

5-2-1882

## Report : Petition of Dr. Reed

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IN THE SENATE OF THE UNITED STATES.

MAY 2, 1882.—Ordered to be printed.

Mr. MAXEY, from the Committee on Military Affairs, submitted the following

R E P O R T :

[To accompany bill S. 1731.]

*The Committee on Military Affairs, to which was referred the bill (S. 1731) to authorize Dr. Walter Reed, assistant surgeon of the United States Army, to receive the pay allowed by law for discharging the duties of physician to the White Mountain Apache Indians, on the San Carlos Reservation, Territory of Arizona, respectfully submits the following report :*

The evidence shows that during the period named in the bill Assistant Surgeon Reid was on duty as such assistant surgeon at Fort Apache, Ariz.; that the White Mountain Apache Indians were located just outside and adjoining the military reservation in which said fort was situated, a distance of two or three miles from the fort; that Dr. Reed rendered valuable professional services to said Indians during the period specified in the bill. The question, and the only question in the case, is, should the United States Government pay Dr. Reed, in addition to his pay, &c., as assistant surgeon, for services to those Indians? That question is controlled by the law. Section 1765, Revised Statutes, reads :

No officer in any branch of the public service, or any other person whose salary, pay, or emoluments are fixed by law or regulations, shall receive any additional pay, extra allowance, or compensation in any form whatever, for the disbursement of public money, or for any other service or duty whatever, unless the same is authorized by law, and the appropriation therefor explicitly states that it is for such additional pay, extra allowance, or compensation.

There is no mistaking that statute. It is carefully drawn, and, as the committee believes, fully embraces the case set forth in the bill. This statute has stood since 1839. Its provisions, in the opinion of the committee, are wise, and whilst precedents may be found where the statute has been specially suspended in special cases, the committee believes it best not to suspend it in any case. Certainly, whilst conceding the services of Dr. Reed to have been valuable to those Indians, there is no sufficient ground for taking his case out of the operation of a wholesome statute, the existence of which is or might be known to every officer who has entered the service any time these forty years.

Wherefore the committee recommends that said bill do not pass, and that it be indefinitely postponed.