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### REPORTS OF COMMITTEES

07

# THE HOUSE OF REPRESENTATIVES,

MADE DURING THE

FIRST SESSION OF THE THIRTY-THIRD CONGRESS,

PRINTED

BY ORDER OF THE HOUSE OF REPRESENTATIVES.

IN THREE VOLUMES.

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TO



### REPORTS OF COMMITTEES

OF THE

## HOUSE OF REPRESENTATIVES OF THE UNITED STATES,

### THIRTY-THIRD CONGRESS, FIRST SESSION.

### THREE VOLUMES.

Volume	1	No.	1	to	121
Volume	2	No.	122	to	266
	3				

#### A

#### Reports made bu-

	Vol.	No.
Mr. J. C. Allen, on case of the heirs of Presley Thornton	3	370
Mr. Ashe, on case of Lieutenant J. C. Carter	3	362
on case of Charles J. Porcher.	3	363
on case of Lewis E. Simonds	2	228
VII COME VI 20 WIE 22. COMMONINE	~	~~~
Subjects of reports.	•	
Adams, Issac.	3	277
Aiken, Julia.	3	280
Alabama, land for Coosa and Tennessee River Railroad.	ĭ	62
Alexander, General William, William A. Duer, John Duer, and Bev. Robinson,	-	-
trustees of	2	240
Allen, Wade	2	136
Allyn, Captain Francis.	1	35
Alteration of House bill No. 342 (Minnesota railroad bill)	3	352
American seamen, (prisoners in 1812,) compensation and bounty land to	3	344
Anderson, Colonel John, legal representatives of	3	336
Anderson, L. J., petition of, for the heirs of Joseph Wheaton	ĭ	90
Angus, Anne W., widow of Captain Samuel Angus.	2	159
Appropriation to supply deficiencies for the fiscal year ending June 30, 1854,	~	100
(Senate amendments.)	2	132
Appropriations for the Indians, (Senate amendments).	$\tilde{2}$	201
	2	Æ01
Armories, national, at Harper's Ferry and Springfield, to restore civil super-		• 191
intendency	2	
Atlantic Mutual Insurance Company	1	36
Amman, Abraham	2	165
Afres, Achas	3	372
Ayrea, Joseph	1	53

B.

. <b>D</b> ,		
Reports made by-		
• •	Vol.	No-
Mr. Ball, on case of Moses D. Hogan	2	152
Mr. Benton, on case of John S. and William H. Russell	ĩ	59
on case of Don Juan Jesus Vigil	2	200
Mr. Boyce, on case of heirs of Anthony Gales	1	19
on case of Job M. Layton	1	20
Mr. Breckenridge, alteration of House bill No. 342 (Minnesota railroad)	3	352
Mr. Bridges, on case of Isaac Adams.	3	277
on case of Francis Pettit Smith	2	166
Subjects of reports.		
· · · ·		
Babb, Libeas H	1	100
Babcock, Robert	2	264
Baggerly, Rebecca, widow of David Baggerly	2	224
Baker, Grafton	1	81
Baker, Jacob	3 1	345 119
Ball, John T Barr & Coale	3	299
Bates, Lincoln.	3	287
Bayly, Thomas H	3	354
Beaugrand, Isadore D.	3	361
Bedinger, Daniel, heirs of	ĭ	105
Beebe, Elijah, widow and heirs of	ī	2
Bently, George M	2	128
Berger, Edmund	3	366
Bishop, George G., and legal representatives of John Arnold	ī	17
Bispham, John E	ĩ	39
Black, Bethiah	2	266
Black Hawk war, claims in	2	179
Blake, William	1	10
Blakeney, Mary, widow	1	181
Blaney, Mary E. D., widow of Major George Blaney	3	333
Bogert and Kneeland, et als	1	18
Bogy, Joseph, and P. Menard, heir-at-law of Joseph Placy Books ordered by Congress	2	233
Books ordered by Congress	2	186
Bounty land and compensation to certain American seamen	3	344
Bowman, Isaac, executor of	1	106
Bowman, Isaac S., executor of Isaac Bowman	3	275
Boyd, Mary, widow of John Boyd	2	234 31
Draubam Daniamin A	1	76
Branham, Benjamin O	2	163
Brow, Henry K.	3	271
Brown, Oliver	2	154
Brown, Pamela, widow of Major General Jacob Brown	ĩ	43
Brown, William	ŝ	330
Bryan, John A	3	302
Buckles, J. C	2	129
Buckner, Simeen, widow of	2	222
Burgess, Charles J	3	270
Burnham, Captain John, heirs of	3	305
Butler, James	2	157
C.		
Reports made by-		
•	_	
Mr. Campbell—alteration of House bill No. 342, (Minnesota railroad)	3	352
interpolation of joint resolution fixing the compensation of the	•	95.1
employée of the legislative department of the government	3	351 18
Mr. Chandler, on case of Begert & Kuceland, et albooks ordered by Congress	1 2	186
on case of Captain E. A. F. Lavallette	ĩ	98
AN COMO AT AMAGEN TO TE! TO LEGISLAND	-	-

Б

Vol. No. Mr. Chandler, on case of legal representatives of Richard W. Meade..... 5 167 113 Mr. Chrisman, on case of Albra Tripp.... 115 Mr. Cobb—homestead to actual settlers.... 34 grant of land to the Coosa and Tennessee River railroad..... 62 reduction of the price of the public lands..... 33 Mr. Corwin, on case of the heirs of Baron De Kalb..... 93 on case of William A. and John Duer and Bev. Robinson, trustees of the estate of General William Alexander.... 240 on case of Rignald, alias Nick Hillery.... 340 on case of the executor of Thomas Underhill..... 203 Mr. Crocker, on case of the heirs of Lott Hall..... 148 on case of legal representatives of Henry Hoffman..... 149 Mr. C. B. Curtis, on case of Oliver Lee..... 86 Subjects of reports. California Indians, schools for the education of 267 California, payment of moneys collected as revenue into the treasury of...... 168 70 137 Call, Ira. 230 Cameron, John W..... 77 Capen, James.... 225 Capitol, stonecutters on extension of..... 306 Carroll, Charles W.... 253 Carter, Lieutenant J. C 362 Carver, Polly 301 Case, William 359 Cash, D. C. and Giles U. Ellis.... 41 "Casket," owners of brig ..... 188 Caxillo, Rosalie
Cayuse war in Oregon, expenses of...... 216 122 Chamberlain, Captain Joshua, heirs of ..... 349 Champion, Silas 67 Chaplains in Congress, and in the army and navy..... 124 Chapman, Ezra, widow and children of 146 Cherokee Indians 123 Cheeley, Sarah.... 180 Chittenden, Heman.... 292 Christy, Charles.
Civil township of Marion, Mercer county, Ohio...... 279 246 27 179 Claims of the State of Maryland. 278 Clark, Perdinand.... 19 Clendenin, John G., John Frazer, and the administrator of..... 232 Clifton, Andrew J..... 114. Cline, Anthony, Charles Winter, and others..... 311 Coale & Barr.... 299 Coffey, Cornelius..... 249 255 Colmeanil, John D..... 142 Colt's patent, extension of..... 353 Colt, Samuel..... 6 Compensation and bounty land to certain American seamen..... 344 Compensation of the employees of the legislative department of the government, 3 351 3 348 Contested election, New Maxico.... 121 367 164 Cook, Benjamin C 217 Cook, Lyman N. 44 Coses and Tennessee River railroad, land for..... 62 Copeland, Thomas..... 54

	Vol.	No.
Coyle, Randolph, and John Delafield—unsold lands in Symmes's purchase	2	243
Cozzens, William B	1	56
Cribben, Lawrence, William J. McElhiney, and E. P. Matthews	2	220
Culver, Sylvanus	2 2	205 213
Curran, William	2	213
Cuming, mary manners and manne	~	W-1-V
D.		
Reports made by		
Mr. J. G. Davis, on case of John C. Fr. Salomon	2	174
on case of Wm. Wheatley	1	94
Mr. Dent, on case of Libeas H. Babb.	1	100
on case of Benjamin O. Branham	1	76 154
on case of Oliver Brownon case of John W. Cameron	2 1	77
on case of Silas Champion	i	67
on case of Leeman Gibbs	ī	99
on case of Robert Ham	ī	78
on case of Mary A. M. Jones, widow of Gen. Roger Jones	2	190
on case of Edmund Mitchell	2	155
on case of Captain Thomas Porter	1	104
on case of Edmund P. Stedman	1	75 156
on case of G. W. Torrantson case of David Towle	2 1	. 103
on case of James K. Welch	i	102
Mr. Dieney, indigent insane	2	125
Mr. Drum, on case of the widow and children of Exra Chapman	2	146
on case of Charles J. Davis, administrator of Captain John Davis	2	173
on case of Wm. V. Heard, heir of General John Heard	2	177
on case of heirs of Captain Matthew Jack	2	145
on case of the heirs of Joseph Savage	2	147
on case of the heirs of Captain Nehemiah Stokeleyon case of legal representatives of Captain Tarpley White	2 2	144 176
Subjects of reports.	_	
, , , ,	_	
Dartmoor and other prisoners in 1812, compensation and bounty land to	3	344
Davis, Charles J., administrator of Captain John Davis.  Davis, Lot.	2 3	173 365
Davis, Lot	1	82
Deficiency bill, Senate's amendments to	â	132
De Kalb, Baron, heirs of	ĩ	93
Delafield, John, and R. Coyle, unsold lands in Symmes's purchase	2	243
Delaware, trade between the United States and the republic of Peru	3	347
Devlin, John	3	319
Diplomatic and consular system	3	348
Dorsey, Lloyd, and others	3 1	303 71
Duckett, James M	i	57
E.		
,		
Reports made by-		_
Mr. Eastman, on case of the widow and heirs of Elijah Beebe	1 1	2 15
Mr. Eddy, on case of Isaac S. Bowman, executor of Isaac Bowman	3	<b>27</b> 5
Mr. Edgerton, on case of legal representatives of Colonel John Anderson	3	336
on case of Mary E. D. Blaney	3	333
on case of William Brown	3	330
on case of John A. Bryan	8	302
on case of the heirs of Captain John Burnham	3	305
on case of Polly Carver	3	301
IIII FURRI DE REGERM AL LAUGHI		414

	Vol.	No.
Mr. Edgerton, on case of Coale & Barr	3	299
on case of Thomas Copeland	1	54
on case of Wm. B. Cozzens	1	56
on case of John Devlin	3	312
on case of James M. Duckett	1	57
on case of Captain Henry Eagle	3	329
on case of John S. Gatewood	3	309
on case of Jacob Gideon	3	313
on case of Eunice Gilbert	1	55
on case of Christopher Gill	3	324
on case of Gray, McMurdo & Co	1	51
on case of Edward H. Herbert	3	331
on case of widow and heirs of John Hogan	3	310
on case of Robert Lanham	3	327
on case of legal representatives of Daniel Loomis	3	337
on case of James Mackall	3	308
on case of John McAvoy	3	316 339
on case of John P. McElderry	3 3	335
on case of Hezekiah Milleron case of Jonas W. Nye	3	326
on case of Andrew H. Patterson	3	300
on case of John Robinson	3	332
on case of Priscilla C. Simonds	ĭ	118
on case of Wm. G. Smith	3	322
stonecutters on the extension of the Capitol	3	306
on case of Dr. S. A. Thompson	3	307
on case of Utica Steam Woolen Company	ĭ	. 50
on case of Rulif Van Brunt	3	334
on case of James Van Horn	3	328
on case of William G. Williams	3	315
on case of Lieutenant A. J. Williamson	3	338
on case of the sureties of Daniel Wihalow	3	314
on case of Charles Winter and others	3	311
Mr. Edmands, on case of Julia Aiken	3	280
on case of Abraham Ausman	2	165
on case of Samuel W. Brady	1	31
on case of Thomas Bronough	2	163
on case of Anna E. Cook.	2	164
on case of Lot Davis	3	365
on case of Thomas Fraser	1	29
on case of Jeptha L. Heminger	3	364
on case of Cornelius H. Latham	1	30
on case of Asa Leach	3	320
on case of Joseph McMinn.	3	319
on case of George J. Rallston.	3	318
on case of Zebina Rawson	3	296
Widows' pensions	1 2	101 225
Mr. Edmundson, on case of James Capen	Z	220
on case of Catharine Hall and Caroline Gyzdaar, children of Robert McNeill.	2	237
on case of Samuel Ross	2	236
on case of Martha Scott, widow of Samuel Scott	2	235
Mr. T. D. Eliot—extension of Colt's patent.	<b>3</b>	353
Mr. Ellison, on case of Mary Blakeney	2	181
on case of Sarah Chesley	$\tilde{2}$	180
OR Case of Joel Keisev.	2	296
Af. Linguish, on Nebraska and Kansas bill—minority report	ĩ	80
Mr. Etheridge—third regiment Missouri volunteers	2	194
on case of Charles H. Wilgus	2	195
Subjects of reports.		
• • •		
Eagle, Captain Henry.	3	329
Edwarda, William B	1	47
Elliott, George	2	260
Eliott. Theodore E	9	349

	Vol.	No.
Ellis, Giles U., and D. C. Cash	1	41
Ellie, Thomas	2	161
Employés of the legislative department of the government, interpolation of		٠.
joint resolution fixing the compensation of	3 2	351 185
Estes, James B	2	245
Extension of the Capitol, stonecutters on	<b>3</b>	306
Expenses of the Cayuse war, Oregon	2	129
• • •		
F.		
Reports made by-		
•	_	
Mr. Faulkner, on case of Henry K. Brow	3 3	271 270
on case of Charles J. Burgesson case of Cornelius Coffey	2	249
on case of N. G. Evans.	2	245
on case of Captain H. B. Field	ĩ	55
on case of the heirs of James Greer	2	250
on case of Francis M. Gwinn	2	254
on case of William Hankins	1	65
on case of Eleanor Hoople	2	259
on case of Charles Lee Jones	1 3	290 290
on case of John H. King	2	251
on case of John H. King	3	279
on case of Samuel M. Latimer	3	268
on case of Helen Mackay, widow and administratrix of Lieutenant		
Colonel Æneas Mackay	2	241
change of site of the Military Asylum at Washington	3	274
military post near Pembina river, Minnesota	3	291
to Fort Atkinson	2	223
on case of Russell Rice.	3	269
on case of Edward B Shelton	3	273
on case of Wm. H. Weirick	2	248
on case of Lewis B. Willis	1	1
Mr. Fenton—remittance of duties on goods destroyed by fire in New York and	_	
San Francisco	2	202
on case of Eather Lovejoy	1 3	91 371
on case of Enoch Perkins, heir of Zophar Perkins	ĭ	88
on case of the heirs of Joseph Wheaton, on petition of L. J. An-	-	-
derson	1	90
on case of Ira Whitaker	1	89
on case of William Woodbury	1	87
Mr. Fuller, on case of Ferdinand Clark	1 1	19 13
on case of Wilson & Brothers.	i	13
OI OHO OI WILLIAM CO DIVERTISSIONISTATTI TUURISTATTI TUURISTATTI TUURISTATTI TUURISTATTI TUURISTATTI TUURISTATTI TUURIST	•	17
Subjects of reports.		
Factor, Wm. Senna	2	140
Faulk er, Betsy A., daughter of Ebenezer Floyd	2	265
Faulkner, Jesse R	2	112
Field, Captain H. B	1	52
Field, Richard, Susan Coody, and others	3	367
Finley, Lieutenant Andrew, heirs of	3	284
ence to the registative council of the wester in feast.	2	223
Frazer, John, and the administrator of John G. Clendenin	2	232
Fraser, Thomas	ĩ	29
Frémont, John Charles	8	260
Frink, John	3	<b>34</b> 3

G.

### Reports made by-

	Vol.	No
Mr. Giddings, on case of Captain Francis Allyn	1	3
Mr. Greenwood, on case of Charles Christy	3	27
on case of Susan Coody and others	3	36
on case of William Senna Factor	2	14
on case of John Johnson	2	17
Mr.Gray, on case of J. C. Buckles	2	12
on case of McAtee & Eastman	2	13
Mr. Frow—Cherokee Indians.	2	12
MI. TOW—ORCIOAGO INGRAIS	æ	12
Subjects of reports.		
Clair Anthony hairs of		19
Gale, Anthony, heirs of	1	
Gallego, José Manual, contested election in New Mexico	1	12
Gardner, Henry, and others, directors of the New England Mississippi Land	•	000
Company	8	206
Gardiner & Mears	3	369
Gass, Patrick	2	218
Gatewood, John 8.	3	308
"General Armstrong," owners of brig	2	139
Georgia Ralroad and Banking Companies and West Feliciana railroad	3	368
Gerard Joseph, heirs of.	1	39
Gibbs, Leeman	1	98
Gibson, George W	1	63
Gideon, Jacob	3	313
Gilbert, Eunice	1	55
Gill, Christopher	3	324
Goddard, Nathaniel, and others.	2	172
Gore, William	3	293
Grafton, Joshua C., Charles Winter, and others	3	311
Graham & Finnall	2	131
Graham, Robert	2	134
Gray, McMurdo, & Company	ĩ	51
Green, James F	ī	28
Greene, General Nathaniel, heirs of	ŝ	283
Greer, James, heirs of	2	250
Grignon, Charles A	2	197
Grignon, Robert.	ĩ	15
Gwin, Francis M	2	254
Gyzdaar, Caroline, and Catharine Hall, children of Robert McNeill	2	237
oyamar, Caronne, and Catharine rish, children of Robert McRein	Z	231
H.		
Reports made by—		
Mr. Hamilton, on case of William G. Howison	2	143
Mr. A. Harlan, on case of the owners of brig "Kate Boyd"	2	141
Mr. S. W. Harris, on case of Mrs. Frances A. McCauley	1	95
Mr. Haven—payment of moneys into the treasury of California	2	168
Mr. Hendricks, on case of George M. Bentley	2	128
on case of William Blake	ì	10-
on case of Pamela Brown	ī	43-
on case of Heury N. Halsted	ī	21
on case of Benjamin Hammond	î	22
on case of Hezekish Johnson	î	73.
on case of George Lynch	2	256
on case of Samuel McKnight.	2	126
on case of Henry J. Snow	î	23
on case of Asron Stafford	i	72
on case of Charles Staples	1	78. <b>24</b>
	2	
on case of William Wallace	z 2	127
on case of James Wright, jr	3	227
Mr. Henn, on case of James Holstin	9	356

	Vol.	No
Mr. Heister, on case of Mary H. Cushing	2	249
Arnold	1	17
Mr. Hillyer, on case of Rosalie Caxillo	2	216
on case of Benjamin C. Cook	2	217
on case of Sylvanus Culver	2 2	206 239
on case of Patrick Gass	2	215
on case of Wm. H. Henderson and the heirs of Rubert Henderson.	2	204
on case of the legal representatives of John Rice Jones	2	150
on case of A. S. Laugheryon case of William J. McElhiney, E. P. Matthews, and Lawrence	2	216
Cribben	2	220
on case of the heirs of Benjamin Metoyer	5	247
on case of Enoch S. More	2	214
tion of M. Rippey	2 2	219 201
Mr. Houston—Senate amendments to Indian appropriation bill	3	361
on case of D. C. Cash and Giles U. Ellis	ĭ	41
on case of Helen Mackay	ī	46
on case of the heirs of Colonel Alexander G. Morgan	3	276
on case of Peter Randon, heir of John Randon	3	360
Mr. Hughes, on case of William Curren	2	213
on case of the heirs of George McGirk	3	341
on case of John McVea and John F. McKneely	2	212
Subjects of reports.	•	~~
Hall, Catharine, and Caroline Gyzdaar, children of Robert McNeill	2	237
Hall, Lott, heirs of	2 1	148 21
Halsted, Henry N. Ham, Robert	ì	78
Hamilton, John	î	48
Hammond, Benjamin	1	22
Hankins, William	1	65
Hascall, John, and Hiram Moore	1	8
Heard, William V., heir of General John Heard	2 3	177 364
Heminger, Jephtha L	2	204
Herbert, Edward H	3	331
Herbon, Michael L., Charles Winter, and others	3	311
Hicks, John H	2	158
Hillery, Nick, alias Rignald	3	340
Hoffman, Henry, legal representatives of	2	149
Hogan, John, widow and heirs of	3	310
Hogan, Moses D	2 2	159 189
Holstin, James	3	356
Homestead to actual settlers	ĭ	34
Hooe, Emilie	1	46
Hoople, Eleanor	2	259
Horton, Julia Sherburne, daughter of John Samuel Sherburne	2	238
House bill No. 342, (Minnesota railroad bill,) alteration of	3	359
Howison, William G	3 2	323 143
Hudson, Lemuel	ĩ	25
Humphrey, Sylvester, and the heirs of Alexander Humphrey	2	169
Huntington, Dimick B	1	60
I.		
Subjects of reports.		
Indian appropriation bill, Senate amendments to	2	201
Indians of California, schools for	3 2	267 123

INDEX.		11
Indians, terms of treaties hereafter to be made with certain tribes of	Vol. 2 2	No. 133 125
Interpolation of joint resolution fixing the compensation of the employes of the legislative department of the government	3	351
Invalid pensions—extension of laws	2 1	263 74
J.		
-		
Report made by—		
Mr. R. Jones, on case of Wade Allen	2	136
Subjects of reports.		
Jack, Captain Matthew, heirs of  Jarero, Jose Maria, and Jonas P. Levy  Jenks, Sarah K., et al.	2 3 1	145 317 68
Johnson, Hezekiah Johnson, John	1 2	73 178
Johnson, Thomas S. J	1 1	85 7
Jones, John Rice, legal representatives of	2 2	150 190
Jones, Thomas Ap Catesby, surety of Walter F. Jones	2	226 290
к.	•	
Reports made by—		
Mr. Keitt—minority report on national armories (civil superintendency)	2	191
Mr. Kerr—claim of the State of Maryland.	3	278
Subjects of reports.		
"Kate Boyd," owners of brig	2	141
Kennedy, Joshua, legal representatives of	3 1	296 79
Kerr, Jacob	3	346
King, John H	2 3	251 372
King, John S.	1	83
L.		
Reports made by-		•
Mr. J. H. Lane, on case of Hercules L. Dousman	1 2	71 134
Mr. Letcher, on case of John T. Ball	1	119
on case of James B. Esteson extension of Colt's patent, &c., majority report	2 3	185 353
on case of Sylvester Humphrey, and the heirs of Alexander Hum-		
phreyon case of Martin L. Patterson	2 1	169 11
on case of Wm. H. Topping	1	92
on case of Joseph D. Ward	2 2	184 183
on case of John Wilson	2	239
Subjects of reports.		
Lands unsold in Symmes's purchase	2 1	243 121

T 1	Vol.	No
Lanham, Robert	3	387
Latham, Cornelius H.	1	31
Latimer, Samuel M	3	266
Laughery, A. S.	2	218 96
Lavallette, Captain E. A. F	1 1	200
Leach, Asa	3	320
Leavenworth, Harriet	1	26
Lee, Oliver	î	86
Legislative department of government, interpolation of joint resolution fixing the	•	-
compensation of the employés of	3	351
Lendrum, Brevet Captain J. H	2	153
Levy, Jonas P., and Jose Maria Jarero	3	317
Lewis, Henry	1	8
Lewis, James M	1	109
Liscomb, Sarah, widow of Darius Liscomb	1	91
Lockwood, Isaac C.	3	357
Loomis, Daniel, legal representatives of	3	337
Lovejoy, Eether	3	371
Lynch, George	2	256
Lyon and Howard	3	323
M.		
Reports made by-		
		-
Mr. Mace, on case of the heirs of Joseph Gerard	1	32
on case of John Humilton	1	48
on case of Sarah K. Jenke, et al	1 1	68 8
on case of Henry Lewisocean mail steamers	3	281
on case of Madison Parton	ĭ	4
on case of the legal representatives of Isaac P. Simonton	i	3
on case of Daniel Steenrod	î	49
on case of Francis Vigo	ī	117
on case of General John E. Wool	1	116
Mr. Maxwell, on case of the widow of Simeon Buckner	2	2:22
Mr. May, on case of Henry Gardner and others	2	209
on case of George Mattingly	2	210
on case of P. Menard and J. Bogy, heir-at-law of Joseph Placy	2	233
New York City Temperance Alliance	3	325
United States prison in New York city	2	244
Mr. Macdonald, on case of John O. Means	1	42
Mr. McDougall, on case of Charles W. Carroll	8	253
on case of Graham and Finnall	2	131
suppressing Indian aggressions	2	137
on case of Brevet Captain J. H. Lendrum	2	153
on case of Anthony G. Willis	ĩ	58
Mr. Meacham—chaplains in Congress, and in the army and navy	· 2	124
Mr. Middleswarth, on case of Achea Ayres	3	372
on case of Julia Sherburne Horton, daughter of John S.	•	0
Sherburne	2	238
on case of William Peters	3	321
Mr. J. G. Miller, on case of Harvey Holgate, heir of Samuel Holgate	2	189
on case of Captain George Simpton	1	9
on case of Stephen Warren, of New York	2	187
on case of Woodbury and Foster, owners of the brig "Casket"	2	188
Mr. Millson, on case of Noah Miller	1	120
Mr. Morrison—memorial of the Atlantic Mutual Insurance Company	1	36
Subjects of reports.		
Mackall, James	3	308
Mackay, Helen, widow of Colonel Æneas Mackay	ĩ	40
Mackay, Helen, widow and administratrix of Colonel Æneas Mackay	2	241
Mail steamers, ocean, (Collins line)	3	281

	Vol.	No.
Maine, Massachusetts, &co.—compensation and bounty land to certain American	3	344
Marion, Moreor county, Ohio, civil township of	2	246
"Martha Washington," the steamboat—communication from t e Secretary of	~	
the Treasury.	2	135
Martin, Elizabeth	2 3	182 278
Maryland, claim of	2	220 220
Mattingly, George.	2	210
Manzy, Fayette, and Robert G. Ward	ĩ	37
Mayo, William	ī	110
McAtee and Eastham	2	130
McAvoy, John	3	316
McCauley, Francis A., widow of D. S. McCauley	1	95
McElderry, John P.	3	339
McElhiney, William J., E. P. Matthews, and Lawrence Cribben	2	220
McGirk, George, heirs of	3	341
McGuire, Robert F.	2 2	151
McKneely, John F., and John McVea	2	212 126
McLellan, Jacob	2	171
McMinn, Joseph.	ã	319
McNeill, Robert, Catharine Hall, and Caroline, Gyzdaar, children of	ě	237
McVea, John, and John F. McKneely	2	212
Meade, Everard, legal representatives of	2	206
Meade, Richard W., legal representatives of	1	5
Means, John O	1	42
Mears and Gardiner	3 .	369
Meier, Adolphus, & Co.	1	13
Menard, Pierre, and J. Bogy, heir-at-law of Joseph Placy	2	233
Merrill, Edward, C. N. Morgan, and William R. Rodman	3	355 247
Metoyer, Benjamin, heirs of	2 3	274
Military post near Pembina river, Minnesota.	3	291
Miller, Hezekiah	3	335
Miller, Noah	ĭ	120
Minnesota, military post near Pembina river, in	3	291
Minnesota railroad bill, (No. 342,) alteration of	3	359
Minnesota, Sioux lands or reservations in	2	<b>13</b> 8
Missouri, third regiment volunteers of	2	194
Missouri, inhabitants of Warren county, in	2	221
Mitchell, Edmund	2	155
Moore, Hiram, and John Hascall	1	84
More, Enoch S	2	214
Morgan, Colonel Alexander G., heirs of	3 3	276 355
Morse, Daniel	2	229
Moylan, General Stephen	<b>3</b>	350
	•	•••
N.		
Reports made by-		
M	_	045
Mr. Nichols, civil township of Marion, Mercer county, Ohio	2	246
on case of Lloyd Dorsey and others	3	303 342
on case of Theodore E. Elliotton case of Jacob Kerr	3 3	342 346
on case of Robert F. McGuire.	8	151
on case of representatives of Charles Pavie	3	288
on case of A. B. Roman	2	170
inhabitants of Warren county, Missouri	2	221
Mr. Norton, on case of John Frink	3	343
Market and the second		
Subjects of reports.		
Nash, Betsey, widow of Doctor Sylvester Nash	2	160

	Vot.	No.
Nebraska and Kansas, minority report	1	80
Nelson, Alton	1	66
Nelson, William, heirs of	3	282
New England Mississippi Land Company, Henry Gardner and others, directors of	2	209
New Mexico contested election, Lane vs. Gallegos	1 2	121 223
New York City Temperance Alliance	3	325
New York, compensation and bounty land to certain American seamen	3	344
New York and San Francisco, remittance of duty on goods destroyed by fire in	2	202
New York, United States prison in	2	244
Nick Hillery, alias Rignald	3	340
Nye, Jonas W	3	326
O. Reports made by—		
	_	
Mr. Orr, on claims for depredation in the Black Hawk war	2	179
on case of John Charles Frémont	3	289
on case of Dimick B. Huntington	1 1	60 79
on case of legal representatives of Joshua Kennedyon case of Oneida Indians	i	61
schools for the education of the California Indians.	3	267
terms of treaties hereafter to be made with certain tribes of Indians.	2	133
on case of representatives of Joseph Watson	2	198
Subjects of reports.	_	
and out of roports.		
Ocean mail steamers	3	281
Ohio, civil township of Marion, Mercer county	2	246
Ohio, unsold lands in Symmes's purchase	2	243
Oneida Indians	1 2	61 <b>122</b>
Oregon, expenses of Cayuse war	Z	LZZ
· P.		
Reports made by—		
Mr. Parker, on case of Thomas Ap Catesby Jones, surety of Walter F. Jones	2	226
steamboat Martha Washington	2	135
on case of Joshua Shaw and others	2	175
unsold lands in Symmes's purchase	2	243
Mr. Peckham, on case of the heirs of Captain Joshua Chamberlain	3	349
on case of the heirs of General Nathaniel Greene	3	283
on case of General Stephen Moylanon case of the heirs of William Nelson	3 3	350 282
Mr. J. Perkins, diplomatic and consular system	3	348
on case of brig General Armstrong	2	139
on case of W. D. Porter	ĩ	97
on case of J. R. Sands	1	96
Mr. Phelps, Senste amendments to the deficiency bill	2	132
Mr. Pringle, on case of Charles A. Grignon	2	197
on case of Joshua Vandruff	2	196
Subjects of reports.		
Parker, William	3	295
Parker, Zebulon and Austin	3	297
Parton, Madison	1	4
Patterson, Martin L.	1	11
Pavie, Charles, representatives of	3	288
Peale, Titian R.	2	167
Pearce, Jonathan	3	294
Pembina river, Minnesota, military post near	3 2	291 263
Pensions, invalid, to extend the laws  Perkins, Enoch, heir of Zophar Perkins.	2 1	203 88
Peru and the United States, trade between.	3	347

TAT	U.	T.	V	
IN			A	

INDEX.		15
	Vol.	No.
Paters, William	3	321
Placy, Joseph—Menard, and Bogy, heir-at-law of	2	233
Pool, Sidney P	3	304
Porcher, Charles J	3 2	368 257
Parter, Captain Thomas.	1	104
Porter, W. D.	i	97
Prison, United States, in New York	2	244
Public lands, reduction of price.	ĩ	33
R.		
Reports made by-		
Mr. Ready, on case of Thomas S. J. Johnson	1	85
on case of Lyon and Howard	3	323
on case of Gilbert C. Russell	1	69
Mr. Riddle, trade between Peru and the United States	3	347
Mr. Robbins, tariff, minority report	2 1	199 105
Mr. Rogers, on case of the heirs of Daniel Bedinger	i	106
on case of the heirs of Lieutenant Andrew Finley	3	284
on case of the heirs of Colonel Willis Riddick.	ĭ	108
on case of the legal representatives of John H. Stone	î	107
on case of Captain William Van Lear	3	286
on case of the administrator of Thomas Wishart	3	285
Mr Rowe, on case of Robert Babcock	2	264
on case of Bethiah Black	2	266
on case of Mary Boyd, widow of John Boyd	2	234
on case of John Cole	2	255
on case of Betsey A. Faulkner, widow of Ebenezer Floyd	2	265
Mr. Ruffin, on case of Lincoln Bates	3 3	287 357
on case of Benjamin Sayre	3	358
Subjects of reports.		
Railroad, Cooss and Tennessee River	1	62
Rallston, George J.	3	318
Randon, Peter, heir of John Randon	3	<b>360</b>
Rawson, Zebina.	3	296
Raymond, Warren	2	262
acid, Samuel C., Jr., on behalf of claimants in the case of the orig General Arm-	0	139
strong Rice, Russell	2 3	269
Riddick, Nathaniel, administrator of Richard Taylor	2	211
Riddick, Colonel Willis, heirs of	ĩ	108
Rignald, alias Nick Hillery	3	340
Ripley, Epaphras	2	239
Rippey, Matthew, on behalf of Conrad Wheat, jr	2	219
Robinson, Beverly, and Wm. A. and John Duer, trustees of the estate of Gen.		
Wm. Alexander	2	240
Kobinson, John	3	332
Rodman, Wm. R, C. A. Morgan, and Edward Merrill	3	355
Roman, A. B.	2	170
Ross, Samuel	2	236
Rowe, Benjamin	1	45 69
Russell, Gilbert C	1 1	59.
Rotherford, Mary, widow of Samuel Rutherford	2	261
8.		
Reports made by—		
Mr. Sage, on case of George Elliott	2	260

	Vol.	No
Mr. Sage, on case of Mary Rutherford, widow of Samuel Rutherford	2	261
on case of John Steene.	2	259
on case of Joseph Webb	3	268
Mr. Seymour, on case of representatives of John E. Bispham	1	39 36
on case of Thomas Thody	1 2	206
on case of Nathaniel Riddick, administrator of Richard Taylor	2	211
Mr. G. W. Smyth, expenses of the Cayuse war, Oregon	2	129
Mr. F. P. Stanton, on case of Wm. Case	3	359
on case of Gardiner & Mears	3	369
on case of F. Mauzy and R. G. Ward	1	37
Mr. R. H. Stanton, contested election in New Mexico, Lane vs. Gallegos	1	121
civil superintendencies in the national armories	2	191
Mr. Straub, on case of Alton Nelson	1	66 345
Mr. A. Stuart, on case of Jacob Baker	3 3	299
on case of George S. Claffin	1	27
compensation and bounty land to certain American seamen	3	344
on case of Mary Deany	ĭ	84
on case of Jesse R. Faulkner	ì	119
on case of Wm. Gove	3	293
on case of James F. Green	1	28
on case of Lemuel Hudson	1	25
on case of John S. King	1	83
on case of Harriet Leavenworth	1	26 295
on case of Wm. Parkeron case of Sidney P. Pool	3 3	304
ou case of Sidney F. Foot	J	.,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
Subjects of reports.		
Salomon, John C. Fr.	2	174
Sande, J. R.	ĩ	96
San Francisco steamship, rescue of	ī	113
San Francisco and New York, remittance of duties on goods destroyed by fire in	2	202
Savage, Joseph, heirs of	2	147
Sayre, Benjamin	3	358
Schools for the education of the California Indians	3	267
Scott, Martha, widow of Samuel Scott.	2	235
Shattuck, D. O., petition in relation to private lan l claims in California	1 2	70 175
Shaw, Joshua, and others Shelton, Edward B	3	273
Sherburne, John Samuel—Julia S. Horton, daughter of	2	238
Sigler, Isaac M	$\tilde{2}$	231
Simonds, Lewis E	$\tilde{2}$	228
Simonds, Priscilla C., widow of Moses Simonds	1	118
Simonton, Isaac P., legal representatives of	1	3
Simpton, Captain George	1	9
Sioux lands or reservations in Minnesota	2	138
Slavin, Parmelia, late wife of John Blue	1	64
Smith, Francis Pettit	2	166
Smith, Larkin, heirs of	2 3	207 322
Smith, William G Snow, Henry J	1	23
Stafford, Aaron	î	72
Staples, Charles	ī	24
Staples, Charles Steamboat "Martha Washington"—communication from the Secretary of the	-	
Treasury	. 5	135
Stedman, Emanuel P	1	75
Steene, John	2	259
Steenrod, Daniel	1	49
Stokeley, Captain Nehemiah, heirs of.	2	144
Stone cutters on the extension of the Capitol.	3	306
Stone, John H., legal representatives of	1	107 16
Swamp and overflowed lands, purchasers and locators of	2	243
chumos a froum c.) Integrated among paries in	æ	440

т		•
Reports made by-	Vol.	No.
Mr. J. L. Taylor, on case of Grafton Baker	1	81
sale of the Winder building	2	193
Mr. Thurston, on case of Samuel Colt	ĩ	6
extension of Colt's patent, &c	3	<b>3</b> 53
on case of Zebulon and Austin Parker	3	297
Mr. Tracy, on case of Hiram Moore and John Hascall	1	64
Mr. Tweed, on case of Lyman N. Cook	1	44
on case of William B. Edwards	1	47
on case of Emilie Hooe	1	46
on case of James M. Lewis	1	109 45
Subjects of reports.		
Tariff	2	199
Taylor, Richard, Nath. Riddick, administrator of	2	211
Temperance Alliance of New York city	3	325
Tennessee and Coosa river railroad	1	62
Third regiment Missouri volunteers	2	194
Thody, Thomas	1	38
Thomas, Hartshorne R., legal representatives of	1	68
Thompson, Dr. S. A	3	367
Thornton, Presley, heirs of.	3	370
Topping, William H	1	92
Torrants, G. W	2	156
Towle, David	1	103
Trade between the United States and the republic of Peru	3 1	347 115
rripp, Altera	•	110
U.		
Report made by—		
Mr. Upham, on case of John D. Colmesnil	2	142
Subjects of reports.		
Inderhill, Thomas, executor of Thomas Underhill	2	203
United States and Peru, trade between	3	317
United States prison in the State of New York.	2	244
Unsold lands in Symmes's purchase.	2	213
Ctica Steam Woolen Company	1	50
v.		
Reports made by—		
Mr. Vail, on case of Anne W. Angus	2	159
on case of James Butler.	2	157
on case of Ira Call	2	230
on case of Thomas Ellis.	2	161
on case of George W. Gibson	1	63
on case of John H. Hicks	2	158
extension of the laws of invalid pensions	2	263
on case of Daniel Morse.	1 2	110 229
on case of Betsey Nash	2	160
on case of Evelina Porter, widow of Commodore David Porter	2	257
on case of Isaac M. S gler	2	231
on case of Parmelia Slavin, late wife of John Blue	ĩ	64
on case of the heirs of Larkin Smith.	$\hat{\mathbf{z}}$	207
on case of James Walsh	ĩ	111
on case of Charlotte S. Westcott	2	162
Subjects of reports.		
an Brunt, Rulif	3	334
andruff, Joshua.	2	196
2		

•	Vol.	No.
Van Horn, James	3	328
Van Lear, Captain William	3	286
Vigil, Don Juan Jesus	2	200
Vigo, Colonel Francis, heirs of	ı	117
Volunteers, third regiment Missouri	2	194
W.		
Reports made by—		
Mr. Walley, on case of Hon. Thomas H. Bayly	3	354
Mr. I. Washburn, on case of Rebecca Baggerly, widow of David Baggerly	2	2:24
on case of Elizabeth Martin.	2	162
Mr. T. Wentworth, on case of Nathaniel Goddard and others	2	172
on case of James Irwin	1	74
on case of Jacob McLellan	2	171
on case of Morgan, Rodman, and Merrill	3	355
West Feliciana Railroad and Georgia Railroad and Banking	••	368
Mr. Wheeler, extension of Colt's patent, &c	3 3	353
Mr. D. B. Wright, Sioux lands or reservations in Minnesots	2	138
Mr. H. B. Wright, on case of Edmund Berger.	3	366
private land claims in California	ĭ	70
Subjects of reports.	_	•
Wallace, William	2	127
Walsh, James	ĩ	111
War, Black Hawk.	2	179
Ward, Joseph D.	$\tilde{2}$	154
Ward, Robert G	1	37
Warren county, Missouri, inhabitants of	2	221
Warren, Stephen, of New York	2	187
Washington, change of site of the military asylum	3	274
Watson, Joseph, representatives of	2	193
Webb, Joseph	2	255 245
Weirick, Wm. H. Walsh, James K.	2 1	102
Westcott, Charlotte S., widow of Captain George C. Westcott	2	162
West Feliciana Railroad and Georgia Railroad and Banking Company	3	368
Wheat, jr., Conrad, or legal representatives of, on petition of M. Rippey	2	219
Wheatley, William	1	94
Wheaton, Joseph, heirs of, on petition of L. J. Anderson	1	90
Whitaker, Ira	1	89
White, Captain Tarpley, legal representatives of	2	176 101
Wilcze Charles H	1 2	195
Wilgus, Charles H Williams, William G	3	315
Williamson, Lieutenant A. J.	3	334
Willis, Anthony G.	ĭ	58
Willis, Lewis B.	1	1
Wilson & Brothers	1	14
Wilson, John.	2	183
Wilson, Willis, heirs of—recommitted	2	20∺ 193
Winder, Wm. H.—Winder building.	2	314
Winslow, Daniel, sureties of	3 3	311
Wishart, Thomas, administrator of	3	255
Woodbury and Foster, owners of brig "Casket"	2	189
Woodbury, William	ĩ	87
Wool, Major General John E	1	116
Wooster, Dr. J. Rutherford—schools for the California Indians	3	267
Wright, jr., James	2	227
Z.		
Report made by—		
Mr. Zollicoffer—extension of Colt's patent, &c	3	353

# CHAPLAINS IN CONGRESS AND IN THE ARMY AND NAVY.

MARCH 27, 1854.—Ordered to be printed.

Mr. Meacham, from the Committee on the Judiciary, made the following

### REPORT.

The Committee on the Judiciary, to whom were referred the memorials of citizens of several States, praying that the office of chaplain in the army, navy, at West Point, at Indian stations, and in both houses of Congress, be abolished, respectfully report:

That they have had the subject under consideration, and, after careful examination, are not prepared to come to the conclusion desired by the memorialists. Having made that decision, it is due that the reason should be given. Two clauses of the constitution are relied on by the memorialists to show that their prayer should be granted. One of these is in the sixth article, that "no religious test shall ever be required as a qualification to any office or public trust under the United States." If the whole section were quoted, we apprehend that no one could suppose it intended to apply to the appointment of chaplains.

"ART. 6, Sec. 3. The senators and representatives before mentioned, and the members of the several State legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound, by oath or affirmation, to support this constitution; but no religious test shall ever be required as a qualification to any office or

public trust under the United States."

Every one must perceive that this refers to a class of persons entirely

distinct from chaplains.

Another article supposed to be violated is article 1st of Amendments: "Congress shall make no law respecting an establishment of religion." Does our present practice violate that article? What is an establishment of religion? It must have a creed, defining what a man must believe; it must have rites and ordinances, which believers must observe; it must have ministers of defined qualifications, to teach the doctrines and administer the rites; it must have tests for the submissive, and penalties for the non-conformist. There never was an established religion without all these. Is there now, or has there ever been, anything of this in the appointment of chaplains in Congress, or army, or navy? The practice before the adoption of the constitution is much the same as since: the adoption of that constitution does not seem to have changed the principle in this respect. We ask the memorialists to look at the facts. First, in the army: chaplains were appointed for the revolu-

tionary army on its organization; rules for their regulation are found among the earliest of the articles of war. Congress ordered, on May 27, 1777, that there should be one chaplain to each brigade of the army, nominated by the brigadier general, and appointed by Congress, with the same pay as colonel; and, on the 18th of September following, ordered chaplains to be appointed to the hospitals in the several departments, with the pay of \$60 per month, three rations per day, and forage for one horse.

When the constitution was formed, Congress had power to raise and support armies, and to provide for and support a navy, and to make rules and regulations for the government and regulation of land and naval forces. In the absence of all limitations, general or special, is it not fair to assume that they were to do these substantially in the same manner as had been done before? If so, then they were as truly empowered to appoint chaplains as to appoint generals or to enlist soldiers. Accordingly, we find provision for chaplains in the acts of 1791, of 1812, and 1838. By the last there is to be one to each brigade in the army; the number is limited to thirty, and these in the most destitute places. The chaplain is also to discharge the duties of schoolmaster. The number in the navy is limited to twenty-four. Is there any violation of the constitution in these laws for the appointment of chaplains in the army and navy? If not, let us look at the history of chaplains in Congress. Here, as before, we shall find that the same practice was in existence before and after the adoption of the constitution. American Congress began its session September 5, 1774. On the second day of the session, Mr. Samuel Adams proposed to open the session with prayer. I give Mr. Webster's account of it: "At the meeting of the first Congress there was a doubt in the minds of many about the propriety of opening the session with prayer; and the reason assigned was, as here, the great diversity of opinion and religious belief: until, at last, Mr. Samuel Adams, with his gray hairs hanging about his shoulders, and with an impressive venerableness now seldom to be met with, (I suppose owing to different habits,) rose in that assembly, and, with the air of a perfect Puritan, said it did not become men professing to be Christian men, who had come together for solemn deliberation in the hour of their extremity, to say there was so wide a difference in their religious belief that they could not, as one man, bow the knee in prayer to the Almighty, whose advice and assistance they hoped to obtain; and, independent as he was, and an enemy to all prelacy as he was known to be, he moved that Rev. Mr. Dushe, of the Episcopal church, should address the Throne of Grace in prayer. John Adams, in his letter to his wife, says he never saw a more moving spectacle. Mr. Dushe read the Episcopal service of the church of England; and then, as if moved by the occasion, he broke out into extemporaneous prayer, and those men who were about to resort to force to obtain their rights were moved to tears; and floods of tears, he says, ran down the cheeks of pacific Quakers, who formed part of that interesting assembly; and depend upon it, that where there is a spirit of Christianity, there is a spirit which rises above form, above ceremonies, independent of sect or creed, and the controversies of clashing doctrines." That same clergyman was afterwards appointed chaplain of the American Congress. He had such an appointment five days after

the declaration of independence.

On December 22, 1776; on December 13, 1784; and on February 29, 1788, it was resolved that two chaplains should be appointed. So far for the old American Congress. I do not deem it out of place to notice one act, of many, to show that that Congress was not indifferent to the religious interests of the people; and they were not peculiarly afraid of the charge of uniting church and State. On the 11th of September, 1777, a committee having consulted with Dr. Allison about printing an edition of thirty thousand Bibles, and finding that they would be compelled to send abroad for type and paper, with an advance of £10,272 10s., Congress voted to instruct the Committee on Commerce to import twenty thousand Bibles from Scotland and Holland into the different ports of the Union. The reason assigned was, that the use of the book was so universal and important. Now, what was passing on that day? The army of Washington was fighting the battle of Brandywine; the gallant soldiers of the Revolution were displaying their heroic though unavailing valor; twelve hundred soldiers were stretched in death on that battle-field; Lafayette was bleeding; the booming of the cannon was heard in the hall where Congress was sitting—in the hall from which Congress was soon to be a fugitive: at that important hour Congress was passing an order for importing twenty thousand Bibles; and yet we have never heard that they were charged by their generation of any attempt to unite church and State, or surpassing their powers to legislate on religious matters.

There was a convention assembled between the old and new forms of government. Considering the character of the men, the work in which they were engaged, and the results of their labors, I think them the most remarkable body of men ever assembled. Benjamin Franklin addressed that body on the subject of employing chaplains; and, certainly, Franklin will not be accused of fanaticism in religion, or of a wish to unite church and State. I give his words as reported by Mad-

ison.

### Debates in the Federal Convention, June 28, 1787.

Dr. Franklin said: Mr. President, the small progress we have made after four or five weeks' close attendance, and continual reasonings with each other, our different sentiment on almost every question—several of the last producing as many noes as ayes—is, methinks, a melancholy proof of the imperfection of the human understanding. We, indeed, seem to feel our want of political wisdom, since we have been running about in search of it. We have gone back to ancient history for models of government, and examined the different forms of those republics which, having been formed with the seeds of their own dissolution, now no longer exist. And we have viewed modern States all round Europe, but find none of their constitutions suitable to our circumstances. In this situation of this assembly, groping, as it were, in the dark to find political truth, and scarce able to distinguish it when presented to us, how has it happened, sir, that we have not hitherto once thought of humby applying to the Father of Lights to illuminate our un-

derstandings? In the beginning of the contest with Great Britain, when we were sensible of danger, we had daily prayer in this room for divine protection. Our prayers, sir, were heard, and they were graciously answered. All of us who were engaged in the struggle must have observed frequent instances of a superintending Providence in our favor. To that kind Providence we owe this happy opportunity of consulting in peace on the means of establishing our future national felicity. And have we now forgotten that powerful friend? Or do we imagine that we no longer need his assistance?

"I have lived, sir, a long time, and the longer I live the more convincing proofs I see of this truth—that God governs in the affairs of men; and if a sparrow cannot fall to the ground without His notice, is it probable that an empire can rise without His aid? We have been assured, sir, in the sacred writings, that 'except the Lord build the house, they labor in vain that build it.' I firmly believe this; and I also believe that without His concurring aid, we shall succeed in this political building no better than the builders of Babel. We shall be divided by our little partial local interests, our projects will be confounded, and we ourselves shall become a reproach and by-word down to future ages. And, what is worse, mankind may hereafter, from this unfortunate instance, despair of establishing governments by human wisdom, and leave it to chance, war, and conquest.

"I therefore beg leave to move, that henceforth prayers, imploring the assistance of Heaven and its blessings on our deliberations, be held in this assembly every morning before we proceed to business, and that one or more or the clergy of this city be requested to officiate in that

service."—Elliott's Debates, vol. 5, p. 253.

There certainly can be no doubt as to the practice of employing chaplains in deliberative bodies previous to the adoption of the constitution. We are, then, prepared to see if any change was made in that

respect in the new order of affairs.

The first Congress under the constitution began on the 4th of March, 1789; but there was not a quorum for business till the 1st of April. On the 9th of that month Oliver Ellsworth was appointed, on the part of the Senate, to confer with a committee of the House on rules, and on the appointment of chaplains. The House chose five men—Boudinot, Bland, Tucker, Sherman, and Madison. The result of their consultation was a recommendation to appoint two chaplains of different denominations—one by the Senate and one by the House—to interchange weekly. The Senate appointed Dr. Provost, on the 25th of April.

On the 1st day of May Washington's first speech was read to the House, and the first business after that speech was the appointment of Dr. Linn as chaplain. By whom was this plan made? Three out of six of that joint committee were members of the convention that framed the constitution. Madison, Ellsworth, and Sherman passed directly from the hall of the convention to the hall of Congress. Did they not know what was constitutional? The law of 1789 was passed in compliance with their plan, giving chaplains a salary of \$500. It was re-enacted in 1816, and continues to the present time. Caplains have been appointed from all the leading denominations—Methodist, Bap-

tist, Episcopalian, Presbyterian, Congregationalist, Catholic, Unitarian, and others.

I am aware that one of our petitioners might truly reply that the article was not in the body of the constitution, but was one of the amendments recommended by Virginia. This does not weaken the argument in favor of chaplains. In the convention of Virginia, which proposed amendments, James Madison, James Monroe, and John Marshall were members. All these men were members closely connected with the government. Madison and Monroe were members of Congress when the first amendment was adopted and became a part of the constitution. Madison was a member of the convention framing the constitution, of the convention proposing the amendment, and of Congress when adopted; and yet neither Madison nor Monroe ever uttered a word or gave a vote to indicate that the appointment of chaplains was unconstitutional. The convention of Virginia elected on its first day a chaplain—Rev. Abner Waugh—who every morning read prayers immediately after the ringing of the bell for calling the convention. No one will suppose that convention so inconsistent as to appoint their chaplain for their own deliberative assembly in the State of Virginia, and then recommend that this should be denied to the deliberative bodies of the nation.

The reason more generally urged, is the danger of a union of church and State. If the danger were real, we should be disposed to take the most prompt and decided measures to forestall the evil, because one of the worst for the religious and political interests of this nation that could possibly overtake us. But we deem this apprehension entirely imaginary; and we think any one of the petitioners must be convinced of this on examination of the facts. I have prepared a table showing the churches, ministers, members, and worshippers, in the leading denominations of Christians in this land. It was hastily made, and is doubtless imperfect. I shall append another table, which was published in the Christian Almanac; and any person who has the leisure may compare, and from both form a correct conclusion. The column of worshippers was made by taking from the census the list of church accommodations of each church. This, of course, makes no pretence to entire accuracy; but it is, comparatively, perfectly fair, because it assumes that all churches are filled with worshippers, and that this is the measure of them. It is the nearest and fairest approach to accuracy that I know how to make. Now look at that score of different denominations, and tell us, do you believe it possible to make a majority agree in forming a league to unite their religious interests with those of the State? you take from the larger sects, you must select some three or four of the largest to make a majority of clergy, or laity, or worshippers. And these sects are widely separated in their doctrines, their religious rites, and in their church discipline. How do you expect them to unite for any such object? If you take the smaller sects, you must unite some fifteen to make a majority, and must take such discordant materials as the Quaker, the Jew, the Universalist, the Unitarian, the Tunker, and the Swedenborgian. Does any one suppose it possible to make these

<sup>•</sup> For tables, see end of report.

harmonize? If not, there can be no union of church and State. committee know of no denomination of Christians who wish for such They have had their existence in the voluntary system, and wish it to continue. The sentiment of the whole body of American Christians is against a union with the State. A great change has been wrought in this respect. At the adoption of the constitution, we believe every State—certainly ten of the thirteen—provided as regularly for the support of the church, as for the support of the government: one, Virginia, had the system of tithes. Down to the Revolution, every colony did sustain religion in some form. It was deemed peculiarly proper that the religion of liberty should be upheld by a free people. Had the people, during the Revolution, had a suspicion of any attempt to war against Christianity, that Revolution would have been strangled in its cradle. At the time of the adoption of the constitution and the amendments, the universal sentiment was that Christianity should be encouraged—not any one sect. Any attempt to level and discard all religion, would have been viewed with universal indignation. The object was not to substitute Judaism or Mahomedanism, or infidelity, but to prevent rivalry among sects to the exclusion of others. The result of the change above named is, that now there is not a single State that, as a State, supports the gospel. In 1816 Connecticut repealed her law which was passed to sustain the church; and in 1833, Massachusetts wiped from her statute-book the last law on the subject that existed in the whole Union. Every one will notice that this is a very great change to be made in so short a period—greater than, we believe, was ever before made in ecclesiastical affairs in sixty-five years, without a revolution or some great convulsion. This change has been made silently and noiselessly, with the consent and wish of all parties, civil and religious. From this it will be seen that the tendency of the times is not to a union of church and State, but is decidedly and strongly bearing in an opposite direction. Every tie is sundered; and there is no wish on either side to have the bond renewed. It seems to us that the men who would raise the cry of danger in this state of things, would cry fire on the thirty-ninth day of a general deluge.

If there be no constitutional objection and no danger, why should not the office be continued? It is objected that we pay money from the treasury for this office. That is certainly true; and equally true in regard to the Sergeant-at-arms and Doorkeeper, who, with the chaplain, are appointed under the general authority to organize the House. Judge Thompson, chairman of this committee in the thirty-first Congress, in a very able report on this subject, said, that if the cost of chaplains to Congress were equally divided among the people, it would not be annually more than the two-hundredth part of one cent to each person. That being true, a man who lives under the protection of this government and pays taxes for fifty years, will have to lay aside from his hard earnings two and a half mills during his half century for the purpose of supporting chaplains in Congress! This is the weight of pecuniary burden which the committee are called to lift from off the

neck of the people.

If there be a God who hears prayer—as we believe there is—we submit, that there never was a deliberative body that so eminently

needed the fervent prayers of righteous men as the Congress of the United States. There never was another representative assembly that had so many and so widely different interests to protect and to harmonize, and so many local passions to subdue. One member feels charged to defend the rights of the Atlantic, another of the Pacific coast; one urges the claims of constituents on the borders of the torrid, another on the borders of the frigid zone; while hundreds have the defence of local and varied interests stretching across an entire conti-If personal selfishness or ambition, if party or sectional views alone, bear rule, all attempts at legislation will be fruitless, or bear only bitter fruit. If wisdom from above, that is profitable to direct, be given in answer to the prayers of the pious, then Congress need those devotions, as they surely need to have their views of personal importance daily chastened by the reflection that they are under the government of a Supreme Power, that rules not for one locality or one time, but governs a world by general laws, subjecting all motives and acts to an omniscient scrutiny, and holds all agents to their just awards by an irresistible power.

In the provisions of the law for chaplains in the army, the number is limited, and these not to be granted unless for "most destitute places;" and then, for a very small salary they are to perform the double service of clergymen and schoolmasters. While every political office under all administrations is filled to overflowing; while the ante-chambers of the departments are crowded and crammed with anxious applicants, waiting for additions, or resignations, or death, to make for them some vacant place, it is of recent occurrence that only fourteen of the twenty

posts for chaplains were supplied.

We presume all will grant that it is proper to appoint physicians and surgeons in the army and navy. The power to appoint chaplains is just the same, because neither are expressly named, but are appointed under the general authority to organize the army and navy, and we deem the one as truly a matter of necessity as the other. Napoleon was obliged to establish chaplains for his army, in order to their quiet while making his winter quarters in the heart of an enemy's country, and that army had been drenched in the infidelity of the French revolution. The main portion of our troops, though not in a foreign land, are stationed on the extreme frontiers, the very outposts of civilization; and if the government does not furnish them moral and religious instruction, we know, as a practical fact, that they will go without it.

It is said that they can contribute and hire their own chaplains. Certainly they can, and their own physicians and surgeons; but if we throw on them this additional burden, are we not bound to increase their pay to meet these personal expenses? We may supply them directly, with more economy and effect than we can do it indirectly. We trust that the military force of the United States will never be engaged in a contest, unless in such an one that devout men can honestly invoke the God of battles to go with our armies. If so, it will inspire fortitude and courage in the soldier to know that the righteous man is invoking the Supreme Power to succeed his efforts. If our armies are exposed to pestilential climates or to the carnage of the battle-field, we believe it the duty of government to send to the sick, and wounded, and dying,

8

that spiritual counsel and consolation demanded by the strongest cra-

vings of our nature.

The navy have still stronger claims than the army for the supply of chaplains: a large portion of the time our ships-of-war are on service foreign from our own shore. If they are in the ports of other nations, the crews cannot be disbanded to worship with the people of those nations; and if they could, the instances are rare in which the sailors could understand the language in which the devotions are conducted. If you do not afford them the means of religious service while at sea, the Sabbath is, to all intents and purposes, annihilated, and we do not allow the crews the free exercise of religion.

In that important branch of service the government is educating a large number of youth who are hereafter to have the control of our navy. They are taken from their homes at a very early age, when their minds are not generally instructed, or their opinions formed on religious affairs. If the mature men can be safely deprived of such privileges, is it wise or just to deprive the youth of all means of moral and religious culture? Naval commanders have often desired to have their crews unite in devotions before commencing action. They have sometimes done it when there was no chaplain on board. One striking instance of this was in the naval action on Lake Champlain. On Sunday morning, September 11, just as the sun rose over the eastern mountains, the American guard-boat on the watch was seen rowing swiftly into the harbor. It reported the enemy in sight. The drums immediately beat to quarters, and every vessel was cleared for action. preparations being completed, young McDonough summoned his officers around him, and there, on the deck of the Saratoga, read the prayers of the ritual before entering into battle; and that voice, which soon after rang like a clarion amid the carnage, sent heavenward, in earnest tones: "Stir up thy strength, O Lord, and come and help us; for thou givest not always the battle to the strong, but canst save by many or by few." It was a solemn, thrilling sight, and one never before witnessed on a vessel-of-war cleared for action. A young commander who had the courage thus to brave the derision and sneers which such an act was sure to provoke, would fight his vessel while there was a plank left to stand on. Of the deeds of daring done on that day of great achievements, none evinced so bold and firm a heart as this act of religious worship.

While your committee believe that neither Congress nor the army or navy should be deprived of the service of chaplains, they freely concede that the ecclesiastical and civil powers have been, and should continue to be, entirely divorced from each other. But we beg leave to rescue ourselves from the imputation of asserting that religion is not needed to the safety of civil society. It must be considered as the foundation on which the whole structure rests. Laws will not have permanence or power without the sanction of religious sentiment—without a firm belief that there is a Power above us that will reward our virtues and punish our vices. In this age there can be no substitute for Christianity; that, in its general principles, is the great conservative element on which we must rely for the purity and permanence of free institutions. That was the religion of the founders of the republic, and

they expected it to remain the religion of their descendants. There is a great and very prevalent error on this subject in the opinion that those who organized this government did not legislate on religion. They did legislate on it by making it free to all, "to the Jew and the Greek, to the learned and unlearned." The error has risen from the belief that there is no legislation unless in permissive or restricting enactments. But making a thing free is as truly a part of legislation as confining it by limitations; and what the government has made free, it is bound to keep free.

Your committee recommend the following resolution:

Resolved, That the committe be discharged from the further consideration of the subject.

Tables referred to on page 5.

Names.	Ministers.	Members.	Worshippers.	Churches.
Baptist	8, 018	948, 867	3, 130, 878	8, 791
Christian	1,500	50,000	296, 050	819
Congregational	1,687	197, 190	795, 177	1,674
Episcopal		73,000	625, 213	1, 425
German Reformed	260	70,000	156, 932	327
Lutheran	663	163,000	531, 100	1,203
Mennonite	240	30,000	29, 900	110
Methodist	6,000	1,250,000	4, 209, 333	12, 467
Moravian	27	3,000	112, 185	331
Presbyterian	4,578	490, 250	2, 040, 316	4, 584
Roman Catholic	1,081	1,650,000	620, 950	1, 119
Swedenborgian	35		5, 070	18
Twnker	250	10,000	35, 075	56
Unitarian	250	30,000	137, 367	243
Universalist	540		205, 462	494
Craion	673		213, 552	619
lewish			16, 575	31
riends			282, 823	714
Tee	300		108, 605	361
Outch Reformed	289	32,840	181, 968	324
Cinor sects	287		115, 347	325
	28, 203		13, 849, 896	36, 011

All the German churches (i. e., Lutheran, German Reformed, United Brethren, Evangelical Association, Moravian, Evangelical Church, Mennonite, Tunkers) have 2,377 ministers, 5,356 congregations, and 333,000 members.

Names.	Churches.	Ministers.	Members.	
Methodist Episcopal		3,716	629, 660	
Methodist South		1,500	465, 553	
Methodist Protestant and others			81,000	
Baptist, Regular		4,950	667,750	
Baptist, Anti-Mission	2,059	924	69, 326	
Baptist, Free-will		1,076	55, 323	
Baptist, Campbellite	1,600	1,000	127,000	
Dalata atau aan	010	358	27,700	
Presbyterian, SO. S	2,459	1,803	192, 033	
rrespyterian, N. S	1,651	1,551	155, 000	
Associate Presbyterian	214	120	18, 800	
Associate Reformed	332	219	26, 340	
Reformed Presbyterian	47	29	5, 300	
Presbyterian, Cumberland		350	50,000	
Presbyterian, others		310	44,000	
Congregational, (Evangelical)	1.971	1,687	197, 196	
Reformed Dutch	276	289	32, 840	
German Reformed	261	273	69,750	
Protestant Episcopal	1.192	1.497	67, 550	
Lutheran		663	163,00	
United Brethren	1,800	503	67,000	
Evangelical Association, (German)	190	300	17,000	
Unitarian	244	250	3, 90	
Roman Catholic		1,026	1, 231, 30	
Christian Connexion	1,500	1,500	325,00	
Church of God	125	83	10,00	
Mennonite	400	240	60,00	
Friends and Quakers		l		