

1-20-1879

Report : Petition of H. Read

Follow this and additional works at: <https://digitalcommons.law.ou.edu/indianserialset>



Part of the [Indian and Aboriginal Law Commons](#)

Recommended Citation

S. Rep. No. 604, 45th Cong., 3rd Sess. (1879)

This Senate Report is brought to you for free and open access by University of Oklahoma College of Law Digital Commons. It has been accepted for inclusion in American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899 by an authorized administrator of University of Oklahoma College of Law Digital Commons. For more information, please contact darinfox@ou.edu.

IN THE SENATE OF THE UNITED STATES.

JANUARY 20, 1879.—Agreed to and ordered to be printed.

Mr. COCKRELL, from the Committee on Claims, submitted the following

REPORT:

The Committee on Claims, to whom was referred the petition of H. W. Read, praying compensation for alleged services in 1863, have duly considered the same, and submit the following report:

The petition of claimant has on its back the following indorsements:

- "1870, June 23. Referred to the Committee on Claims."
- "1872, May 23. Referred to the Committee on Claims."
- "1874, January 13. Referred to the Committee on Claims."
- "1874, March 17. Reported favorably. S. 596. Report No. 173."
- "1878, April 17. Referred to the Committee on Claims."

The petition was verified by the affidavit of petitioner on January 2, 1874, and is as follows, to wit:

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled:

Your petitioner would respectfully represent that, on or about the 1st of September, 1863, he started under special order from the Treasurer's Department for the plains, being intrusted by the United States Treasurer with the confidential custody of the sum of \$200,000, in small notes and postal currency, for circulation in that region; that said trust was performed to the entire satisfaction of the United States Treasurer, as will appear from his letter accompanying this petition; that your petitioner had such sum of money under his personal direction, supervision, and watch-care for a period of two months and a half, under the most trying and hazardous circumstances imaginable; that the money was packed in two large boxes, requiring four men each to handle, and guarded and secured in such a manner that even hotel proprietors and servants were stopping, and the wagoners and raw militia sent along as an escort over the plains, did not mistrust, during the whole period, what said boxes contained; that sleepless nights of watchfulness and weary days of vigilance among these doubtful companions, as well as the perils among the hostile Indian tribes, with whom we had frequent skirmishes (in which some Indians were killed, and some of our men were wounded), were a constant and ceaseless wear upon his health, already greatly impaired by a long and weary imprisonment in Libby Prison, at Richmond, where he was confined, being captured during the "seven days' fight" before that city; that such service was performed with entire satisfaction to the Treasurer's Department. It will be seen by the letter of General Spinner, herewith, that, from the peculiarly private and confidential nature of such service, no remuneration could be made or was received from the Treasury Department; and he therefore prays the passage of a bill giving him a sum equal to at least 2½ per cent. upon the amount, or \$2,500, as compensation in full for such service.

Your honors will bear in mind that not only are paymasters well paid for services, but, I believe, they are allowed nearly this amount upon all actual disbursements in the line of their duty. Nor could this money have been expressed (which would have run a greater risk), as no such opportunity existed at that time.

It appears, therefore, to your petitioner that not only the honor of the government but the honest and faithful performance of so responsible a trust requires a just and equitable compensation, and therefore he prays the passage of the bill.

And your petitioner will ever pray.

H. W. READ.

CITY AND COUNTY OF WASHINGTON, ss :

JANUARY 2, 1874.

Personally appeared before me this day Rev. H. W. Read, who being sworn, deposes and says that he is the petitioner as represented above, and that the facts stated in the above petition are true, except as to such facts as are stated upon information and belief, and as to such facts he believes them to be true.

W. H. FRAZIER, J. P.

JANUARY 2, 1874.

True copies of the orders of Treasurer Spinner referred to in the petition, with the indorsements thereon, have been furnished by the Secretary of the Treasury, and are as follows, to wit :

Transfer order.

\$100,000. No. 944.]

TREASURY OF THE UNITED STATES,
Washington, August 25, 1863.

Please deliver to the order of H. W. Read & W. F. M. Army, special agents, for transportation to John Greiner, depository, Santa Fé, N. M., one hundred thousand dollars, in U. S. notes, new issue, to be placed to my credit on the books of that officer.

F. E. SPINNER,
*Treas'r of the U. S.*To BENJ. FARRAR,
Ass't Treas., St. Louis.

Recorded.

R. SOLGER,
Act'g Register of the Tr'y.

Authorized.

S. P. CHASE,
Sec'y of the Tr'y.

(Across the face in red:) Cancelled by Benjamin Farrar, ass't treasurer U. S., St. Louis, Mo., Sept. 2, '63.

(Indorsed:) Special agents: H. W. Read, W. F. M. Army.

Transfer order.

\$100,000. No. 946.]

TREASURY OF THE UNITED STATES,
Washington, August 26, 1863.

Please deliver to the order of H. W. Read & W. F. M. Army, sp'l agents, for transportation to Jno. Greiner, depository, Santa Fé, one hundred thousand dollars, in U. S. notes, new issue, and postal currency, to be placed to my credit on the books of that officer.

F. E. SPINNER,
*Treas'r of the U. S.*To BENJ. FARRAR,
Ass't Treas., St. Louis.

Recorded.

R. SOLGER,
Act'g Reg. of the Tr'y.

Authorized.

S. P. CHASE,
Sec'y of the Tr'y.

(Across the face in red:) Cancelled by Benjamin Farrar, ass't treasurer U. S., St. Louis, Mo., Sept. 2, '63.

(Indorsed:) Special agents: H. W. Read, W. F. M. Army.

The letter of Treasurer Spinner, although dated January 2, 1874, is referred to in the petition, and is as follows, to wit:

TREASURY OF THE UNITED STATES,
Cash Division, Washington, January 2, 1864.

This is to certify that the Rev. H. W. Read, being known to the department as a trustworthy gentleman, then employed in the office of the First Comptroller, was appointed by me in 1863 to take charge of two hundred thousand dollars (\$200,000), to be transported from Saint Louis, Mo., to the United States depository at Santa Fé, N. Mex., and that that duty was performed by him to the entire satisfaction of myself and of the department.

The journey to Santa Fé was at that time extremely hazardous, and was especially so in the case of Mr. Read, from the fact that so large an amount of money was in his custody.

I am not aware that Mr. Read received any compensation or mileage for the above-mentioned services.

F. E. SPINNER,
Treasurer United States.

In addition to the orders and letter of Treasurer Spinner, referred to in the petition and quoted as above, your committee find the following letter from the chief clerk of the office of First Comptroller of the Treasury, to wit:

TREASURY DEPARTMENT,
Comptroller's Office, January 6, 1874.

I hereby certify that in the year 1863 I was (and still am) the chief clerk of the office of the First Comptroller of the Treasury, and that H. W. Read was a clerk in said office, and under my immediate supervision.

During the summer of that year Mr. Read resigned his clerkship and determined to go to the Territory of Arizona, which was then being organized. The department at that time was desirous of transmitting currency to New Mexico for the purpose of supplying the necessities of that Territory and intrusted to Mr. Read, who in the meantime had been appointed the postmaster at Tucson, the care and supervision of the transportation of said currency to Santa Fé. The sum of \$200,000 in postal currency and small bills was delivered to Mr. Read in the city of Saint Louis, and, as I understand and believe, was safely conveyed by him and placed in the hands of the United States depository at said Santa Fé.

I have always understood that Mr. Read has not been compensated for his care, trouble, and the risk necessarily attending the performance of this duty.

Very respectfully,

WM. HEMPHILL JONES.

The Secretary of the Treasury, in reply to an application for information touching this matter, returned the following letter, to wit:

TREASURY DEPARTMENT, *May 16, 1878.*

SIR: I have the honor to return herewith the papers, left by you at the department this morning, relating to the petition of H. W. Read for compensation for care and custody of \$200,000 intrusted to him by the United States Treasurer in 1863 while being transferred from Saint Louis to New Mexico, with the additional information that confidential service of this character is usually performed by gentlemen employed in the department, for which they receive no compensation in addition to their salaries as clerks and allowances for actual necessary expenses incurred in performing said service.

Occasionally officers and employes of other departments apply for service of this character, which they regard as a privilege, knowing that actual necessary expenses only would be allowed them.

I am unable to determine, so far as the records have been examined, whether Mr. Read has in any manner been paid by this department for the services in question.

Very respectfully,

JOHN SHERMAN,
Secretary.

Hon. ISHAM G. HARRIS,
Of Subcommittee on Claims, United States Senate.

In reply to another letter from your committee to the Secretary of the Treasury the following communications were received, to wit:

TREASURY DEPARTMENT, *June 7, 1878.*

SIR: I have the honor to acknowledge the receipt of your letter of the 30th ultimo, in which you make certain inquiries relative to the application of Rev. H. W. Read for compensation for his services in the care and transportation of \$200,000 from Saint Louis to Santa Fé, in 1863, and to inform you—

(1.) That it appears from the records of this department that the resignation of H. W. Read, as clerk in the office of the First Comptroller of the Treasury, was accepted to take effect August 31, 1863, and that he drew pay as clerk to and including that date.

(2.) That Mr. Read drew pay as special agent of the Post-Office Department from August 25, 1863, to January 1, 1865. (See copy of letter from J. M. McGrew, Auditor, herewith.)

(3.) The order of Treasurer Spinner to Farrar, assistant treasurer, Saint Louis, would not enable Mr. Read to procure transportation at the expense of the government.

(4.) The department is unable to state whether transportation was furnished Mr. Read at the government's expense. Upon inquiry at the Post-Office Department, it is ascertained that in 1863 a person commissioned as special agent of that department was enabled to ride free over any road over which the United States mails were carried.

(5.) The files of this department are so large and the length of time which has elapsed since this service was performed so great, that it is impracticable to state whether Mr. Read has ever applied for compensation. If he claims to have applied and will state the date of his application and to what bureau he applied, it would enable his statement to be verified and perhaps elicit other information in the matter.

(6.) For similar services this department allows to employés the actual necessary expenses incurred in performing the duty assigned them, but no compensation in addition to their regular salaries.

Very respectfully,

JOHN SHERMAN,
Secretary.

Hon. F. M. COCKRELL,
Committee on Claims, United States Senate.

OFFICE OF THE AUDITOR OF THE TREASURY
FOR THE POST-OFFICE DEPARTMENT,
Washington, June 5, 1878.

SIR: In reply to your letter of the 3d instant, I have the honor to inform you that H. W. Read, during his term of service as postmaster at Tucson, Ariz., viz, from October 1, 1863, to June 27, 1864, was paid as a special agent of the Post-Office Department; \$1,500 having been allowed him as compensation from August 25, 1863, to January 1, 1865.

His compensation as postmaster at Prescott, Ariz., commenced June 27, 1864.

Respectfully,

J. M. MCGREW, *Auditor.*

Hon. JOHN B. HAWLEY,
Assistant Secretary of the Treasury.

Your committee find that claimant drew pay as clerk up to August 31, 1863, and at the same time drew and received pay as special agent of the Post-Office Department from August 25, 1863, up to January 1, 1865, and that his appointment as such special agent enabled him "to ride free over any road over which the United States mails were carried."

It is but reasonable to suppose that, as such agent, he rode free over the railroads whereon the United States mails were carried from Washington City to Saint Louis, Mo., and thence to the terminus of railroad lines, and thence over the United States mail-stage lines to Santa Fé, if not into Arizona; at least he was a salaried officer of the government, rode free, and drew his salary, and a double salary for six days.

Your committee can see no grounds whatever, either in law or equity, upon which this claim can be sustained; and therefore recommend that the prayer of the petitioner be not granted, and this adverse report be adopted.

Since the foregoing report was prepared the claimant called upon the subcommittee having the claim for examination, and was shown the letters of Secretary Sherman and the Auditor of the Post-Office Department. They were read to him. Claimant afterward submitted the following letter of explanation:

WASHINGTON, D. C., June 11, 1878.

Senator COCKRELL:

Will you please consider and read to the Committee on Claims the following statement, which I hope will satisfactorily explain the discrepancy between my statement and the recent letter of Sixth Auditor of the Post-Office Department? Not having the papers in my possession, cannot give the exact dates.

When the bill passed Congress creating a Territorial government for Arizona, and when the officers were appointed, I had not thought of going there. But some of those officers knowing that I had previously made a missionary exploration of that region, and was acquainted with the country, modes of travel, the inhabitants—Spaniards and Indians—their customs and languages, &c., desired and urged me to go out with them, “as I could be of great service to them, they not having any acquaintance with the country or the peoples living there.” I told them I could not go without something to do which would pay my expenses. The governor suggested a chaplaincy, and wrote the Secretary of War to that effect. The Secretary proposed a chaplaincy in the legislature. The superintendent of Indian affairs proposed something in his department. But I could not see anything reliable in these propositions. Without consulting me, the Secretary procured a commission as postmaster for Tucson, and as there was no service—stages—running there at that time, I still hesitated, not seeing any means for defraying expenses, either for myself out there or my family left in this city. At this juncture, Colonel Jones, chief clerk (in whose room I was employed), informed me that Mr. Chase, Secretary of the Treasury Department, and General Spinner, United States Treasurer, desired to send out \$200,000 in postal currency and small bills to Santa Fé, N. Mex., and they desired me to take charge of it. Here was an opportunity to render an important service to the government and the country, as I thought, and I never doubted that I should be suitably compensated for it. It was this which finally enabled me to decide to go out there. General Spinner states in his letter, now in your hands, that I was employed to take that money to New Mexico; that I did that service to his and the department's entire satisfaction, and suggests some consideration for it. And here let me say that I have never received any compensation whatever for that service. I resigned my position as clerk in the Treasury Department, and although I had the commission as postmaster at Tucson, as it was not to be a salaried office, indeed, there was no office at that place at that time, and I have never yet seen Tucson, and as I was not drawing any pay whatever, I did not consider, nor can I now see how, I was drawing a salary. Subsequently, and after the death of my wife, when I returned here, the Post-Office Department allowed me compensation for work done in Arizona as a special agent of that department. I never had any commission as such special agent, but many months after reaching Arizona the Post-Office Department wrote me to do such agency work, which I did at great peril of life. After my return here, and the value of said service was fully understood and appreciated by the Post-Office Department, the (then) Auditor paid me for it. The only mail facilities we ever had in Arizona while I was there was a pony express—once a month—sent out by the military. I supplied the people with stamps, &c., and forwarded and received and distributed the civilians', citizens', letters near Prescott, where the capital was located, and where I had my little office. Please consider: the compensation I ask for is for service rendered the Treasury Department between here and New Mexico in 1863. The service for which I was paid was rendered for the Post-Office Department in Arizona in 1864. If I have been unfortunate in the manner or time of presenting my claim, or in technicalities which an astute lawyer may discover, I am still more unfortunate if even one of your honorable committee shall believe me capable of presenting a fraudulent claim. I believe my claim is just, and so did Senators Willey and S. S. Wright, as well as Senator Harris, all of whom made careful examination as to its merits.

Respectfully yours,

H. W. READ.

Claimant assumes that General Spinner “suggests some consideration for it,” his services, &c. A careful reading of the letter fails to show any such suggestion.

In this letter of explanation no reason is given why he did not present a claim to the Treasury Department when he was adjusting his claim in the Post-Office Department.

Claimant says his claim is for services in 1863, and that the service for which he was paid was rendered in 1864. The records, as reported by the Secretary and Auditor, show that claimant was paid as special agent of the Post-Office Department from August 25, 1863, to January 1, 1865.

Your committee must be controlled by the records of the department made, or presumed to have been made, at the time of the occurrences.

Your committee, in adhering to the record of the department, do not cast any reflection upon claimant. It is not the fault of your committee that the records of the department and the statements of claimant do not agree. The belief of any claimant that his claim is just cannot justify your committee in recommending any allowance. And the fact that Senators Willey, Wright, and Harris may have reported favorably upon this claim upon the facts before them will not justify your committee in reporting favorably upon *facts* not before those Senators, and herein set forth, being the letters of the Secretary and Auditor.

○