms, with the sympathy of most of the world against her, for they believed that she had gone to war in defence of slavery. But her devotion, her genius, and her gallantry won her large sympathy among all chivalric people. She emerged in 1865 torn, dismembered, and poor, but with a higher renown than Virginia had ever won before. All the world respected her, though many disbelieved the right of her cause.

But if now Virginia embarks in this new crusade against credit and property she will not have friend or sympathizer in all the world save this ignorant and misguided people who make common cause with her. They may carry a solid South and an allied West into the campaign of 1880 on the issue of repudiation. If she does, the Republican party will rally the property and the intelligence of the country, and in all probability reëlect General Grant. And then a long farewell to our dreams of equal rights in the Union and a united society at home.

You cannot carry Virginia on the issue of repudiation. The men who charged at Gettysburg, who shivered in the trenches before Petersburg, who starved at Point Lookout or Fort Delaware, solely in defence of the honor of their State, will not allow you to do it. A tax of twenty cents on one hundred dollars in addition will save the State and their honor. And they whom the bayonet never daunted nor shell quailed will not be affrighted at this mere pecuniary loss or payment. If Virginia and the South goes into this repudiation war she will be a Federal beggar for the next two generations, beseeching and whining around the capital for elymosynary assistance from the Congress of the Union; and, like all beggars, she will be kicked and cuffed at convenience, and always made to take the place of the poor relation.

But another reason why Virginia cannot be carried for repudiation: An attack on State bonds implies an atttack on national bonds. The national bonds are the price of the freedman's liberty. Attack them you attack him. Property will seize this ignorant but interested suffrage and will protect itself.

Mr. CHILES to Mr. JOHNSON: Was the contract made by the General Assembly in 1871 in any way more binding, morally or legally, than the contract entered into by the whole people of Virginia as expressed by their ballots in reference to the support of her free-school system?

Mr. JOHNSON replied that he so considered it.

Mr. CHILES: If that be so, why then have you not, in discharge of that higher obligation, appropriated the money which has for the last five years been improperly appropriated to public schools?

Mr. JOHNSON: The contract made by the State with her creditors, under the act of 1871, was a contract protected by the Constitution of the United States. We were not only morally bound to observe it, but we can be forced to do so by legal proceedings. But the dedication of certain funds to free schools by the people of Virginia in their Constitution was in no sense a contract. It was a declaration by the people that a portion of the people's money should be used solely for the people's use—to wit: The support of free schools. A contract implies two parties and a consideration. Here was only one party—the people—and no consideration. They can revoke their Constitution at their pleasure; they cannot cancel their contract without the consent of the other party—the creditor. It was the duty and moral obligation of the Legislature to have provided for the free schools and the public debt both. Failure to do their duty in one respect will not excuse their failure in another. Two wrongs will never make a right. No legislation has ever been passed, except the act of 1872, to impair the obligation of the contracts under the funding bill, and I have striven to provide both for the public schools and the public creditor.

Mr. CHILES: If the people had no right to provide a fund for this special object then the whole public-school system is an outrage on law and morals, and neither the General Assembly nor the people have a right to elect or pay a General Superintendent for the perfection of this system, because it takes money from the treasury which ought to be used to meet the higher obligation.

Mr. PHLEGAR replied to Mr. JOHNSON's remarks, and advocated the passage of the bill. He said it was with great diffidence that he entered into the argument of this question. He held to the doctrine that the obligation of society is pledged to the protection of the property of her citizens before the public creditor is satisfied, but he was no repudiator. He loved the honor of Virginia as much as any senator on this floor, and before the debt should be repudiated he would vote for an increase of taxation. But he did not deem such an expedient necessary. He thought that the public creditor ought not to impose such a hardship upon our impoverished people. He could see that the State was growing poorer and poorer every day. He was of the opinion that high taxes brought about the depression, and this depression the desire for readjustment, and not readjustment the present condition of affairs in the State. He believed that the trouble and talk about impairing the obligation of a contract was that a proper distinction is not drawn between a moral and a legal obligation. He then went on to discuss what was meant by the obligation of a contract, and quoted various authorities to sustain his position. He contended that if there was no obligation in the Constitution to devote any portion of the State's revenues to a particular object the Legislature was not debarred from devoting a portion of her revenues to a particular object. But the Convention which framed the Constitution did apply a part of the annual tax to the support of schools, and made it mandatory. No question of a school tax has ever been decided by the Court of Appeals. He thought that the coupons were receivable for all debts due the Commonwealth except the school-tax. The Constitution provides that the capitation tax shall be set aside for school purposes, and no senator will contend that that tax can be diverted to other purposes; and if that tax cannot be diverted, why is it that when the Constitution says that a certain portion of the general tax shall be used for school purposes that this Legislature can divert that much of the tax?

Mr. GAYLE inquired of Mr. PHLEGAR if the Legislature had intended to except the school fund in the funding bill, which says the coupons shall be receivable for *all* debts due the State. Why didn't he specify that school tax in that bill?

Mr. PHLEGAR replied that the Legislature did not intend to except the school fund, but intended to bind the whole revenue; but the question here is, Had not the Constitution appropriated the one mill in the $100 to school purposes, so that the Legislature could not appropriate it or bind it for any other purpose?

Mr. PHLEGAR concluded his remarks by saying that he should be glad to have the question passed upon by the Supreme Court and forever removed from the politics of the State.

Mr. LEE rose to address the Senate at 2:45, but yielded to a motion to adjourn.

HOUSE OF DELEGATES.

The House was called to order at 12 o'clock by Speaker ALLEN. Prayer by Rev. Dr. Woodbridge, of the Monumental (Episcopal) church.

PERSONAL.

Mr. GRAVES announced that the member from Goochland (Mr. JAMES) was absent on account of sickness in his family.

LEAVE.

Leave of absence was granted Mr. SMITH of Dinwiddie for three days.

PRESENTED AND REFERRED.

By Mr. HARRISON of Sussex: Joint resolution proposing various constitutional amendments.

By Mr. ECHOLS: Resolution that the Committee on Retrenchment and Economy be instructed to make a careful investigation of the present expenses of all the various departments of the State government and of the retrenchment which may be made therein without detriment to the public service, and that they make report thereof by bills or otherwise.

By Mr. GREEN: Resolution as to dispensing with the intervention of a next friend in application for divorce by married women, and of allowing them to sue in their own name, and report by bill or otherwise.

By Mr. SPESSARD: Petition of citizens of Craig county in relation to the public debt.

By Mr. TAYLOR of Fluvanna: Bill in relation "to the duties of the Board of Trustees and Education."

By Mr. ROBINSON of Portsmouth: Bill in relation to inspections.

By Mr. FRAZIER: "Petition signed by the citizens of Bath county praying the General Assembly to grant such relief as lay in their power to William C. Cleek, of said county, whose property (including homestead worth $6,000) was sold by order of the Circuit Court to satisfy an unjust claim of less than one fourth of that amount, on which judgment had been obtained without an opportunity on his part to make the proper defence, owing to his confinement at the time in jail and asylum on the ground of insanity, and since release be being refused a hearing by the court by injunction or otherwise, in the face of the fact that his curator has made no returns of the sale of the personalty, and from such unjust proceedings he is now driven from his home at an advanced age without shelter or sustenance of life."

By Mr. HANGER: Resolution as to new registration in Staunton.

By Mr. DAVIS: Bill to regulate the mileage of circuit judges.

By Mr. ECHOLS: Resolution as to leasing out the penitentiary.

FROM COMMITTEES.

House bill to authorize a reässessment of the lands throughout the Commonwealth that have been injured by the late freshet; House joint resolution for distribution of Maury's Survey; House joint resolution requesting Congress to grant pensions to the soldiers of the Mexican war; House bill to amend the third section of an act to incorporate the St. Paul's Church Home; House bill to prevent the sale of cotton between certain hours; and House bill to incorporate the St. Paul's Church Home for the Aged and Infirm.

CHESAPEAKE AND OHIO RAILROAD.

The following, offered by Mr. SOUTHWARD, was adopted:

Resolved, That the Auditor of Public Accounts be instructed to report to this House whether the Chesapeake and Ohio Railroad Company holds any real estate within the limits of this Commonwealth used for any other than railroad purposes; if so, how much, where situated, and what amount of State taxes have been returned delinquent on such property.

THE FUNDING BILL AND BRIBERY.

Mr. POWELL offered the following, which was referred [to the Committee of Finance] by vote of the House:

"Whereas many of the people of this State are opposed to the execution of the terms of the act of March 31, 1871, commonly known as the "funding bill," because of the common belief that the passage of said act was procured by bribery or other means outside of legitimate legislative methods; therefore be it

"*Resolved*, That a special committee of nine be appointed, whose duty it shall be to inquire into, ascertain, and report to this House what improper, corrupt, and fraudulent means and appliances, if any, were used in and for procuring the passage of said act.

"*Resolved*, That said committee shall have power to sit during the session of this General Assembly, and shall have power at any time to send for persons and papers by them deemed necessary for the inquiry mentioned, and the chairman or acting chairman of said committee shall have authority, and he is hereby empowered, to administer oaths to all persons brought before the committee for examination, which oaths shall require such persons to answer truly all questions asked them; and on their failing to answer such questions truly, and answering the same falsely, they shall be liable to prosecution and punishment for perjury according to law."

GAME.

The Committee on Propositions and Grievances reported favorably Mr. HUNTER's resolution providing for a special committee of thirteen members on game.

Mr. HANGER, as a member of the Committee on Propositions and Grievances—the committee now having charge of the subject—would not oppose the resolution if Mr. HUNTER would promise not to ask for a clerk for his committee. [Laughter.]

Mr. HUNTER promised that.

The resolution was adopted by the necessary two-thirds vote.

MORE FUNDING BILL.

Mr. POWELL moved to reconsider the vote by which the funding-bill resolution was referred (with the purpose of having the measure immediately acted upon), and he demanded thereon a recorded vote; which was ordered (on division)—ayes, 18; noes, 56.

Mr. BOHANNON raised the point that the motion was not in order.

The SPEAKER ruled that the point of order was not well taken, as Mr. POWELL had asked the judgment of the House on his resolution, and the House had voted to refer it. It was that vote which the member desired to have reconsidered.

The roll being called the motion to reconsider was rejected—ayes, 27; noes, 85.

So the resolution goes to the Committee of Finance.

GAME ONCE MORE.

Mr. HUNTER moved to reconsider the vote on the adoption of the game resolution, with the view of having the motion rejected and the question finally and forever settled.

Mr. PETER CARTER spoke against the reconsideration. He said it was the desire of all new members of the Legislature to do something grand. The member from Alexandria, in quest of glory, had searched not only the records of this State, but of all others, to find something to hand his name down to the historians with other great men. He hoped the House would not deprive him of the great glory to which he looks forward to from this resolution by a reconsideration. The motion was rejected.

MAURY'S PHYSICAL SURVEY.

General TALIAFERRO's resolution for the distribution of Maury's Physical Survey—five copies to each member of the General Assembly and the balance as the Board of Immigration may determine—was agreed to—ayes, 116; noes, 0.

ESSEX COUNTY.

House bill "for the extension of the time for the collection of the taxes in Essex county, and for the relief of the tax-payers of the same," came up.

Mr. WARING explained that a good many citizens of the county tendered their taxes before the 1st of December; that the proper officer was not then prepared to receive them, and that they would not now pay their taxes without the rebate being allowed and the penalty omitted.

The bill was then passed.

JURISDICTION OF JUSTICES.

The bill of Mr. GRAVES to amend the law in relation to the jurisdiction of justices, with the substitute reported by the Committee for Courts of Justice, was taken up and briefly considered and then passed by. The substitute extends the jurisdiction in cases of damages to $50.

PUBLIC-SCHOOL FUND.

The following House resolution (offered by Mr. GRAVES) came up in regular order:

Whereas the Constitution of the State is mandatory to the effect that the capitation tax and an annual tax upon the property of not less than one mill nor more than five mills on the dollar shall be appropriated for the support of public free schools of the State; and whereas it appears from the report of the Auditor of Public Accounts that there is due to the public free-school fund a sum aggregating $382,732.26 for the years 1870, 1871, 1872, 1873, and 1874; therefore

Be it resolved by the General Assembly, That the Auditor of Public Accounts be, and he is hereby, instructed to place the said sum of $382,732.26, together with any further sum that may be due said school fund for the years 1875, 1876, and 1877, to the credit of the literary fund, so soon as the condition of the *Treasury* will enable him to do so.

This resolution shall be in force from its passage.

"COMMONWEALTH" VERSUS "TREASURY."

General TALIAFERRO moved to strike out of the above the word *Treasury* and insert *Commonwealth*. He was a friend of free schools; had been the friend of them when it was somewhat odious to be so, and would now go as far as any one for the promotion of their interests where it could be done with safety to the government. He desired this money paid as soon as the condition of the Commonwealth permitted, and when it could be done without embarrassing the government.

The amendment was rejected on a recorded vote—ayes, 54; noes, 56—as follows:

AYES.—Messrs. Adams, Anderson, Ashton, Attkisson, Barbour, Bernard, Bland, Bohannon, Burger, Clarke, Coghill, Cox, Crutchfield, Dance, Davis, Echols, Edmunds, Edwards, Ficklen, Finney, Goode, Gray, Green, Hall, Hanger, Hardesty, Healy, Henry, Johnson, Jordan, McCraw, Moncure, Mushback, Nelson, Pace, Popham, Powell, Pulliam, Ragland, Reese, Ryland, Sandidge, Shannon, Spessard, Starke, Sykes, W. B. Taliaferro, W. T. Taliaferro, Van Lear, George Walker, W. M. Walker, Waring, Watson, and T. M. White—54.

NOES.—Messrs. Akers, Brown, Burnham, John R. Carter, Crank, Davidson, Dickerson, Dickenson, Dyer, Evans, Farr, Fauntleroy, Fowler, Frazier, Fry, Fulkerson, Fulton, Graves, Grigsby, Hamilton, H. H. Harrison, R. N. Harrison, Harvie, Henkel, Hunter, W. T. James, Kelly, Keyser, Kyle, Lacy, Lady, Lee, Luck, McCabe, McCaull, McDaniel, McMullan, Moffett, Moorman, Norton, E. C. Robinson, J. H. Robinson, Shelburne, Southward, A. J. Taylor, W. Taylor, Trout, Joseph Walker, Wallace, Walsh, Whitacre, Wingfield, Witten, Wright, Young, and Mr. Speaker—56.

General TALIAFERRO moved to reconsider.

Ruled out of order by the SPEAKER, General TALIAFERRO not having voted *no*.

Mr. WALLACE, who had voted *no*, moved to reconsider.

General TALIAFERRO earnestly urged a reconsideration, and claimed that the adoption of the resolution might embarrass the government very greatly. He claimed that other State institutions besides the schools were in arrears at the Treasury. The Eastern Lunatic Asylum was hampered by inability to get all the money voted it. As an old and tried friend of free schools he begged the House to reconsider.

Mr. ROBINSON of Portsmouth thought that the word Treasury was about equivalent to Commonwealth in this instance.

General TALIAFERRO asked, then, why not make the matter clear by adopting his amendment.

Mr. ROBINSON said that he saw no necessity for the change. "Treasury" was the word commonly used in this connection.

THE DIFFERENCE.

Mr. HENRY saw a marked difference in the expression "condition of the Treasury" and "condition of the Commonwealth." If the former were used the first money coming into the Treasury might be turned over to the schools, notwithstanding the urgent wants of the other departments of the government.

Mr. FAUNTLEROY opposed reconsideration. He regarded the misapplication of the school funds as one of the evils of the funding bill. That bill he wanted to undo. He desired to perform his sworn duty to the public schools even if in doing it the wheels of government were locked, or if it pulled down the pillars of the universe. The gentlemen from Gloucester and Richmond seemed sick of their own medicine. The money should never have been diverted from its consecrated purpose, but having been done, it should now be returned at once, let the consequences be what they may. The resolution even now gives too much discretion to the Auditor. It ought to be peremptory. It is one of the tactics of the enemy to brandish over us consequences that may ensue. He was not afraid of them. He would take them, let them be what they may.

Mr. HARRISON of Sussex thought that this money ought to be turned over to the schools at once. It was greatly needed. It never ought to have been diverted. This state of affairs was the legitimate result of the funding bill.

Mr. HARRISON spoke at some length in denunciation of the funding bill, and intimated that Messrs. HENRY and TALIAFERRO were not very warm friends of the free schools, and asked that the issue be made up here, and that the friends of the public schools and readjusters be found on one side and their enemies on the other.

NO CASH.

Mr. POPHAM said that there was *no* money in the Treasury; that of a note of $100,000 due the banks for money loaned half of it only could be paid, and that an extension of thirty days on the other half had to be asked by the Auditor. He liked the good old word "Commonwealth," and favored the proposed amendment of Geneal TALIAFERRO if the resolution was to be adopted at all. Altogether he thought the bill unnecessary and delusive. It would make the trustees and teachers write here for funds, and there would be none to give them.

Mr. BARBOUR declared that no man was more determined than he that this money should be turned over to the schools. But this resolution would not, in his opinion, accomplish the object. The Auditor permitted the money to be diverted in the first place, and now it was proposed to entrust him with the power of determining when it should be returned! Mr. BARBOUR would have the General Assembly direct positively when and in what amounts this money should be returned; not leave it to the Auditor. In his judgment the resolution should not be passed.

Mr. HENKLE suggested that one third of the amount due the schools ought to be paid in 1878 and the remainder in 1879.

Mr. HENRY replied at some length and with great power to Mr. FAUNTLEROY's declaration that he would pull down the pillars of the universe to destroy the funding bill. He reminded him of the feat of Samson, who, in crushing his enemies, destroyed himself. He had seen on the part of Mr. FAUNTLEROY a disposition to crack the whip over the heads of members around him, and to rally them against "the enemy"—"the enemy" meaning the gentlemen of a contrary way of thinking. He congratulated himself, however, that those gentlemen, though they might be readjusters, as Virginians would never be slaves.

Mr. HENRY asked that this matter be thoughtfully and carefully considered. He was not entirely satisfied that this money was due. If what the gentleman from Culpeper alleges is true—if the Auditor has deliberately and purposely diverted this money—the Auditor should be disgraced. If it is not true, the gentleman making the statement should share the disgrace.

Mr. HENRY declared that he was not responsible for the funding bill; that he was a baby in politics when it was passed, and that had he been here he would probably have voted against it; but that at any rate he was not in favor of attempting to avoid that contract by doing indirectly what the Supreme Court says must not be done directly. Mr. HENRY quoted from the Auditor's reports that one-fifth of the taxes that had actually come into the Treasury *had* been turned over to the schools. He commented upon an expression of Mr. HARRISON that he (Mr. HARRISON) wanted to demonstrate that the Commonwealth was bankrupt. She was bankrupt because the gentleman wished her to be so.

Mr. HARRISON said that his idea was that a bankrupt was a person or corporation not able to pay its obligations.

Mr. HENRY asked how was it when the corporation was *unwilling* to pay its indebtedness? He called that by another name than bankruptcy.

Mr. HENRY further contended that the Commonwealth is *not* bankrupt; that our taxes are lighter than in any other States except two; that this order should not be given without further investigation.

Mr. HENRY's speech was one of decided ability. A bare outline is here given. It was full of fine points and was well and warmly delivered.

Mr. BARBOUR said that the extraordinary manner of the gentleman from Richmond [Mr. HENRY] required some explanation.

Mr. HENRY disclaimed any offensive purpose in his allusion to Mr. BARBOUR.

Mr. MCMULLAN said that in the report of the Auditor of 1876-'77 the Auditor stated the amount due the school fund, and that it would be turned over to the fund as soon as there was money in the Treasury. And yet the member from Richmond doubts if there is anything due. What Mr. MCMULLAN hoped from the resolution was an official acknowledgment from the General Assembly that the money *is* due. He had no idea that the wheels of government would be stopped, or that any great damage could be done by that.

MOTION TO COMMIT.

Mr. BOCOCK moved to commit the resolutions to the Committee of Finance.

Mr. BARBOUR said he hoped if the resolutions were committed it would be with instructions to the committee to report a bill to effect the object desired.

Mr. BOCOCK: I hope not. It is not necessary.

Mr. BARBOUR: I desire to have the sense of the House on the subject to guide the committee.

Mr. HENRY wanted light on the subject. He wished the committee to investigate the subject.

He said that if Mr. MCMULLAN had read the whole of the Auditor's report he would have seen that the matter of indebtedness has not so clear as he supposed.

Mr. FAUNTLEROY got the floor and was apparently about to respond to Mr. HENRY.

Mr. BOCOCK called him to order, and insisted that he speak to the committal of the bill.

Mr. FAUNTLEROY said that he would like to rejoin to the remarks of the gentleman from Richmond, but would waive them (after the reminder of Mr. BOCOCK) as an impertinence to this subject. But as the minds of the members of the House would be most potentially swayed by the question as to whether the money is due, he would refer to the Auditor's report acknowledging a default of $382,000 to the schools. He quoted also from the Superintendent of Public Instruction's report, and argued that the money was due and against reconsideration.

General TALIAFERRO supported the motion of Mr. BOCOCK. He could see no necessity for the resolution at this time, but in the present attitude of affairs that was the best disposition to be made of it. The General warmly responded to the intimation from Mr. FAUNTLEROY that he was a funder, and from Mr. HARRISON that he was an enemy of public schools. He would not only have crushed his hand, but would have perished, before he would have voted for any such measure as the funding bill or any surrender of State sovereignty. He belonged to a different school of politics. He was one of those who believed that the opinion of the Supreme Court was not correct; but he thought it ought to be respected. He had always been a State-rights man, and believed that the provision of the Federal Constitution that a State should not impair the obligation of contracts did not apply to a State which could only be sued by her grace. But what was his opinion against the Supreme Court's!

General TALIAFERRO declared that Mr. HARRISON was just as wrong in supposing him an enemy of free schools. He had a son teaching a free school, and another attending as a scholar. Both insinuations were equally groundless.

Mr. MOFFETT wanted the resolution committed with instructions; not otherwise.

Mr. BOCOCK insisted that the resolution be referred to the committee for investigation, to ascertain the facts and report, and not with instructions on a subject where the House was so nearly divided in opinion.

Mr. MOFFETT argued that the subject should be committed with an expression of the opinion of the House, as suggested by Mr. BARBOUR. He wanted the country to understand that the Legislature intended to make immediate provision for the payment of this money. He indicated a purpose to submit such a motion should Mr. BOCOCK's motion be rejected. The vote on the latter was (on division) ayes, 52; noes, 55. Mr. BOCOCK demanded a recorded vote, and it was ordered, resulting—ayes, 55; noes, 60.

Mr. MOFFETT moved that the resolution be committed to the Committee of Finance, with instructions to report a bill providing for the payment to the free schools of any amount now due said fund.

Mr. BOCOCK (at 2:45) moved that the House adjourn. Result on roll-call—ayes, 44; noes, 70.

After half an hour spent in filibustering, or rather in motions that were dilatory in effect, the roll being called seven times, the motion of Mr. MOFFETT prevailed by 88 to 11, and the subject was accordingly referred to the Finance Committee, with instructions.

Motion to reconsider rejected.

Adjourned at 3:30 o'clock.

Unless something is done for the better ventilation of the hall the health of many members will be seriously imperiled. Many are already complaining of the headaches and weak stomachs that invariably precede the spells of sickness caused by the foul air and not always well-regulated heat from the hot-water apparatus.

Mr. William Dowd put the whole controversy in a nutshell when he said he knew "no butcher or baker who would sell a dollar's worth of meat or bread for ninety-two cents."

MARRIAGES.

Married, on the 10th instant, by the Rev. Henry McDonald, D. D., at the residence of the bride, Mr. JOHN H. ASKEW and Mrs. CYNTHIA A. MEENLEY.

Married, in this city, on the 9th instant, by the Rev. Daniel Draper, JESSE J. SMITH and LAURA B. JONES; all of this city. No cards.

Married, in this city, on the 9th instant, by Rev. E. W. Warren, HENRY F. EASTHAM, of Rappahannock county, and SADIE, daughter of John C. Stanard.

Married, at the residence of the bride's parents, December 26, 1877, by Rev. A. H. Sands, Mr. A. V. SHELTON to Miss EMMA MOORE; both of Henrico county.

DEATHS.

Died, of consumption, at the residence of his father, No. 622 Pine street, corner of China, January 10th, at 10:15 P. M., WILLIAM DAVID, son of William H. and Elizabeth F. Scott; aged eighteen years, four months and twenty-five days.

His funeral will take place from Oregon Hill Methodist Episcopal church on SUNDAY, January 13th, at 11 A. M. Friends and acquaintances of the family are respectfully invited to attend.

Baltimore, Md., and Petersburg and Warrenton, Va., papers please copy.

Died, at her residence, 116 south First street, Friday at 5½ P. M., Mrs. ANN V. EDWARDS, relict of the late William Edwards.

Her funeral will take place THIS EVENING at 3 o'clock from St. Mark's Episcopal church. Her friends and those of her sisters (Mrs. Dangerfield and Mrs. Powers) are respectfully invited to attend.

Petersburg and Fredericksburg papers please copy.

FIRST PRESBYTERIAN CHURCH.—Rev. T. L. PRESTON, D. D., will preach at 11 A. M. and 7½ P. M.

RELIGIOUS NOTICE.—TO-MORROW being the second Sunday in the month service conducted by laymen will be held at the house on the canal just above the Old Mill at 3:30 o'clock P. M.; at Belle Isle Chapel at 3:30 P. M., and at the Alms-House Chapel at 11 A. M. and 3 and 7:30 P. M.

RELIGIOUS SERVICE, CONDUCTED by members of the Christian Association, will be held at the Union Chapel, Howard's Grove, SUNDAY AFTERNOON at 3:30 o'clock.

FIRST BAPTIST CHURCH (corner Twelfth and Broad streets).—Rev. E. W. WARREN, D. D., will preach on SUNDAY at 11 o'clock A. M., and 7:30 P. M.

SECOND BAPTIST CHURCH (corner Main and Sixth streets).—On SUNDAY Rev. C. C. BITTING, D. D., will preach at 11 A. M. At night the church will be closed to give the congregation an opportunity of attending the missionary meeting at Grace-Street Baptist church.

GRACE-STREET BAPTIST CHURCH.—Preaching TO-MORROW at 11 A. M. by Rev. W. E. HATCHER, D. D. At 7:30 P. M. the Rev. C. C. BITTING, D. D., of Baltimore, will preach the annual sermon before the Young Men's Missionary Society of this church. The public are invited to attend.

THE MONTHLY MEETING OF THE BAPTIST SUNDAY-SCHOOL ASSOCIATION will be held with Manchester church at 3½ P. M. SUNDAY the 13th.

FRIENDS' MEETING (Clay street above First).—Services at 11 A. M. The presence of two or more lady ministers from England is expected. Seats are free, and the public is cordially invited to attend.

BROAD-STREET METHODIST (corner of Broad and Tenth streets).—Rev. PRESTON NASH will preach at 11 A. M. At night Rev. S. A. STEEL will preach on "The Idea of God."

CLAY-STREET METHODIST CHURCH (corner Clay and Adams streets).—Preaching at 11 A. M. by Bishop D. S. DOGGETT, D. D., and at 7:30 P. M. by the pastor, Rev. ALEXANDER G. BROWN. Seats free.

THE REGULAR MONTHLY MEETING OF THE METHODIST SUNDAY-SCHOOL SOCIETY of Richmond and Manchester will be held at Manchester Methodist church SUNDAY AFTERNOON at 3 o'clock. Interesting Sunday-school addresses from well-known speakers and other exercises may be expected.

A. L. WEST, President.

Charles P. Rady, Secretary.

FIRST ENGLISH LUTHERAN CHURCH (Seventh street between Grace and Broad).—The pastor, Rev. W. C. SCHAEFFER, will administer confirmation and the communion of the Lord's Supper at 11 A. M. Preaching at 7:30 P. M.

SECOND ENGLISH LUTHERAN CHURCH (Elba Park chapel, west Marshall street). A Sunday school will be organized at 2:30 P. M. Preaching by Rev. W. C. SCHAEFFER at 3:30 P. M. Seats free.

MONUMENTAL CHURCH.—Service in the morning at 11 o'clock, and in the evening at half-past 3. The Rev. Mr. ROLLER will preach in the evening and take up a collection for a chapel to be erected at Hanover Junction.